

# **EASTERN PROVINCE HOCKEY FEDERATION**

## **CONSTITUTION**

### **PREAMBLE**

WHEREAS at South African National level the game of hockey has been organized and properly constituted as a single organization under the name of the South African Hockey Association,

AND WHEREAS at provincial level and pursuant to the constitution of the South African Hockey Association there now exists a properly constituted body known as the Eastern Province Hockey Federation;

AND WHEREAS the Eastern Province Hockey Federation intends amending its Constitution as will appear more fully in the document “Amended Constitution” as set out below:

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# CONSTITUTION

## Of the

### EASTERN PROVINCE HOCKEY FEDERATION

#### 1. NAME AND PERSONALITY

This body shall be called the “EASTERN PROVINCE HOCKEY FEDERATION” (the “Federation”), shall be a legal Persona, capable of owning immovable property and suing or being sued and shall have an existence separate from, and independent of, its Members. The area of operation of the Federation Association shall be as set out in Schedule 1 or as otherwise determined by SAHA from time to time (referred to hereafter as the territory as also as the EASTERN PROVINCE).

#### 2. DEFINITIONS

- 2.1. The term “Hockey” where used in the Constitution shall embrace the games of field and indoor hockey.
- 2.2. The Founder Members of the Federation are the Eastern Province Men’s Hockey Board and the Eastern Province Women’s Hockey Union.
- 2.3 Club shall mean any duly constituted body of hockey players operating under the rules of the South African Hockey Association, and situated within the territory,
- 2.4. The term “Member” where used in the Constitution shall mean those Clubs that are properly elected Members of the Federation.
- 2.5. The term “Associate Member” where used in the Constitution shall mean, the Eastern Province Youth Hockey Forum, or whatever body officially controls Schools’ and Youth Hockey as well as our Affiliate members, Country Districts hockey and Masters Hockey and Tertiaries.
- 2.6 Honorary Presidents shall mean persons upon this honour may be conferred who has given outstanding service to Hockey in the Eastern Province and who is considered worthy of the honour. Where nominated, such nominations shall be proposed only by the Executive of the Federation and must be approved by at least NINETY PERCENT (90%) of those present and entitled to vote at an Annual General Meeting, there shall never be more than 4 such Honorary Presidents at any one time.

**2.7 Scholar shall mean any person who is a member of a club and is  
Simultaneously attending a secondary educational institution**

**3. RULES OF INTERPRETATION**

The following rules of interpretation shall apply unless the context requires otherwise:

- 3.1 Any reference to the singular includes the plural and vice versa;
- 3.2 A gender includes all genders;
- 3.3 The clause headings in this Constitution have been inserted only for convenience and shall not be taken into account in its interpretation;
- 3.4 this Constitution shall be governed by and construed and interpreted in accordance with the law of the Republic of South Africa;
- 3.5 if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- 3.6 a reference to a clause or an appendix is a reference to a clause of, or schedule to this Constitution;
- 3.7 a reference to a document (including this Constitution) is to the document as amended, varied, supplemented, or replaced except to the extent prohibited by this Constitution or that other agreement or document;
- 3.8 a reference to a party to this Constitution or any other agreement or document includes a reference to the successors, assignees, trustees, executors, curators and duly authorised agents;
- 3.9 a reference to a document or to a provision of a document includes a modification, amendment, re-enactment, a document substituted for it and any document issued under it;
- 3.10 a reference to conduct includes, without limitation, any act, omission, statement and undertaking whether or not in writing;
- 3.11 a reference to writing includes a facsimile transmission and any means of reproducing words in a tangible and permanently visible form;

#### **4. HEADQUARTERS AND ACTIVITIES**

- 4.1 The Headquarters and Principal Place of Business of the Federation shall be in Port Elizabeth.
- 4.2 The Federation shall however exercise jurisdiction over its members wherever they may be in the Republic of South Africa when they are concerned with or in relation to activities involving hockey.
- 4.3 All Provincial and International matches in the territory shall be played under the auspices of the Federation and on wherever practically possible on an Astro turf Surface.

#### **5. OBJECTIVES**

The objectives of the Federation shall be:

- 5.1 To promote, develop, regulate and control the game of hockey at all levels in the Eastern Province and to advance the interest of Hockey in the Eastern Province generally, regardless of politics, race, religion or gender.
- 5.2 To support and maintain the rules of the game of Hockey as determined by the Federation International de Hockey (F.I.H).
- 5.3 To support and maintain the laws and byelaws and regulations of the game as, from time to time, adopted by the South African Hockey Association and to remain affiliated to the SOUTH AFRICAN HOCKEY ASSOCIATION
- 5.4 To arrange and regulate all Provincial and league hockey matches in the territory not otherwise controlled by the South African Hockey Association.
- 5.5 To assist other organizations with objectives similar to those of the Federation.
- 5.6 To do all things that may be directly or indirectly conducive to these objectives.

