

THE CATAMARAN CLUB CONSTITUTION

1. NAME:

- 1.1. The name shall be THE CATAMARAN CLUB (“the CLUB”), abbreviated to TCC. The CLUB was formally called the TRANSVAAL CATAMARAN CLUB.

2. OBJECT

- 2.1. The promotion of motorised and non-motorised water sports, this also includes Kitesurfing.
- 2.2. The promotion of good seamanship amongst members.
- 2.3. The promotion of good sportsmanship amongst members.
- 2.4. The provision of relevant facilities for members.

3. LEGAL PERSONA

- 3.1. The CLUB shall be a legal persona i.e. can in its own name acquire and dispose of moveable or immovable property by means of purchase, lease or donations and can have a current or any other type of banking account, act as a claimant or defendant in legal proceedings and shall at all times be legally represented by the Chairman in terms of a relevant resolution.
- 3.2. The CLUB shall:
 - 3.2.1. Exist in its own right, separately from its members
 - 3.2.2. Be able to own property and other possessions
 - 3.2.3. Be able to sell and deal with the property of the CLUB should the circumstances warrant it
 - 3.2.4. Be able to sue and be sued in its own name.”
- 3.3. The CLUB shall continue to exist even or in the event of membership changes and changes in office bearers.”

4. DOMICILE

- 4.1. On election, the Commodore may choose his home or business address, on behalf of the CLUB as the domicilium citandi et exutandi.

5. MEMBERSHIP

- 5.1. The membership of the CLUB which shall not be less than thirty five (35) members shall be open to all persons who are interested in the object of the CLUB, and who shall apply for membership and be accepted as herein provided. There shall be the following classes of membership and members are not permitted to sell their membership proprietary rights or any entitlement in terms thereof:

Membership shall comprise of

Honorary Life Members

Life Members

Ordinary Members defined as:

Family

Veteran – 65 and older with at least 10 years membership

Single
Junior Members
Windsurfers/Kite boarders

- 5.2. Members or office bearers of the CLUB do not have rights over things that belong to the CLUB
- 5.3. Temporary member or reciprocity member of the CLUB is allowed while engaged in a regatta or competition, approved by the management of the CLUB.
- 5.4. HONORARY LIFE MEMBERS:
- 5.4.1. Any person who has rendered distinguished service to yachting or the CLUB may be elected, on a recommendation by the Committee, at a General or Special General Meeting of the CLUB, as an Honorary Life Member, and shall thereupon become entitled, without subscription, to all privileges of membership with the proviso that such member shall not be exempt from liability in respect of any general charges or levies made, such as (but not restricted to):
Caravan site rentals, electricity fees, South African Sailing (SAS) levies, site maintenance fees, gardening fees, special levies, etc.
- 5.4.2. A three-quarters (75%) majority of members at a constitutionally convened General or Special General Meeting of the CLUB is necessary to ratify the Committee recommendation.
- 5.5. LIFE MEMBERS:
- 5.5.1. Life Membership may be subscribed for by any person who has paid the required entrance fee, and has been elected to Ordinary Membership of the CLUB.
- 5.5.2. The purchase price shall be an amount equal to nine (9) times the annual subscription applicable at the date of purchase of Life Membership.
- 5.5.3. Life Members shall be exempt from paying subscriptions, but shall not be exempt from liability in respect of any general charges or levies made, such as (but not restricted to):
Caravan site rentals, electricity fees, South African Sailing (SAS) levies, site maintenance fees, gardening fees, special levies, etc.
- 5.5.4. Life Membership is not transferable and can be suspended upon termination of membership by the disciplinary committee.
- 5.5.5. If a Life Member is deemed, in the opinion of at least eighty percent (80%) of the Committee, to be undesirable because of misconduct, then his Life Membership may be withdrawn. A refund of subscription will be made at the time of notification of withdrawal of

membership, at the rate: Initial payment, less twenty percent (20%) thereof for each year or part thereof that the Life Membership has been in force.

5.6. ORDINARY MEMBERSHIP:

5.6.1. Candidates for Ordinary Membership must be proposed for membership by a member in good standing of the CLUB on an official application form. Each and every application form together with the entrance fee and first year's subscription is to be submitted to the CLUB Secretary.

