CONSTITUTION OF WESTERN CAPE DRESSAGE

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1 CONSTITUTION, NAME AND CORPORATE PERSONALITY

1.1 This is the Constitution of the body known as WESTERN CAPE DRESSAGE which is the dressage body of the WESTERN CAPE PROVINCE, duly recognised by Dressage South Africa.

1.2 WESTERN CAPE DRESSAGE is a voluntary body, and is an ordinary member, of Dressage South Africa, having a corporate identity separate from that of its members and is entitled to own property, whether movable or immovable or otherwise.

1.3 It is further entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its members from time to time, shall have perpetual succession.

1.4 The provisions of this Constitution are founded upon and shall be implemented and administered in the recognition of human dignity, equality and the advancement of human rights and freedoms, non-racialism, non-sexism and the right of freedom of association and the supremacy of the Constitution of the Republic of South Africa (Act No 108 of 1996), the rule of law and good corporate governance.

2 DEFINITIONS AND ABBREVIATIONS USED

For the purposes of this Constitution, the following words and expressions shall have the following meanings unless the subject or context indicates otherwise:

2.1 "Act of Parliament" refers to the National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as "The Act";

2.2 "AGM" means the Annual General Meeting of Members held in accordance with the provisions of this Constitution;

2.3 "Athlete" means an individual who, together with his or her horse, shall be regarded as one competitor in the sport of Dressage;

2.4 "Provincial Athletes Representative" shall mean an elected person representing current registered Dressage athletes in good standing in the province of WESTERN CAPE PROVINCE;

2.5 "Associate Members" means all those associations or organisations having the same or similar objects to WESTERN CAPE DRESSAGE and having their Provincial Office within the area of jurisdiction of WESTERN CAPE PROVINCE, which bodies have made application and have been accepted as Associate Members of WESTERN CAPE DRESSAGE in terms of the provisions of this Constitution or where the national body of such an organisation or association is currently an Associate Member of Dressage South Africa;

2.6 "Annual Financial Statements" means the annual balance sheet, income and expenditure account and Financial Officer's annual report;

2.7 "Club" means any club, which caters for the discipline of Dressage in the province of WESTERN CAPE PROVINCE, and is approved by Dressage South Africa as a registered club in good standing;

2.8 "Compliance" means that the Member, SHB, Club and/or Athlete has fulfilled the necessary provisions of this Constitution with regard to specific requirements as contained herein, and as such is regarded as being in good standing with the WESTERN CAPE DRESSAGE;

2.9 "Constitution" means this Constitution as amended from time to time;

2.10 "Dressage" means the discipline of Dressage as referred to in this Constitution and defined by the FEI, whether ridden in the presence of others, including Athletes, or by means of correspondence or by way of the internet, computer software programmes (which has been recognised and approved by Dressage South Africa) or otherwise;

2.11 "WESTERN CAPE DRESSAGE means the body recognised by Dressage South Africa as the organisation responsible for Dressage in the Province of WESTERN CAPE PROVINCE, and as referred to in this Constitution. It should be a dually constituted body consisting of more than one club within a Province.

2.12 "Day" means a calendar day and "Working Day" means a calendar day excluding Saturdays, Sundays and Public Holidays;

2.13 Dressage South Africa." or "DSA", means the Dressage National Association and is the controlling body of the discipline of Dressage in South Africa;

2.14 "Event" means a Dressage event held under the auspices of the SAEF and Dressage South Africa as defined by the General Regulations of Dressage and Rules of Dressage and where the Show Schedule has been approved by either a Provincial or a National Dressage Body;

2.15 "Event Organizer" means a responsible person duly authorised to manage the Provincial Event on behalf of a Show Holding Body under the auspices of WESTERN CAPE DRESSAGE;

2.16 "WESTERN CAPE PROVINCE Council" means the committee of WESTERN CAPE DRESSAGEas constituted in terms of this constitution;

2.17 "WESTERN CAPE PROVINCE Provincial Judicial body" means the provincial judicial body appointed by the WESTERN CAPE DRESSAGE Council in terms of this Constitution;

2.18 "General Regulations for Dressage" means the General Regulations for Dressage approved by Dressage South Africa from time to time, and which govern and assist with several aspects of the sport of Dressage, and provide an essential portion of the regulatory framework of Dressage in South Africa;

2.19 "FEI" means the Federation Equestre Internationale being the supreme controlling body of DRESSAGE at global and continental levels;

2.20 "Individual" means the human part of the Athlete combination, who is a member of the SAEF, Dressage South Africa and a Club, and is simultaneously in good standing with all three these organisations and participates or potentially participates in Dressage and/or Dressage Events;

2.21 "Levies" means the monies levied and due by the membership to Dressage South Africa as approved and agreed to by the Council of Dressage South Africa;

2.22 "Member" shall mean an Ordinary Member, the Athletes Representative or an Associate Member, duly appointed in terms of this Constitution;

2.23 "Month" means a calendar month;

2.24 "National Sport Federation" means the national governing body of Equestrian Sport in South Africa, namely the SAEF, being a member of SASCOC, and recognised by the Department of Sport and Recreation in the Republic of South Africa; and who is the sole affiliate member to the FEI for Equestrian Sport in South Africa.