## **6. THE PRINCIPAL FUNCTIONS OF THE FEDERATION**

- 6.1 The principal functions to be performed by the Federation in its area of operation are to administer all matters, as well as all administration for the efficient functioning of the Federation according to its objectives.
- 6.2 The Federation may perform functions other than its principal functions only if it is not likely to limit the Federation's capacity to perform its principal functions and to be to the financial prejudice of itself or its members.

## **7. MEMBERSHIP**

- 7.1. Any Club, as defined in this Constitution, situated within the Territory of the Federation, shall be eligible and entitled to apply for membership.
- 7.2 An application for new membership of the Federation must be addressed to the Executive Committee, which must, at a meeting of the Committee, consider an application and approve it unless there is good reason to refuse it.
- 7.3 A member may only resign as a member of the Federation if that member's entitlement lapses and all financial obligations to the Federation have been met and the approval of the Executive Committee has been obtained, such approval may not unreasonably be withheld.
- 7.4 Membership of the Association will be terminated whenever a members entitlement lapses.

## **8. REGISTER OF MEMBERS**

- 8.1 All members must communicate their addresses from time to time to the Federation, who must keep a register of the names of members and all relevant particulars.
- 8.2 The Secretary of each Member shall furnish the Executive Committee with a list containing the names, addresses and telephone numbers of the Secretary and all officials of such a member by the 28<sup>th</sup> February of each year.
- 8.3 The Members shall maintain a register of their players and only

players so registered shall be eligible to play Hockey under the auspices of such a Member.

- 8.4 A schedule of names, addresses and telephone numbers of the registered players, including an indication of the number of bona fide scholars and U21 players, shall be submitted by the Member to the Federation on a date determined by the Annual General Meeting of the Federation in sufficient time to meet the deadline for national registration set by the Council of the South African Hockey Association each year. Failure to comply with the provisions of this clause shall make such Member liable to suspension from the Federation until such schedule is submitted.
- 8.5 The above stated lists must annually be revised by the Executive Committee and also whenever there is an amendment to the Federation's area of operation.

## **9. RIGHTS OF MEMBERS**

- 9.1 Membership of the Federation does not give any member a right to any of the moneys, property or assets of the Federation, but only gives members the duties and privileges of membership, subject to such charges and reasonable restrictions as are imposed by the Management Committee from time to time.
- 9.2 A member whose application for membership has been approved is bound By the constitution and byelaws of the Federation.

## **10. LIABILITY AND OBLIGATIONS OF MEMBERS**

- 10.1 The financial liability of members to third parties is limited to the amount of unpaid charges and interest thereon owed by them to the Federation,
- 10.2 An obligation is placed on members to pay all amounts due to the Federation timeously on the due dates so as to ensure the continued financial viability of the Federation.

## **11. ORGANIZATION OF FEDERATION**

- 11.1 The affairs of the Federation shall be controlled by the Members in Annual, Special, and Ordinary Meetings. Delegates, as hereafter stipulated, to these meetings shall form the Council.

- 11.2 The objects, functions, policies and decisions of the Federation, as determined by Annual, Special, or Ordinary General Meetings, shall be effected and implemented through an Executive Committee (the “Executive” or “the Executive Committee”) comprised of the persons elected to those respective offices at the Annual General Meeting of the Federation.
- 11.3 The day to day running affairs of the Federation shall be effected by a Management Committee consisting of the President, treasurer and an Administrative Officer appointed for this purpose (Management)
- 11.4 The Executive committee shall deal with matters as required by the Council and will consist of the members below:

## **12. COUNCIL OF THE FEDERATION**

- 12.1 The Council shall consist of:
  - 12.1.1 The Executive Committee of the Federation elected as set out Below;
  - 12.1.2 TWO (2) delegates from each Member, neither of who may be a Member of the Executive Committee.
- 12.2 Council shall meet as and when deemed necessary by the Executive Committee. The Agenda of such meeting shall be sent To Members not later than FOURTEEN (14) days prior to the date of the meeting.
- 12.3 Council shall have the power to:
  - 12.3.1 Pass resolutions binding on all Members;
  - 12.3.2 Appoint sub-committees other than those elected at the Annual General Meeting.
  - 12.3.3 Ratify byelaws as passed by the Executive from time to time.

## **13. MANAGEMENT COMMITTEE**

The Management Committee shall comprise of the President, Administrative Officer and the Treasurer of the Executive. The President shall be the Chairperson of the Management Committee and shall be responsible for attending to day to day matters which arise affecting the Federation. It shall report to the Executive on its decisions for ratification and meet whenever matters find it necessary.



