

The logo features a black bowl with a white center and a green and red ring. To the right of the bowl are three protea flowers in shades of red, orange, and yellow. The words "SOUTH AFRICA" are written in a black, sans-serif font, arching over the top of the bowl.

SOUTH AFRICA

# **Constitution of the Bowls Federation of South Africa**

**(Hereinafter referred to as BOWLS SA)**

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## **CHAPTER 1 – INTERPRETATION**

### **1 CONSTITUTION OF BOWLS SA**

- 1.1 This is the Constitution of the body known as "The Bowls Federation of South Africa" (hereinafter referred to as "**BOWLS SA**").
- 1.2 BOWLS SA is a voluntary association having a corporate identity separate from that of its Members with legal personality and is entitled to own property, whether movable or immovable or otherwise, and is entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its Members and shall have perpetual succession.
- 1.3 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** (1996), the rule of law and good corporate governance.

### **2 DEFINITIONS AND ABBREVIATIONS**

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**" means the National Sport and Recreation Act, 1998 (Act No 110 of 1998 as amended).
- 2.2 "**Affiliated Member**" means the Provincial Affiliate but excludes an Associate Member.
- 2.3 "**AGM.**" means the Annual General Meeting of Council Members held in accordance with the provisions of this Constitution.
- 2.4 "**Annual Financial Statements**" means the annual audited balance sheet, income and expenditure statement, Financial Administrator's and Auditor's report, collectively.
- 2.5 "**Appeal Board**" means an appeal body appointed by the Exco in writing, subject to the ratification of the National Council in terms of this Constitution.
- 2.6 "**Associate Members**" means:
  - a. all those associations or organisations having the same or similar objects to BOWLS SA (e.g. the South African Defence Force, Correctional Services, etc.); and
  - b. having their domicile within the area of jurisdiction of BOWLS SA, which bodies have made application and have been accepted as Associate Members of BOWLS SA by the latter in writing in terms of the provisions of this Constitution, but that do not have any voting right.
- 2.7 "**Bowls**" means the game or sport of bowls, whether played indoors or outdoors, participated individually, in the presence of an opponent or any other manner whatsoever and includes the disciplines referred to in this Constitution as well as those defined by any IF.
- 2.8 "**CEO**" means a person elected by the National Council for the purpose of acting as the head of BOWLS SA and his / her function shall be the financial well-being, marketing, image promoting and attending to the administrative functions of BOWLS SA, "**provided**" that if the Exco already has measures in place that manage, control and fulfil the role and functions of a "CEO" sufficiently and effectively, it would not be requirement for BOWLS SA to appoint such a "CEO".
- 2.9 "**Club**" means any BOWLS SA club which:
  - a. caters for any bowls in a local district or area.
  - b. is a member of a District Bowls Association or whose interests are represented by such District Bowls Association, if applicable.
  - c. must have the use of a bowling green as defined in the Laws in the Sport of Bowls.
- 2.10 "**Coach**" shall for the purposes of this Constitution have the same meaning as "trainer" or "instructor".
- 2.11 "**Committee**" means a committee established in terms of clause 28.1.

- 2.12 **“Compliance”** means that any Council Member, District Bowls Association, Club or individual has fulfilled the necessary provisions of this Constitution in regard to specific requirements as contained herein, and as such is regarded as being in good standing with BOWLS SA.
- 2.13 **“Constitution”** means this Constitution.
- 2.14 **“Council Member”** means a Provincial Bowls Association.
- 2.15 **“Day”** means a calendar day whereas, **“working day”**, means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.16 **“Disciplinary Committee”** means a body responsible for disciplinary proceedings appointed by the Exco in writing and subject to the ratification of the National Council in terms of this Constitution.
- 2.17 **“District Association Council”** means the membership of a District Bowls Association in general meetings.
- 2.18 **“District Bowls Association”** means a body established to attend to the development and administration of such an Association within a demarcated region within a Province.
- 2.19 **“District Members”** are those 20 (Twenty) members as set out in Schedule “B” to this Constitution and herein after referred to as a District Bowls Association. Such body may consist of one or more Regional Bowls Association as set out in **Schedule “B”** within such District associated with each other for the purpose of development and administration of Bowls in that Province, including the specific purpose of liaison and communication with the sporting codes of that Province, and provincial Department of Sport and Recreation in that Province.
- 2.20 **“Ethics Committee”** means a body with responsibilities as contained herein, appointed by the Exco in writing and subject to the ratification of the National Council in terms of this Constitution.
- 2.21 **“Event”** means an event held in the Republic of South Africa under the auspices of BOWLS SA or a relevant international body to which the BOWLS SA is affiliated;
- 2.22 **“Event organizer”** means a person or entity, duly authorised to manage an event on behalf of BOWLS SA either directly or indirectly through its members; inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- 2.23 **“Exco”** means the Executive Board of BOWLS SA, as constituted in terms of this Constitution.
- 2.24 **“Head Coach”** means a person appointed as such by elected members of the Exco in writing;
- 2.25 **“Headquarters”** means the Headquarters of BOWLS SA which shall be at the place decided upon by the Exco in writing from time to time.
- 2.26 **“Honorary Life Members”** means all those persons bestowed with this honour by the National Council.
- 2.27 **“IF”** means the International Federation/s to which BOWLS SA is affiliated.
- 2.28 **“Levies”** means the monies levied and due to Bowls SA, by virtue of a person’s membership to BOWLS SA, as approved in writing and agreed to at each AGM of BOWLS SA.
- 2.29 **“Management Committee”** means the committee referred to in clause 27.1 and **“Mancom”** shall have the same meaning **“provided”** that, in case where the Exco fulfils the role and function of the Mancom, the Exco shall be regarded as the Management Committee.
- 2.30 **“Month”** means a calendar month.
- 2.31 **“National Convention”** means the meetings of all Council Members, Commissions and Committees at the same venue and dates to coincide with an Ordinary or Annual General Meeting of the membership of BOWLS SA, **“provided”** that, if workshops which immediately precede the AGM of BOWLS SA are hosted with all Members, such workshops shall serve and be regarded as a “National Convention” in terms of this Constitution.
- 2.32 **“National Council”** means the membership of BOWLS SA in general meetings.
- 2.33 **“National Sport Federation”** means the national governing body of a sport in membership of SASCOC and recognised as such by Sport and Recreation South Africa in writing in terms of the Act.

- 2.34 **“NDC”** means the National District Championships: Provided that the term NDC shall be preceded by Veterans, Open and Juniors respectively.
- 2.35 **“OGM.”** means an Ordinary meeting of Council Members other than an AGM or Special General Meeting convened for a special purpose in terms of this Constitution.
- 2.36 **“Operations Manager”** means a person either elected as such by the National Council or employed by the Exco in writing.
- 2.37 **“Person”** means a natural or legal person.
- 2.38 **“Player”** means any individual who is affiliated and registered with BOWLS SA.
- 2.39 **“Players/Participant representative”** shall mean a person appointed by the Exco in writing representing players/participants competing in bowls under the auspices of BOWLS SA irrespective of the gender and age category, who is in good standing with BOWLS SA.
- 2.40 **“President”** means the President of BOWLS SA, duly elected in terms of this Constitution.
- 2.41 **“Province”** means one of the 9 (Nine) geographical areas as defined in section 103 of the Constitution of the Republic of South Africa, 1996 (as amended).
- 2.42 **“Registered individuals”** mean the players, technical officials, coaches, managers, administrators and friends or workers registered with BOWLS SA as provided for in clause 10.
- 2.43 **“Rules”** means the rules, regulations, procedures, *modus operandi* and any by-laws in force from time to time, in accordance with which the affairs of BOWLS SA must be conducted.
- 2.44 **“SAIDS”** means the South African Institute for Drug-Free Sport.
- 2.45 **“SASCOC”** means the South African Sports Confederation and Olympic Committee duly recognized and approved by Sport and Recreation Republic of South Africa, as the macro governing body of sport in the Republic of South Africa.
- 2.46 **“Schools”** means Schools Sport in the Republic of South Africa.
- 2.47 **“SGM”** means a Special General Meeting of Council Members of BOWLS SA other than an Ordinary or Annual General Meeting convened for a special purpose in terms of this Constitution.
- 2.48 **“Special levy”** is a levy imposed on members, players, participants as may be decided by the Exco in writing and which is imposed for a specific purpose at which time such payment becomes due and payable to Bowls SA.
- 2.49 **“Sport and Recreation Republic of South Africa”**, means the National Department of Sport and Recreation in the Republic of South Africa.
- 2.50 **“The Bowls Federation of South Africa”** and referred to as BOWLS SA, means the body constituted in terms of this Constitution and recognised by SASCOC as the organisation responsible for the sport of Bowls, in the Republic of South Africa.
- 2.51 **“Treasurer”** means the person elected by the National Council or employed by the National Executive in terms of the provisions of this Constitution: Provided that a finance administrator who has been duly appointed by the Exco in writing shall have the same meaning as the “Treasurer”.
- 2.52 **“Vice-President”** means a Vice-President of BOWLS SA, duly elected in terms of this Constitution.
- 2.53 **“WADA”** means the World Anti-Doping Agency.
- 2.54 **“Year”** means a calendar year.

### 3 INTERPRETATION

- 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.
- 3.3 Any words importing one gender include the other.
- 3.4 Should any clause in this Constitution be found to be inconsistent with the purpose of this Constitution read with the Constitution of SASCOC and the Constitution of the Republic of South Africa, such clause shall be interpreted as *pro non scripto* and the remainder of this Constitution shall remain valid and enforceable.
- 3.5 Where the Exco deviates from the time in which to fulfil an obligation, relating to an enactment within a specified time, such deviation may be ratified by the National Council at the Annual General Meeting or such alternative meeting as may be deemed appropriate by the Exco and no enactment shall be invalid or *ultra vires*, solely by virtue of such enactment being made outside of the specified time.
- 3.6 Unless the context indicates otherwise, all reference to the word member shall be deemed to be reference to all categories of membership namely Council, District and Associate as a collective unit.
- 3.7 Where enactment was made in accordance with the previous Bowls SA Constitution: resulting in an impediment of the constitution, such impediment shall not be deemed contrary to this constitution until such time and obligation of the enactment has been fulfilled in terms of the previous Bowls SA Constitution and such automatically be condoned when interpreting this Constitution.

## **CHAPTER 2 – BOWLS SA AS AN ORGANISATION**

### **4 DOMICILE**

The domicile and seat of management of BOWLS SA shall be deemed to be situated in the area as determined by the Exco in writing, with the *domicilium citandi et executandi*, being the registered address of the head office of BOWLS SA as published on its website, “**provided**” that, it shall always be at a place within the boundaries of the Republic of South Africa.

### **5 AREA OF JURISDICTION OF BOWLS SA**

- 5.1 The geographical area of jurisdiction of BOWLS SA shall be the Republic of South Africa, “**provided**” that, BOWLS SA shall also have jurisdiction over any player/participant who participates in the sport of bowls outside of the Republic of South Africa, subject to him or her representing the Republic of South Africa and / or any selected team or group which may fall within the jurisdiction of BOWLS SA.
- 5.2 Players/participants who participate in any bowls event, outside of the boundaries of the Republic of South Africa, shall adhere to, comply with, and be bound by the provisions of this Constitution, any by-laws and Code of Conduct.