5.6.2. The Secretary shall sign the application form, and circulate it to the Committee electronically or at its next meeting. Following the circulation of the application an interview with the applicant by no less than two committee members shall be conducted and a recommendation shall be submitted and minuted at the next meeting of the Committee. Should the Committee deem it necessary, the proposed CLUB Member's name shall be posted on the CLUB notice board for a period of one (1) month. The Executive Committee shall then review the application form again for final approval, subject to no objections being lodged against the proposed member. In all ballots two (2) objections shall exclude. In the event of the rejection of the candidate his or her application fee and subscription shall be returned to him or her in full.

5.6.3. A candidate so rejected, shall not again be proposed for membership until Twelve (12) months have elapsed since his or her rejection.

5.6.4. Membership, when granted, shall be with effect from the date of application.

5.7. JUNIOR MEMBERS:

5.7.1. Applications for Junior Membership are to comply with clause 5.5 above. No entrance fee is payable by this category of member.

5.7.2. In terms of clause 5 (FEES) of this Constitution, the Committee may at its discretion decide on the amount of subscription payable by Junior Members;

5.7.2.1. Junior Members shall apply to become an ordinary member after the age of 25 years

6. FEES

6.1. The amounts payable by members in respect of entrance fees, annual subscriptions, site fees, and visitors shall be decided or varied at any

- properly constituted Committee Meeting, provided that notice of all proposals in this regard appears on the Agenda for such a Meeting.
- 6.2. The membership year shall run from 1st March to 28th February. Members elected after the 1st March in any season shall pay the subscription on a pro rata basis for the remaining months of the season. The Club Manager on instruction from the Treasurer shall post to each member a statement of account for the new season on or before the 31 March.
- 6.3. Junior Members, on applying to join the CLUB as Ordinary Members, shall not be liable for the entrance fee.
- 6.4. Any member who has not paid his subscription by the 30th April, will be deemed to have resigned from the CLUB, and will thereafter be required to re-apply for membership and shall pay the stipulated joining fee.
- 6.5. The onus is on the member to ensure that his fees are received by the CLUB Treasurer on or before the due date. Only paid up members are permitted to vote at any meeting of the CLUB.
- 6.5.1. Subscriptions for Site fees, Ordinary members and Single members fees may, on application, be paid monthly in twelve equal instalments with the understanding that a 10% surcharge on the subscription shall be levied and such instalments shall be paid by debit order. All SAS fees must be paid in Month one and will not be paid over 12 months
- 6.6. The liability of members shall be limited to the amount of subscriptions unpaid and any monies that may be due to the CLUB.

7. OFFICER AND COMMITTEE

- 7.1. The Committee shall consist of not less than five (5) and not more than ten (10) members. The Executive Committee shall comprise:
- COMMODORE
VICE COMMODORE
REAR COMMODORE
TREASURER
SECRETARY
- Plus up to five (5) Ordinary Committee Members.
- The Commodore, Vice Commodore and Rear Commodore shall constitute the directorship of the club only for purposes of the CIPC.
- 7.2. The majority of the Committee shall be catamaran owners.
- 7.3. The Executive Committee Members shall be elected at the Annual General Meeting by CLUB members for a period of two (2) years and will be eligible for re-election to the same office for a further term. The outgoing Commodore automatically remains on the Committee for one year after his term of office has expired. All other Committee Members shall be elected for one (1) year only and will be eligible for re-election for further terms of office.
- 7.4. The affairs of the CLUB shall be vested in the Committee. The Committee shall have charge of the finances of the CLUB, and ballot for

all candidates for membership. They shall meet for the transaction of the CLUB business on such occasions as the Commodore or his Deputy shall decide, not less than eight (8) times per year. The Committee shall have the power to fill vacancies which may occur amongst Officers or Committee during their term of office. The Committee may appoint such Sub-Committees as may be necessary for the harmonious running of the CLUB.