## **14. APPOINTMENT OF COMMITTEES**

14. (1) The Council may, from time to time -
- a) Appoint such temporary or standing committees as it sees fit from among its members;
  - b) Appoint persons other than Council members to a committee;
  - c) Remove any person appointed to a committee from such committee; and
  - d) Determine the terms of reference of any committee, which may include -
    - i) Full decision making powers on particular matters; or
    - ii) A requirement to refer decisions back to the Council for ratification.
- (2) All provisions of this Constitution applying to Meetings, officials and conduct apply to a committee as if it were the Council.
- (3) A committee must report to the Executive at the times and in the manner determined by the Executive.

## **15. EXECUTIVE COMMITTEE**

15.1. The Executive Committee shall be responsible to the Members for the implementation and execution of the objectives, functions, policies and decisions of the Federation.

15.2. The Executive Committee shall consist of the following persons:

15.2.1 The President;

15.2.2 A Vice President, who shall be elected the AGM.

15.2.3 The Honorary Treasurer - who should be suitably qualified;

15.2.4 The Administrative Officer (No voting rights)

15.2.5 Minimum of Three but up to six additional members

Additional members to fill the following portfolios:

- Events

- Player Representative
- High Performance
- Education and Training
- Marketing and Sponsorship (this position to be headhunted and appointed by the Executive)

15.2.6 One representative from Primary Schools, High School Boys, Girls High Schools and a Member from Tertiaries.  
(Elected by the respective bodies)

- 15.3. With the exception of 15.2.6 above, who shall be appointed to the Executive of the Federation by the Associate Members concerned, the members of the Executive shall be elected at the Annual General Meeting in each year and shall hold office for two years until the date of that Annual General Meeting.
- 15.4. The Executive shall continue to act, notwithstanding any vacancies in its number, while there is still a quorum of Executive members as hereinafter provided for, but the Executive shall have the power to fill any vacancy occurring during the year of office and such co-opted member shall hold office until the date of the next Annual General Meeting, with full voting rights.
- 15.5. Subject to the approval of the Executive, the President shall have the right to co-opt any other person or persons to assist the Executive in the execution of specific duties. Such person or persons shall be required to attend meetings of the Executive for the specific business for which he or she was co-opted and may only vote on issues relating thereto.

## **16. DUTIES AND POWERS OF THE EXECUTIVE**

- 16.1. The Executive shall meet not fewer than SEVEN (7) times per annum.
- 16.2. The Administrative Officer shall give at least SEVEN (7) days' notice to all members of the Executive of any Meeting and shall send the Agenda to all members of the Executive.
- 16.3. The Minutes of all meetings shall be circulated to all Members as well as to the members of the Executive.
- 16.4. Any member of the Executive absenting himself without good reason from THREE (3) consecutive Executive Meetings shall automatically cease to be a member thereof and the Members shall be notified.
- 16.5. The Executive may, at its discretion, call meetings of the Council, as

referred to below, to address issues pertinent to the interests of the Federation.

## **17. CANDIDATES FOR MEMBERSHIP OF EXECUTIVE COMMITTEE**

- 17.1 Any person who is a member of a member of the Federation is, subject to disqualifications contained herein and provided that the member is not in arrears with charges, including interest, due to the Federation, eligible for election as a member of the Executive Committee.
- 17.2 Any member will be entitled to nominate candidates for election as members of the Executive Committee.
- 17.3 At least 14 days' notice must be given to all members of the Federation that nominations will be called for.
- 17.4 In the event that more than one nomination is received for any official position of the Federation, elections will be held in accordance with this Constitution.
- 17.5 If two or more candidates receive an equal number of votes, the member will be determined by lot under supervision of the President
- 17.6 If a vacancy occurs on the Executive Committee, the vacancy must be filled in terms of this constitution provided that the member is elected for a period equal to the remainder of the period for which the member who has vacated the office would otherwise have continued in office.
- 17.7 The Federation subscribes to the accepted principles in respect of ensuring appropriate community, racial and gender representation and commits itself to promoting the implementation thereof to the extent that the Federation is practicably able to do so.

## **18. SUBSCRIPTIONS AND AFFILIATION FEES**

- 18.1. Each member shall pay to the Federation an annual subscription or fee as set out in the byelaws.
- 18.2. Over and above the amount referred to in 19.1 each member shall pay to the South African Hockey Association an annual subscription or fee as determined annually by that body.

## **19. DUTIES OF OFFICIALS OF THE FEDERATION**

19.1 Any official of the Federation must at all-time act honestly in performing the functions of his or her office, must at all times exercise a reasonable degree of care and diligence in performing all functions, and in furtherance of this duty without limiting its scope, must take reasonable steps to inform himself or herself about the institution, its business and activities and the circumstances in which it operates and take reasonable steps, to obtain sufficient information and advice about all matters to be decided to enable him or her to make conscientious and informed decisions; and exercise an active discretion with respect to all matters concerning the Federation and not make improper use of his or her position as a member or of information acquired by virtue of his or her position as a member to gain, directly or indirectly, an advantage for himself or herself or for any other person, or to prejudice the institution.