### **6 MAIN BUSINESS**

The main business of BOWLS SA is to act as the national controlling body of The Bowls Federation in the Republic of South Africa.

- 6.1 BOWLS SA shall seek and hold membership of the IF as a recognised national federation and the only controlling body for Bowls in the Republic of South Africa and shall control and enforce the playing rules of the IF for Bowls in the Republic of South Africa.
- 6.2 No Member shall establish or maintain contact with the IF or any other International Federation body without the prior knowledge and approval of BOWLS SA in writing.
- 6.3 BOWLS SA shall seek and maintain membership of SASCOC and any other relevant bodies established by Government.
- 6.4 BOWLS SA may affiliate with any other body or sporting code with compatible aims with a view to enhancing the interests and status of BOWLS SA within the Republic South Africa.

### **7 ORGANISATIONAL STRUCTURE OF BOWLS SA**

- 7.1 BOWLS SA is the national controlling body of bowls in the Republic of South Africa governed by its National Council in accordance with the provisions of this Constitution.
- 7.2 The Council Members of BOWLS SA (save for the Players/participants representative and Associate Members who do not have any voting rights) are the Provincial Bowl Associations situated in the 9 (Nine) designated geographical provinces.
- 7.3 Each of the member Provincial Bowls Associations may consist of one or more District Bowls Associations within its geographical area as its members. Such District Bowls Associations shall be referred to as ‘District Members’.
- 7.4 Each of the District Bowls Associations shall consist of Bowling Clubs within its geographical area as its members, each governed by its Management Committee.
- 7.5 BOWLS SA players/participants shall have freedom of association to belong to any Bowling Club of their choice.



## 8 OBJECTIVES OF BOWLS SA

The objectives of BOWLS SA are:

- 8.1 To operate and function as the autonomous controlling and administrative body of the sport of bowls within the area of its jurisdiction.
- 8.2 To direct, develop, and administer the sport of bowls within the area of its jurisdiction in accordance with the principles of good corporate governance and sound financial management.
- 8.3 To actively market, and promote bowls as a sport and a recreational activity in the Republic of South Africa.
- 8.4 To foster a spirit of healthy competition, sportsmanship and fair play among players of all races, genders and ages.
- 8.5 To uphold and enforce the rules of BOWLS SA as prescribed by the IF from time to time and to encourage and promote the highest standard of sporting behaviour in connection with the playing/participating of the sport of bowls.
- 8.6 To assist at all levels with the organisation and administration of the sport of bowls.
- 8.7 To organise or facilitate championships at national and inter-district levels for Veterans, Open, Junior and Physically Challenged players of all genders.
- 8.8 To facilitate the involvement of South African players and teams in international tournaments and championships and to promote the achievement of IF titles.
- 8.9 To develop the Republic of South Africa as the foremost bowls playing nation in Africa.
- 8.10 To create, build and maintain communities of bowls players/participants in the form of BOWLS SA's Clubs, District, and Provincial Bowls Association's and to encourage the active involvement of volunteers in the administration and management of the sport.
- 8.11 To increase the number of individuals registered within the sport, particularly among schools and previously disadvantaged communities.
- 8.12 To actively develop the sport and build human capacity in accordance with the Long Term Participant Development (LTPD) plan adopted by BOWLS SA.
- 8.13 To encourage the qualification of individuals as technical officials, greenkeepers, coaches and event organisers.
- 8.14 To encourage the appointment of coaches at all levels within the private and public spheres in the Republic of South Africa.
- 8.15 To further BOWLS SA's sport education in the Republic of South Africa and, where possible and subject to the availability of funds, make funds available for the sport's literature and studies.
- 8.16 To represent, promote and advance the interests of its Members.
- 8.17 To uphold and enforce any Code of Conduct pertaining to the sport as approved by the IF and/or any other Code of Conduct decided upon in relation to bowls.
- 8.18 To decide disciplinary matters and grievances and to resolve disputes between anyone involved in the sport of bowls in the Republic of South Africa.
- 8.19 To participate in the management activities of the IF and the African Confederation and to ensure that BOWLS SA is represented at these levels.
- 8.20 To:
  - 8.20.1 annually re-apply to be a Member of SASCOC and to abide by its Constitution, Rules and Regulations
  - 8.20.2 as required affiliate to the IF and/or any other national or international sports body as the National Council, upon the written recommendation of the Exco, may decide in writing
  - 8.20.3 co-operate with SASCOC, in particular as regards the participation of the sport's players participants in all Multi-Code Games and events.

- 8.21 To select representative players at all levels for participation in any tournaments whether local or international and in accordance with the memorandum and articles of association of SASCO.
- 8.22 To award local and international colours in terms of the criteria laid down in the Rules and Regulations of SASCO.
- 8.23 To advance the objectives of BOWLS SA and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by the Exco in writing, whether within or beyond the area of jurisdiction of BOWLS SA and irrespective of whether or not such other Associations or Organisations are connected with the sport of bowls.
- 8.24 To recognise, accept and enforce the jurisdiction, rules and regulations of SAIDS, as well as the code of WADA, relating to anti-doping and the promotion of drug-free sport.
- 8.25 To perform its functions in a non-discriminatory and democratic way, striving at all times to provide equal rights and fair opportunities to all BOWLS SA's players/participants, administrators, managers, technical officials, coaches and event organisers throughout the Republic of South Africa.
- 8.26 To ensure that the encouragement, promotion, development and administration of the sport of bowls, whether at national, provincial, district or local level, is carried out in accordance with the principles of non-racism, non-sexism, 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 **First Schedule of the Rules and Regulations of BOWLS SA**.
- 8.27 To enforce the provisions of this Constitution as well as any by-laws, regulations, Rules / Laws of Bowls, Code of Conduct or any other regulatory instrument, through the appointed Disciplinary, Appeal and Ethics Committees.
- 8.28 Accept or refuse application or affiliation from any association or body, which controls any form of bowls, on such terms and conditions as may be considered as appropriate.

## 9 POWERS OF BOWLS SA TO CARRY OUT ITS OBJECTIVES

- 9.1 Except where otherwise stated herein and subject to the provisions of this Constitution, the Exco shall be vested generally with all such powers and authorities as are necessary to perform its functions as stated herein and to promote and attain the objects of BOWLS SA and, without in any way limiting the generality of the foregoing, the Exco shall have all such powers and authorities specifically mentioned hereunder.
- 9.2 These powers and authorities shall be exercised by the National Council and/or the Exco in accordance with and subject to the provisions of this Constitution and the Act.
- 9.3 Any of these powers and authorities may be delegated to an Exco member or committee, whether a sub-committee of the Exco or a standing committee in terms of this Constitution, for a specific purpose.
- 9.4 Without in any way limiting the generality of the foregoing, the powers and authorities of BOWLS SA shall include those set out hereinafter, including:
  - 9.4.1 To acquire by purchase, exchange, lease, sub-lease, donation or otherwise movable and/or immovable property of any kind;
  - 9.4.2 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 the sport;
  - 9.4.3 To enter into lawful contracts of any and all kinds necessary to carry out, give effect to, or secure the objects of the sport;
  - 9.4.4 From time to time, in accordance with sound business and financial principles to, invest the funds of BOWLS SA in such property, assets or other security as may be deemed advisable;
  - 9.4.5 To employ, suspend or dismiss and remunerate employees, professional assistants and experts;

- 9.4.6 Subject to the availability of funds, to arrange any allowances, gratuities and bonuses to employees or ex-employees of BOWLS SA, or the dependants of such persons;
- 9.4.7 To support, subscribe or make donations to any charities or other institutions, clubs, societies and funds;
- 9.4.8 To pay all or any expenses incurred in connection with the promotion and functioning of BOWLS SA;
- 9.4.9 To invite the patronage of any person or persons as it may consider advisable;
- 9.4.10 To insure against losses, damage, risk and liability of all kinds;
- 9.4.11 To draw, make, accept, endorse, execute, negotiate and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments and to make electronic fund transfers with the proviso that no cheque or promissory note drawn on behalf of BOWLS SA shall be valid unless signed in accordance with the mandate as provided by the Exco. The same restriction applies *mutatis mutandis* to electronic / Internet payments;
- 9.4.12 To promote and hold an interest in any trust, company or concern, for the purpose of acquiring all or any of the property and/or undertaking any of the liabilities of BOWLS SA;
- 9.4.13 To institute, conduct, defend, compound or abandon any legal proceedings by and against BOWLS SA, its officers, the Exco or otherwise, concerning the affairs of BOWLS SA, or the action of its Members, including the employment of attorneys and/or advocates and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against BOWLS SA;
- 9.4.14 To finance litigation and other legal costs, either in the name of BOWLS SA or by way of the imposition of a special levy on its Members;
- 9.4.15 To lawfully raise money to fund its ordinary operations, whether by subscription or levies, which are to be paid to BOWLS SA by the 1<sup>st</sup> day of February each year, based on the number of registered *bona fida* members registered on the 31<sup>st</sup> December. Such levies to be collected from its Members inclusive of clubs, and/or any other associations or organisations which are affiliated directly or indirectly to BOWLS SA on behalf of BOWLS SA's players/participants, who are members of the bodies referred to above, as well as to obtain lawful funding from any other source, and to recover by legal process monies due by any of the above;
- 9.4.16 To solicit and accept donations, sponsorships, bequests, grants and contributions for the benefit of BOWLS SA from within as well as outside the borders of the Republic of South Africa;
- 9.4.17 To contribute or subscribe to bodies with aims similar to the aims of BOWLS SA;
- 9.4.18 To borrow or raise money and guarantee or otherwise secure the repayment thereof, including by means of a pledge or lien of its assets, and to invest monies upon security, both in such manner and upon such terms as it may think fit;
- 9.4.19 To make and pass rules, regulations, modus operandi and by-laws and to add to, repeal or alter such rules, regulations and by-laws, with or without penalties, for the carrying out, administration and implementation of this Constitution and the attainment of the objects of BOWLS SA;
- 9.4.20 To take such action as may be required to enforce, fully, sufficiently and effectively, all obligations of whatsoever nature and howsoever arising which may be owed to BOWLS SA by its Members, former Members or any other persons or body;
- 9.4.21 To associate with any State authority or any other foundation, institution, society, trust, entity or person having the same or similar objects to those of BOWLS SA and to enter into any arrangements that may be conducive to the objects of BOWLS SA;

9.4.22 To, notwithstanding anything herein contained, record that:

9.4.22.1 BOWLS SA's income and property are not distributable to its Members or office bearers except as reasonable compensation for services rendered or upon dissolution in terms of this Constitution;

9.4.22.2 Members or office bearers have no rights in the property or other assets of BOWLS SA solely by virtue of their being members or office bearers;

9.4.22.3 BOWLS SA is a non-profit and public benefit organisation and shall not carry on any business, undertaking or trading activity, save to the extent permitted in terms of section 30 the Income Tax Act, 1962 as amended, as provided for more fully in terms of **Part One Schedule Three of the Rules and Regulations of BOWLS SA**;

9.4.22.4 BOWLS SA shall not have any authority to contract or bind itself, on behalf of any Member or individual;

9.4.22.5 BOWLS SA shall not be liable for any debts or other liabilities, whether of a contractual or delictual basis, incurred by any Member or individual;

9.4.22.6 BOWLS SA's financial transactions shall be conducted by means of a banking account or banking accounts opened and maintained by the Financial Administrator at the direction of the Exco in writing and subject to audit by the appointed auditor(s) from time to time.

