

# CONSTITUTION OF THE MILNERTON AQUATIC CLUB

## July 2014

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# Article

## GENERAL

### 1. Name

The name of the Club shall be Milnerton Aquatic Club.

### 2. Object

The object of the club shall be the encouragement of aquatic sports in all its activities, and the protection of Flora and Fauna and to collaborate with the City Of Cape Town in regard thereto.

### 3. Headquarters

The Headquarters for the Club shall be at Table View.

### 4. Legal Status

The Club shall be a corporate body having an existence independent of its members with perpetual succession and all its assets shall be held or registered in the name of the Club. Ordinary members shall not be liable to meet the debts, engagements or commitments of the Club, and the liability of the members shall be limited solely to the amounts due by them in respect of entrance and membership fees or other monies payable in terms of this constitution.

### 5. Legal Proceedings, Act and Liability of Club

- a) The club shall be able to institute and defend legal proceedings in its own name and perform all legal acts and execute all such legal documents as may be necessary.
- b) The Club chooses domicilium citandi et executandi at its Club premises, Rietvlei. Service of all process may be made upon the Commodore, for the time being.
- c) The Commodore, for the time being, shall be the person to represent the Club in all its suits or actions on behalf or against the Club and execute all such legal documents on behalf of the Club as may be necessary and failing him, the next Senior Flag Officer.
- d) All acts done by the Management Committee or the members thereof bona fide in the execution of their duty shall be deemed to have been done by the Club as a whole, and the members of the Management 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 capacity.
- e) No members or guest shall have any right of action against the club for any damage suffered by him or her through any default or neglect of the Club or its servants. For the purpose of this rule, the term “members” shall include all categories of members.

## 6. Property and Income

- a) The Club may not give money or property to members or office bearers of the Club. The only time it can do this is when payment is made for work done for or service provided to the Club. The payment must be a reasonable amount for the work done or service provided.
- b) Members or office bearers of the Club do not have rights over the things that belong to the Club.
- c) All immovable property comprising the area upon which the Club carried out its activities fall under the control of the City Of Cape Town. The control of the immovable property constituting the area of the activities of the Club shall be controlled, administered and maintained by the Club under terms and conditions of an Agreement of Lease entered into by and between the Club and the said City of Cape Town.
- d) The property and all assets of the Club in particular buildings, parking areas, approaches, gardens, fencing and the like shall be maintained in accordance with the Agreement of Lease between the Club and the said City of Cape Town.

## 7. Club Flag, Insignia and Logos

- a) The Club flag shall be a white stylized Pelican on the green ground, and the club tie and badges shall be as registered.
- b) No person shall use or distribute or impersonate any item or product displaying the Club name, insignia or trademarks without the written acknowledgement and permission of the Management Committee or their approved Representative.

# MEMBERSHIP

## 8. Membership

- a) The membership of the Club may be limited as to numbers and shall consist of:
  1. Ordinary Members
  2. Family Members
  3. Life Members
  4. Absentee and Country Members
  5. Honorary Members
  6. Honorary Life Members
  7. Temporary Members
  8. Junior Members
  9. Student Members
  10. Associate Members
- b) Any person elected a Member of the Club, ipso facto, agrees to be bound by the Constitution, Rules and By-Laws in force and any further Rules and By-Laws that may be promulgated from time to time.

## 9. Ordinary Members

An Ordinary Member shall be an individual person. Any person desiring to join the Club as an Ordinary Member, shall be proposed and seconded by a club member, both of whom shall have been a member for a period of not less than a one year, and to both of whom the Candidate shall have been personally known for a period of not less than six months. Their name, profession, or business and such information as the Management Committee may require, together with the names of his proposer and seconder, shall be signed on the Club's nomination form.