## **20. DISCLOSURE OF INTEREST**

20.1 If an official of the Federation has a direct or indirect pecuniary or other interest in any matter in which the Federation is concerned, which could conflict with the proper performance of his or her duties in relation to that matter, he or she must disclose that interest as soon as practicable after the relevant facts come to his or her knowledge.

20.2 An official who has made a disclosure under this paragraph must not be present during any deliberation; or take part in any decision of the board in relation to the matter in question. Any disclosure made under this paragraph must be noted in the minutes of the relevant meeting of the board.

## **21. DISQUALIFICATION**

21.1 The position of an official becomes vacant if the person concerned –

- a) Has been declared to be of unsound mind by a competent authority;
- b) Is declared insolvent;
- c) Resigns;
- d) Is convicted of any offence involving dishonesty;
- e) Is absent without prior consent of the chairperson from three consecutive meetings; or
- f) Fails to make any disclosure required to be made in terms of item 21.

21.2 An ordinary member or the deputy chairperson may resign in writing addressed to the chairperson.

## **22. ADMINISTRATIVE OFFICERS.**

22.1. Administrative Officer shall be appointed by the Executive and be remunerated for services, as proposed by the Executive and ratified

by the Council.

- 22.2 The titles, powers and functions and the terms and conditions of employment of this Administrative Officer shall be decided and conferred by the Executive who may remove the Administrative Officers from office.
- 22.3 The Executive Committee may employ such persons, as it considers necessary to perform the Federation's functions under this constitution.
- 22.4 The appointment of employees or any change in their conditions of service must be approved by resolution of the Executive Committee.
- 22.5 All employees of the Association will remain in office despite any change in the composition and membership of the Executive Committee.
- 22.6 The Federation may pay any honorary official from the revenues of the Federation a reimbursement allowance, determined by the Executive Committee from time to time.

### **23. ANNUAL GENERAL MEETING OF THE FEDERATION**

- 23.1 It shall be incumbent upon the President to ensure that an Annual  
  
General Meeting of the Members and the Associate Members is held every year after the Annual General Meeting of the South African Hockey Association, but not later than TWELVE (12) weeks after the end of the playing season.
- 23.2 Notice of such meeting shall be posted or e-mailed no later than THIRTY (30) days prior to the date of such a meeting, to the Honorary Life Vice Presidents of the Federation, the Members, the Associate Members and such other persons entitled to receive notice. The notice shall be accompanied by an Agenda of business to be conducted at the meeting, minutes of the previous Annual General Meeting and one copy of the annual financial statements for the period ended 30 September of that year.
- 23.3 No proceedings of the Annual General Meeting shall be invalidated by reason of the non-receipt of such notice convening the Meeting, provided that the notice has been posted to the registered addresses of the Secretary of the Members.

## **24. AGENDA FOR ANNUAL GENERAL MEETING**

24.1 The Agenda for the Annual General Meeting shall be as follows:

- 24.1.1 Presentation of Credentials;
- 24.1.2 Approval of the Notice of Meeting;
- 24.1.3 Apologies;
- 24.1.4 Ratification of the minutes of the previous Annual General meeting
- 24.1.5 Matters arising from the previous Annual General Meeting;
- 24.1.6 Correspondence relating to the Annual General Meeting;
- 24.1.7 Report from the President of the Federation;
- 24.1.8 Reports from the officials responsible for;
  - Player representative
  - Events
  - High Performance
  - Education and Training
  - Marketing and Sponsorship
  - Development
- 24.1.9 From the various representatives:
  - Primary Schools
  - Boy High schools
  - Girl High Schools
  - Tertiary

24.2 Adoption of the financial statements and balance sheets for the year under review, duly audited with or without amendment;

24.3 Election of Honorary Life Presidents

24.4 Election of officers of the Executive Committee;

24.5 Appointment of an Honorary Auditor;

24.6 Appointment of an Honorary Secretary;

24.7 Transaction of any other general business.

## **25. ATTENDANCE AT ANNUAL AND SPECIAL GENERAL MEETINGS**

25.1 Any persons having an interest in hockey may attend the Annual General Meeting or any Special Meeting but voting powers shall be limited to EPHF members and affiliate delegates only.

25.2 The President and in his absence, the Vice President, of the Federation shall serve as Chair person at all General Meetings.