9.5 The Exco shall control all expenditure of the funds of BOWLS SA and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of BOWLS SA.

9.6 The Exco shall be entitled to make any and all by-laws or regulations necessary to promote the aims and objects of BOWLS SA and such by-laws and/or regulations shall be binding upon Members: Provided that such regulations shall be ratified at the next General Meeting of the National Council.

9.7 In addition to the foregoing, the Exco shall:

9.7.1 undertake and perform all such duties and functions as shall be decided by the National Council in writing;

9.7.2 formulate written recommendations and resolutions for the consideration of the National Council and prepare the agenda for National Council meetings;

9.7.3 refer matters to the Judicial Bodies (e.g. the Disciplinary Committee, Appeal Committee, etc.) for investigation and arrange the convening of a disciplinary committee to conduct disciplinary proceedings in respect of:

9.7.3.1 any infringement of this Constitution or the by-laws, rules or regulations, including the Code of Conduct of BOWLS SA in force from time to time;

9.7.3.2 the breach of any agreement between BOWLS SA and another contracting party falling under the jurisdiction of BOWLS SA;

9.7.3.3 the violation of the Rules of the Game of bowls;

9.7.3.4 the enforcement of any sanctions imposed by the Disciplinary Committee.

[For the purposes of this Constitution, all events and championships of whatsoever nature organised and/or run by Members on behalf of BOWLS SA shall be deemed to be under the auspices of BOWLS SA.]

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

9.7.5 subject to the provisions of this Constitution, determine the areas or jurisdiction of Members and Bodies and vary or alter such areas from time to time when necessary, "**provided**" that, no variation of the SASCOC National framework may be affected;

9.7.6 co-opt any person to the Exco as may be required to achieve the objects of BOWLS SA or fulfil any purpose incidental thereto;

- 9.7.7 form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of BOWLS SA and, subject to this Constitution, by-laws, rules and regulations, delegate such of its powers to such sub-committees in writing as may be required;
  - 9.7.8 appoint special advisers and consultants, for any purposes, and terminate such appointment/s;
  - 9.7.9 consider and make recommendations in writing to the National Council in regard to any application for membership of BOWLS SA;
  - 9.7.10 decide upon the criteria for the award of National Colours and appoint National Selectors in writing for the selecting of teams to whom Colours may be awarded;
  - 9.7.11 ensure that full and proper books of accounts are kept in accordance with sound accounting principles;
  - 9.7.12 ensure that the said books of account and all records of BOWLS SA's finances and assets are duly audited each year as soon as is practicable after the financial year end of BOWLS SA which shall be 31 March of each year and ensure that annual financial statements are prepared for approval at the A.G.M.;
  - 9.7.13 deal with any question or issue arising out of, relating to or incidental to, non-racism or racism, as described in **Part One of Schedule One of the Rules and Regulations of BOWLS SA**;
  - 9.7.14 deal with any question or issue arising out of, relating to or incidental to non-sexism or discrimination on any grounds as referred to in this Constitution;
  - 9.7.15 address any question or issue or matter concerning or incidental to development including budgeting for and expenditure on development;
  - 9.7.16 decide any question, issue or matter relating to emblems, colours, or anthems for BOWLS SA;
  - 9.7.17 decide any question or issue relating to the use of BOWLS SA's facilities and/or other facilities incidental thereto and/or the standard thereof;
  - 9.7.18 The Exco's jurisdiction shall not be limited to dealing with such matters as are referred to it but shall include the power and capacity to be pro-active and initiate; through its appointed bodies; such enquiries and/or take such steps as it may be deemed fit.
- 9.8 It is recognised that it is desirable for all member Provincial Bowls Associations to negotiate and achieve unified Provincial Bowls Association's with District sub-structures. Notwithstanding this, the Exco shall have the right and power to be pro-active and to take such steps as it may, to facilitate unity as the Exco may deem fit, to ensure that any difficulties or problems in the way of unity in any District shall be overcome.
- 9.9 The Exco shall appoint in writing the National Selectors for both the Men and the Women's National teams.
- 9.10 Provincial Bowls Associations, District Bowls Associations through their Provincial Bowls Association, and the players/participants' representative may submit nominations for the Men's and Women's Selection Committees, no later than 7 (Seven) days after the Annual General Meeting; which nomination must include a *curriculum vitae* of the nominee as well as the nominees written confirmation of their availability for the Selection Committee, "**provided**" that, such nominees are not automatically appointed. It is recorded that as a function of the Exco, it must elect the most suitable persons to serve on the Selection Committees and therefore may request any other person to submit a *curriculum vitae* for consideration by the Exco, after which the Exco shall make the appointment in writing.

## **CHAPTER 3 – MEMBERSHIP OF BOWLS SA**

### **10 CLASSIFICATION OF MEMBERSHIP**

10.1 BOWLS SA consists of three categories of members, namely:

10.1.1 **Provincial Bowls Associations** shall be those members as defined by the 9 (Nine) geographical areas in terms of Schedules "A" and "B" attached hereto, made up of their District structures as set out in this Constitution, and, as such, they shall be obliged to promote, develop and participate in the sport of bowls under the guidance and control of BOWLS SA, and in association with their Districts, to ensure the development of BOWLS SA's administrators, players/participants and technical personnel through constructive coaching and capacity building; Hereinafter referred to as Council Members

10.1.2 **District Bowls Associations** shall be those members as defined under Schedule "B" as attached hereto. Such body may consist of one or more Regional Bowls Association within such District and as such they shall be obliged to promote, develop and participate in the sport of bowls under the guidance and control of BOWLS SA, as well to ensure the development of BOWLS SA's administrators, players/participants and technical personnel through constructive coaching and capacity building in conjunction with their Provincial Bowls Association; Hereinafter referred to as District Members.

10.1.3 **Associate Member(s)** shall comprise those sport bodies of BOWLS SA who:

- a. have made application and been accepted as Associate Members of BOWLS SA in writing;
- b. are recognised as bodies specifically catering for their respective membership within a confined organisation and/or area (which shall be at least provincially based), such as the South African Defence Force, Police Service, Tertiary Institutions and any other body duly accepted, "**provided**" that, these sport bodies shall not have any voting rights.

10.2 The right of each Member to have one or more representative teams participate in the various events and championships which are held or staged under the auspices of BOWLS SA shall be determined by the Exco, which may vary such rights from time to time.

10.3 In matters of mutual interest, BOWLS SA and any of its Members may, if the need arises, enter into a written agreement covering specific issues for the benefit of the sport and its participants.

10.4 The National Council shall fix the subscriptions and levies payable by any of the Members of BOWLS SA and registered individuals from time to time, including any special levy.

### **11 PROVINCIAL BOWLS ASSOCIATIONS**

11.1 The current Provincial Bowls Associations (also known as Council Members) shall be the 9 (Nine) Provincial bodies listed in **Schedule "A"**.

11.2 The jurisdictions of Provincial Bowls Associations shall be limited by the boundaries of the Provinces they presently represent but shall, within a period of 2 (Two) years from adoption of this Constitution, be fully aligned within the geographical Districts within the Provinces, reflected in **Schedule "B"**.

11.3 Within a period of 2 (Two) years from adoption of this Constitution, there shall be a separate District Bowls Association with its own District Council established in each of the Districts listed in Schedule "B". Such District Bowls Association may consist of one or more of the Regions as listed in Schedule "B" provided that such combined Districts are aligned within the geographical boundaries of such Province. Districts as listed in Schedule "B" may change from time to time in terms of an Act of Parliament at which time the relevance within the defined Provincial Bowls Association will be re-evaluated and where necessary amended.

11.3.1 Subject to the approval of Bowls SA, and that of both Districts, a club residing within the boundaries of a geographical District, may apply for membership in an alternative District.

- 11.4 The constitution of every Provincial Bowls Association shall substantially comply with the requirements contained in **Part One Schedule Two of the Rules and Regulations of BOWLS SA** and be otherwise acceptable to the Exco.
- 11.5 Every Provincial Bowls Association shall annually submit in writing to the Operations Manager no less than 90 (Ninety) days before the BOWLS SA's AGM:
  - 11.5.1 Proof of the democratic election of its own office bearers and the office bearers of the District Bowls Associations falling within its area of jurisdiction;
  - 11.5.2 A copy of its current Constitution;
  - 11.5.3 Audited financial statements for the previous year; and
  - 11.5.4 Plans and progress of an approved transformation policy.
- 11.6 In the event that a Provincial Bowls Association amends its constitution, such proposed amendment shall be submitted to BOWLS SA for prior written approval, **"provided"** that, BOWLS SA must provide written feedback in respect of to the proposed amendments within 21 (Twenty-one) days of such proposal being received.
- 11.7 Every Provincial Bowls Association shall ensure that all District Bowls Associations within its geographic area adopt and maintain a valid Constitution which is fully aligned with the provisions of their and this Constitution.

## 12 PLAYERS/PARTICIPANTS' REPRESENTATIVE

- 12.1 There shall be appointed by the Exco in writing a players/participant's representative/s who shall represent the interests of all active players/participants. Such person/s shall be a fully affiliated member in good standing with Bowls SA.
- 12.2 The players/participants representative/s shall annually submit, in writing, to the Operations Manager no less that 90 (Ninety) days before the BOWLS SA's A.G.M:
  - 12.2.1 written minutes of all previous meetings held by the players/participants representative/s with players/participants during the course of that particular year together with a list of participants at such meetings.

## 13 ASSOCIATE MEMBERS

- 13.1 Any association or organisation which wishes to become an Associate Member of BOWLS SA shall apply in writing to the Operations Manager to be admitted as such in the form determined by the Exco from time to time enclosing:
  - 13.1.1 a copy of its duly adopted Constitution;
  - 13.1.2 a declaration that it shall adhere to the Constitutions of SASCOC and BOWLS SA respectively;
  - 13.1.3 an undertaking to pay the prescribed entrance fees, subscriptions and levies within the prescribed time;
  - 13.1.4 a complete membership list;
  - 13.1.5 such other information as the Exco may require at its sole discretion upon its application from time to time.
- 13.2 The Operations Manager shall submit applications for affiliation to the next the Exco meeting for consideration and the Exco shall in turn submit all such applications, with its written recommendations, to the next General Meeting of the National Council, **"provided"** that, the said recommendations may be to reject the application, to admit the application on certain conditions, or to admit the application unconditionally, amongst others.
- 13.3 In deciding whether or not to recommend a new association or organisation as an Associate Member, the Exco shall have regard to such factors as it considers relevant, including:
  - a. bowls players/participants within the jurisdiction of the applicant;
  - b. whether or not the applicant and the clubs within its jurisdiction are committed to the scheme in terms of which subscriptions and levies are paid to BOWLS SA.