## 10. Family Members

- a) Family Members shall be all the members of one family who apply for and who are elected members of the Club, one of whom shall be considered as an Ordinary Member with voting rights. Family Membership shall include husband and wife and such unmarried children as are under the age of 21 years on the day of application. Any child of a family who attains the age of 21 years before the 1<sup>st</sup> June or become married, shall before that date apply for membership of the applicable group, and, if elected, shall be liable for the appropriate subscriptions, but will not be liable for the prescribed entrance fee.
- b) The conditions for the election of Family Membership shall be the same as that for Ordinary membership. A spouse or partner who is a Family Member in terms of 10 (a) at the time of her\his spouse or partner's death, shall remain a Family Member.

## 11. Life Members

Any member who pays the prescribed fee as may be determined from time to time may, subject to the consent of the Management Committee, become a Life Member of the Club as long as the Club exists, provided they have been a member for at least 10 years. The fee shall be a minimum of 15 years of the current annual subscription.

## 12. Absentee and Country Members

- a) An Absentee Member shall be a member who ordinarily resides outside the Republic of South Africa and a Country Member shall be one who ordinarily resides within the Republic but outside a radius of 150km from the Club House. The conditions for the election of Absentee or Country Members shall be the same as that for Ordinary Members except that the provisions of Rule 9 with regard to the introduction to Flag Officers and Members of the Management Committee may be waived at the discretion of the Management Committee.
- b) An Ordinary Member residing for a period of 11 months in any one year outside a radius of 80km of the Club House, and giving due notice in writing to the Secretary to that effect may become an Absentee or Country Member. Upon resuming residence within a radius of 150km of the Club House, he shall revert to an Ordinary Member.

## 13. Honorary Members

- a) The Management Committee may elect as Honorary Members for a period of

- twelve (12) months, and without entrance fee or subscription, any person whom the Management Committee thinks fit. Such Honorary Members shall not be entitled to vote at any meeting of the Club or have the privilege of introducing guests.
- b) The Management Committee will not elect any person as Honorary Member in terms of Rule 13 (a) of the Constitution unless:
    - 1. He falls within the specific categories stated herein, or
    - 2. He is a bona fide candidate for membership, or
    - 3. He had conferred some special benefit on the Club, or
    - 4. He falls within the provisions of Rule 13 (c) of the Constitution.
  - c) Any Club Member that gets voted as an Honorary Member maintains all rights including the vote, but their subscriptions are waived.

#### 14. Honorary Life Members

Any person who has rendered distinguished service to the Club may be elected, at an Annual General Meeting of the Club, as Honorary Life Member, and shall thereupon become entitled, without subscription, to all privileges of membership. Nominations for Honorary Life Members may only be made by decision of the Management Committee.

#### 15. Temporary Members

- a) Temporary Members do not have the privilege of voting at the Club Meeting and shall also not be eligible for election to any office. Temporary Members shall consist of persons:
  - 1. Wishing to use the Club's facilities during the course of their visit
  - 2. Participating in a regatta or function organized or hosted by the Club
  - 3. Wishing to join the club to whom the Committee in its discretion has granted such membership for a limited period of time not exceeding six (6) months.
- b) Any Temporary Member shall pay a subscription, in advance.

#### 16. Junior Members

- a) Junior Members shall be elected in the manner herein provided for the election of Ordinary Members, save that on the Proposal Form shall be stated the age of the Candidate, which must not be less than ten years and shall not exceed 21 (twenty one) years. They shall have no voice in the affairs of the club. They shall use the Club only on such conditions as may be decided upon from time to time.
- b) Every Junior Member, upon attaining his majority, shall bound to present himself for election as an Ordinary Member, without further entrance fee, before his next subscription falls due, failing which he shall ipso facto, cease to be a Member of the Club.

#### 17. Student Members

- a) Student Members shall be elected in the manner herein provided for the election of Ordinary members. A Student Member shall be a bona fide student up to the age of 24 (twenty four) years, who is enrolled at the University, Technikon or

Training College, and shall include a student serving Articles or Apprenticeship. A person enrolled at a University, Technikon or Training College as a part time student only is not entitled to a Student Membership, unless he is serving Articles or Apprenticeship at the same time. A student member shall have no voice in the affairs of the club and his position may be considered from time to time by the Committee.