## **26. SPECIAL GENERAL MEETING**

- 26.1 The Secretary shall, upon the directions of the Executive, or upon requisition in writing signed by the Honorary Secretaries of TWO (2) Members, call a Special General Meeting. Any such requisition shall express the objectives of the Meeting required and shall clearly state the resolution or resolutions to be proposed at such a Meeting.
- 26.2 Upon receipt of such directions of the Executive or requisition aforesaid, the Administrative Officer shall forthwith give FOURTEEN (14) days written notice of such Special General Meeting to the same persons as shall be entitled to receive such notice of the Annual General Meeting, specifying the place, the date and time of such Meeting and the purpose for which it is called.
- 26.3 No business shall be transacted at any Special General Meeting other than that which is specified in the Notice Convening the Meeting.
- 26.4 In matters of extreme urgency and upon the direction of the Executive, shorter notice of the convening of the Meeting may be given.
- 26.5 At Special General Meetings, the rules relating to voting, attendance, quorums and rejected motions, as relate to Annual General Meetings shall be applicable.

## **27. NOMINATIONS**

No nomination for an office in the Federation shall be accepted by the Annual General Meeting of the Federation unless the nomination, in writing, is submitted to the Administrative Officer FOURTEEN (14) days (or when called for) prior to the commencement of the Meeting and a written acceptance of such nomination from the person concerned is included with such nomination.

## **28. MINUTES**

28. (1) The Administrator must ensure that complete and accurate minutes of each meeting are kept.
- (2) Draft minutes of each meeting must -
- a) be presented to the next meeting of the board for amendment, if necessary, and adoption; and

- b) be entered in a durable, bound volume of minutes.
- (3) The person presiding at the next meeting must sign and date an affirmation to the effect that any minutes of the previous meeting have been adopted by the meeting.

## **29. VOTING**

- 29 .1. Each Member shall have the following voting rights: less than 3 teams – 1 vote; 3 to 5 teams – 2 votes and more than 5 teams 3 votes and the member or affiliate must be in good financial standing as at 31 May of each year, or such date as set by SAHA as the return date for the payment of annual affiliation fees.
- 29.2. Should a Member not fulfill the requirements outlined in 30.1, such Member shall forfeit their vote or votes.
- 29 .3. Members newly admitted to the Federation shall have voting rights once they have paid their initial dues to the Federation.
- 29 .4. At Executive meetings each member of the Executive present shall be entitled to ONE (1) vote. The Chairman shall have a casting vote.
- 29 .5. Every proposal at any Annual General Meeting, Special General Meeting or Ordinary Meeting shall be decided by a majority of votes and shall be by ballot unless the Meeting decides~ otherwise, and subject to the provisions of Clause 24 hereof, Amendment to the Constitution.
- 29 .6. No delegate may represent more than one Member without a letter on a letterhead from the respective member not attending.
- 29.7 If voting on a question is equal, the person presiding has a casting vote as well as a deliberative vote.

## **30. PARTICIPATION IN MEETINGS**

- 30.1 The Executive may, by resolution, permit members to participate in a particular meeting by telephone, closed-circuit television or other means of communication. A member who participates in a meeting under permission given under this paragraph must be regarded as being present at the meeting.

## **31. RESOLUTIONS WITHOUT MEETINGS**



31.1 If all Executive members for the time being sign a document containing a statement that they are in favour of a resolution set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Executive held on the day on which the document is signed or, if the members do not sign it on the same day, on the day on which the last member signs the document. For this purpose, two or more separate documents containing a statement in identical terms, each of which is signed by one or more Executive members, must be taken to be one document. A document referred to in this item may be in the form of a telex or facsimile.

## **32. EXECUTION OF DOCUMENTS**

32.1 Subject to sub item (2), a document is duly executed by the Federation if executed on behalf of the board by any two Executive members.

32.2 The Executive may, either generally or in a particular case or class of cases, by resolution authorise the President to execute documents on behalf of the Federation.

## **33. NOTICES OF EXECUTIVE COMMITTEE MEETING**

33. (1) Except as provided in sub item (3), the Administrator must give at least seven days' written notice to members of any meeting of the Executive Committee except in cases of emergency and when every Executive Committee member agrees to accept short notice.
- (2) A notice given in terms of sub item (1) must specify the date, time and venue of the meeting and state the general nature of the business of the meeting.
- (3) If notice of a meeting is given the Federation must, if requested by a Federation allow that member to participate in the meeting in the manner contemplated in clause 24.
- (4) The proceedings of, or resolutions passed at a meeting of, the Federation are not invalid merely because of an omission to send a notice to an Executive Committee member or if a member did not receive a notice of the meeting.

## **34. POWER TO REGULATE PROCEEDINGS**

- 34.1 Subject to what is set out herein, the Federation may regulate its own proceedings at meetings.