2.25 "Ordinary General Meeting" or OGM means a meeting convened in terms of this Constitution;

2.26 "Ordinary Member/s" means those members duly accepted as members of WESTERN CAPE DRESSAGE in the province of WESTERN CAPE PROVINCE as set out in this Constitution;

2.27 "Organisers' shall mean those persons who have been duly authorised by Dressage South Africa and the WESTERN CAPE DRESSAGE Council; to stage a DRESSAGE event inclusive of the hosting, managing, organising, planning, and supervision of such an event;

2.28 "Person" means a natural or legal person;

2.29 "President" means the President of WESTERN CAPE DRESSAGE, duly elected in terms of this Constitution;

2.30 "Province" means one of the nine (9) geopolitical areas as defined in Section 103 of the Constitution of the Republic of South Africa, (Act No 106 of 1996, as amended);

2.31 "Provincial Event" means a Dressage event held in the province of WESTERN CAPE PROVINCE under the auspices of the SAEF and DSA as defined by the General Regulations of Dressage and Rules of Dressage, where a show schedule has been submitted to and been approved by WESTERN CAPE DRESSAGE;

2.32 "Rules" means the National Rules for the Dressage Discipline adopted up by Dressage South Africa from time to time;

2.33 "Rules, Regulations and policies" means the rules, regulations and policies of WESTERN CAPE DRESSAGE as well as those of Dressage South Africa;

2.34 "SAEF" means the South African Equestrian Federation;

2.35 "SAIDS." means the South African Institute for Drug-Free Sport;

2.36 "SASCOC" means the South African Sport Confederation and Olympic Committee duly recognized and approved by the Department of Sport and Recreation as the governing body of Sport in the Republic of South Africa;

2.37 "Show Holding Body" or SHB means a venue or organisation duly registered and accepted by WESTERN CAPE DRESSAGE as well as Dressage South Africa to hold sanctioned Provincial Events;

2.38 "Special General Meeting" or SGM means a meeting convened in terms of this Constitution;

2.39 "SRSA", means the Department of Sport & Recreation in South Africa;

2.40 "Vice-President" means the Vice-President of WESTERN CAPE DRESSAGE as defined in this Constitution;

2.41 "WADA" means the World Anti-Doping Agency;

2.42 "Year" means a calendar year.

2.43 Any words importing one gender include the other.

3 INTERPRETATIONS

3.1 The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.

3.2 Unless the context indicates a contrasting intention, the singular shall include the plural and vice versa.

4 AREA OF JURISDICTION OF WESTERN CAPE DRESSAGE

4.1 The geographical area of jurisdiction of WESTERN CAPE DRESSAGE shall be the Geo-political area defined as WESTERN CAPE PROVINCE in the Constitution of the Republic of South Africa, (Act No 106 of 1996 (as amended);

5 OBJECTS OF WESTERN CAPE DRESSAGE

The objects WESTERN CAPE DRESSAGE are:

5.1 to be and to operate and function as the autonomous controlling and administrative body of the sport of Dressage within the area of its jurisdiction;

5.2 to direct, develop, promote and administer the sport of Dressage within the area of its jurisdiction in accordance with sound business and financial principles, and particularly in accordance with the Rules of Dressage South Africa and the General Regulations of Dressage;

5.3 to develop and participate in the sport of Dressage, in a way as to ensure the development of Dressage Athletes through constructive coaching and capacity building;

5.4 to ensure that the encouragement, promotion, development and administration of the sport of Dressage, is carried out in accordance with the principles of non-racism, by which it is meant that race ethnicity and nationality shall not be a basis for discriminating against or of affording privileges to any one person or group of persons. Such principles are more fully set out in the policy document of Dressage South Africa and known as POLICY A - Non-Racialism Policy;

5.5 to promote sportsmanship and fair play at all levels of the sport, free of any interference;

5.6 to advance the objects of WESTERN CAPE DRESSAGE and to associate itself with all such other lawfully constituted Provincial Committees, Associations and Organisations as shall be decided by the WESTERN CAPE DRESSAGE Council, whether within or without the area of jurisdiction of WESTERN CAPE DRESSAGE and irrespective of whether or not such other Associations or Organisations be connected with the sport of Dressage unless prohibited to do so by Dressage South Africa or the SAEF.

5.7 To uphold and enforce the rules of Dressage as prescribed by the FEI as well Dressage South Africa from time to time and to encourage and promote the highest standard of sporting behaviour in connection with the participation in the discipline of Dressage.

5.8 To uphold and enforce any code of conduct pertaining to the sport of Dressage approved by the FEI, the SAEF, and/or any other code of conduct decided upon by Dressage South Africa.

5.9 To encourage the appointment of coaches at all levels within the Dressage community under the auspices of the SAEF and SASCOC coaching program as well as any coaching program specified by Dressage SA.

5.10 To select representative Athletes at all levels for participation in any events or competitions whether these be at local or national level.

5.11 To apply to the Provincial Sports Confederation in the area of jurisdiction, via the SAEF Provincial Federation for the awarding of official Provincial Colours in terms of the criteria laid down in the rules and regulations of SASCOC and the SRSA;

5.12 To award District and Provincial colours in terms of the criteria laid down in the Rules and General Regulations in accordance and approval of the SAEF Provincial Federation and WESTERN CAPE PROVINCE Sports Confederation in the area of jurisdiction.

5.13 To recognise and accept the jurisdiction, rules and regulations of SAIDS as well as the code of WADA and the FEI Equine Anti-Doping and Controlled Medication Regulations as may be amended from time to time.

5.14 To recognise and accept the impact of the holistic development of children in the sport of Dressage and to properly understand and provide the correct environment and conditions for them in order to protect their rights and in order not to risk a potential sacrifice of these rights for the purpose of early specialisation or any other reason. In this respect, WESTERN CAPE DRESSAGE is guided by, inter alia, the Children's Act 2005 (Act No 38 of 2005), as amended.

5.15 WESTERN CAPE DRESSAGE strongly supports the Promotion of Access to Information Act 2000 (Act No 2 of 2000), as amended, and gives effect to the right to access such information in order to foster a culture of transparency and accountability. This object is further supported by any appropriate Dressage South Africa or WESTERN CAPE DRESSAGE policy document regarding access to relevant information.

5.16 To promote the appointment, training and education of Judges and Officials within its jurisdiction under the auspices of the SAEF and Dressage SA.

