

Durbanville Golf Club

Constitution

As last amended at the Annual General Meeting held on 03rd May 2011

1. NAME

The name of the club is DURBANVILLE GOLF CLUB.

2. OBJECTS

The club is formed to fulfil all the usual objects of a Golf and Sports Club:-

- 2.1. To do all such things and carry out all such undertakings as may be necessary for and incidental to such objects and to provide and maintain all the facilities of a Golf and Sports Club.
- 2.2. To promote and encourage the playing of amateur Golf.
- 2.3. To further and safeguard the interests of the Club, all financial transactions of the Club are to be conducted through a recognized commercial bank.

3. DEFINITIONS

In all cases where the word CLUB is used in the constitution it shall, unless inconsistent with the context, include Clubhouse, premises, equipment and grounds, and the term MEMBER shall apply to both ladies and gentlemen, unless otherwise stated.

4. RULES OF THE GAME

Subject to the local rules, the Rules of the game shall be those of the Royal and Ancient Club of St. Andrews as accepted by the South African Golf Association or its successor.

5. MEMBERSHIP

- 5.1. Foundation Member
- 5.2. Honorary Life Member
- 5.3. Full Member
- 5.4. Pensioner Member
- 5.5. 5 Day Member
- 5.6. Weekday Morning Member
- 5.7. Intermediate Member

- 5.8. Student Member
- 5.9. Junior Member
- 5.10. Ex Officio Member
- 5.11. Country Member
- 5.12. Absentee Member
- 5.13. Social Member
- 5.14. Associate Member
- 5.15. Temporary Member

6 CATEGORIES OF MEMBERSHIP AND PRIVILEGES APPLICABLE THERETO.

6.1. **FOUNDATION MEMBER** – shall be a member of the club who was so elected prior to 31 December 1980 or who has acquired Foundation Membership in terms of Clause 6.1.3.

A Foundation Member shall be entitled to the following privileges and facilities by virtue of his/her status as such as long as he/she abides by the Constitution of the Club as amended from time to time and by its rules and by-laws and continues to pay the necessary fees and dues.

6.1.1. He/She shall not be obliged to pay any entrance fee and shall pay no more than three quarters of the annual subscription payable by Full Members.

6.1.2. He/She Shall have the right to nominate for membership of the club his/her wife/husband and any of his/her family comprising sons and daughters, and any such person shall on election not be required to pay an entrance fee.

6.1.3. He/She shall have the right during his/her lifetime to cede to a son or daughter subject to the approval of the Committee, such rights as he/she is entitled to by virtue of his/her Foundation Membership.

6.2. **HONORARY LIFE MEMBER** – a member, on the recommendation of the Committee, may be elected as an Honorary Life Member at a general meeting. Honorary Life Membership is the highest honour the Club can bestow on a member. Honorary Life Members shall be entitled to all the privileges of membership without payment of entrance fee, annual subscriptions, green fees or levies.

6.3. **FULL MEMBER** – shall be deemed an ordinary member for the purpose of Section 26 of the Liquor Act 1989 and he/she shall be entitled to the full privileges of the club.

6.4 **PENSIONER MEMBER** is a Full Member or Five Day Member, 60 years or older on 1 January of any year, who has been a member of Durbanville Golf Club for 10

uninterrupted years; the subscription for such membership is subject to a discount of 50%.