- b) Upon attaining the age of 24 (twenty four) years (or any extension hereof as allowed) every student member shall be bound to present himself for election as an Ordinary Member without further entrance fee before his next subscription falls due, failing which he shall cease to be a member of the Club.

## 18. Associate Members

Any person not owning a boat may join the club as an Associate Member, but shall not be allowed to take part in any aquatic activities. An Associate Member may not vote at any club meeting or hold office. The number of Associate Members shall be limited to fifty (50). This number may be reviewed by decision of the Management Committee.

## 19. Election of Members

- a) The election of Members shall be vested in the Management Committee. In the case of no unanimity, the vote shall be by ballot, 2/3rds (two thirds) of the votes cast to accept. The Secretary shall notify every candidate of his election and furnish him with a copy of the Rules and By-Laws forthwith. The Management Committee may alter or waive the process of application and election for membership at its discretion, provided that such amended process is agreed by a 2/3rds majority of the Management Committee and reviewed annually.
- b) No rejected candidate shall be proposed again for election as a member of the Club, until the expiration of twelve months from the date of rejection, nor shall such candidate enter the Club premises during the same period.
- c) If at any time after the election of a candidate it shall appear that he has been elected under misrepresentation or mistake as to identity or owing to materially incorrect information as to his character and position having been given, the Management Committee shall have the power to cancel his election. The member whose election is thus cancelled shall thereupon cease to be a member of the Club and shall have no claims whatsoever against the Club for damages, return of entrance fee or subscription or on any other grounds whatsoever.
- d) All proposals for membership together with a photograph of the nominee shall be posted on the Club notice board for a period of not less than fourteen (14) days prior to being considered by the Committee. Any member having any information which he considers relevant to such proposal shall be entitled to bring such information to the attention of the Committee within such thirty (30) day period. The provisions of this clause shall not apply to Temporary Members. If a prospective member is not rejected within 30 days of joining, they will be considered to have been accepted as members.
- e) Any person desiring to join the Club as an Ordinary Member, but who is unable to do so due to the fact that he has not been known to two members of the club for six months, may be elected as a Temporary Member by resolution of the

- Management Committee for a period of not more than nine months, provided that his name, address and profession shall have been posted on the notice board for at least 14 days before his election. Such Temporary Member shall not have the privilege of voting at any Club Meeting.
- f) The Committee shall however be entitled to make such ex gratia refund of the entrance fee or subscription as it may consider just. Such person may re-apply for membership at any time after twelve (12) months from the date of cancellation of his membership.

## 20. Entrance Fee and Subscription

The Management Committee may at its discretion increase the annual subscription fee for each category of membership by an amount not greater than the published annual inflation rate. Should the required increase be greater than the official annual inflation rate or greater than ten percent (10%) per annum, then this matter will be voted upon at an Annual General Meeting or at a Special General Meeting by two thirds (2/3rds) majority of the voting members present. Members joining before the 31<sup>st</sup> December will pay the full annual subscription and those joining after that date will pay pro-rata subscription for the annual year. The entrance fee shall be a joining fee.

## 21. Subscription Due and Payable

All subscriptions shall fall due on the 1<sup>st</sup> June every year. Any member who fails to pay any amount owing to the Club, irrespective of the cause of the debt, within 3 (three) months of due date, shall cease to be a Member of the Club and his name shall be posted on the club notice board, provided that the committee shall be entitled, on good cause, to grant a Member extended terms for the payment of his subscription or storage fee. The Committee shall be entitled to impose such penalty in respect of overdue payments by members as it may consider appropriate in the circumstances. Therefore any Member whose subscription is not paid by the 31<sup>st</sup> August shall thereafter cease to be a member of the club.