6 MEMBERSHIP

WESTERN CAPE DRESSAGE consists of three categories of members, and one category of Athletes, namely:

6.1 **Ordinary Members** - which shall be those members made up of their Club representatives within their area of jurisdiction as set out in this Constitution and as such they shall be obliged to promote, develop and participate in the sport of Dressage, as well as to ensure the development of Athletes through constructive coaching and capacity building. Ordinary Members shall be permitted to vote in terms of this constitution;

6.2 **Athletes Representative -** which means a representative of current individual Athletes participating in the sport of Dressage, as defined in this Constitution. Such Athlete's representative shall at all times have direct representation on the WESTERN CAPE DRESSAGE Council and shall be permitted to vote in terms of this constitution;

6.3 **Associate Member(s) -** shall comprise those bodies who have made application and been accepted as Associate Members to the Sport of Dressage in the area of jurisdiction, and are recognised as a body specifically catering for their membership within a confined organisation and/or area, namely the Defence Force, Police Force, Schools and Tertiary Education and any other body, duly accepted. An application may be made to the President of the WESTERN CAPE DRESSAGE Council in the form determined by the WESTERN CAPE DRESSAGE Council from time to time, enclosing a copy of its duly adopted Constitution, a declaration that it will adhere to the Constitutions of SASCOC, SAEF, Dressage South Africa and WESTERN CAPE DRESSAGE a complete membership list and such other information as may be required by the WESTERN CAPE DRESSAGE Council. The President shall submit applications for affiliation to the next Council meeting for consideration and the Council shall in turn submit all such applications, with a recommendation, to the next AGM or SGM.

6.4 **Athlete(s) -** shall mean each individual participant in the sport of Dressage, who together with his horse shall make up one competitor. Such Athlete may apply to join the SAEF and Dressage South Africa under their respective membership application procedures and processes as applicable from time to time and subject to annual renewal. SAEF and Dressage South Africa may levy a fee against such Athlete at its discretion and such Athlete, whether or not a fee was levied and / or paid but upon acceptance of such application, shall be subject to this Constitution and any Rules and Regulations of Dressage South Africa and WESTERN CAPE DRESSAGE .The aforesaid fees shall be collected directly by The SAEF and Dressage South Africa by way of any mechanism that it may establish for such purpose. Athletes shall not be permitted to a vote in terms of this constitution.

6.5 WESTERN CAPE DRESSAGE may, by a majority vote taken at an AGM or an SGM convened inter alia for this purpose, grant Associate Membership status to any other association operating on a Provincial level provided that no Associate Membership shall be granted to an association with the same, or virtually the same, aims and objectives as WESTERN CAPE DRESSAGE.

6.6 The WESTERN CAPE DRESSAGEcouncil may, by a two-thirds majority vote taken solely for this purpose at an AGM or at an SGM, withdraw its recognition of any Associate Member contemplated in this Constitution, in which event; the relevant association will cease, forthwith, to be an associate member of WESTERN CAPE DRESSAGE.

6.7 The current **Ordinary Members** shall be:

6.7.1 The Registered clubs in good standing within the structure of WESTERN CAPE DRESSAGE, the SAEF and DSA and who are registered within the WESTERN CAPE PROVINCE, and who are represented by their officially appointed Club Representative as specified by the club members in a meeting convened for such a purpose.

6.8 The jurisdictions of Members shall be limited by the boundaries of the WESTERN CAPE PROVINCE, in compliance mutatis mutandis with SASCOC,

7 POWERS OF WESTERN CAPE DRESSAGE TO CARRY OUT ITS OBJECTIVES

7.1 WESTERN CAPE DRESSAGE shall have all such powers and authorities as shall be necessary or desirable or conducive of achieving any and all of the objects of the organisation. These powers and authorities shall be exercised by the WESTERN CAPE DRESSAGE Council and/or by the President and/or by any duly constituted sub-committee in accordance with and subject to the provisions of this Constitution, the Policies, Rules, the General Regulations and the Act. Without in any way limiting the generality of the aforegoing, the powers and authorities of WESTERN CAPE DRESSAGE CAPE shall include those set out in Clauses 7.2 to 7.13 below.

7.2 To acquire by purchase, exchange, hire, sub-lease, donation or otherwise, any movable and/or immovable property of any kind.

7.3 To sell, let, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property or rights of WESTERN CAPE DRESSAGE

7.4 To enter into contracts of any and all kinds necessary to carry out, give effect to or secure the objects of WESTERN CAPE DRESSAGE.

7.5 To employ, suspend or dismiss and remunerate employees, professional assistants and experts following processes in National Legislation.

7.6 To regulate relations between its Members and WESTERN CAPE DRESSAGE or its members or individual Athletes.

7.7 To invite the patronage of any person or persons as it may consider advisable.

7.8 To insure against losses, damage, risk and liability of all kinds.

7.9 To institute, conduct, defend, compound or abandon any legal proceedings by and against WESTERN CAPE DRESSAGE or its officers or otherwise concerning the affairs of WESTERN CAPE DRESSAGE or the action of its Members, and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against WESTERN CAPE DRESSAGE.

7.10 To promote and assist in raising money whether by subscription or levies which are to be paid to Dressage South Africa annually each year from its Members inclusive of Clubs and or any other associations or organisations which are affiliated directly or indirectly to WESTERN CAPE DRESSAGE by Dressage Athletes who are members of the bodies referred to above.

7.11 To contribute or subscribe to bodies with aims similar to the aims of WESTERN CAPE DRESSAGE, and invest monies upon such security and in such manner as it may from time to time determine.

7.12 To impose fines; to suspend for a period of time; to ban and/or implement any other disciplinary measures on its Members or former Members or on any Dressage Athlete, SHB or Club or association or organisation connected or concerned with Dressage arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by any Council, including those of SAIDS, SASCOC, SAEF, Dressage South Africa and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from its Members or former Members. Without in any way limiting the generality of the aforegoing, WESTERN CAPE DRESSAGE shall have the power to suspend or ban any Dressage Athlete, Member, SHB or Club from participating in any championship or Provincial Event.

7.13 To take any or all such action as may be required or necessary to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to WESTERN CAPE DRESSAGE by its Members, former Members or any other persons or body.