- 6.5. **FIVE-DAY MEMBER** – is a member who has been elected or transferred to this category. A Five-Day member shall be entitled to use the clubhouse and grounds and their amenities at all times and to play on the course at such times and on conditions as are prescribed by the Committee.
- 6.6 **WEEKDAY MORNING MEMBER** – is a member whose subscription shall entitle them to use the clubhouse and grounds and their amenities at all times and includes green-fees to play on the course on weekday mornings only. Play at other times will attract green fees payable at the rate of a full member of the club, excepting Wednesday afternoon and Saturday when green-fees payable will be at the discretion of the Committee.
- 6.7. **INTERMEDIATE MEMBER** – may be of eighteen (18) but under thirty (30) years of age who has been elected or transferred to this category. He/She shall transfer to a full member on the 1 January of the year after attaining the age of 30 years. He/She shall be entitled to the full privileges of the club.
- 6.8. **A STUDENT MEMBER** – may be of eighteen (18) but under twenty five (25) years of age who is a bona fide student of a University or a Technikon or school and who has paid the necessary fees and dues and who has been admitted to the club as such. Student members shall be entitled to the full privileges of the club.
- 6.9. **A JUNIOR MEMBER** – is a member below the age of eighteen (18) years, or a full-time scholar, and who has been admitted to the club as such. On 1st January of the year after attaining the age of eighteen (18) years he/she shall cease to be a junior member but shall be entitled to be transferred to student (under 25 years) or intermediate member (under 30 years) subject to the payment of such dues and fees as may be determined by the Committee. Junior members shall use the club only under the conditions as may be decided upon from time to time by the Committee.
- 6.10. **EX-OFFICIO MEMBER** – the Committee shall, at its discretion, have the right to grant to or withdraw membership from any official employee of the club. Termination of employment shall terminate ex-officio membership. Ex-officio members shall be entitled to such privileges as may be from time to time be determined by the Committee.
- 6.11. **COUNTRY MEMBER** – to be eligible as a country member an applicant must reside outside a radius of 80 km from the clubhouse and must be a full playing member of a recognized golf club. A country member shall have the same privileges as a Five-Day member save that he will not be entitled to vote nor be eligible to hold office.
- 6.12. **ABSENTEE MEMBER** – a member shall be eligible to be classified as an absentee member should he/she be absent from the Republic of South Africa for a period of not less than one (1) year.
- 6.13. **SOCIAL MEMBER** – a non-playing member who shall be entitled to the use of the clubhouse and grounds and their amenities at all times, at the discretion of the Committee.
- 6.14. **ASSOCIATE MEMBER** – is a 'virtual' member who must be a member of a group of not less than ten such 'virtual' members; entitlement to the privileges of membership and use of any of the facilities of the club is at the discretion of the Committee.

6.15 **TEMPORARY MEMBER** – shall include:

- 6.15.1 A bona fide candidate for membership and whose application for membership has been completed and who has paid his/her fees and/or dues.
- 6.15.2 Any person who is engaged in any official match or competition.
- 6.15.3 Any person may be a reciprocity member, provided such person is a member of another golf club with which the club has a reciprocal agreement.
- 6.15.4 Anyone granted temporary membership at the discretion of the General Manager which shall be ratified by the Committee and paying the prescribed fee for the period of the temporary membership.

7. CANDIDATES FOR ELECTION

- 7.1. A candidate for election as a member other than an honorary member or life member must be proposed by one member of the club falling under the paragraphs 5.1., 5.2., 5.3., 5.5., and 5.7. and seconded by one similar other member in writing. Such proposer and seconder must have been a member of the club for at least three (3) years. Applications shall be signed by the candidate, his proposer and seconder and shall contain such particulars as the Committee may from time to time decide. The Committee shall have the power to call for such further particulars regarding any such candidate as it may deem fit and to require such candidate to appear before it to answer any such questions which it may desire to put and refer application to any sub- committee for consideration.
- 7.2. No member shall propose or second or support by his signature a candidate unless personally known to him for at least one year and no Committee member shall propose or second any candidate for admission as a member. The Committee may in its discretion, relax or waive compliance with rule 7.1., if a candidate is not known to any member of the club, or is unable to procure the support of a proposer or seconder provided that in such circumstances such candidate produces at least one letter of introduction or recommendation from another golf club or if the Committee decides that special circumstances exist justifying such relaxation or waiver. No member may propose or second more than two (2) candidates in any one calendar year.
- 7.3. An application for membership by a junior member or by any other person under the age of twenty one (21) years must be countersigned by the parent or guardian who shall be directly responsible for the conduct and for payments of any amount owing by such junior member. Such application must be approved by the junior Committee.
- 7.4. All applicants for membership shall be submitted to the Committee for consideration and approval together with the prescribed fees and/or dues and if approved shall be posted at the clubhouse for a period of twenty eight (28) days, after which the Committee shall at its earliest convenience proceed to elect or reject the candidate. The election shall be by ballot and every member of the Committee present shall record his vote. The candidate shall be deemed elected by a unanimous vote.
- 7.5. On election the member shall be notified by the Manager who shall supply a copy of the constitution and by-laws to such member.