## 22. Resignation

Any member intending to resign from the Club shall notify the Secretary in writing on or before the 31<sup>st</sup> May in any year, and shall otherwise be liable for their subscription for the ensuing year. A Member that has been expelled, suspended, or who has resigned after 31<sup>st</sup> May during any year, shall remain liable for such payments, fees, subscriptions and storage fee charges still due and unpaid by them; and shall not be entitled to recover any sums by reason of the termination or suspension of their membership prior to the end of the current subscription year.

## 23. Discipline

- a) If any Member shall be found by the Management Committee, after due enquiry, to have been guilty of unbecoming or improper conduct it may, by resolution, expel such member from the Club, and he shall thereupon forfeit all right, claim, or privilege upon the Club or its property.
- b) If any Member shall be found by the Management Committee, after due enquiry,



- to have been guilty of unbecoming or improper conduct it may, by resolution, suspend that member from the Club for any period, with the forfeiture of such privileges as the Management Committee may determine.
- c) Any Member who shall be convicted in a Court of Law of any grave offence, shall, ipso facto, cease to be a Member of the Club, and shall forfeit all rights of claim upon the Club or its property; provided, however, that any Member disqualified may be reinstated by the Management Committee, subject to such conditions as the Management Committee may determine.
  - d) Should any Member incur any liability to the Club, and fail to discharge such debt on due notice, the Committee shall have the power to deal with such Member under Rule 21.

#### 24. Appeal to General Meeting

Any member who may think himself personally aggrieved by any decision of the Club or Committee or Sub-Committee thereof may appeal against the same in writing and the Management Committee shall summons a Special Meeting of the Club to consider such appeal, provided that it is received within ten days after notification of such a decision to such Member and the decision of such Special Meeting shall be final. The quorum of the Committee at the hearing of such appeal shall be five (5).

#### 25. Use of Club and Membership for Financial Gain

- a) No person shall be eligible to be or continue as a Member of the Club who, in the opinion of the Committee, abuses for business reasons the privileges of membership.
- b) No craft registered for commercial operations shall be on the club's register or enjoy the facilities of the club unless the Management Committee in exceptional circumstances otherwise agrees upon such conditions as it may deem fit.

## MANAGEMENT OF THE CLUB

#### 26. Club Officers

- a) The Officers of the Club shall be:
  - Commodore
  - Vice-Commodore
  - Rear Commodore Boardsailing
  - Rear Commodore Power
  - Rear Commodore Sail
 The above are known as Flag Officers.
  - Honorary Treasurer
  - Honorary Secretary
- b) Only owners or part owners of craft on the Club register shall be eligible for the office of Commodore, Vice-Commodore, Rear Commodore Boardsailing, Rear Commodore Power, and Rear-Commodore Sail.

## 27. Management of the Club

The management of the affairs of the Club subject to these rules and any by-laws in force from time to time, shall be vested in a Management Committee, consisting of the officers of the Club (ex officio), a member nominated by the Power Committee, a member nominated by the Sail Committee, a member nominated by the Board Committee, a member nominated by the AGM as Communications Officer, a member nominated by the AGM as Conservation Officer, as well as the retiring Commodore who shall be a member of the Management Committee for the year following upon his term of office as Commodore.

## 28. Election of Members to the Management Committee

- a) The qualification for election of the officers detailed in Rule 26, with the exception of the Treasurer, shall be a minimum of two years membership of the club. In the event of the re-election to membership, the date of re-election shall be considered the date of election to the Club for the purpose of this rule.
- b) The Commodore and Vice-Commodore should have served at least one year on the Management Committee and Rear Commodores at least one full year on their respective Section Committees.
- c) The Commodore, Vice Commodore and Rear Commodores must be nominated and elected each year.