- 7.5. A member of the Committee who has failed to attend three consecutive meetings without having obtained leave of absence, shall on request, furnish a reasonable excuse which may be accepted by the Committee, or be asked to vacate his seat.
- 7.6. The Executive Committee must hold at least two (2) ordinary meetings each year.
 - 7.6.1. The commodore, or two members of the committee, can convene a special meeting if they want to or should necessity require it. Other management committee members shall receive notice of any proposed special meeting not less than twenty one (21) days prior thereto and the agenda for that meeting shall be forwarded to the committee members. In the event of the agenda containing a proposal to appoint or substitute a committee member, notice should be given to committee members not less than thirty (30) days prior to the date of the proposed meeting.
 - 7.6.2. The commodore shall act as the chairperson of the management committee. If the commodore does not attend a meeting, then members of the committee who are present shall choose which one of them will chair that meeting. This must be done before the meeting starts.
 - 7.6.3. There shall be a quorum whenever such a meeting is held.
- 7.7. If the management committee thinks it is necessary, then it can decide to set up one or more sub-committees. The sub-committee must report regularly to the management committee on its activities.
- 7.8. Minutes of all meetings must be kept safely and always be on hand for members to consult.
- 7.9. A quorum for a management committee meeting shall be no less than fifty (50) per cent of the committee
- 7.10. Committee members are not remunerated or compensated for their time and effort for holding office in any way

8. DUTIES OF THE COMMODORE

- 8.1. The duties of the Commodore shall be to preside at all meeting of the CLUB, to promote generally its objects and to assist in the harmonious working and co-operation of its members.

9. DUTIES OF THE REAR AND VICE COMMODORES

- 9.1. The duties of the Vice Commodore and Rear Commodore are to support the Commodore and, in his absence, to deputise on his behalf. The Rear

Commodore shall be responsible for all water related operations and the Vice Commodore shall be responsible for all land based operations of the club,

10. DUTY OF THE TREASURER

10.1. The duty of the Treasurer is to hold the funds of the CLUB, banking them in the bank determined by the Committee, to produce a bank certificate at the regular Committee meetings and give receipts for all monies received and make payments as directed by the Committee, to sign cheques in conjunction with the Commodore or other duly appointed officers, to keep accounts and prepare a Balance Sheet for examination as required and acquire and pay for all necessary insurance.

11. DUTY OF THE SECRETARY

11.1. The duty of the Secretary is to keep the minutes of all meetings of the CLUB, to receive and reply to all correspondence as directed by the Committee, to keep all letters received and copies of those sent and to keep the register of members.

12. POWERS OF THE COMMITTEE

12.1. The Main Committee shall have the power:

- 12.1.1. to buy, sell, let, hire exchange, transfer, receive by way of donation or otherwise, movable and immovable property, including debentures, stocks and shares, provided that any major transaction in respect of the CLUB premises (including water space) shall first be approved by the CLUB in meeting;
- 12.1.2. to borrow money on security of immovable property, and pass mortgage bonds on the same, provided that all loans shall first be approved by the CLUB in general meeting;
- 12.1.3. to institute and defend legal proceedings in the CLUB'S name and perform all legal acts and execute such legal documents as may be necessary;
- 12.1.4. to generally administer and manage the affairs of the CLUB as constituted in applicable clauses.
- 12.1.5. The Committee may take on the power and authority that it believes it needs to be able to achieve the objectives and ideals of the CLUB

13. APPOINTMENT OF STAFF

- 13.1. The Committee shall appoint or terminate the employment of staff for the CLUB, and arrange their conditions of employment and remuneration.
 - 13.1.1. The Committee shall appoint a Club Manager.
 - 13.1.2. The Committee shall appoint Ground Staff.
- 13.2. Appointments under 15.1.2 may be delegated to the Club Manager in so far as Ground Staff.

- 13.3. The Club will not pay any remuneration to any person that is excessive, having regard to what is generally considered reasonable amongst yacht clubs and in relation to service's rendered, nor may any remuneration be determined as a percentage of any amounts received or accrued to the Club.

14. FINANCIAL YEAR

- 14.1. The financial year of the CLUB shall commence on the 1st March, and end of the LAST DAY of February.