- 7.6. A candidate for election duly proposed and seconded shall be entitled to use the club as a temporary member until his election takes place.
- 7.7. No candidate who has been rejected shall again be proposed until the expiration of twelve (12) months from the date of his/her rejection. The rejected candidate shall not be admitted to the club premises as a guest or otherwise.
- 7.8. The Committee may at the written request of a member transfer him/her to another category of membership. Such transfers will be effective from the 1st January of the following year or at such time agreed by the Committee. Subscriptions may not be refunded.

8. COMMITTEE

The general management of the club shall be vested in a Committee consisting of President, Captain, Vice-Captain, Honorary Secretary, Honorary Treasurer and four other members.

9. ELECTION OF COMMITTEE

The Committee shall be elected annually as follows:

- 9.1. Retiring office bearers shall be eligible for re-election without nomination and a list of such persons standing for re-election as an annual general meeting shall be posted at the club at least fourteen (14) days before the annual general meeting. The mere fact that a prospective Committee member stands for election for a specific office does not disbar him from standing in the alternative as an ordinary Committee member.
- 9.2. Nominations for appointment of President shall be done solely by the outgoing Committee and his period of office shall not exceed four (4) years unless agreed to by unanimous decision of the Committee. The President shall be a past Captain of the club, or failing that a past Committee member of at least (2) years standing.
- 9.3. Nominations for the Captain, Vice-Captain, Honorary Secretary, Honorary Treasurer and other new members shall be sent to the secretary and shall be posted at the clubhouse by 12 noon at least seven (7) days before the annual general meeting. Such nomination shall bear the written acceptance by the nominees.
- 9.4. Any nominee for Committee shall have been a voting member for a minimum of two years. The nominee Captain shall have at least (2) years experience as a Committee member of the club.
- 9.5. In any event of there being more nominations than the number required to fill the vacancies on the Committee, an election shall be held by secret ballot in the following stages, each of which shall be completed before the next stage is commenced ;
 - 9.5.1. The election of Captain.
 - 9.5.2. The election of Vice-Captain.
 - 9.5.3. The election of Honorary Secretary.
 - 9.5.4. The election of Honorary Treasurer.
 - 9.5.5. The election of ordinary Committee Members.

- 9.5.6. The election of the Trustees.

10. LADIES SECTION

Lady members shall form a ladies section. There shall be elected annually at a general meeting of full members (ladies) a Committee, which shall consist of a Captain, Vice-Captain, Honorary Secretary, Honorary Treasurer who shall be deemed to be office bearers and three (3) Committee members. Such Committee shall draw up by-laws for the control and internal management of this section. Such by-laws and any amendments thereto must be approved by the club Committee before becoming operative.