- 13.4 No association or organisation shall be admitted to Associate Membership of BOWLS SA unless the Exco is satisfied that the Constitution of such an association or organisation substantially complies with the requirements contained in **Part One Schedule Two of the Rules and Regulations of BOWLS SA** and is otherwise acceptable to the Exco.
- 13.5 BOWLS SA may, by a majority vote taken at a General Meeting of the National Council convened *inter alia* for this purpose, grant associate membership status to any other association operating on a national or provincial level, "**provided**" that, no associate membership shall be granted to an association or organisation with the same aims and objectives as BOWLS SA.
- 13.6 Notwithstanding anything else herein contained it shall be competent for the Exco subject to, the ratification of the National Council, create quasi-autonomous bodies or associations having their own Constitutions and members for the purpose of better achieving any of the objects of BOWLS SA. Such bodies or associations may be granted Associate Membership if they meet the Exco's requirements for a successful application for Associate Membership. The constitution, by-laws and regulations of such bodies or associations shall at all times be subject to the written approval and ratification of BOWLS SA, which shall at all times have the power to dissolve and/or withdraw such recognition of such body or association.
- 13.7 Associate Members' geographic areas of jurisdiction shall be the whole of the Republic of South Africa, "**provided**" that, in the event of dispute and failure to reach agreement, such area of jurisdiction shall be defined by the Exco.
- 13.8 BOWLS SA may, by at least a two-thirds majority vote taken solely for this purpose, withdraw its recognition of any Associate Member contemplated in this Constitution in writing, in which event the relevant association shall cease, forthwith, to be an Associate Member of BOWLS SA.

## 14 HONORARY LIFE MEMBERS

- 14.1 The Exco and Members of National Council may, from time to time, nominate any individual who has rendered exceptionally meritorious service or outstanding and notable service over a long period of time, to BOWLS SA and/or in the promotion of the sport and whom it wishes to recognise and honour as an Honorary Life Member.
- 14.2 Such nominations shall be circulated to Provincial and District Bowls Associations for approval. Provincial Bowls Associations shall indicate their acceptance or otherwise of such nominations. Subject to 80% (Eighty per cent) acceptance such nomination shall be presented to the National Council for adoption at the next AGM. If adopted by the National Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges namely to attend the AGM with the right to speak if invited to do so by the President, but with no right of vote, and to be a special guest of BOWLS SA or the organisers of any event or championship held under the auspices of BOWLS SA.
- 14.3 Any past president of BOWLS SA or its predecessor bodies may become an Honorary Life Member of BOWLS SA if so nominated and such nomination is adopted at an AGM of the National Council.
- 14.4 The names of all Honorary Life Members of BOWLS SA shall be continuously displayed on the website of BOWLS SA.

## 15 PATRONS

- 15.1 The Exco may from time to time nominate, for a period not exceeding 4 (Four) years, any person whom Exco considers to be fit and desirable to be a Patron of BOWLS SA, which nomination shall be presented for acceptance at the next AGM and, if appointed by the National Council, such person shall become a Patron of BOWLS SA for the time period nominated.
- 15.2 A person may be considered fit and desirable if he or she is a person of distinction or high profile with undeniable integrity and one who may lend his or her influential support to protect the interests and champion the cause of bowls in the Republic of South Africa.



- 15.3 Patrons shall enjoy the same rights and privileges as are enjoyed by Honorary Life Members together with such further rights and privileges as are decided upon by Exco from time to time.

## 16 PRESIDENT'S AWARD

- 16.1 The President of BOWLS SA will have the right and sole discretion, after consultation with the Exco, to present any member / player/participant / service provider with an appropriate award of recognition.
- 16.2 The award of recognition will be presented to any person or entity that has rendered exceptional service to BOWLS SA, in any field, in the interests of and championing bowls in the Republic of South Africa.

## 17 LIMITATION OF LIABILITY AND INDEMNITY

- 17.1 Every Member shall be jointly liable with all the other Members for all expenditure incurred in connection with BOWLS SA, insofar as third parties are concerned, provided that such liability shall be limited to the sum of any monies then due and payable by such Member to BOWLS SA, by way of subscription or otherwise, and any special levy imposed by the Exco, from time to time in writing.
- 17.2 The Patrons, the President, the Vice-President, the Financial Administrator, the Operations Manager, all other members of the Exco, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of BOWLS SA, or on behalf of a Commission or Committee of BOWLS SA or Sub-Committee of the Exco, in terms of this Constitution and under original or delegated powers, shall be, and 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 BOWLS SA, from whatever cause arising, provided such person/s acted in good faith.

## 18 SUSPENSION AND TERMINATION OF MEMBERSHIP

- 18.1 Any Member of any classification which ceases to operate a viable structure as contemplated in this Constitution may be suspended from membership by the Exco. National Council shall decide at its next meeting or by means of postal vote whether the membership of such member should be terminated, further suspended for a fixed or an indefinite period of time or restored.
- 18.2 The National Council shall take its decision by at least a two-third majority of its Members, excluding the representatives of the Member concerned. The representatives of the Member concerned shall be entitled to make full representations to the National Council prior to the voting on the resolution. For purposes of clarity, such Member may not be represented by an attorney or advocate except if such attorney or advocate is an active player/participant, from that Member's province and in good standing with the Member.
- 18.3 A decision to suspend or terminate a Member's membership shall *inter alia* consider:
- 18.3.1 whether the structures of the Member concerned are viable;
  - 18.3.2 whether it meets its obligations in terms of its own constitution and this Constitution;
  - 18.3.3 whether it has failed to pay its required fees;
  - 18.3.4 whether it refuses to comply with the decisions of the National Council;
  - 18.3.5 whether it has sufficient resolve for the development of the sport in its area;
  - 18.3.6 whether its office bearers are individually registered with BOWLS SA;
  - 18.3.7 whether the Member concerned works harmoniously with BOWLS SA and other Members towards the expansion of the sport in South Africa.

- 18.4 Any Member of any classification may, at any time, tender their resignation from BOWLS SA. Such member must give written notice by not later than 30 June of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to BOWLS SA as at the date of their resignation.

## **19 REGISTRATION OF PLAYERS/PARTICIPANTS AND OTHER INDIVIDUALS**

- 19.1 Players/participants, and other individuals interested in obtaining registration with BOWLS SA, shall register by completing, signing and submitting the prescribed registration form and paying the prescribed registration fee to such club as which they intend to join. In the case of e-mail submission, the typing of one's name in the space provided for one's signature will be deemed to be one's signature.
- 19.2 Registration may be sought as one or more of the following:
- 19.2.1 Player, such category / categories shall be subject to definition by the Exco from time to time
  - 19.2.2 Technical official
  - 19.2.3 Coach
  - 19.2.4 Manager
  - 19.2.5 Administrator.
- 19.3 In the registration form the player or other individual shall agree to adhere to the Code of Conduct for players and other individuals, including the prescribed disciplinary procedure, WADA/SAIDS code relating to anti-doping and the promotion of drug-free sport, as well as the policy, rules and procedures prescribed by BOWLS SA from time to time.
- 19.4 Upon registration by the BOWLS SA's registration officer, the player or other individual will remain a registered individual until the registration status is terminated by expulsion, resignation or the death of the individual concerned, but without prejudice to the right of BOWLS SA to impose and collect annual registration fees.
- 19.5 It is the responsibility of registered players and other individuals to advise the designated registration officer in writing (including e-mail) of any changes in their personal details, including contact particulars and Club, District or Provincial affiliation.
- 19.6 A registered player will be allowed to play in regional and national team events for the District and Province as indicated on his or her original registration form, or, in the case of a change, as indicated on the BOWLS SA database of registered players and other individuals.
- 19.7 No registration of any individual will be accepted in the event that the individual does not complete the registration form in full. To the extent that it may be applicable, the Exco agrees to adhere to the provisions of the POPI Act and will not disclose any information of any individual, to any third party, unless such disclosure is made in terms of the provisions of the POPI Act.

## **CHAPTER 4 – NATIONAL COUNCIL**

### **20 NATIONAL COUNCIL**

- 20.1 Subject to the terms of this Constitution, the National Council shall be the highest authority of BOWLS SA and shall approve the policies and budgets of the Exco and give directives as they deem appropriate, to the Exco.
- 20.2 The National Council shall meet annually during the last weekend of August provided that this meeting shall be anticipated by District meetings as and when required and determined by BOWLS SA in writing.
- 20.3 The meeting of the National Council following the elections of the Exco and the appointment of Committee members shall coincide with the holding of a National Convention (Workshop).
- 20.4 The OGM and the AGM of the National Council and the National Convention shall be held on such date and time and at such place as the Exco shall determine.
- 20.5 Without limiting the generality of the above, the National Council shall have the following specific functions and powers:
  - 20.5.1 To ratify or amend the rules, policies, by-laws and regulations as formulated by the Exco;
  - 20.5.2 To fix conditions and fees for membership of BOWLS SA and to establish criteria for the classification of players as junior, adult or veteran, as required by the IF;
  - 20.5.3 To consider and approve or reject applications for membership of BOWLS SA and to deal with the conduct of Members and registered individuals at all levels, including expulsion from membership and cancellation of registration;
  - 20.5.4 To ratify, such delegate as appointed by the Exco as delegate to the General Assembly of the IF. This delegate to hold registration with BOWLS SA, but he or she need not necessarily be an office bearer of BOWLS SA or of one of its Member associations;
  - 20.5.5 To elect the President, Vice-President and Members of the Executive subject to the provisions of paragraph 25.3, 25.4 and 26.1
- 20.6 The following persons shall be eligible to attend, and, at the request of the Exco or National Council, speak at meetings of the National Council, other than the AGM and SGM.
  - 20.6.1 All members of the Exco;
  - 20.6.2 Not more than 2 (Two) representatives of each of the Provincial Bowls Associations, The Players representative, and 1 (One) representative of each Associate Member;
  - 20.6.3 The Patrons;
  - 20.6.4 Honorary Life Members;
  - 20.6.5 A representative of any Technical Committee of BOWLS SA, as referred to in clause 28 hereof;
  - 20.6.6 Not more than two representatives of each of the District Bowls Associations within the area of jurisdiction of any Provincial Bowls Association;
  - 20.6.7 The Chairperson of each of BOWLS SA's disciplines (if applicable) as determined by the Sport's International Federation.
- 20.7 Notice of any OGM of the National Council shall be sent to Ordinary, Special and Associate Members not less than 45 (Forty-five) days before the date of such meeting.
- 20.8 Not less than 30 (Thirty) days prior to the date of any OGM or an alternative time line as determined by the Exco in writing, any Council member may submit written notice of any Motion which requires the National Council to vote on, and/or written notice of any person it requests to address the National Council.