7.14 WESTERN CAPE DRESSAGEshall establish a financial reserve equal to the 25% of the average expenditure of the previous three financial years, and such reserve shall be supplemented and maintained annually as required. Such reserve shall be used only in instances where there is an extraordinary unforeseen and urgent need of funds, but it shall not be accessed if WESTERN CAPE DRESSAGEare of the view that it will cease to be a going concern, whether or, or not, it such a reserve is utilised.

8 MEMBERSHIP AND TERMINATION OF MEMBERSHIP

8.1 Any Association which wishes to become an Associate Member WESTERN CAPE DRESSAGEshall apply in writing to the President of the Council and request to be admitted as an Associate Member and shall furnish a copy of its constitution, and all such information as the WESTERN CAPE DRESSAGE Council may require to decide upon its application.

8.2 No Association shall be admitted to membership of WESTERN CAPE DRESSAGE unless the Council as well as Dressage South Africa are satisfied that the constitution of such an Association substantially complies with the requirements required form time to time to be eligible for consideration as an Associate member.

8.3 The WESTERN CAPE DRESSAGE Council's suggestion to grant or refuse any application for membership shall be referred to the next OGM, SGM or AGM for ratification by the full council.

8.4 A Members shall, if relevant, agree upon and define their geographic areas of Jurisdiction provided that in the event of dispute and failure to reach agreement such areas of jurisdiction shall be defined by WESTERN CAPE DRESSAGE Council, and shall comply mutatis mutandis with the Dressage South Africa and the SAEF constitution.

8.5 Any Member other than an Ordinary Member, which ceases to operate a viable structure as defined in this Constitution may ipso facto be suspended from membership by the WESTERN CAPE DRESSAGE Council who further shall resolve at its next ORG, SGM or AGM, whether the membership of such member should be terminated.

8.6 Any member of any classification may, at any time, tender their resignation from WESTERN CAPE DRESSAGE. Such member must give notice by not later than 30 November of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to WESTERN CAPE DRESSAGE as well as Dressage South Africa and SAEF at the date of their resignation and their resignation will not be in effect until after such outstanding amounts have been paid in full.

9 VOTING RIGHTS

9.1 The voting rights set out in this clause shall apply in respect of any and all meetings of the WESTERN CAPE DRESSAGE Council.

9.2 The President, Vice-President and Financial Officer shall each have 1 (one) vote. However, the President shall have a deliberate as well as a casting vote.

9.3 Ordinary Members shall each have 1 (one) vote.

9.4 The Athletes representative shall have 1 (one) vote.

9.5 Associate Members shall each have 1 (one) vote.

9.6 Only Members whose representatives are personally present at the meeting concerned shall have the right to vote.

9.7 Each, Ordinary Member, Associate Member and the Athletes Representative will be entitled to nominate one representative to attend and to vote at any AGM, SGM or OGM. Such nominations shall be in writing, addressed to the President of WESTERN CAPE DRESSAGE and must be received by the WESTERN CAPE DRESSAGE President, Vice President or Financial Officer not less than 48 (forty-eight) hours prior to the time for the commencement of that meeting.

10 ANNUAL GENERAL MEETING ("AGM")

10.1 An AGM shall be held once in every year provided that not more than two months may elapse between the financial year end of WESTERN CAPE DRESSAGE and the AGM date. Should there be a good reason that requires an extension to the AGM date then such reason must be provided to the Dressage South Africa President and permission must be sought for the extension of such a date which may or may not be granted.

10.2 The WESTERN CAPE DRESSAGE council shall decide the date, time and place on which each AGM shall be held and pass a resolution to that effect.

10.3 Notice of each AGM shall be sent to all the Members of the WESTERN CAPE DRESSAGE council, as well as the Dressage South Africa President not less than 30 (thirty) calendar days prior to the date of the AGM.

10.4 Should the AGM be an electoral AGM, then the timelines and notice distribution should be extended to accommodate the criteria laid down for elections.

10.5 The following persons shall be entitled to attend and speak at the AGM:

10.5.1 All Members of the WESTERN CAPE DRESSAGE council.

10.5.2 Not more than 1 (one) representative of each Ordinary Member, not more than 1 (one) representative of the Athletes Commission, and not more than 1 (one) representative of each of the Associate Members.

10.5.3 The Electoral Officer if it is an electoral AGM.

10.5.4 A representative from Dressage South Africa as appointed by the President of Dressage South Africa.

10.5.5 Any other person who may be invited by the WESTERN CAPE DRESSAGE Council to do so.

10.6 The following persons shall be entitled to attend the AGM but are not entitled to participate in any discussion unless they are elected to the council:

10.6.1 All Nominees that stand for election at that AGM if it is an electoral AGM.

10.7 Not less than 21 (twenty-one) calendar days prior to the date of any AGM, copies of the Agenda for that AGM and the final Annual Financial Statements to be tabled at the AGM, shall be disseminated to all attendees. Furthermore, the WESTERN CAPE DRESSAGEP Presidents report as well as any other reports, minutes and supporting documents to be tabled and considered at the AGM need to be circulated to all attendees at this time. The distribution shall be done by post, and/or by hand, and /or by fax, and/or by electron by post, and/or by hand, and /or by fax, and/or by electronic mail.

10.8 The business to be transacted at an AGM shall be:

10.8.1 To read the notice convening the Meeting;

10.8.2 To table and to ratify the Minutes of the previous AGM, as well as any SGMs that have not been ratified and to consider any matters arising therefrom;

10.8.3 To receive and consider the Annual Report of the President of WESTERN CAPE DRESSAGE for the period since the date of the previous AGM

10.8.4 To adopt with or without modification, any Annual Financial Statements for WESTERN CAPE DRESSAGE and any related party that require such approval from the council. If not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, or rejection by the Council at a SGM, or by the WESTERN CAPE DRESSAGE council as per the direction of the decisions taken at this AGM.

10.8.5 To consider and to adopt with or without modification, or to reject any recommendations of the WESTERN CAPE DRESSAGE Council provided 21 (twenty-one) days written notice of the matter has been given.