15. ANNUAL GENERAL MEETING

- 15.1. The Annual General Meeting of the CLUB shall be held after the LAST DAY of February and before the 30th March. Fourteen (14) days' notice of such Meeting shall be posted to every paid up member, stating the time, place and full agenda. The place of the Meeting shall be decided by the Committee. At the Annual General Meeting fifteen percent (15%) of the total number of registered voting members shall form a quorum. Should no quorum be obtained, a second meeting may be called after a period of not less than twenty-one (21) days. Any voting members present at this Meeting shall form a quorum.
- 15.2. Proposals for nominations for the election of Office Bearers will open on the 1st March, and will close fourteen (14) days before the date set for the Annual General Meeting. Any member proposed as an office bearer will have their name displayed on the CLUB notice board and will be required to indicate their acceptance of the proposal by signing their name on the proposal form.
- 15.3. All proposals must be directed through the CLUB Secretary within the time periods stipulated.

16. PROXY VOTES

- 16.1. Members can vote by proxy vote. The said proxy must be handed in by a member of the CLUB and shall bear his name.

17. ORDER OF BUSINESS AT THE AGM

- 17.1. The Order of business at the Annual General Meeting shall be as follows:

Notice Convening the Meeting
Apologies
Minutes of the Last Annual General Meeting, and subsequent Special General Meetings
Commodore's Report
Presentation by the Treasurer of Club Financials
Review of Membership Fees
Amendments to the Constitution
General
Election of Committee Members
Closing

18. AMENDMENTS TO THE CONSTITUTION

- 18.1. Any member wishing to propose any amendments or additions to this Constitution must notify the Secretary in writing stating his proposals and signing it as proposer. The proposal must also bear the signatures of ten (10) paid up members. Any alteration to the Constitution must be approved by a two-thirds majority at a Special General Meeting called for the purpose of altering the Constitution or at the AGM, at which not less than fifteen (15) percent of the voting members must be represented in person.
- 18.2. The constitution can be changed by a resolution. The resolution has to be agreed upon, and passed by not less than two thirds of the members who are at the annual general meeting or special general meeting. Members must vote at this meeting to change the constitution.
- 18.3. A written notice must go out not less than fourteen (14) days before the meeting at which the changes to the constitution are going to be proposed. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting.

19. SPECIAL GENERAL MEETING

- 19.1. A Special General Meeting may be called at any time by the Committee, or must be called upon receipt of a requisition signed by ten percent (10%) of the voting members, stating the business to be discussed.
- 19.2. The Special General Meeting must be held within six (6) weeks of receipt of such requisition. Only such business as appears on the Agenda shall be discussed at such Special General Meeting.

20. CLUB RULES

- 20.1. The CLUB Rules shall be administered by the Committee. The CLUB Rules shall be decided or varied at any properly constituted Committee Meeting, provided that notice of all proposals in this regard appears on the Agenda of such meeting.

21. EXAMINER

- 21.1. A Chartered Accountant shall be appointed at the Annual General Meeting to audit the books of the CLUB at the end of each season or when required by the Committee.

22. RESIGNATIONS

- 22.1. Any member desirous of withdrawing from the CLUB shall be permitted to do so upon notifying the Secretary not later than 31st January prior to that financial year in which the retirement is desired, and upon payment of all liabilities due by him/her to the CLUB failing which he/she shall be liable for the following year's subscription.

23. VISITORS

- 23.1. No member will on any occasion host more than ten (10) guests, excluding family members (spouse and children) at any time without obtaining permission from the Committee. Members must sign their guests in on the visitor's book. This introduction holds good for that day only. The Committee may restrict any visitor or terminate any visit at its discretion.