## 29. Meetings of the Management Committee

- a) The Committee shall meet at least once in every month.
- b) The Secretary, on the written instruction of the Commodore, or on the written request of at least two members of the Management Committee, shall convene a special Management Committee meeting. The notice calling such a meeting shall set forth the objects thereof and no other business may be transacted there at.
- c) Management Committee members:
  1. Any Member of the Management Committee who has failed to attend three consecutive meetings, not having received leave of absence, shall, unless he shall upon request furnish a reasonable excuse, ipso facto, vacate his seat.
  2. Whenever a Management Committee Member is guilty of serious neglect of his duties as a Committee Member, the Management Committee, by majority decision, may terminate his membership of the Management Committee, and the vacancy thus occurring shall be filled in accordance with the provisions of clause 30 (e).
  3. A Management Committee Member thus removed shall have the right of appeal to a General Meeting specially convened for the purpose of hearing such appeal.
- d) Proper minutes of all meetings of the Management Committee shall be kept by the Secretary.
- e) At all meetings of the Management Committee five (5) shall form a quorum.
- f) A committee member shall cease to hold office if:
  1. He ceases to be a member of the Club.
  2. He resigns from office.

3. He becomes insolvent or assigns his Estate for the benefit of his creditors.
4. He is convicted in a court of law of any grave offence.

### 30. Powers of the Management Committee

The Management 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 rules specially reserved to be dealt with at a General Meeting of the members or otherwise and in addition to the general powers and authorities hereby conferred on the Management Committee, and without in any way limiting such powers and authorities, the Management Committee shall have the following special powers:

- a) To open and operate a banking account or accounts in the name of the Club and to overdraw such banking account or accounts for the purpose of the Club, and to draw, accept, endorse, make and execute bills of exchange, promissory notes and other negotiable instruments connected with the business of the Club. Such bills of exchange and other negotiable instruments shall be signed by any 2 (two) of the following persons: The Honorary Treasurer and Flag Officers, or, in the absence of these persons, in such manner as the Management Committee may direct, one (1) of whom may be a permanent staff member of the Club.
- b) The Management Committee shall have the power to make, amend and rescind By-Laws for the regulation of the affairs of the Club, so long as such By-Laws are not in conflict with any rules of the Club. Such By-Laws shall be posted on the Notice Board in the Club House for the information of the members.
- c) The Management Committee shall appoint such staff as required for the efficient running of the Club and fix their remuneration and duties.
- d) To institute, conduct, defend, compound or abandon any legal proceedings by and against the Club, or its officers, or otherwise concerning the affairs of the club.
- e) The Management Committee may fill any vacancy that may occur in its body by resignation or otherwise, of an elected, nominated or appointed member during the year of office in accordance with clause 28.
- f) To borrow or raise money in such a manner on such security and on such terms and conditions as may be determined by a Special General Meeting of members convened for that purpose.

### 31. Power Committee

The members of the Power Committee shall consist of: Rear Commodore Power and such other members elected at the Power Section Annual General Meeting.

### 32. Sailing Committee

The members of the Sailing Committee shall consist of: Rear Commodore Sail and such other members elected at the Sailing Section Annual General Meeting.

### 33. Boardsailing Committee

The members of the Boardsailing Committee shall consist of: Rear Commodore Boardsailing and such other members elected at the Boardsailing Section Annual

### 34. Vacancies in Office

Should any of the offices become vacant during the year after the Annual General Meeting of the Club, the Management Committee shall have the power, if necessary, to fill such offices temporarily, but shall, in any event, take steps, without delay, to call a Special General Meeting for the purposes of electing an officer to fill the vacancy in accordance with clause 27.

### 35. Sub-Committees

The Management Committee, the Power Committee, the Sailing Committee and the Boardsailing Committee may appoint Sub-Committees consisting of a convenient number of members, for any special purposes.