- 20.9 The Operations Manager shall, not less than 14 (Fourteen) days prior to the OGM, disseminate to all Members, Exco members, Patrons and Honorary Life Members by post, and/or by hand, and/or by fax, and/or by electronic mail, copies of the Agenda for that OGM.
- 20.10 The business to be transacted at the OGM shall be:
- 20.10.1 to read the notice convening the meeting;
- 20.10.2 to read and confirm, with or without amendments, or to reject the minutes of the previous OGM, as well as the minutes of any SGM held in the interim, and to consider any matters arising there from;
- 20.10.3 to consider and adopt, with or without modification, or reject, any Resolution of which due notice has been given.
- 20.11 No resolution which has the effect of creating, amending or repealing a by-law, regulation or standing rule shall be binding unless the notice thereof has been given in terms of clause 20.7 hereof or such resolution has been ratified at a National Council meeting.
- 20.12 No business will be discussed at an OGM that is not included in the Agenda.

## **21 ANNUAL GENERAL MEETING ("AGM.")**

- 21.1 An AGM shall be held once in every year. The AGM shall be in accordance with the provisions as determined by SASCOC from time to time.
- 21.2 Subject to the provisions of clause 20.2 and 21.1 the Exco shall decide the date, time and place on which each AGM shall be held.
- 21.3 The following persons shall be entitled to attend and upon prior request to the Chairperson, be allowed to speak at the AGM:
- 21.3.1 All members of the Exco;
- 21.3.2 Not more than 2 (Two) representatives of each of the Provincial Bowls Associations and The Players representative and 1 (One) representative of each Associate Member;
- 21.3.3 Patrons;
- 21.3.4 Honorary Life Members;
- 21.3.5 A representative of the Auditors of BOWLS SA;
- 21.3.6 A representative of any Technical Committee of BOWLS SA, as specified in clause 28 hereof;
- 21.3.7 Any other person who may be invited to do so;
- 21.3.8 The Chairperson of each of BOWLS SA's disciplines (if applicable) as determined by the Sport's IF;
- 21.3.9 District Members;
- 21.3.10 Players/Participants and other individuals.
- 21.4 The business to be transacted at an AGM shall be to:
- 21.4.1 Read the notice convening the Meeting;
- 21.4.2 Read and confirm the Minutes of the previous AGM, SGM, and General meetings, and to consider any matters arising there from;
- 21.4.3 Receive, and consider, the Financial report and to adopt with or without modification, the audited Annual Financial Statements for the period since the date of the previous AGM, provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, or rejection by the National Council at its following meeting or by the Exco in terms of the decision of the AGM;
- 21.4.4 Appoint the auditors of BOWLS SA to hold office until the next A.G.M.;
- 21.4.5 Receive, and consider, the Annual Report;
- 21.4.6 Receive, and consider and to adopt with or without modification, or to reject any recommendations of the Exco;

- 21.4.7 Consider all nominations by the Exco of persons to be Patrons or Honorary Life Members and to accept or to reject any such nomination;
  - 21.4.8 Discuss and consider any further matters of which notice has been given;
  - 21.4.10 Ratify the appointment of such bodies, as determined by the Exco in terms of this Constitution, for the period under review;
  - 21.4.11 Consider and adopt, with or without modification, or reject, the budget for the ensuing year which shall have been prepared and recommended by the Exco;
  - 21.4.12 Consider and adopt, with or without modification, the proposed event calendar for the next calendar year.
- 21.5 Written notice of the AGM shall be sent to all the Members, Exco members, Patrons and Honorary Life Members not less than 45 (Forty-five) days prior to the date of the AGM and shall include the agenda for the meeting.
- 21.6 Not less than 90 (Ninety) days or an alternative time line as determined by BOWLS SA in writing, prior to the date of any AGM, any Council member may submit written notice of any Motion which ~~it~~ requires the National Council to vote on, and / or written notice of any person it requests to address the National Council.
- 21.7 The Operations Manager shall, not less than 45 (Forty-five) days prior to the AGM, disseminate to all Members, Exco members, Patrons and Honorary Life Members by post and/or by hand and/or by fax and/or by electronic mail, copies of the Agenda for that AGM, the Annual Financial Statements for the financial year preceding the date of the AGM.
- 21.8 No business shall be discussed at the AGM that is not included in the Agenda.

## **22 SPECIAL GENERAL MEETING ("SGM")**

- 22.1 An SGM of Members shall be convened:
- 22.1.1 By resolution of the Exco;
  - 22.1.2 Upon the written requisition of not less than 5 (Five) Provincial Bowls Associations, addressed and sent to the Operations Manager, which 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.
- 22.2 Within 14 (Fourteen) days after receipt of the resolution or requisition, the Operations Manager shall send written notification to all Members, which notice shall specify the date, time and place of the SGM, (which date, time and place shall have been determined by the Exco in writing) provided that the date shall not be more than 21 (Twenty-one) days and not less than 7 (Seven) days after the date of disseminating the notice, together with written notification of the purpose of and measures to be transacted at the SGM and the text of the motions to be put to and considered by the meeting.
- 22.3 No business other than that stated in the notification shall be transacted at the SGM.
- 22.4 Only the persons referred to in clause 20.6.1 – 20.6.4 shall be entitled to attend and speak at SGM's.

## **23 REPRESENTATION AND VOTING RIGHTS**

- 23.1 Each Provincial Bowls Association shall be entitled to nominate a maximum of 2 (Two) representatives, the Players representative 1 (One), whilst an Associate Member will be entitled to nominate 1 (One) representative to attend at any general meeting of the National Council.
- 23.2 Such nominations shall in writing, be addressed to the Operations manager and must be received by him or her not less than 14 (Fourteen) days prior to the time for the commencement of any meeting. Neither the Exco nor the National Council is vested with any discretion to condone the non-compliance of this provision.

- 23.3 Council Members shall have the following voting rights in respect of any and all meetings of the National Council:
- 23.3.1 Provincial Bowls Associations shall have one vote plus one additional vote for each complete thousand of its registered affiliated members (excluding scholars). Such determination of membership numbers and hence voting strength will be as per those recorded on the database as administered by Bowls South Africa as at 31<sup>st</sup> March (Financial Year end);
- 23.3.2 The Operations Manager shall, 45 (Forty-five) days prior to any meeting, publish details of voting rights. Provincial Bowls Associations who wish to challenge the validity of such numbers shall have 15 (Fifteen) days within the publication of such details to lodge an objection in writing.
- 23.4 Only representatives of Council Members who are personally present at the meeting concerned shall be allowed to exercise the right to vote, **“provided”** that, such member shall have the right to the number of votes as determined under paragraph 23.3.1.
- 23.5 No proxy votes will be allowed.
- 23.6 In all matters subject to voting, determination of the outcome shall be based on the total votes available as set out in paragraph 23.3.1 and not on the number of members of the National council present at such meeting.

## 24 GENERAL PROVISIONS RELATING TO COUNCIL MEETINGS

- 24.1 AGM's, OGM's and SGM's shall, subject to the terms of this Constitution, be held at such date, time and place as shall be decided by the Exco.
- 24.2 The chairperson of any AGM, OGM or SGM shall be the President, or, in his or her absence the Vice-President, or in their absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting, who are entitled to vote.
- 24.3 A quorum shall consist of 50% (Fifty per centum) plus 1 (One) of the total number of Council Members entitled to vote.
- 24.4 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 if sufficient representatives of Members do not remain present to constitute a quorum until the proceedings have been duly declared to have been concluded by the President, the meeting, if convened upon the requisition of Provincial Bowls Associations, shall be dissolved.
- 24.5 In any other case, where a quorum is not present, it shall stand adjourned to a date not earlier than 5 (Five) working days and not later than 15 (Fifteen) working days after the date of that meeting, and, at such adjourned meeting, the representatives of Ordinary, Special and Associate Members present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.
- 24.6 Where a meeting has been adjourned as aforesaid, the Operations Manager shall, upon a date not later than 3 (Three) working days after the adjournment, disseminate a written notice to each Member, which notice shall have been settled by the **Exco**, stating:
- 24.6.1 the date, time and place to which the meeting is adjourned;
- 24.6.2 the matter before the meeting, when it was adjourned;
- 24.6.3 the ground for the adjournment.
- 24.7 Voting shall be on a show of hands unless a poll is demanded by representatives of not less than 50% (Fifty per centum) plus one of the votes available to Members represented and entitled to vote.
- 24.8 Where a poll has been requested, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.

- 24.9 Where necessary and upon request from 50% (Fifty per centum) plus 1 (One) of those present and entitled to vote, the chairperson may adjourn the meeting for such time as determined by the chairperson, so that Provincial Bowls Associations may caucus with their District Bowls Associations.
- 24.10 Likewise the chairperson may, with the approval of 50% (Fifty per centum) plus 1 (One), of those present and entitled to vote, adjourn the meeting for such time as determined by the chairperson, so that Provincial Bowls Associations may caucus with their District Bowls Associations.

## CHAPTER 5 – EXECUTIVE BOARD

### 25 THE EXCO

- 25.1 The Executive Board of BOWLS SA ("Exco") shall consist of the following persons:
- 25.1.1 The President;
  - 25.1.2 The Vice-President;
  - 25.1.3 4 (Four) provincial representatives of the provincial structures as elected by the National Council.
- 25.2 The National Council will seek to enforce the principles of gender and racial equality when electing the members of the Exco; who will as a minimum requirement, consist of at least 1(One) member of the opposite gender and race. Non-compliance with this provision will only be accepted and enforced where no member of the opposite gender or race has been nominated for any position on the Exco.
- 25.3 The term of office for either a President or a Vice-President in those specific offices shall be no longer than 3 (Three) consecutive years. Council can prevail upon the incumbents to remain for a further period of 1 (One) year at a time. Such period shall be based on the date on which such person commenced service in such office irrespective of the date upon which this Constitution is adopted.
- 25.4 No person may be elected to the positions of either President or Vice President unless such person has served at least one year on the current executive.
- 25.5 No person may serve on the Exco for more than a total of 12 (Twelve) years, which total will be calculated from the date the person commenced with office, irrespective of the date upon which this Constitution is adopted.
- 25.6 The Exco may co-opt other individuals as members for short-term and project-orientated appointments in order to discharge specific functions "**provided**" that, no co-opted member shall have a vote and provided further that although the predominant criterion for co-option shall always be merit, the Exco shall, as far as possible, seek to preserve a balance of gender representation.
- 25.7 The Exco shall be responsible *inter alia* the following duties:
- 25.7.1 The administrative and financial functions of BOWLS SA;
  - 25.7.2 Deal with any matters referred to it by the National Council and shall report the outcomes thereof to the National Council;
  - 25.7.3 Decide on the executive structures and administrative procedures of BOWLS SA as may be required from time to time;
  - 25.7.4 Control and oversee the work of its own management committee, as well as the work of all Commissions and Technical Committees and to ratify all their decisions of a major nature;
  - 25.7.5 Abide by the Constitution at all times;
  - 25.7.6 Manage the financial affairs of Bowls SA within the parameters of the financial budget as approved by the National Council;
  - 25.7.7 Consider, deal with and adjudicate upon all matters, which may be submitted to Bowls SA by its Provincial Members or District Members;
  - 25.7.8 The Exco, subject to ratification by the National Council, may appoint an independent Ethics Committee and the Exco shall delegate to it the power to deal with all disciplinary matters relating to the Membership and/or their individual members. The Ethics Committee may receive complaints for investigation and disciplinary action on referral from the Exco. Complaints must be directed directly to the convener of the Ethics Committee, from any Council Member, Exco member, District Member, Club, Commission or Committee.