11. DISCIPLINE

- 11.1. Should any member, in the opinion of the Committee, commit any wilful breach of the rules or by-laws and regulations of the club or be guilty of improper, dishonest, unsportsmanlike or ungentlemanly conduct or fail to make payments of monies due to due, or to the club's officials or servants after due notice, or be guilty of conduct unbecoming or prejudicial to the interests of the club, whether within the clubs precincts or outside them, the Committee or Sub-Committee appointed by it shall have the power to reprimand, suspend or expel a member.
- 11.2. At any disciplinary hearing the following procedures shall be followed by the disciplinary Committee:-
- 11.2.1. The member shall be given details in writing of the charges against him/her except in cases of urgency where it may be given verbally.
- 11.2.2. He/She shall be entitled to legal representation unless otherwise agreed to by the Committee.
- 11.2.3. The Committee and members shall be entitled to call witnesses to appear before it and the members shall be entitled to cross examine any such witnesses.
- 11.2.4. He/She may be suspended until the outcome of the hearing.
- 11.2.5. Such other procedures as determined by the Committee for the hearing of the matter.
- 11.3. The member shall have the right of appeal to the Board of Trustees, which shall consist of three (3) people. Should the Trustee members be less than three (3) for such a hearing the Trustees shall have the power of substitution to attain the requisite number. Such notice of appeal is to be lodged with the Committee in writing fourteen (14) days from the date of the disciplinary hearing.

12. MEETING OF COMMITTEE

- 12.1. The Committee shall meet at least once in each calendar month.
- 12.2. Two (2) clear days notice at least shall be given of all meetings of the Committee unless all the members of the Committee agree to accept shorter notice or unless the Captain declares the meeting to be one of extreme urgency.
- 12.3. The General Manager on written instructions of the Captain or on the written request of at least two (2) members of the Committee shall convene a special Committee

meeting. The notice calling such a meeting shall set forth the objects thereof and no other business may be transacted thereat.

- 12.4. Any member of the Committee absenting himself without leave for more than three (3) consecutive meetings of which due notice has been given shall *ipso facto* cease to be a member of the Committee and the Committee shall then have the power to fill such vacancy.
- 12.5. At all meetings on the Committee four (4) shall form a quorum. The Captain, or in his absence, the Vice-Captain shall be chairman and in the absence of both Captain and Vice-Captain the members present shall appoint a chairman for the meeting. In the event of equality of voting on any question the chairman shall be entitled to exercise a second or casting a vote in addition to his ordinary vote. The President has the right to vote.
- 12.6. The Committee shall have the right to co-opt additional members to the Committee provided that such additional co-opted members shall have no vote.

13. POWERS OF THE COMMITTEE

- 13.1. Subject to the limitations set out in 13.2. the Committee shall have full power and authority to do any act, matter or thing which could or might be done by the club excepting such matters as are in the constitution specially reserved to be dealt with at a general meeting of members or otherwise, and in addition to the general powers and authorities hereby conferred on the Committee, and without in any way limiting such powers and authorities, the Committee shall have the following special powers:-
 - 13.1.1. It shall manage and control the club and all its business and affairs in terms of the constitution and by-laws.
 - 13.1.2. It shall ensure that proper financial accounts and records of the club's affairs are kept, that the accounts are regularly audited and that a financial statement and income and expenditure account as at the close of each financial year posted to members at least twenty one (21) days before the annual general meeting.
 - 13.1.3. It shall elect all members in all categories.
 - 13.1.4. It shall affect appropriate insurance of all kinds in the interest of the club.
 - 13.1.5. It shall open and operate a banking account or accounts in the name of the club and be entitled to overdraw such banking account or accounts for the purposes of the club and draw, accept, endorse, make and execute bills of exchange, promissory notes and other negotiable instruments shall be signed by two (2) members of the Committee duly authorized thereto.
 - 13.1.6. It may make, vary, suspend and repeal by-laws for the regulation of the affairs of the club, its offices and servants and the members of any class of the club subject to the approval of the Board of Trustees.
 - 13.1.7. It may buy, sell and deal in all kinds of equipment, materials and provisions necessary to carry on the business of the golf club.
 - 13.1.8. It may appoint or suspend any servants or employees, fix their remuneration and conditions of employment according to the by-laws.