10.8.6 To elect the WESTERN CAPE DRESSAGE Council in terms of clause 14 as read with clause 15;

11 SPECIAL GENERAL MEETINGS ("SGM")

11.1 A SGM of Members shall be convened:

11.1.1 By resolution of the WESTERN CAPE DRESSAGE Council, or

11.1.2 Upon the written requisition of not less than 5 (five) Ordinary Members or 50% plus one of Ordinary Members, whichever is the lesser. It must be addressed to the President of WESTERN CAPE DRESSAGEand delivered to him/her in person or by electronic mail, provided that such written requisition shall state the exclusive purpose for which the SGM is to be called and the text of the motion to be put to the meeting.

11.2 Within 14 (fourteen) calendar days after receipt of the resolution or requisition referred to in sub-clause 11.1.2, the President shall send written notification to all Council Members, which notice shall specify the time, date and place of the SGM, which time, date and place shall have been determined by the WESTERN CAPE DRESSAGECouncil provided that the date shall not be less than 21 (twenty-one) calendar days after the date of posting dissemination of the notification, together with written notification of the purpose of and measures to be transacted at the SGM and the text of motions to be put to and considered by the meeting.

11.3 No business other than that stated in the notification, referred to in sub-clause 11.2, shall be transacted at the SGM other than the approval of the minutes of a previous AGM.

11.4 Only the persons referred to in 10.5 and 10.6. as in an AGM, shall be entitled to attend and to speak at any SGM.

12 ORDINARY GENERAL MEETINGS ("OGM")

12.1 An OGM of the WESTERN CAPE DRESSAGEcouncil shall be convened:

12.1.1 By resolution of the WESTERN CAPE DRESSAGE Council or

12.1.2 Jointly by the President, Vice President, Financial Officer and Athletes Representative;

12.1.3 provided a minimum of four such OGM are held in any one financial year.

12.2 Subject to the terms of this Constitution the WESTERN CAPE DRESSAGE Council shall be the highest authority of WESTERN CAPE DRESSAGE and shall determine its policy, decide upon its budget and give directives to all council sub-committees.

12.3 The OGM of the WESTERN CAPE DRESSAGE Council shall be held on such date and at such place as council shall determine unless there are good reasons to the contrary.

12.4 The following persons shall be eligible to attend and speak at meetings of the Council:

12.5 Only the persons referred to in 10.5 and 10.6 as in an AGM, shall be entitled to attend and to speak at any OGM.

12.6 Notice of any OGM of the WESTERN CAPE DRESSAGE Council shall be sent to the Ordinary and Associate Members, and the Athletes Representative not less than 21 (twenty-one) calendar days before the date of such meeting and which notice shall be accompanied by a proposed agenda as recommended by Council.

12.7 The text of any motion which any Member wishes to be put to and considered by any OGM shall be received not less than 15 (fifteen) calendar days prior to the date of such meeting by the President who shall disseminate it by hand, and/or by fax, and/or by electronic mail,, together with the final agenda to all Ordinary Members, Associate Members, and the representative of the Athletes Commission not less than 10 (ten) calendar days prior to such date.

12.8 The business to be transacted at the OGM. shall be:

12.8.1 to read the notice convening the meeting;

12.8.2 to read and confirm, with or without amendments, or to reject the minutes of the previous OGM as the case may be, as well as the minutes of any SGM held in the interim, and to consider any matters arising therefrom;

12.8.3 to consider and to adopt, with or without modification, or to reject, any resolution of which due notice has been given;

12.8.4 to consider and to adopt with or without modification or to reject the budget for the ensuing year which shall have been prepared by the Financial Officer and presented for consideration and recommendation to the council.

12.8.5 to discuss and possibly resolve any other matter which has been set on the agenda;

12.8.6 no resolution which has the effect of creating, amending or repealing a policy, by-law, regulation or standing rule shall be binding unless the notice thereof has been given in terms of 12.7 hereof or such resolution has been ratified at the next OGM.

13 GENERAL PROVISIONS RELATING TO AN AGM, OGM and SGM

13.1 The following provisions shall apply to all AGM's, OGM's and SGM's:

13.1.1 AGM's, OGM's and SGM's shall be conducted in accordance with the terms of this constitution.

13.1.2 The chairperson of any AGM, OGM, or SGM shall be the President or in his or her absence the Vice-President, or in his or her absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote.

13.1.3 Each member of WESTERN CAPE DRESSAGE Council shall have 1 (one) vote and the Chairperson of any general meeting shall have 1 (one) vote, in that capacity, and a second or casting vote only in the event of an equality of votes.

13.1.4 A quorum shall consist of 50% (fifty per centum) plus 1 (one) of the Ordinary Members in good standing.

13.1.5 If a quorum shall not be present at the place of the meeting within 30 (thirty) minutes after the time set for commencement of the meeting, or any Member required to make up such a quorum is not present during the meeting, until the proceedings have been duly declared to have been concluded so by the Chairperson, the meeting shall stand adjourned to a date not earlier than 5 (five) calendar days and not later than 15 (fifteen) calendar days after the date of that meeting, and, at such adjourned meeting the representatives of Ordinary Associate Members, and the Athletes representative present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.

13.1.6 Where a meeting has been adjourned as aforesaid, the President shall, upon a date not later than 3 (three) calendar days after the adjournment disseminate a written notice to each Member stating:

13.1.6.1 the date, time place to which the meeting is adjourned;

13.1.6.2 the matter before the meeting, when it was adjourned;

13.1.6.3 the outstanding items still on the agenda at the time of adjournment;

13.1.6.4 the grounds for the adjournment; which notice shall have been settled by the Chairman of the adjourned meeting.

13.1.7 Voting shall be on a show of hands unless a poll be demanded by representative of not less than 40% (forty per centum) of Members represented and entitled to vote, and in such event, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.