## **35. QUORUM**

- 35.1 For any General Meeting, a quorum shall consist of at least 50% of the total membership plus one, provided that if such Quorum is not present, the Meeting shall stand adjourned for SEVEN (7) days at the same time and place, when those delegates present shall form a quorum.
- 35.2. For Executive Meetings a Quorum shall consist of 50% of the Executive plus one, provided that if such Quorum is not present within one hour of the time appointed for the meeting, the Meeting shall stand adjourned for TWENTY-FOUR (24) hours from the appointed hour. At such adjourned meeting, the members of the Executive present shall constitute a Quorum.

## **36. ADJOURNMENT**

36. (1) The person presiding at a meeting at which a quorum is present -
- a) may adjourn the meeting with the meeting's consent; and
  - b) must adjourn the meeting if the meeting so directs.
- (2) An adjourned meeting must be held at the time and place agreed to by the meeting before it is adjourned. Only unfinished business of an initial meeting can be conducted at an adjourned meeting.

## **37. FINANCE**

- 37.1 The Financial year-end of the Federation shall be 30 September of each year.
- 37.2 Whenever the Federation has assessed a charge, it must prepare register setting forth the name of each member liable to pay charges, the amount of the charge assessed, the date or dates on which payment is due and the amount due on each date; and the applicable rate of interest payable on non-payment and the effective date of interest as determined by it from time to time. A copy must lie open for inspection in the office of the Federation at all reasonable times by any member of the Federation.

- 37.3 If after proper notice, any charge, including interest due by the member to the Federation is more than 60 days in arrears, without further notice to the member, collect the amount due by issuing summons in a magistrate's court with jurisdiction in the area, regardless of the amount involved, in which event the members will be responsible for all collection and legal costs, inclusive of attorney and client costs.
- 37.4 the Federation will suspend such member from any participation in the activities of the Federation until charges has been settled with the Federation and the Federation will not be liable for any losses experienced by the member due to the suspension nor shall the member be entitled to any discount on the charges due. An individual member against who charges has been levied and his successor-in-title are jointly and severally liable for such charges including interest.
- 37.5 The sole or principal object of the Eastern Province Hockey Federation is to carry on one or more public benefit activities as defined in Section 30 (1) of the Income Tax Act (the Act), in a non-profit manner and with an altruistic or philanthropic intent.
- 37.6 No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
- 37.7 The funds of the Eastern Province Hockey Federation will be used solely for the objects for which it was established.
- 37.8 At least three persons who accept fiduciary responsibility for the Eastern Province Hockey Federation, will not be connected persons in relation to each other and no single person directly or indirectly controls the decision-making powers relating to such organisation.
- 37.9 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- 37.10 On dissolution of the Eastern Province Hockey Federation, the remaining assets must be transferred to: (1) any Eastern Province Hockey Federation, which has been approved in terms of section 30 of the Act (2) Any institution, board or body which is exempt from the payment of income tax in terms of section 10 (1)(cA)(i) of the Act, which has as its sole or principal object the carrying on of the public benefit activity; or (3) Any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) or the Act.
- 37.11 a copy of all amendments to the constitution, trust deed, memorandum and article of association , or other written instrument under which the Eastern Province

Hockey Federation was established, will be submitted to the Commissioner of the South African Revenue Service,

- 37.12 No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regards to what is generally considered reasonable in the section and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.
- 37.13 No resources will be used, directly or indirectly, to support advance or oppose any political party.

### **38. VALIDITY OF DECISIONS**

38.1 An act or decision of the Federation is not invalid merely because of a defect or irregularity in, or in connection with, any appointment or a vacancy in the membership of the Executive Committee. Likewise anything done by or in relation to a person purporting to act as President, Chairperson or as a Committee member is not invalid merely because the occasion for the person to act had not arisen or had ceased there was a defect or irregularity in relation to the appointment; or the appointment had ceased to have effect.

### **39. CONVENING MEETINGS**

39. (1) The Council must meet at least twice in each year.
- (2) Meetings must be held at the times and, subject to sub item (4), the places determined by Executive Committee.
- (3) The President may convene a meeting at any time and must do so when requested by one third of the Council members.
- (4) The President may, from time to time, determine that an Executive Committee meeting be held by telephone, closed circuit television or other means of communication.

### **40. ASSETS AND LOANS**

- 40.1 The Federation shall have the power to purchase, acquire, hold, control, own, lease, dispose of, alienate or otherwise deal in land or other property, movable or immovable, for the purpose of furthering the objectives of the Federation.
- 40.2 The Executive Committee may raise by way of loans, including bank overdrafts, any funds required by it for the purpose of carrying out any of its functions under this constitution.
- 40.3 Whenever the Executive Committee proposes to raise a loan, it must give notice in writing of its intention, setting out details of the proposal. The notice must be given to every member of the Federation not less than 21 days before the date of the meeting of the Committee at which the proposal will be considered.
- 40.4 No loan may be raised without a resolution of the Executive Committee passed at a meeting at which not less than two-thirds of the members of the Committee are present.
- 40.5 Accounts
- 40.5.1 The Administrator shall keep proper books of account and record the income and expenditure of the Federation. The Treasurer will inspect these monthly and present it at the Annual General Meeting, once it had been dated and signed by a registered and independent Accounting Officer or an Auditor, which shall be approved by the Executive and ratified by Council.
- 40.5.2 The Annual Financial Statements shall be submitted to the Federation's Auditors/Accounting Officers for audit, and copies of the financial statements shall be circulated to Members.