## GENERAL MEETINGS

### 36. Annual General Meetings

- a) The Annual General Meeting of the Club shall be held within three months of the 31st May.
- b) Nominations for the offices of Commodore, Vice Commodore, Honorary Treasurer, Honorary Secretary, Conservation Officer and Communications Officer shall be lodged with the secretary, duly proposed and seconded, and with the nominees' consent, 30 days prior to the Annual General Meeting. The name of the nominees and their proposers and the seconds names shall then be posted on the Club Notice Board for scrutiny 14 (fourteen) days prior to the Annual General Meeting. In case of needs, the Committee shall be empowered to accept late nominations.
- c) The notice calling for nominations shall be posted on the Club's Notice Board 30 days before the Club AGM and sent to the last known address or email address of each member. Every Member shall cause his or her contact details or any change thereof to be recorded with the Secretary.
- d) Nominations for the offices of President, Vice President/s and Honorary Life Members shall only be made by decision of the Management Committee in accordance with paragraphs (b) and (c).

### 37. Special General Meeting

The Management Committee may, and upon requisition signed by not less than 20 (twenty) members with voting rights, call a Special General Meeting of the Club. The notice of such General Meeting shall state the business for which such meeting is called, and the discussion and motion or amendments shall be confined within the scope of such notice.

### 38. Notice of General Meeting

A notice of the day and hour of the Annual General or Special General Meeting shall be posted on the clubs notice board for at least 14 (fourteen) days prior to the meeting and

sent by post/electronic means to each member to his address as it appears in the register of the Club. An inadvertent omission to send such notices to any member shall not invalidate the meeting.

### 39. Quorum of General Meeting

The Quorum for the club Annual General Meeting or a Special General Meeting shall be 25 (twenty five). The quorum for a Section Annual General Meeting shall be 15 (fifteen) members; provided that if no quorum is present within half-an-hour after the time fixed for the meeting, the meeting shall be postponed to the same day and hour in the following week. At the adjourned meeting the members present, whatever their number, shall be deemed to be a quorum for the transaction of all the business of the meeting. In the case of a Special General Meeting, called by the requisition of members, if the quorum of 25 (twenty five) members is not present at the Special General Meeting, the meeting shall be declared terminated.

### 40. Chairman

At all meetings of the Club, or of any of the Management Committee, the Senior Flag Officer, or failing him, a Chairman to be elected by those present, shall preside. Such Chairman shall have, in addition to a deliberative, a casting vote in the event of equality of voting. The president of the Club or failing him, a member appointed by those present, shall take the Chair at the Annual General Meeting during the election of the new Commodore.

### 41. Business at Annual General Meeting

The business at the Annual General Meeting shall be as follows:

- a) Confirm the minutes of the previous meeting.
- b) Presentation of the Annual Report of the Management Committee.
- c) Presentations of the Honorary Treasurer's Accounts and Balance Sheet.
- d) Election of President, Vice-Presidents, and Honorary Life Members, (if any).
- e) Election by ballot of Commodore, Vice-Commodore, Honorary Treasurer, Honorary Secretary, Communications Officer and Conservation Officer.  
Ratification of Rear Commodores nominated at their section AGMs.
- f) General business.

### 42. Voting at General Meeting

- a) Voting at General Meetings shall be allowed to all members, save and except Absentee, Country, Associate, Honorary, Temporary, Student and Junior Members, who shall also not be eligible for election to any office.
- b) No member shall be entitled to vote at any meeting of the Club or be eligible for election to any office if his subscription shall have been unpaid three days before the date of such meeting.
- c) Every question, except elections as provided for in paragraph 41 (e), submitted to a meeting shall be decided by a show of hands, the Chairman having second or casting vote, and unless a ballot be demanded by at least fifteen members present, the declaration by the Chairman of the result be conclusive. Should a ballot be

demanded as aforesaid, it shall be taken forthwith.

#### 43. Adjournment of General Meeting

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 hereinbefore set out, other than the business left unfinished at the meeting from which the adjournment took place. In the event of a meeting being postponed, notice of the postponed date for the meeting shall forthwith be placed on the Club notice board and all members advised thereof.