24. DISCIPLINARY ACTION

- 24.1. Should the conduct of any member at any sailing or CLUB venue be ungentlemanly, unsportsmanlike or injurious to the character or interest of the CLUB, or should any member persistently refuse to conform to any Rules, regulations or bye-laws which may from time to time be in force, it should be reported to the Committee within thirty (30) days of the alleged occurrence.
- 24.2. If deemed necessary by Committee such a complaint may be referred to a disciplinary committee to be convened on an ad hoc basis specifically for the purpose of adjudicating such complaint and to consist of not less than five (5) members of good standing at the CLUB of whom two shall be members of the Committee and who shall act as Chairman and Secretary.
- 24.3. Subject to not less than seven (7) days' notice, at any meeting of the Committee or disciplinary committee convened to address such complaint, both the complainant and the accused shall be entitled, but not obliged, to be present, and to present their case. Notwithstanding the aforementioned:
- 24.3.1. Should either party fail to be present, such hearing may be proceeded with and a ruling made in absentia.
- 24.3.2. Neither party shall be entitled to be present whilst the complaint is debated in Committee and a ruling is being made.
- 24.4. The Committee or disciplinary committee may, in its sole discretion elect to:
- 24.4.1. Censure any member, or
- 24.4.2. Suspend from membership any member for any period of time, or
- 24.4.3. Request any member to resign.
- 24.5. Should any member requested to resign in terms of the above not do so within fourteen (14) days of such written request being made, the Committee may expel such member from membership of the CLUB. Any member so expelled shall not be re-accepted for membership within twelve (12) months of date of expulsion, subject to being proposed as a new member by two Committee members and the approval of not less than 80% by number of the Committee.

25. PARTNERS OF MEMBERS

25.1. One Member One Vote

26. DEPENDENTS OF MEMBERS

26.1. Dependents of members may use the facilities of the CLUB. Members shall be liable for their dependents actions.

27. INDEMNITY

27.1. Members and all visitors are required to indemnify the CLUB under all conditions as may be imposed by the CLUB from time to time. All persons that use the water and the club premises, for any purpose whatsoever shall do so entirely at their own risk. None of the Committee or persons concerned in the running of the CLUB accepts liability for any damage or injury suffered.

28. DISSOLUTION

28.1. Upon winding-up or dissolution, the assets remaining after the settlement of all liabilities shall be transferred to another yacht club provided that it is a recreational club approved by the Commissioner of the South African Revenue Services or a Public Benefit Organisation contemplated by the Income Tax Act, 1962 and which has been approved in terms of S30(3) of the Act. After a two thirds majority at a general or special meeting is obtained, the CLUB will be wound up and all activities shall cease.

29. EMPLOYEES

29.1. No employee of the CLUB may be a member of the CLUB during the period of his or her employment.

30. RECIPROCITY AND AFFILIATION

30.1. The Committee shall have power to arrange terms of reciprocity or affiliation with other Clubs or Associations, should the Committee consider it advisable to do so in the interests of the CLUB. Reciprocity members shall sign the appropriate book on making use of the CLUB.

31. FORFEITURE OF RIGHTS

31.1. Any member who shall be convicted in any Court of Law of any grave offence, or whose estate shall be finally sequestrated as insolvent, shall, ipso facto, cease to be a member of the CLUB, and shall forfeit all rights or claim upon the CLUB or its property; provided, however, that any member disqualified by insolvency may be reinstated by the Committee as the Committee may determine.

32. APPEAL TO GENERAL MEETING

32.1. Any member who may think himself personally aggrieved by any decision of the CLUB or Committee or Sub-Committee thereof (other than the decision of the Sailing Committee) may appeal against the same in writing.

32.2. The Committee shall summon a Special General Meeting of the CLUB to consider such appeal, provided it is held within fourteen (14) days after notification of such decision to such member. The decision of such Special General Meeting shall be final.

33. PROFITS

33.1. The CLUB shall be non-proprietary and its activities shall be carried on in a non-profit manner. At no time shall any assets or surplus funds be directly or indirectly distributed to any person other than a recreational club which is approved by the Commissioner of the South African Revenue Services or to a Public Benefit Organisation as set out in s30A(2)a(iii) of the Income Tax Act, 1962 provided that nothing therein contained shall be construed as in any way prescribing or restricting the payment of interest on debentures or on loans.

This Constitution was proposed and unanimously accepted at the AGM of THE CATAMARAN CLUB, Bronkhorstspuit Dam, on 14 March 2020.

Signed by _____
COMMODORE