- 25.8 No member of the Exco shall be entitled to any remuneration, but all members of the Exco shall be entitled to be refunded any disbursement incurred by any such member in fulfilling any duties or functions as required of them.

## Meetings

Members of the Exco shall vote on all resolutions by a show of hands.

- 25.9 Members of the Exco shall, other than stipulated to the contrary herein, decide on all matters by a simple majority vote.
- 25.10 Each member of the Exco shall have 1 (One) vote, and the Chairperson of any meeting of the Exco shall have a casting vote, in the event of an equality of votes.
- 25.11 The chairperson of any meeting of the Exco shall be the President, or, in his or her absence, the Vice-President, or in their absence such other Member of the Exco as shall have been appointed at that meeting by the Members of the Exco present and entitled to vote.
- 25.12 The Exco shall meet not less than 4 (Four) times per annum.
- 25.13 A quorum of members of the Exco shall consist of not less than 4 (Four) members. If there is not a quorum present at the appointed time and place for any meeting of the Exco 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 the Exco who are present at that meeting provided that such date shall not be more than 10 (Ten) working days after such meeting, and, at such adjourned meeting, those members of the Exco present and entitled to vote shall constitute a quorum and may transact the business of that meeting.
- 25.14 The Operations Manager shall, by such means as is most expedient and by such means as appears most appropriate in the circumstances, inform those members of the Exco who were not present at the meeting of the date, time and place to which the meeting has been adjourned.
- 25.15 Any member of the Exco who, without having first obtained leave of absence from the Exco, shall otherwise than in circumstances beyond his or her control, not attend 3 (Three) consecutive meetings of the Exco, of which meetings due notice has been given, shall be deemed to have resigned from the Exco.
- 25.16 The Operations Manager shall send to all Members and to all members of the Exco:
- 25.16.1 Written notification of all meetings of the Exco and the proposed Agenda within 14 (Fourteen) days prior to the date of the proposed meeting;
- 25.16.2 Copies of the minutes and resolutions of all meetings of the Exco, within 14 (Fourteen) days after the date of the relevant meeting;
- 25.16.3 Minutes of Executive meeting, excluding confidential matters, shall contain sufficient material information so as to inform the National Council members of issues discussed and decisions made. In the event of any uncertainty or lack of clarity over matters contained in the minutes, National Council members may seek written explanation thereof within 14 (Fourteen) days of receipt of such minutes;
- 25.16.4 Written notification of all meetings of the National Council and the Agenda, in the stipulated time period prior to the date of the proposed meeting;
- 25.16.5 Copies of the minutes and resolutions of all meetings of the National Council, within 15 (Fifteen) working days after the date of the relevant meeting.

## 26 ELECTION OF OFFICE BEARERS

- 26.1 There shall be elections for the elected positions on Exco for a term of 2 (two) years to be held at a meeting of the National Council. The elections shall be conducted by the Electoral Officer who shall be nominated by the President and approved by Council. Such period shall be based on the date on which such person commenced service in such office irrespective of the date upon which this Constitution is adopted.
- 26.2 Each Council Member shall be entitled to nominate 1 (One) individual for election as President, and 1(One) individual for election as Vice-President.
- 26.3 Each Council Member shall be further entitled to nominate 2 (Two) individuals as Provincial representatives on Exco, "**provided**" that each of the individuals so nominated belongs to a different District Bowls Association on the proviso that no member of the Exco may be a representative of his or her Province in the National Council.
- 26.4 No more than 2 (Two) persons from any 1 (One) Provincial Association or 2 (Two) persons from any 1 (One) District Association may serve concurrently on the Executive.
- 26.5 The Players representative shall be appointed by the Exco at the first meeting following the AGM.
- 26.6 Each nomination by a Council Member shall be in writing, and shall be signed by the nominee to indicate his or her acceptance of the nomination.
- 26.7 It shall be permissible for the same individual to be nominated for more than 1(One) office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.
- 26.8 A valid nomination for any of the posts referred to in clause 26.2 shall, in the event of the nominee being defeated in an election for the post concerned, be deemed to be a valid nomination for election as a member without portfolio in terms of clause 26.3 subject to the qualification stated in clause 26.3 with regard to representation in the National Council.
- 26.9 No less than 90 (Ninety) days before the election date, the Operations Manger shall send written notification to every Member and Exco member:
- 26.9.1 informing them that the elections for the Exco are to take place at the next meeting of the National Council and of the date and place of this meeting;
- 26.9.2 providing them with an extract of those provisions of the Constitution which are relevant to the elections.
- 26.10 All such written nominations, together with a copy of a brief *curriculum vitae* of the nominee, shall be received in line with the notification sent out by the Operations Manager, not less than 90 (Ninety) days prior to the date of elections.
- 26.11 No less than 45 (Forty-five) days before the election date, the Operations Manager shall send to every Member and every Exco member a list of the nominations received; who comply with the provisions herein; with their *curricula vitae*.
- 26.12 If no nominations are received for the election of the President, the current President shall continue in office until the first meeting of the new Exco after that A.G.M., at which the elected members of the new Exco shall elect from their ranks an individual as the President and shall further fill the vacant position on the Exco so occurring by the election of an individual from the ranks of the unsuccessful nominees at the elections held by the National Council. The same shall apply *mutatis mutandis* in the event of there being no nominations for the position of Vice-President.
- 26.13 If there is more than 1 (One) nomination for any of the posts of President, Vice-President, then such posts shall be elected separately by secret ballot, such elections to be held in the sequence aforesaid. Thereafter the election of the 4 (Four) Provincial representatives shall take place also by secret ballot.

- 26.14 The nominee who is successful by commanding a majority vote shall be appointed to the position. Subject to clause 26.7, the unsuccessful nominee shall not be passed to other positions unless he was properly nominated for those positions.
- 26.15 Election will be by an outright majority of total votes cast. If the first round of voting does not produce an outright winner, the candidate with the least number of votes shall drop out. If 2 (Two) candidates tie for last place, they both drop out and further rounds of voting shall take place in similar fashion until 1 (One) candidate emerges as the outright winner.
- 26.16 Each person who votes shall record a vote for not more and not less than the number of vacancies any vote not so correctly filled in shall be deemed to be a spoilt ballot.
- 26.17 Any elected member of the Exco shall hold office for a period of 2 (Two) years until the date of the following elections, unless he or she resigns, is removed from office by virtue of a vote of no confidence adopted by the National Council with at least a two-thirds majority, dies, or becomes permanently incapacitated before the expiry of his or her term.
- 26.18 The Head Coach shall be appointed by elected members of the new Exco at its first meeting to be held within a period of 60 (Sixty) days after the date of the Elective A.G.M. at which the other members of the new Exco were elected. The Exco may terminate the appointment of Head Coach upon approval by simple majority of the members of the Exco. This appointee shall be afforded a reasonable opportunity to make representations to the Exco before the Exco makes its decision, provided that such representations will be made personally.
- 26.19 If sufficient cause exists, decided by the Exco by at least a simple majority vote, a formal request for the replacement of the Players representative may be presented to the Exco for consideration.
- 26.20 No member of the Exco shall represent any Member of any classification, at any meeting of the National Council or the Exco.
- 26.21 In the furtherance of its duties in terms of this Constitution, the Exco shall attend to fill any vacancy which may occur during the terms of any member of the Exco the Head Coach, Selectors or members of any Standing committee. In the event of a vacancy on the Exco the remaining members shall decide whether to convene a SGM to elect a new member, conduct a postal ballot including any form of electronic communication which is capable of being recorded and stored for record purposes, or allow the vacancy to remain unfilled. Where such vacancy is to be filled as set out above then the provisions of clause 26.8 with regard to nomination shall be effective. The Exco may subject to providing written notice to its members reduce the effective period calling for nominations. Nominations must be accompanied by a copy of a brief *curriculum vitae* of the nominee, signed by the nominee to indicate his or her acceptance of the nomination.

## **CHAPTER 6 – COMMITTEES**

### **27 MANAGEMENT COMMITTEE**

- 27.1 The Exco may appoint a Management Committee (“Mancom”), comprising of:
- 27.1.1 The President;
  - 27.1.2 The Vice-President;
  - 27.1.3 The Financial Administrator; and
  - 27.1.4 The Operations Manager.
- 27.2 The Mancom shall meet as often as is necessary, in the view of the President, to effectively discharge its duties. These meetings may take place in person or by any electronic means.
- 27.3 The President, or, in his or her absence, the Vice-President, shall chair any Mancom meeting.
- 27.4 The Mancom will function as the decision-making body around policy matters, shall be empowered to take decisions and to immediately undertake any action required by given events as stipulated in **Part Two** (Roles & Responsibilities of Board Members, Commissions and Committee Members) of the **Rules and Regulations of BOWLS SA**, “**provided**” that, such decisions shall be ratified by the Exco at their next meeting.
- 27.5 The President may call on any member of Exco to attend a Mancom meeting.
- 27.6 The minutes of the Mancom meetings must be distributed to all members of the Exco within 10 (Ten) working days after the date of the relevant meeting by the Operations Manager.

### **28 TECHNICAL COMMITTEES**

- 28.1 In recognition thereof that various aspects of the duties performed by BOWLS SA require specific expertise or experience for the most effective discharge of those duties, the following standing committees **may** be established:
- 28.1.1 Judicial Committee;
  - 28.1.2 National Selections Committee;
  - 28.1.3 National Academy;
  - 28.1.4 National Standing Committee for Coaches;
  - 28.1.5 National Standing Committee for Technical Officials;
  - 28.1.6 National Standing Committee for Green keepers;
  - 28.1.7 National Standing Committee for Disabled Participants;
  - 28.1.8 National Standing Committee for Transformation and Women in Sport;
  - 28.1.9 National Standing Committee for Membership and Marketing;
  - 28.1.10 Ad hoc sub-committee, for a specific purpose and period, to be so decided, to facilitate in discharging its duties as contained herein, which may include but not limited to grievance committees and event organisers.
- 28.2 The Exco shall determine the terms of reference for all such committee appointments.
- 28.3 The convenors and membership of each Committee shall be decided by the Exco at the first meeting subsequent to the AGM. National Council shall be notified in writing of such appointments. Any objections together with full reasons therefor shall be submitted in writing to the Operations Manager within 15 (Fifteen) days of receipt of such notification. The Exco shall have due regard to the consideration that the Committees should be well-represented and thus strive to maintain a gender and racial balance between Committee members.
- 28.4 The National Selectors Committees report to the Exco.
- 28.5 The Disciplinary, Ethics and Appeals Committees shall ideally be appointed from independent service providers and in accordance with specific needs as determined from time to time.