## **41. FINANCIAL RECORDS AND ACCOUNTABILITY**

- 41.1 The Federation must ensure that it keeps -
- a) proper records and accounts of the activities, transactions and affairs of the Federation; and
  - b) any other records or accounts that are necessary to explain sufficiently the financial operations and financial position of the Federation.
- 41.2 The Executive Committee must each do all things necessary to -
- a) ensure that all money payable to the Federation is properly collected;

- b) ensure that all money spent by the Federation is properly spent and properly authorised;
- c) ensure that there is adequate control over all assets acquired for the purposes of the Federation, or managed or controlled by it;
- d) ensure that all liabilities incurred on behalf of the Federation are properly authorised;
- f) develop and maintain an adequate budgeting accounting system and an adequate financial control system.

#### **41.3 Bank Accounts**

The Treasurer shall conduct an account in the name of the at a recognized banking institution. Cheques shall be signed by the President, Treasurer, or any other member of the Executive so deputed by the President and co-signed by the Administrative officer.

#### **41.4 Funds**

Funds of the Federation as deemed by the Executive to be in excess of current requirements may, and all funds held in trust for or on behalf of Members, be invested from time to time in the name of the Federation with a registered deposit taking institution.

#### **41.5. Auditor or Auditors**

The Accounts shall be audited and certified annually by a registered and independent Accounting Officer or Auditor appointed by the Federation at the Annual General Meeting.

### **42. ANNUAL REPORT**

- 42.1 The Executive Committee must, within three months after the end of the financial year, at the Annual General meeting -
  - 42.1.1 table an audited financial statement of the Association's accounts for the preceding financial year; and
  - 42.1.2 give an account to the members of its activities during the year.

### **43. AMENDMENT TO THE CONSTITUTION**

- 43.1. The Constitution of the Federation shall not be altered except at a Special General Meeting called for the purpose, and no alteration shall be made to the Constitution of the Federation unless supported by not less than TWO THIRDS (2/3rds) of the total votes of those present and eligible to vote.
- 43.2. Notice of the intention to amend, rescind or add any article or provision of the Constitution shall be given to the Administrative Officer who shall, within FOURTEEN (14) days of receipt of such notice, call the Meeting by a Notice posted or e-mailed at least THIRTY (30) days prior to the date of the Meeting, to those entitled to receive such notice. Such notice to members shall contain the verbatim proposed amendment and has been forwarded to members at least 21 days prior to the date of the meeting and only amendments, to the proposed amendment, of which written notice has been given, are discussed and voted on at such a special meeting.

#### **44. AMATEUR STATUS**

The Federation and the Members and Associate Members will be bound by the conditions as set out in the F.I.H. Bye-Laws applicable from time to time in relation to amateur status, if any, of such members persons as may be affected thereby

#### **45. COLOURS**

- 45.1. The colours of the Federation and any hockey teams representing the Federation as Eastern Province shall be red and black
- 45.2. Any Player who is selected to represent the Federation at an Inter-Provincial Tournament or in Inter-Provincial matches organized under the auspices of the South African Hockey Association or against a Touring International side shall, upon application to and with the permission of the Executive, be entitled to wear the colours applicable to the team for which he or she was selected. In special circumstances the Executive of the Federation, in its sole discretion, may award Eastern Province colours to a person not otherwise entitled thereto.
- 45.3 All Members shall register their colours with the Federation and no Club shall be permitted to register colours which, in the sole discretion of the Executive, are in any way similar to, or not distinguishable from, or likely to cause confusion with colours of any other Member.

## **46. INDEMNITY**

- 46.1. Any action instituted by or against the Federation shall be taken in the name of the Federation as such and no individual member of the Federation shall be personally liable for any debts or obligations incurred by such member within the scope of his authority.
- 46.2. The Federation shall under no circumstances whatsoever be liable for injury or losses sustained by any player or club affiliated to the Federation.
- 46.3. Every official of the Federation shall be indemnified by the Federation and it shall be the duty of the Federation to pay all costs, losses and expenses which any such official may incur, or may become liable for, by reason of any contract entered into or any act or deed done in any way, or omission, except willful omission, in the discharge of such official's duty as a representative or agent of the Federation.
- 46.4. No member of the Executive or any other officer or servant of the Federation shall be liable for the acts, receipts, neglect or default of any other member of the Executive or officer or servant, or for the insufficiency or deficiency of any security in or upon which any of the monies of the Federation shall be invested, or for any loss or damage arising from the insolvency or wrongful act of any person with whom any monies, securities or property of the Federation shall be deposited or for any loss, damage or misfortune whatever which shall happen in execution of the duty of the person concerned, unless the same shall happen through his own willful act or default.