- 13.1.9. It may institute, conduct, defend, compound or abandon any legal proceedings by and against the club or its employees or otherwise concerning the affairs of the club.
- 13.1.10. To fix and vary all fees and subscriptions payable by members and visitors.
- 13.1.11. To grant consent to non-members to use the club upon such terms as the Committee may within its power think fit, or to refuse consent at its discretion.
- 13.1.12. To fix and vary as required any levy payable by members subject to the approval of the Trustees.
- 13.1.13. To arrange and hold competitions and tournaments and make any special arrangements therefore.
- 13.1.14. Subject to the generally accepted rules of golf it may make local rules according to the by-laws.
- 13.1.15. It may fill such vacancies amongst their numbers as may occur during their term of office. Any person so appointed shall hold office so long as the vacating member would have retained office if no vacancy had occurred.
- 13.1.16. It may appoint from members of the Committee and/or the club, Sub-Committees of any number for any purpose.
- 13.2. The Committee shall not be entitled to purchase or enter into any agreement of whatsoever nature in which the club is committed to acquire or dispose of assets of a capital nature exceeding one hundred and fifty thousand Rand (R150,000.00) without the consent of the Trustees, and failing obtaining such consent, the consent of the members of a special general meeting.

14. BOARD OF TRUSTEES

- 14.1. The immovable property of the club shall be vested in the Trustees.
- 14.2. The Board of Trustees of the club shall consist of three (3) people and shall be constituted as follows :-
 - 14.2.1. The President of the club or failing him a past Captain.
 - 14.2.2. A past Captain.
 - 14.2.3. An additional member who shall have served the Committee for at least two (2) years.
- 14.3. The nominees in 14.2.1. and 14.2.2. are to be nominated by the Committee and the nominee in terms of 14.2.3. by the members and all such nominations are to be made seven (7) days before the Annual General Meeting.
 - 14.3.1. No Trustee other than the President may serve for more than two (2) years.
 - 14.3.2. The Trustees in respect of 14.2.1. and 14.2.2. are confirmed at the Annual General Meeting and the third Trustee by the members accordingly.

15. MEMBERS BOUND BY THE RULES

The signature to any application from for any membership shall upon election of a member be deemed to be a distinct acknowledgement by such a member that he is bound by the rules of the club, and no person shall be absolved from the effect of the rules on the plea of not having copies of them or any of them.

16. GENERAL PROVISIONS RELATING TO SUBSCRIPTIONS

- 16.1. The liability of a member is limited to the amount due in the respect of his unpaid subscriptions and any other monies he may owe the club.
- 16.2. A person joining subsequent to the 31st January in each year shall be liable to the monthly pro-rata subscriptions effective from the 1st day of the month that he/she is elected.
- 16.3. All subscriptions are payable in advance in each year and shall become due on the 1st January.
- 16.4. Any member failing to pay subscription on or before the 28th February shall cease being a member of the club. The Committee shall however have the power to reinstate such a member on receiving a satisfactory explanation and on payment of all outstanding amounts due to the club.
- 16.5. Newly-elected members must pay their due subscriptions within one (1) month of the date of election, failing which their election will automatically become void.

17. ANNUAL GENERAL MEETING

An annual general meeting of members (of which not less than fourteen (14) days notice shall have been given as hereinafter provided for) shall be held at such time and place as the Committee may determine, not later than 31st May in each year.

18. NOTICE OF GENERAL MEETINGS

A notice of the day and hour of the annual general meeting or special general meeting, or adjourned annual or special general meeting, shall be posted on the club's notice board for at least twenty one (21) days previous to the meeting in case of an annual general meeting and sent by post to each member to his address as it appears in the register of the club. An accidental omission to send such notices to any member shall not invalidate the meeting.

19. SPECIAL GENERAL MEETING

The Committee may at any time call a special general meeting of members by giving not less than fourteen (14) days notice specifying the objects for which the meeting is called. The Committee shall in like manner and upon like notice call a special general meeting upon receipt of a requisition signed by at least ten (10) member of the club competent to vote at a general meeting specifying the object for which such meeting is to be called. Such notice shall state precisely the business for which the meeting is called and no other business shall be transacted at such meeting, but any resolution strictly relating to such business may be submitted to such meeting.