14 WESTERN CAPE DRESSAGE COUNCIL

14.1 The WESTERN CAPE DRESSAGE Council shall consist of the following persons:

14.1.1 The President, who shall also sit as the Provincial Representative on the Dressage South Africa Council;

14.1.2 The Vice-President;

14.1.3 Financial Officer also known as Treasurer;

14.1.4 The Club Representatives also known as the Ordinary Members;

14.1.5 The Athletes Representative;

14.1.6 A minimum of 3 (three) Individuals which will hold any of the following Portfolios but who shall not be entitled to a vote.

14.1.6.1 Secretarial

14.1.6.2 Development and Transformation

14.1.6.3 Technical

14.1.6.4 Judges and Officials

14.1.6.5 Venues, Show Holder and Schedules

14.1.6.6 Team Selection and Awards

14.1.6.7 Liaison, Public relations, Communication, Marketing and Advertising.

14.2 The President and Financial officer/Treasurer may not hold any other office nor any other portfolio.

14.3 The WESTERN CAPE DRESSAGE council shall have the right to appoint, where needed, additional portfolio holders as well as the following committees or sub-committees or distribute the portfolios among the members of Council:

14.3.1 Provincial Selection Committee

14.3.2 Provincial Judges and Officials Committee which shall be chaired by the relevant portfolio holder as defined in 14.1.6.4

14.3.3 A Provincial Judicial Committee

14.3.4 Provincial Show Holding and Provincial Events sub-Committee,

14.4 Any individual who is a serving member of the SAEF or the DSA council, may not simultaneously serve on the WESTERN CAPE DRESSAGE council, other than the President who, by constitutional appointment will serve on the DSA council as a Provincial Representative.

14.5 Members of WESTERN CAPE DRESSAGE Council shall vote on all resolutions by a show of hands.

14.6 Members of WESTERN CAPE DRESSAGE Council shall decide on all matters by a simple majority vote.

14.7 Each Ordinary member of the WESTERN CAPE DRESSAGE Council as well as the President, Vice President and Financial Officer/Treasurer shall have 1 (one) vote, and the President shall have a second or casting vote, in the event of an equality of votes.

14.8 When voting on the appointment of office bearers to serve on the WESTERN CAPE DRESSAGE council at any meeting, the ordinary members together with the Athletes representative will be the only council members who will be permitted to vote. They shall each have 1 (one) vote and in the event of a division, the club representative who has the largest membership of members in good standing will have an additional casting vote.

14.9 The chairperson of any meeting of WESTERN CAPE DRESSAGE Council shall be the President, or in his or her absence the Vice-President, or in his or her absence such other Member of the WESTERN CAPE DRESSAGE Council as shall have been appointed at that meeting by the Members of the Council present and entitled to vote.

14.10 No person may serve for more than 6 (six) consecutive years as President nor may any person serve for more than 6 (six) consecutive years as Vice-President.

14.11 The WESTERN CAPE DRESSAGECouncil shall meet not less than 4 (four) times in any one financial year and all such meetings shall be minuted and made available to all members of WESTERN CAPE DRESSAGE.

14.12 A quorum of Members of the WESTERN CAPE DRESSAGE Council shall consist of not less than 50% (fifty per centum) plus 1 (one) of the Ordinary Members in good standing and if there is not a quorum present at the appointed time and place for any meeting of WESTERN CAPE DRESSAGE Council or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded and declared by the chairperson of that meeting to have been concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of WESTERN CAPE DRESSAGE Council who are present at that meeting provided that such date shall not be more less than 2 (two) and not more than 7 (seven) working days after such meeting; and at such adjourned meeting those members of WESTERN CAPE DRESSAGE Council present and entitled to vote shall constitute a quorum and may transact the business of that meeting.

14.13 The President shall, by such means as is most expedient and by such means as appears most appropriate in the circumstances, inform those members of WESTERN CAPE DRESSAGE Council who were not present at the meeting of the date, time and place to which the meeting has been adjourned.

14.14 Except where otherwise stated herein and subject to the provisions of this constitution, the WESTERN CAPE DRESSAGE Council shall be vested generally with all such powers and authorities as are necessary to promote and attain the objects of WESTERN CAPE DRESSAGE and, without in any way limiting the generality of the foregoing, the WESTERN CAPE DRESSAGE Council shall have all such powers and authorities as are necessary to carry out the duties and functions referred to in clause 7 above.

14.15 The WESTERN CAPE DRESSAGE Council shall control all expenditure of the funds of WESTERN CAPE DRESSAGE and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds WESTERN CAPE DRESSAGE

14.16 In addition to the foregoing, WESTERN CAPE DRESSAGE Council shall:

14.16.1 undertake and perform all such duties and functions as shall be decided by the Council;

14.16.2 consider and, if thought fit, approve and implement any additional policies that subject to the approval of Dressage South Africa will be applicable to the WESTERN CAPE DRESSAGE council and all members of WESTERN CAPE DRESSAGE.

14.16.3 generally undertake and perform all such duties and obligations as are reasonably required to achieve the objects of WESTERN CAPE DRESSAGE.

14.16.4 formulate recommendations and resolutions for the consideration of the Council and to prepare the agenda for Council meetings;

14.16.5 subject to the provisions of the Constitution, make, amend, vary, repeal and enforce rules, by- laws and regulations subject to the approval by Dressage South Africa;

14.16.6 conduct disciplinary proceedings in respect of any infringement of this constitution or the by-laws, rules or regulations or any agreement between any participant and WESTERN CAPE DRESSAGE or the rules of the sport and to impose sanctions whether by way of fines, or suspension or banning/ exclusion from participating in any championships, event or event held or being conducted under the auspices of WESTERN CAPE DRESSAGE or the activities of Dressage South Africa or by way of withdrawing monies for which any person would otherwise be eligible. For the purposes of this Constitution, all Provincial Events and championships of whatsoever nature organised and/or run by Members of WESTERN CAPE DRESSAGE be deemed to be under the auspices of WESTERN CAPE DRESSAGE.