## **47. DISCIPLINE AND MISCONDUCT**

- 47.1. Matters of discipline and misconduct shall be dealt with by a Disciplinary Committee, duly appointed by the Federation one of whom shall be a member of the Education and Training committee with special reference to Umpiring.
- 47.2. In the event of any player, member or official of any Member being proved, to the satisfaction of the Disciplinary Committee on a balance of probabilities, to have been guilty of any misconduct, inappropriate behavior to the game of hockey, a likelihood that the game would be brought into disrepute, or breach of rule, the Disciplinary Committee shall have the power to order such player to be banned from playing in, or participating in activities related to hockey, fined, disqualified from, suspended for a stated period, or dealt with in such other



manner as the Disciplinary Committee may decide. The player, member or official so summoned shall be given the opportunity to state his case to the Committee on both merits and punishment, if applicable, shall not be allowed representation and shall be advised of the Committee's decision in writing and a copy of the letter shall be sent to his Club. The Committee shall at all times have regard to the rules of natural justice.

- 47.3. A player who makes himself or herself available for a team to represent the Federation and who withdraws without just cause or reason after having been selected for such representative team, shall not be allowed to represent his or her Club for the first two matches after the representative team for which he or she was elected return from tournament. Such player shall also be liable for any expenses incurred on his or her behalf prior to said withdrawal.

## **48. PROTESTS**

- 48 .1. Any dispute arising in, during or as a result of any conduct by an official, umpire member or player in a match or matches under the control of the Federation shall be referred to the Federation in writing within SEVEN (7) days of such match or matches for a decision of the Disciplinary Committee, which, having due regard to the procedures detailed in 50.2 above shall be final and binding on the protestor
- 48 .2. All protests must be accompanied by a fee (Three hundred rands R300) payable by the member which shall be the equivalent of the annual affiliation fee for a single player for either outdoor or indoor hockey, whichever is relevant to the protest. The fee shall be nonrefundable.

## **49. UMPIRES**

The appointment of Umpires to matches under the jurisdiction or control of this Federation shall be vested with the Administrator and Education and Training committee members

## **50. BYE-LAWS**

- 50.1. The Executive shall have the power to make and pass bye-laws for the proper regulation of any of the affairs of the Federation and to vary, rescind or add to the same from time to time provided, however, that such bye-laws shall be submitted to a General Meeting for ratification, confirmation, amendment or rescission.

- 50.2. Any byelaws duly passed by such General Meeting shall not be rescinded except by a two-thirds majority of those present and voting at a duly convened General Meeting of the Federation.

## **51. INTERPRETATION**

- 51.1. All matters not provided for in this Constitution shall be decided upon by the Executive, and any such decision of the Executive shall be final and binding, subject to any right of appeal to the South African Hockey Association as provided for in the rules of that body.

## **52. PUBLIC STATEMENTS**

- 52.1. The official mouthpiece of the Federation shall be the Executive and all releases to the Press, Radio or Television shall be authorized by the Executive before any such release is made. For the sake of good order, however, only the President (or appointed Deputy) may make such statements.
- 52.2. No registered player, other official or employee of the Federation whom so ever shall make any public statement on behalf of the Federation without the prior approval of the Executive.
- 52.3. Members of all Sub-Committees of the Executive shall not divulge any matters of discussion to the Press, Radio or Television.

### 53. WINDING UP

53.1 The Federation may be dissolved by a resolution passed at a special general meeting held for that purpose, provided that -

53.1.1 The resolution is passed by a majority of 75% of the members present and entitled to vote at the meeting; and

53.2 A meeting passing a resolution referred to in item 56.1.1 of this constitution may also pass resolutions by a majority vote for -

53.2.1 the appointment of a liquidator; and

53.2.2 the disposal of surplus funds and assets of the Federation after winding up and after the payment of all debts and obligations of the Federation provided that any surplus assets may only be transferred to an Federation or institution with objectives similar to those of the Federation, such assets shall not be paid to or distributed among its Members, and which is or are authorized to collect contributions in terms of the Fund Raising Act, 1 978, as may be decided by the Members at the General Meeting at which it was decided to dissolve the Federation.

This constitution was approved and accepted by members of.

At a special (general) meeting held on 27 November 2018 at Port Elizabeth.

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Chairperson

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Secretary

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Treasurer