20. QUORUM AT GENERAL MEETING

The quorum for an annual general meeting or a special meeting shall be twenty five (25) members and no business shall be transacted at such meetings unless a

quorum be present within fifteen (15) minutes of the advertised time for such meeting, failing which such meeting will be adjourned.

21. CHAIRMAN

The chair at all meetings of the club shall be taken by the President of the club or in his absence by the Captain or a Trustee or failing either by one of the members of the Committee appointed by the meeting.

22. BUSINESS AT ANNUAL GENERAL MEETINGS

The business to be transacted at the annual general meeting shall be :-

- 22.1. To confirm the minutes of the previous general meeting ;
- 22.2. To receive and consider the Captain's report and financial statement of account for the previous year;
- 22.3. To elect a President, Trustees, Captain, Vice-Captain, Honorary Secretary, Honorary Treasurer and a Committee as set out in the constitution ;
- 22.4. To elect an auditor and fix the remuneration for the past year's audit ;
- 22.5. To elect life and honorary members if any are proposed to the Committee ;
- 22.6. To deal with any resolutions concerning the affairs of the club of which due notice has been given, and any such business concerning affairs of the club which is brought under consideration by the report of the Committee ;
- 22.7. General.

23. ADJOURNMENT OF GENERAL MEETINGS

The chairman of any general meeting may, with the consent of the meeting, adjourn the same from place to place and from time to time, but no business shall be transacted at any adjourned meeting of which notice has not been given as heretofore set out, other than the business left unfinished at the meeting from which the adjournment took place.

24. VOTES AT ALL SPECIAL AND ANNUAL GENERAL MEETINGS

- 24.1 Votes at meetings shall be allowed to the following members:
 - 24.1.1. Foundation Member
 - 24.1.2. Honorary Life Member
 - 24.1.3. Full Member.
 - 24.1.4. 5 Day Member
 - 24.1.5. Weekday Morning Member
 - 24.1.6. Intermediate Member

- 24.1.7 Student Member
- 24.1.8 Pensioner Member

24.2.1. Other than the election of the Committee every question submitted to the meeting shall be decided by a show of hand, the chairman having a second or casting vote, and unless a ballot be demanded by at least three (3) members present, the declaration by the chairman of the result shall be conclusive. Should a ballot be demanded as aforesaid it shall be taken forthwith.

25 BOOKS AND AUDIT

The accounts of the club shall be audited annually by a chartered accountant, who shall not be a member of the Committee but shall be appointed by the members at the annual general meeting. In the case of the vacancy occurring in the auditorship during the year, the Committee shall forthwith appoint an accountant to fill the vacancy.

All financial transactions of the Club are to be conducted through a bank account.

26 COMPLAINTS

Members having cause for complaint against another member of the club or against an official or servant of the club shall present it in writing to the general manager or the Captain. Any other complaints shall be made in writing to the general manager. All complaints to be laid before the Committee at its next meeting.

27 PAYMENT OF CLUB ACCOUNTS

27.1 Members must pay every liability incurred by them before leaving the club premises. After due warning in writing the Committee may after seven (7) days post on whose name is so posted be declared from the use of the club until all monies due by him/her to the club have been paid. Should a member in default fail to discharge his indebtedness within fourteen (14) days from the date of posting he shall ipso-facto cease to be a member of the club, but this shall not be taken in any way as restricting the right of the club to adopt measures for the recovery of such indebtedness.

27.2 The Committee may reinstate such member on payment of indebtedness and on satisfactory explanation.

28 RESIGNATIONS

A member may at any time, by giving notice in writing to the general manager resign his/her membership of the club, provided, however, that he/she shall notwithstanding such resignation, remain liable for the annual subscription due and unpaid at the date of his/her resignation and for any other amounts due by him/her to the club. Should any such notice of resignation not reach the secretary before the 31st December the amount of subscription payable by such a member for the ensuing year should be at the discretion of the Committee.