- 28.6 The roles and responsibilities of Committee Members for each committee, shall be defined in **Part 2 of the Rules and Regulations** of BOWLS SA
- 28.7 Each Committee shall, subject to the provisions of this Constitution the by-laws, modus operandi and rules and regulations of BOWLS SA, perform such duties and functions as are delegated to it by the Exco in writing.
- 28.8 Except for the Disciplinary and Appeals committees, the powers and functions of all other Committees shall be as set out in the by-laws, modus operandi, rules and regulations of BOWLS SA, provided that the Exco may, by resolution, add to or subtract there from.
- 28.9 Each Provincial and District Bowls Association through their Provincial Bowls Association may nominate individuals to serve on the various Technical Committees. Notification calling for such nominations shall be submitted in writing to the various parties 30 (Thirty) days prior to the AGM.
- 28.10 It shall remain competent for the Exco to seek candidates outside of those submitted under clause 28.8 and these candidates shall be part of final adjudication on appointment.
- 28.11 Persons so appointed shall remain in their positions until such time as the Exco or individual determines otherwise. Such person shall confirm in writing annually their acceptance of such position.
- 28.12 The Exco may, for a specific purpose and period, to be so decided, form an ***ad hoc*** committee to facilitate in discharging its duties as contained herein, which may include a grievance committee.

## **CHAPTER 7 – GENERAL**

### **29 RULES, REGULATIONS, PROCEDUES AND BY-LAWS**

- 29.1 The Exco shall formulate and publish the rules, regulations, procedures, modus operandi and by-laws (“the Rules”) in force from time to time in accordance with which the affairs of BOWLS SA will be conducted. A copy of the Rules in force at any time shall be kept by the Operations Manager and made available, upon request, to any Member, Body, participant/ player or other individual registered with BOWLS SA.
- 29.2 The Rules shall include, but not be limited to, the following:
- 29.2.1 BOWLS SA’s selection criteria;
  - 29.2.2 BOWLS SA’s code of conduct for office bearers (including a disciplinary procedure);
  - 29.2.3 BOWLS SA’s code of conduct for players and other registered individuals (including a disciplinary procedure);
  - 29.2.4 BOWLS SA’s grievance procedure;
  - 29.2.5 The Ethics Code;
  - 29.2.6 The Disciplinary and Appeal Procedures.
- 29.3 Substitution and amendment of the Rules will be affected by the Exco upon approval by at least a two-thirds majority of the members of the Exco.
- 29.4 The Rules and Regulations, although attached to this Constitution for ease of reference, are not a provision of this Constitution and are updated/confirmed each year by the Executive.

### **30 COLOURS OF BOWLS SA**

- 30.1 The Exco may from time to time determine the conditions pertaining to the granting and wearing of official colours and blazers by players or officials, having due regard for the Rules and Procedures applicable to the Award of National Colours issued by the authorities from time to time. Only players selected to represent the Republic of South Africa in international fixtures and the appointed coach/manager shall be entitled to wear official colours.
- 30.2 Notwithstanding anything to the contrary herein provided, the above provision shall not apply to any person who at any time was authorized to wear Springbok and/or SABA/SAWBA colours and/or blazers.

### **31 EMBLEM**

The emblem shall be in accordance with the registered design.

### **32 BADGE**

The Badge shall be in accordance with the registered design as approved by SASCOC.

### **33 AWARD OF COLOURS**

Guidelines and criteria for the awarding of colours shall be stipulated in the by-laws of BOWLS SA. (As per SASCOC criteria).

## 34 FINANCE

- 34.1 The financial year of BOWLS SA is the 12 (Twelve) month period commencing on 1 April in one year and ending on 31 March of the following year.
- 34.2 The Finance Committee shall be chaired by the Executive member responsible for finance.
- 34.3 The Finance Committee shall cause to be prepared an annual budget for the ensuing year to be presented and approved at the first general meeting of the National Council each year.
- 34.4 It shall be a requirement of membership for all Ordinary and Associate Members to submit to the Finance Committee a copy of their financial statements within 3 (Three) months from the end of their respective year-end, the Financial Administrator shall report to the National Council on compliance with this requirement and such matters pursuant thereto that may be relevant to the Members of the National Council.
- 34.5 The Exco shall be responsible for monitoring the financial accounts of tournaments organised by Member bodies. This shall not imply any restriction in the right of such bodies to control their own affairs or the affairs of their constituent bodies.
- 34.6 The Exco shall act as a trustee of the trust funds transferred to BOWLS SA from the Sports Trust and shall administer these funds in strict conformance to the conditions of the trust.

## 35 JUDICIAL COMMITTEES

- 35.1 The Executive shall appoint members of the Legal Committee, Disciplinary Committee, Ethics Committee and the Appeals Committee as is required from time to time and delegate such powers to these committees as contained herein.
- 35.2 The powers of the Legal Committee will include the following:
  - 35.2.1 To assist BOWLS SA with legal advice;
  - 35.2.2 To set up and continuously update a Code of Conduct for both participants and management, adopted by National Council;
  - 35.2.3 To set up and continuously update the Grievances Procedures, adopted by National Council;
  - 35.2.4 To advise BOWLS SA on any internal appeals against any decision of the Ethics Committee;
  - 35.2.5 To advise BOWLS SA on any internal appeals against any decision of the Grievances Committee;
  - 35.2.6 To advise BOWLS SA on any internal appeals against any decision of the National Selection Committee;
  - 35.2.7 To advise BOWLS SA on any decision of a Provincial Bowls Association or Regional Bowls Association which concerns an Ethics, Grievances or Selections matter;
  - 35.2.8 To adjudicate, mediate and arbitrate upon other legal matters in so far as the hearing thereof conforms to the application of the Rules of Natural Justice.
- 35.3 The duties of the Disciplinary Committee will be to attend to disciplinary hearings in matters referred to it by the Ethics Committee. The powers of the Disciplinary Committee are stipulated in **Part 2 of the Rules and Regulations**; attached hereto.
- 35.4 The Appeals Committee shall comprise of 3 (Three) members of which at least one should ideally have a legal background.
  - 35.4.1 The Appeals Committee will be responsible for attending to appeals lodged by any party to a disciplinary procedure and who remains unsatisfied by the Disciplinary Committee's recommendations.
  - 35.4.2 The Appeals Committee may confirm, vary or dismiss a finding of the Disciplinary Committee, but only to the extent contained in **Part 2 of the Rules and Regulations**.
- 35.5 Every member of the Appeals Committee shall have 1 (One) vote each at their meetings and hearings.

- 35.6 Any party aggrieved by a decision of the Appeals Committee may refer the matter to SASCOC for its final determination provided the leave of the Appeals Committee is first sought and obtained within a period of 21 (Twenty-one) days. The Appeals Committee shall grant the necessary discretionary leave if the matter is of great importance to the parties concerned and the referral sought is not judged frivolous or vexatious.
- 35.7 In the absence of a referral to SASCOC, the decision of the Appeals Committee shall be final and binding.
- 35.8 No matter may be referred to SASCOC until such time as all internal grievance procedures within BOWLS SA, have been exhausted.

## **36 DISPUTE RESOLUTION**

- 36.1 Any dispute arising out of, or, in connection with, the enforceability of this Constitution, the application and interpretation of the provisions thereof, or any dispute between BOWLS SA and another national sports federation, any dispute between Members of BOWLS SA, any dispute between members of the Exco, between the Exco and a Member, or between the Exco or an Exco member and an individual (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to SASCOC or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration in terms of the procedure for the resolution of disputes in sport.
- 36.2 In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute inclusive of any monetary dispute or costs to be paid by any of the parties as determined by the arbitrator.
- 36.3 In recognition of the desire to resolve all disputes in the sporting fraternity as amicably and effectively as possible, it is required of all Members of BOWLS SA to incorporate in their constitutions (and to include in any agreements they may enter into) a dispute resolution clause in terms substantially the same as the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided.
- 36.4 Recourse to any Civil Court with the necessary jurisdiction shall be limited to purposes of obtaining urgent interdictory relief or the disregard for the laws of natural justice. In all other instances any disputes to be decided according to the dispute resolution processes provided for in this Constitution and no party will have the right to approach a Court, except for the relief stipulated herein. For purposes of clarity, CAS (Court of Arbitration for Sport) is the ultimate judicial body to BOWLS SA.
- 36.5 In the event of any dispute between a registered player/participant and a Club, Council Member, or District Member, which within a period of 30 (Thirty) days after having been requested in writing to reply to such query, the Club, Council Member or District Member have provided no resolution, the individual has the right to refer such matter to the Exco who shall refer such matter to the Ethics Committee. The Exco reserves the right to charge such fee as considered appropriate to deal with the matter.

## **37 NOTIFICATION**

For the purposes of this Constitution, all notifications by BOWLS SA to any person or any Member, Honorary Life Member or Patron shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by hand, and/or by fax, and/or by electronic mail to the last known postal or fax or e-mail address, as the case may be, of the addressee, by any official of BOWLS SA, but all notifications to BOWLS SA by any person (natural, corporate or otherwise) or any Member, Honorary Life Member or Patron shall only be effective from the date of receipt thereof by the Operations Manager. In no respects shall any postal authority be, or be deemed to be, the agent of BOWLS SA.



### 38 ALTERATION OR VARIATION OF THIS CONSTITUTION

This Constitution may be altered or varied, at any time, by the Members in General Meeting, upon a majority vote of not less than two-thirds of the total votes available to all Members at that time, regardless if the Members are represented at such Meeting or not, **“provided”** that, not less than 90 (Ninety) days written notification of such Meeting, together with a copy of a proposed resolution/s shall have been given to all Members.

### 39 DISSOLUTION OR WINDING UP OF BOWLS SA

- 39.1 BOWLS SA may be dissolved or wound-up at any time by the Members in a General Meeting, upon a majority vote of not less than 75% (Seventy-five per centum) of the total votes available to all Members at that time, regardless if the Members are represented at such Meeting or not, provided that not less than 45 (Forty-five) working days written notification of such Meeting and of any resolution aimed at dissolving or winding-up BOWLS SA shall have been given to all Members.
- 39.2 Upon dissolution or winding up of BOWLS SA, all the property and assets of BOWLS SA, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organisation/s having objects similar to BOWLS SA, at the discretion of the Members.
- 39.3 In case of doubt of the strict meaning of any article of the Constitution, By-Laws, Modus Operandi, Conditions of Play or Laws of Bowls, the interpretation of the Exco shall be binding on all concerned, until the next AGM, when, if so desired, the matter may be referred to the National Council.
- 39.4 Where there is a requirement in this Constitution that a fraction or percentage of votes is required, any resultant fractions or decimals shall be rounded up to the next whole number.

This Constitution was unanimously adopted by the Membership present at a Meeting held at

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
OPERATIONS MANAGER

**SCHEDULE "A" – PROVINCIAL STRUCTURES**

1. The Provincial Bowls Association known as "Eastern Cape Bowls Association";
2. The Provincial Bowls Association known as "Free State Bowls Association";
3. The Provincial Bowls Association known as "Gauteng Bowls Association";
4. The Provincial Bowls Association known as "KwaZulu-Natal Bowls Association";
5. The Provincial Bowls Association known as "Limpopo Bowls Association";
6. The Provincial Bowls Association known as "Mpumalanga Bowls Association";
7. The Provincial Bowls Association known as "Northern Cape Province Bowls Association";
8. The Provincial Bowls Association known as "North West Province Bowls Association"; and
9. The Provincial Bowls Association known as "Western Cape Bowls Association".