14.16.7 impose and collect levies, subscriptions, dues and imposts;

14.16.8 arrange, control, regulate and promote events, championships and any other forms of competition;

14.16.9 employ any person upon such terms and conditions as shall be decided and, when considered necessary or desirable, terminate the employment of any such person following the processes in National Legislation subject to all reasonable budgetary constraints and based on term contracts with a maximum period of 12 (twelve) months;

14.16.10 decide upon and resolve any dispute between any Members, and/or Club, and/or persons who are members of such clubs;

14.16.11 determine the area/s or jurisdiction of Members and vary or alter such areas from time to time when necessary in conjunction with Dressage South Africa;

14.16.12 co-opt any person to WESTERN CAPE DRESSAGE Council as may be required to achieve the objects of WESTERN CAPE DRESSAGE or fulfil any purpose incidental thereto;

14.16.13 form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of WESTERN CAPE DRESSAGE and, subject to the constitution, by-laws, Rules and Regulations, delegate of its powers to such sub-committees as may be required;

14.16.14 appoint special advisers and consultants, for any purposes, and terminate such appointment/s subject to budgetary constraints;

14.16.15 accept or reject any application for membership subject to ratification by the WESTERN CAPE DRESSAGE Council;

14.16.16 decide upon the criteria for the award of District and Provincial Colours and appoint Provincial Selectors to a Provincial Selection Committee for the selecting of teams to whom District and Provincial Colours may be awarded;

14.16.17 deal with any question or issue arising out of or relating to or incidental to non-racialism as described in the schedule one hereto;

14.16.18 deal with any question or issue arising out of or relating to or incidental to non-sexism or discrimination on any grounds as referred to in this Constitution;

14.16.19 address any question or issue or matter concerning or incidental to development and transformation including budgeting for and expenditure on development and transformation;

14.16.20 decide any question, issue or matter relating to emblems, colours, or anthems for WESTERN CAPE DRESSAGE.

14.16.21 make recommendations on any question or issue relating to the affiliation to or disaffiliation from any or other body;

14.16.22 decide any question or issue relating to the use of WESTERN CAPE DRESSAGE facilities and/or other facilities incidental thereto and/or the standard thereof;

14.16.23 Any member of WESTERN CAPE DRESSAGE Council who, without having first obtained leave of absence from WESTERN CAPE DRESSAGE Council, shall otherwise than in circumstances beyond his or her control, not attend 3 (three) consecutive meetings of WESTERN CAPE DRESSAGE Council, of which meetings due notice has been given, shall be deemed to have resigned from the Council.

14.16.24 No member of WESTERN CAPE DRESSAGE Council shall be entitled to any remuneration, but all members of WESTERN CAPE DRESSAGE Council shall be entitled to be refunded any disbursement incurred by any such member in fulfilling any duties or functions provided such refunds have been pre-approved by the WESTERN CAPE DRESSAGE council and accepted by the Finance Officer / Treasurer prior to any commitment made by the member to incur such an disbursement.

14.16.25 Any Member, of any classification, shall be entitled to have a representative attend and speak, but not vote, at any meeting of WESTERN CAPE DRESSAGE Council; provided such Member shall have submitted written notification to the President of such intention and the full details of any matter such member is desirous of raising at such Meeting, not less than 5 (five) calendar days prior to the date of such meeting.

15 ELECTION OF THE PRESIDENT, VICE-PRESIDENT, FINANCIAL OFFICER AND THE OTHER MEMBERS OF WESTERN CAPE DRESSAGE COUNCIL

15.1 Every member in good standing with a club in the Province of WESTERN CAPE PROVINCE and in good standing with Dressage South Africa may nominate a candidate for any position on the WESTERN CAPE DRESSAGE Committee including the athlete's representative but excluding the ordinary members.

15.2 All nomination forms must be signed by the nominator, seconder and nominee.

15.3 Such nominated person can be nominated for more than one position. Should a person be elected for the highest position nominated for, all other nomination for positions for such person, will fall away.

15.4 Should such a nominated person not be elected for the highest position that they have been nominated for, then the election for such a member continues down the line of nominated positions.

15.5 All nomination forms must be signed off by either the Club Chair, Vice Chair or Secretary in the nomination and seconding signature position. The nominee must also sign the form accepting the nomination.

15.6 Once nominated, a nominee may not withdraw from the elections.

15.7 The Nomination process timelines are as follow:

15.7.1 No less than 60 (Sixty) days before the election date the person tasked by the WESTERN CAPE DRESSAGE council to do so, shall:

15.7.1.1 Send notification to every WESTERN CAPE DRESSAGE member (The club committees are specifically tasked to distribute the nomination forms to all their club members) informing them of the date, time and venue of elective meeting.

15.7.1.2 Advise them who the appointed electoral officer will be and supply their contact details. (This must be a member of the SAEF Provincial Federation EXCO)

15.7.1.3 Call for the nominations for each of the positions to be filled during the elections.

15.7.2 Correctly signed and completed nomination forms must be returned to the appointed electoral officer no later than 30 (Thirty) days after the announcement of the elections and the distribution of the nomination forms.

15.7.3 NO LESS than 25 (Twenty-Five) days before elections the electoral officer shall return all received nominations forms after verification to the President of the WESTERN CAPE DRESSAGE council for distribution amongst its members. (The club committees are specifically tasked to distribute the received nomination forms to all their club members) in order to facilitate a mandate for the Club Representative to vote at the elections.

15.8 Only the Club Representatives, also known as Ordinary Members (who are duly authorised by their club committees to do so) may cast a vote on the election day with the understanding that a quorum of 50% plus one of total clubs shall be present.

15.9 It is to be noted that the outgoing WESTERN CAPE DRESSAGE council members, other than the Club Representatives known as Ordinary Members have no voting rights at elections.

15.10 Majority votes recorded by show of hands or by ballot shall establish the elected person.

15.11 Should there be a division in voting, then the Club Representative who has the largest number of members in good standing, shall have the casting vote.

15.12 If no nominations are received for the election of the President or the Vice-President, or the Financial Officer or all three, then they, shall continue in office, if available, until the next elections of the WESTERN CAPE DRESSAGE.