29 ALTERATION OF THE RULES

29.1 No rule of the constitution of the club shall be repealed or altered and no new rule shall be made unless the proposal be supported by at least two-thirds of the

members present, and entitled to vote, at any meeting called for such purpose and intention to propose any new rule or alteration.

- 29.2 Subject to 29.3. no major alteration to any architectural feature of the course which materially affects the playing of a hole or to a clubhouse design may be effected without the sanction of a special or annual general meeting.
- 29.3 Any alterations not considered to be major alterations to the course shall be displayed on the notice board in the clubhouse for a period of twenty one (21) days for comment by members. The Committee shall convene after the period to consider the comments and shall then be entitled to proceed with such alterations once having considered these comments or make such alterations as it may deem appropriate.
- 29.4 All acts done by the Committee or members thereof in a bona fide execution of their duty shall be deemed to have done by the club as a whole, and the members of the Committee in their individual capacities shall incur no further liability in respect of such acts other than would be incurred by any other members of the club in their individual capacities.

30 INTERPRETATION OF RULES

If any doubt or dispute shall arise as to proper construction or interpretation of the rules or by-laws of the club, the matter or question shall be referred to the Trustees whose decision shall be final unless reversed by two-thirds of the members present and entitled to vote at a general meeting or at any special general meeting called for such purpose.

31 DISSOLUTION OF THE CLUB

- 31.1 The Club shall not be dissolved, wound up or placed in liquidation except at a special general meeting called for the purpose and with a resolution of at least two-thirds of the members present at such meeting and entitled to vote in terms of clause 24.
- 31.2 If at a special general meeting it is resolved that the Club be dissolved, wound up or placed in liquidation, a liquidator shall be appointed at the meeting and instructions given as regards the disposal of property of whatsoever nature remaining after the payment of debts and liabilities of the Club. The remaining assets will be given or transferred to a similar institution which is a Non Profit Organisation or Public Benefit Organisation approved by the South African Revenue Services and which is itself exempt from income tax.

32 TAX EXEMPTION - ADDENDUM

- 32.1.1 The sole or principal object is to promote social and recreational amenities of facilities for the members in a non-profit manner.
- 32.1.2 At least three persons who accept fiduciary responsibility for the club, will not be connected persons in relation to each other, and no single person directly or indirectly controls the decision making powers relating to the club

- 32.1.3 No surplus funds will be directly or indirectly distributed to any person.
- 32.1.3 On dissolution of the recreational club the remaining assets must be transferred to -
- i. Any other recreational club which has been approved by the Commissioner in terms of section 30A of the Act;
 - ii. Any public benefit organisation, contemplated in paragraph (a)(l) of the definition of a "public benefit organisation" in section 30(l) which has been approved in terms of section 30(3) of the Act.
 - iii. Any institution, board or body which is exempt from tax under the provisions of section 10(1)(cA)(i) of the Act, which has as sole or principal object the carrying on of any public benefit activity; or
 - iv. The government of the Republic in the national, provincial or local sphere, contemplated in section 10(1)(a) of the Act.
- 32.1.4 No remuneration will be paid to any person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered nor may any remuneration be determined as a percentage of any amounts received or accrued to the recreational club.
- 32.1.5 All members will be entitled to annual membership.
- 32.1.6 Members are prohibited from selling their membership rights or any entitlement in terms thereof.
- 32.1.7 A copy of all amendments to the constitution under which the club as established, will be submitted to the Commissioner of the South African Revenue Service
- 32.1.8 The club is not or was not knowingly a party to, or does not knowingly permit or has not knowingly have permitted itself to be used as part of any transaction, operation or scheme, of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Income Tax Act or any other Act administered by the Commissioner for the South African Revenue Service.
- 32.1.9 The recreational club will submit the required returns for income tax together with the relevant supporting documents.

33 REPEAL OF PREVIOUS CONSTITUTIONAL PROVISIONS

All previously existing constitutional provisions are repealed hereby