#### 44. Annual General Meeting Sail, Power and Boardsailing Sections

- a) The Annual General Meeting of the Power Section, the Sail Section and the Boardsailing Section shall be held within three months of the 30<sup>th</sup> April, but prior to the Annual General Meeting referred to in 36 (a).
- b) Nominations for the offices of Rear Commodores, Management Representatives and Committee Members of each section shall be proposed and seconded at such meetings. If more nominees are proposed than the number of offices, the election shall be by ballot.
- c) Only participating members of either Power section, Boardsailing section or the Sailing section may vote at their sections' Annual General Meetings.
- d) If any section is inactive or fails to hold its Annual General Meeting, a representative may be appointed by the Management Committee to represent its section on the Management Committee.

#### 45. Business of Annual General Meeting – Power Section

- a) Confirm the minutes of the previous Annual General Meeting
- b) Presentation of the Annual Report of the Power Committee
- c) Election of Rear Commodore Power and committee members
- d) General business

#### 46. Business of Annual General Meeting – Sail Section

- a) Confirm the minutes of the previous Annual General Meeting
- b) Presentation of the Annual Report of the Sail Committee
- c) Election of the Rear Commodore Sail and committee members
- d) General business
- e)

#### 47. Business of Annual General Meeting – Boardsailing Section

- a) Confirm the minutes of the previous Annual General Meeting
- b) Presentation of the Annual Report of the Boardsailing Committee
- c) Election of the Rear Commodore Boardsailing and committee members
- d) General business

## MISCELLANEOUS

### 48. Merger or Dissolution

The Club may be merged or dissolved if at least two-thirds of the members present and voting at a Special General Meeting convened for the purpose of considering such merger or dissolution, vote in favour of such merger or dissolution.

- a) On merger, the assets of the Club shall accrue to the Club with which the merger is affected.
- b) On dissolution all assets of the Club that, are not subject to be returned in terms of the Lease Agreement entered into between this Club and the City of Cape Town, shall at the discretion of the outgoing Management Committee, be donated to a similar club to be utilised for sporting and/or recreational purposes or donated to a charitable organisation.

### 49. Accounts

- a) All subscriptions and other monies received by the Secretary shall be paid into one of the local Banks (to be appointed by the Committee) to the credit of the Club and all payments of accounts shall be made by cheque or internet banking drawn on the banking account.
- b) The Management Committee shall keep proper records and books of Account of the affairs of the Club including a register of members and a register of their vessels. The accounts of the Club shall be audited annually by an accountant who shall not be a member of the Management Committee but shall be appointed by the members at the Annual General Meeting. A retiring auditor shall be deemed to be reappointed at any Annual General Meeting without a resolution being passed, unless:
  1. he/she is not qualified for reappointment; or
  2. a resolution passed by no less than 3/4 (three fourths) of such members entitled to vote as are present, determine that any person then holding office as its Auditor shall not be appointed as the Auditor of the club; or
  3. he/she has given the club notice in writing of their unwillingness to be reappointed.

In case of a vacancy occurring in the Auditorship during the year, the Management Committee shall forthwith appoint an accountant to fill the vacancy. Such appointment must be confirmed by the members at the following Annual General Meeting.

### 50. Inspection of Books of Account

Every officer and member of the Club shall be entitled at all reasonable times to inspect all the books of account and other documents of the Club, which the Secretary or other custodian shall accordingly be obliged to produce.

### 51. Majority

Except where otherwise in these Rules specially provided, a decision or resolution of a General Meeting of the Club or of the Management Committee shall be by majority of those present and voting thereat.



## 52. Chairman's Ruling

If any question of dispute should arise at any General Meeting of the Club, or any Meeting of the Management Committee, as to the interpretation or meaning of these Rules or any of them, the Chairman of such meeting shall rule thereupon, provided however, that any Members then present and objecting to, or aggrieved by such ruling, may demand to have such ruling submitted to such meeting, which shall finally decide such question or dispute by resolution.