15.13 Each person who votes shall record a vote for not more and not less than the number of vacancies.

16 ASSOCIATE MEMBERS

16.1 Any association or organisation which wishes to become an Associate Member of WESTERN CAPE DRESSAGE Council shall apply in writing to the President of the WESTERN CAPE DRESSAGE council to be admitted as such and shall furnish a copy of its constitution and all such information as WESTERN CAPE DRESSAGE may require to decide upon its application.

16.2 The WESTERN CAPE DRESSAGE Council may in its discretion admit any such association or organisation as an Associate Member upon such terms and conditions including terms and conditions as to the payment of subscriptions as WESTERN CAPE DRESSAGE Council and Dressage South Africa may consider fit.

16.3 Any application for Associate Membership considered by the WESTERN CAPE DRESSAGE council must be submitted to the Dressage South Africa council for approval before placing it to their own council for consideration.

16.4 Any decision by WESTERN CAPE DRESSAGE Council in respect of an application for Associate Membership shall be referred to the next OGM of the WESTERN CAPE DRESSAGE Council as well as the Executive Council of Dressage South Africa for ratification and shall not be binding until so ratified.

17 LIMITATION OF LIABILITY OF MEMBERS INDEMNITY

17.1 The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to WESTERN CAPE DRESSAGE, by way of subscription or otherwise howsoever.

17.2 All elected office bearers of the WESTERN CAPE DRESSAGE Council, all officials, servants, agents and persons acting on behalf of WESTERN CAPE DRESSAGE , in terms of this Constitution and under delegated powers from the WESTERN CAPE DRESSAGE Council so given by resolution of an AGM, SGM or OGM, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of WESTERN CAPE DRESSAGE , from whatever cause arising, provided such person/s acted in good faith.

18 ALTERATION OR VARIATION OF THIS CONSTITUTION

18.1 This Constitution may be altered or varied, at any time, by the Members at a SGM, upon a majority vote of not less than 66% (sixty-six per centum) of the total votes of the members, whose representatives are present and entitled to vote at that time provided not less than 21 (twenty-one) calendar days written notification of such Meeting, together with a copy of a proposed resolution/s.

19 NOTIFICATION

19.1 For the purposes of this Constitution, all notifications by WESTERN CAPE DRESSAGE to any person or any Member, shall, unless delivered by hand and/or by fax, and/or by electronic mail be effective from the date of dissemination and if by post, seven days after the date of posting, to the last known postal address of such Member/s, by any official of WESTERN CAPE DRESSAGE.

19.2 All notifications to WESTERN CAPE DRESSAGE by any person (natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the President of WESTERN CAPE DRESSAGE. In no respects shall any postal authority be, or be deemed to be, the agent of WESTERN CAPE DRESSAGE.

20 INTERPRETATION OF THIS CONSTITUTION

20.1 Any disputes arising out of or in connection with the enforceability of this Constitution or the application and interpretation of the provisions thereof or any dispute between WESTERN CAPE DRESSAGE and another national sports federation, or between a member of the WESTERN CAPE DRESSAGE Council and a Member or individual shall be referred to the WESTERN CAPE DRESSAGEJudicial Committee for a ruling which will be binding. Should there be a need for an appeal to such a ruling, then the Judicial Committee may refer such an appeal to Dressage South Africa for a final and binding ruling.

21 JUDICIAL COMMITTEE

21.1 The WESTERN CAPE DRESSAGE shall appoint the members of the Provincial Judicial Committee and the powers of this body shall include but not be limited by the following:

21.2 To assist WESTERN CAPE DRESSAGE with legal advice;

21.3 to handle appeal, ethics and disciplinary matters;

21.4 To Chair disciplinary hearings when requested, and adjudicate, mediate and arbitrate upon legal and disciplinary matters.

21.5 The WESTERN CAPE DRESSAGE Provincial Judicial Committee shall compromise of three members of which at least one must have a legal background.

21.6 Every member of the WESTERN CAPE DRESSAGE Provincial Judicial Committee shall have one vote each at their meetings and hearings and for the purposes of their meetings, they will elect a Chairperson from within their ranks.

21.7 Subject to the provisions of this constitution, the registration of any dispute must be accompanied by a declaration signed by both parties which details the steps taken in good faith to resolve such a dispute and should at least incorporate the details of an attempt at a mediation process.

21.8 Any party that declares a dispute or intends to declare a dispute, is not entitled to approach any higher office or superior organisation other than in the case of an appeal against a ruling on such a dispute and further, should there be evidence that party that declares a dispute or intends to declare a dispute has in fact approached a higher office or a superior organisation, then the judicial body shall have the right to consider:

21.9 Disallowing any appeal on the basis that such an appeal would not be truly independent and would be pre-empting any appeal decision.

21.10 Implement disciplinary action based on a breach of organisational communication protocol.

21.11 Advise the party to desist from breaching the organisational communication protocol.

21.12 Should a dispute arise between a member of WESTERN CAPE DRESSAGE with a superior body or with an office bearer of a superior body, then the WESTERN CAPE DRESSAGE judicial council will first review the merits of the dispute and should they in their best judgement rule that the dispute should be elevated to a higher body, then a certificate to this effect would need to be drafted and submitted to the WESTERN CAPE DRESSAGE council in order for the council to resolve that the matter may be elevated to the President of Dressage South Africa for further action.

21.13 All disputes will be resolution through mediation or expedited arbitration. In the event of arbitration in terms of the aforegoing, such resolution shall be final and binding on the parties to the dispute.

This Constitution tabled and was adopted by the passing of a resolution to this effect, by no less than 66% (sixty-six per centum) of the voting members present at the at the SGM.

Held at STELLENBOSCH DISTRICT RIDING CLUB on the 28TH OF JULY 2018

E. Hopkins. 28/7/2018 Stellenbosch.

President Date Place

28/7/2018 Stellenbosch

~~Financial Officer~~ DSA Representative duly authorised Janeese Silen Date Place