**SCHEDULE "B" – GEO-GRAPHICAL / DISTRICT DEMARKATION****DISTRICT BOWLS ASSOCIATIONS**

Boland Bowls  
 Border Bowls  
 Bowls Gauteng North  
 Eastern Province Bowls  
 Eden Bowls  
 Ekurhuleni Bowls  
 Johannesburg Bowls Association  
 Kingfisher Bowls  
 Limpopo Bowls  
 Mpumalanga Bowls  
 Natal Country Bowls  
 Natal Inland Bowls  
 Northern Cape Bowls  
 Northern Free State Bowls  
 North West Bowls  
 Port Natal Bowls  
 Sables Bowls  
 Sedibeng Bowls  
 Southern Free State Bowls  
 Western Province Bowls

**REGIONAL BOWLS**

<b>PROVINCE</b>	<b>REGION</b>	<b>PRINCIPAL CITY / TOWN</b>
<b>Western Cape</b> (Cape Town)	Cape Town Unicity	Cape Town
	West Coast	Malmesbury
	Boland	Stellenbosch
	Overberg	Swellendam
	Eden	George
	Central Karoo (6)	Beaufort West
<b>Northern Cape</b> (Kimberley)	Frances Baard	Kimberley
	Namakwa	Springbok
	Pixley-ka-Seme	De Aar
	Siyanda	Upington
	Kgalagadi (5)	Kathu
<b>Eastern Cape</b> (Bisho)	Cacadu	Grahamstown
	Amathole	East London
	Chris Hani	Queenstown

PROVINCE	REGION	PRINCIPAL CITY / TOWN
	Ukhahlamba	Aliwal North
	O R Tambo	Umtata
	Alfred Nzo	Mount Ayliff
	Nelson Mandela (7)	Port Elizabeth
<b>Free State</b> (Bloemfontein)	Motheo	Bloemfontein
	Xhariep	Trompsberg
	Lejweleputswa	Welkom
	Thabo Mofutsanyana	Phuthaditjhaba
	Fezile Dabi (5)	Kroonstad
<b>Kwazulu-Natal</b> (Pietermaritzburg)	Umgungundlovu	Pietermaritzburg
	Ethekwini	Durban
	Ugu	Port Shepstone
	Uthukela	Ladysmith
	Umzinyathi	Dundee
	Amajuba	Newcastle
	Zululand	Ulundi
	Umkhanyakude	Mtubatuba
	Uthungulu	Richards Bay
	iLembe	Kwa Dukuza
	Sisonke (11)	Ixopo
<b>Mpumalanga</b> (Nelspruit)	Ehlanzeni	Nelspruit
	Gert Sibande	Standerton
	Nkangala (3)	Witbank
<b>Limpopo</b> (Polokwane)	Capricorn	Polokwane
	Mopani	Giyani
	Vhembe	Thohoyandou
	Waterberg	Bela-bela
	Sekhukhune (5)	Groblersdal
<b>North West</b> (Mafikeng)	Central	Mafikeng
	Bojanala	Rustenberg
	Bophirima	Vryburg
	Southern (4)	Klerksdorp
<b>Gauteng</b> (Johannesburg)	Johannesburg Metro	Johannesburg
	Sedibeng	Vereeniging
	Ekurhuleni	Germiston
	Metsweding	Bronkhorspruit
	Tshwane	Pretoria

PROVINCE	REGION	PRINCIPAL CITY / TOWN
	West Rand (6)	Krugersdorp

### **SCHEDULE "C" – BOWLS SA BRANDING**

1. All documents, packaging, publications and marketing material, distributed by any Bowls SA personnel, whether printed or online, will display the logo below.



2. No Members, Associated Members or their affiliates may use this logo, without the written permission of the Exco.

## BOWLS SA – RULES AND REGULATIONS

### PART ONE

#### SCHEDULE ONE – NON-RACIALISM

1. The principle of non-racialism is recognised and accepted by Bowls SA. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no club, province or other affiliated body of Bowls SA may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which though not worded in racial terms none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of para.2 above.
4. The principle of non-racialism also demands that all clubs, provinces and other affiliated bodies of Bowls SA shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity or nationality of such persons. (e.g. when hosting an event and such non-members are legitimately at the premises of the club or other body in connection therewith).
5. The fundamental rights of freedom of association and freedom of disassociation are recognised by Bowls SA. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in para. 5 above, and the principle of non-racialism referred to in para. 1, and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:
  - 7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation (Cf. para. 2 above).
  - 7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups: Provided that those criteria are not racist in their terms or in their intended effect, e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though *de facto* its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.
8. Under no circumstances shall an infringement of para. 4 above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.
9. The existence of the so-called "ethnic" clubs are perceived to be problematical and require deeper analysis:
  - 9.1. Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well-established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.
  - 9.2. What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the *bona fide* purpose

of catering for the cultural needs, aspirations or interests of the particular ethnic group which it serves. There does not appear to be any ulterior racial motive.

- 9.3. If the constitution of such a club were to restrict its membership to persons of a particular ethnic group (or race or nationality), it would by implication, be excluding persons from all other ethnic groups/races/nationalities from membership.

**Prima facie** this would be an infringement of para. 2 above. The question which has to be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of para. 2, above also para. 7.1 above. It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the national body or any provincial body.

- 9.4. By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership.

10. The principles and guidelines set out above with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious beliefs.

## **SCHEDULE TWO – AFFILIATES TO BOWLS SA**

### **Eligibility requirements for Provincial Bowls Associations to be recognized as Provincial Bowls Associations and Associated Members of Bowls SA**

1. The objectives clause of the constitution of a Provincial Bowls Association and Associate Members of Bowls SA, seeking membership, must include provisions that are identical to or substantially the same as clause 8 (as may be applicable) of the Constitution of BOWLS SA and shall provide that such Association and Associate Member shall encourage, promote, develop and administer the sport of BOWLS SA within the area of its jurisdiction in accordance with sound business principles.
2. There must be provisions in the constitution of each Provincial Bowls Association seeking membership as an Provincial Bowls Association and of each Associate Member of Bowls SA, stipulating that:
  - 2.1. the Association recognises and adopts Schedule One – Non-racialism of this Constitution.
  - 2.2. the Association recognises and adopts the Bowls SA Code of Conduct and all such Policies as deemed necessary from time to time.
  - 2.3. the Association may not become a member or affiliate to any other body without the prior written consent of the Exco of BOWLS SA; and
  - 2.4. the Association may not authorise, send or sanction any team to go on a tour outside the boundaries of the Republic of South Africa, or invite international players to participate in any Provincial, District or Club tournaments within their jurisdiction, without having first obtained the written consent of the Exco of BOWLS SA.
3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Ethics Committee whose decision shall be final and binding.



### **SCHEDULE THREE – APPLICATION OF PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962 (HEREINAFTER REFERRED TO AS ‘THE ACT’)**

**The following provisions contained in section 30 (1) of the Act shall at all times apply and be adhered to while this Constitution is in operation.**

1. The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
2. At least 85% of the Association’s activities shall be carried out in the Republic of South Africa.
3. At least 3 members who will accept fiduciary responsibilities and shall also not be connected persons to each other and no single person directly or indirectly controls the decision-making powers relating to the Association.
4. No funds shall be distributed to any person (other than in the course of an undertaking to contribute to any public benefit activity).
5. The Association’s funds shall be used solely for the objects for which it was established, or shall be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, (Act No.39 of 1984) or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act.
6. The Association shall not carry on any business undertaking or trading activities other than to the extent that:
  - 6.1 The gross income derived from such business undertaking or trading activity does not exceed the greater of R25,000 or 15% of the gross receipts of the Association;
  - 6.2 The undertaking or trading activity is:
    - 6.2.1 integral and directly related to the sole object of the Association;
    - 6.2.2 carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost, and
    - 6.2.3 which would not result in unfair competition in relation to taxable entities.
  - 6.3 the undertaking or trading activity, if not integral and directly related to the sole object of the Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation;
  - 6.4 the undertaking or trading activity is approved by the Minister by notice in the Gazette, having regard to:
    - 6.4.1 the scope and benevolent nature of the undertaking or trading activity;
    - 6.4.2 the direct connection and inter-relationship of the undertaking or trading activity with the sole purpose of the Association;
    - 6.4.3 the profitability of the undertaking or trading activity,
    - 6.4.4 the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or trading activity.
  - 6.5 any business undertaking, trading activity, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, shall be retained or continued as the case may be, in the form so acquired for a period of five years as the date on which it was acquired.
7. On the dissolution of the Association, the remaining assets shall be transferred to any similar public benefit organization, within the Republic of South Africa which has been approved in terms of Section 30 of the Act for the purposes as contemplated in Section 18A of the Act.

8. No donation shall be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in term of Section 18A of the Act; Provided that a donor (other than a donor which is an approved public benefit organization or an institution board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
9. A copy of all amendments to the Constitution must be submitted to the Commissioner for the South African Revenue Service.
10. No remuneration shall be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered.
11. The Association must submit the required Income Tax Returns annually together with the relevant supporting documents as required.
12. The Association must, within such period as the Commissioner may determine, register itself in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of the said Act, and
13. The Association shall not use its resources directly or indirectly to support, advance or oppose any political party.

## PART TWO

### **Roles & Responsibilities of Disciplinary Committees**

1. **Disciplinary Committee:**
  - 1.1 The Disciplinary committee may impose the following penalties insofar as any present or former Member, District Bowls Association, Club presently or formerly affiliated to Bowls SA, current bowls player / participant, technical official, committee member, coach, team manager and event organiser are, amongst others, concerned:
    - 1.1.1. A fine; up to a maximum of R5000.00;
    - 1.1.2. Suspension up to maximum of 2 years;
    - 1.1.3. A ban up to a maximum of a life time;
    - 1.1.4. Forfeiture of any National Colours;
    - 1.1.5. A warning on such terms and conditions at it deems fit;
    - 1.1.6. A reprimand in writing or orally;
    - 1.1.7. A suspended sentence of any of the above.
  - 1.2 The Disciplinary Committee must
    - 1.2.1 ensure that all penalties which it has imposed in terms of **Part 2 of the Rules and Regulations** are properly, to its satisfaction, sufficiently and effectively executed, monitored and administered
    - 1.2.2 implement at the written request of the Ethics Committee, any other disciplinary measures on any of the parties referred to in para.1.1 above that are:
      - a. connected or concerned with the sport of bowls
      - b. arising out of the contravention or breach of the provisions of this Constitution or any rule, regulation or b-law including the Code of Conduct of Bowls SA in force at the relevant time, including any relevant and applicable provisions of SASCOC, SAIDS and the WADA and recover such by legal action or otherwise such fines or compulsory contributions or damages from the body or person concerned.