## 53. Amendments of Rules

No motion involving an amendment of, or addition to, these rules, or any of them shall be put from the chair at any meeting of the Club unless notice thereof shall have been posted to the Notice Board in the Club House not less than 14 (fourteen) days prior to the date of such meeting, and special notice of the meeting and of the proposed amendments has been posted and/or sent electronically to the last known address or contact details of each Member. No such motion shall be declared carried unless a majority of not less than 2/3rds (two thirds) of those present and voting shall be in favour of it.

## 54. Guests

- a) The introduction by Members of Guests, including those who may be eligible for membership, on Club premises is permitted. Persons eligible for membership, however, may not habitually make use of the Club premises and the Management Committee may forbid the introduction of any persons as a Guest for any reason appearing to it being sufficient. A Member introducing a Guest shall forthwith enter his or her name in a Visitor's Book provided for the purpose.
- b) Every Member introducing a Guest shall be responsible for the conduct of such Guest while in the Club.
- c) No Member is allowed to sign in more than 5 Guests in one year and no guests may be signed in more than 5 times.

## 55. Gratuities

No Member of the Club shall give gratuities to Club servants, but payment for specific work done by them, not conflicting with their ordinary duties to the general body of Members, is permitted.

## 56. Prohibition of Use of Club Address

No Member shall use the Club Address on any communication intended to appear in any newspaper, periodical or other such manner, or for use on radio or television, except such communications as may be authorised by the Management Committee.

## 57. Destruction of Club Property

No Member of the Club shall destroy, mutilate, or, without the sanction of the Management Committee, remove from the club premises upon any pretext whatever, any newspaper, book, pamphlet, or other property of the Club, under pain of being dealt with by the Management Committee under the provisions of Rule 23 (a) or 23 (b).



## 58. Suggestions and Complaints

All suggestions by Members shall be entered in a book kept for the purpose, and shall be considered by the Management Committee at its next ordinary meeting. All complaints shall be made in writing to the Management Committee.

## 59. Reciprocity or Affiliation

The Management Committee shall have the power to arrange terms of reciprocity or affiliation with other Clubs, should it consider it advisable to do so in the interest of the Club. Reciprocity Members of such Clubs shall sign the appropriate book on making use of the Club.

## 60. Interpretation of Rules

In the interpretation of these rules, the ordinary rules of legal interpretation shall apply. In particular reference to the male shall include the female, and reference to the “year” shall mean the financial year of the club which runs from the 1<sup>st</sup> June to the 31<sup>st</sup> May, unless the context otherwise indicates.

## DOCUMENT REVISION HISTORY

### A. File naming and version numbering:

- a. The electronic file name shall be MAC Constitution CCYYMM vn.n, e.g. MAC Constitution 198707 v1.0 where CCYYMM is the year and month in which the constitution and any amendments are constitutionally adopted.
- b. v0.0 = a draft copy of the previous approved document which is in the process of being amended e.g. MAC Constitution 201407 v0.0 would be a draft copy of MAC Constitution 201303 v1.0
- c. v1.0 = the constitutionally adopted amendments of v0.0

### B. Revision History

File Name	Document title	Comment
No electronic copy	Milnerton Aquatic Club Constitution and Rules July 1987	The original physical copy of the club constitution
MAC Constitution13012013Proofed.pdf	Constitution of the Milnerton Aquatic Club March 2013	Adobe copy of the Update of the July 1987 version. Adopted in March 2013. Rules of 1987 are carried forward
MAC Constitution 201407 v0.0.docx	Constitution of the Milnerton Aquatic Club March 2013	MS Word conversion of the March 2013 document
MAC Constitution 201407 v1.0.pdf	Constitution of the Milnerton Aquatic Club July 2014	Adobe copy of the Update of the March 2013 version. Adopted in July 2014. Rules of

<b>File Name</b>	<b>Document title</b>	<b>Comment</b>
		1987 are carried forward