

POST 2012

FOREST HILLS SPORTS CLUB

NAME

1. The Club shall be called the "FOREST HILLS" SPORTS CLUB.

COLOURS

Contents amended 1993

2. The colours of the Club shall be primarily green and white, save that the shade of green utilised must be approved in advance by the Committee, and save further that subject to the same approval a third colour may, in certain circumstances, be utilised.

OBJECTS

3. The objects of the Club shall be to promote sporting, recreational and social activities for the benefit of the members.

MANAGEMENT

Contents amended 1986

Contents amended 1987

Contents amended 1991

Contents amended 1997

Contents amended 1995

Contents amended 2002

Contents amended 1994

Contents amended 1996

4. The management of the Club and of its affairs shall be vested in a Committee consisting of the Chairperson and Vice-Chairperson of the Club, the Hon. Secretary, the Hon. Treasurer and eight members.

The Committee shall co-opt one member to represent each sports section if the said sports section does not itself nominate a member.

Contents amended 1996

A list shall be posted on the Notice Board 21 days prior to the holding of the Annual General Meeting of this Club, calling for nominations duly proposed and seconded, for the appointment of Committee members.

Introduced 1996

Contents amended 2002

The Chairperson, Vice-Chairperson, Hon. Treasurer and Hon. Secretary shall be appointed by the Committee from amongst its members, at its first meeting after the Annual General Meeting.

Introduced 1996

Reference in this Constitution to any Honorary position shall include a person employed by the Club to fulfil such position.

Introduced 1997

Committee members will, where possible and appropriate, serve a two year period of office to achieve continuity.

Introduced 2012

Paid employees of the Club who are also committee members shall recuse themselves from any discussions, including voting thereon, in respect of any matter in which they have, in their personal capacities, an interest.

Contents amended 2002

5. The Chairperson of the Club shall, at all General Meetings of the Club, have a deliberative and also a Casting Vote.

POWERS OF THE COMMITTEE

Contents amended 1995

Contents amended 2002

6. The Committee without prejudice to any other rules or regulations herein contained, is authorised :
- (a) To manage and control the Club House, its property and amenities, to arrange for the letting or hiring of the Club House at such rentals, for such periods and under such conditions as they may think fit, provided that the Club House shall be at no time hired out upon any dates or times conflicting or likely to conflict with the playing of games, matches or other use by members of the Club or sports sections.
 - (b) To allocate space within its property, upon the terms and conditions not inconsistent with these rules and conditions laid down by the Kloof Council, to sports sections or bodies for the establishment of a particular sport or social activity, as they may deem desirable.
 - (c) To open and operate a banking account and/or savings account in the name of the Club. Cheques must be signed by any two of the following officers: Chairperson, Vice-Chairperson, Hon. Treasurer and Hon. Secretary.
 - (d) To provide for the signature on behalf of the Club of all Powers of Attorney or other deeds or documents requiring signature.
 - (e) To appoint Sub-Committees with such powers as may be thought fit and to delegate their powers.
 - (f) To do all such acts and things not inconsistent with these Rules which, in the interests of the Club, they may consider desirable.
 - (g) To institute, prosecute, defend, abandon, compromise and carry to appeal or arbitration any action or other proceedings in any Court of Law.
 - (h) To make such Bye-Laws and Regulations consistent with these Rules as they may deem fit.
 - (i) To appoint an Assistant Hon. Secretary at any time who shall be an ex-officio member of the Committee.

Contents amended 1994

- Contents amended 1996
Contents amended 2002
- (j) To fill any vacancy on the Committee, including that of Chairperson, Vice-Chairperson, Hon. Treasurer and Hon. Secretary occurring during the year.
- (k) To enter into contracts, borrow money and repay such sums on behalf of the Club.
- Introduced 1993
- (l) To enquire into the conduct of any member and should it be deemed necessary to suspend or expel any member.
- Introduced 2012
- In the event of a member breaching the Club's by-laws, regulations or rules, the committee shall be empowered to take such steps against such member as it may consider appropriate. Where such steps entail in respect of a member, the loss by that member of the benefits of membership or the termination of a member's membership, the member whose benefits of membership or whose membership has been terminated shall be entitled to appeal to the Club's attorneys whose decision shall, save in the case of a clear misdirection, be final and binding upon the parties. The Chairperson (or his or her nominee) the member involved and a representative of the Club's attorneys shall agree the procedure for such an appeal. In the absence of agreement, the member concerned shall be entitled to institute arbitration proceedings against the Club in terms of the Arbitration Act No. 42 of 1965.
- Introduced 1993
- (m) To appoint or remove servants and/or employees and to determine the duties and remuneration thereof.

GENERAL MEETINGS

- Contents amended 1996
7. The Annual General Meeting shall be held in the month of JUNE of each year. The Hon. Secretary shall give members 21 days notice of the holding of the Annual General Meeting. Committee members shall be elected at this meeting.

NOTICE OF MOTION

8. All notices of resolutions to be moved at an Annual General Meeting must be received in writing by the Hon. Secretary not later than 14 days before the Meeting and must be signed by the Proposer and Seconder. Such resolutions to be posted on the notice board by the Hon. Secretary 7 days before the meeting.
- 9.

SPECIAL GENERAL MEETINGS

Number amended 1987
Number amended 1998

10. A Special General Meeting may be convened at any time:
- (a) By the Committee.
 - (b) Upon a written request made to the Hon. Secretary by at least ten members.

Such special meetings shall be called by the Hon. Secretary and 21 days notice of every such meeting and the business intended to be discussed thereat shall be given to each member, and no business other than that so notified shall be brought forward at such meeting.

QUORUM

Contents amended 2008
Number amended 1987
Contents amended 1996
Number amended 1998

11. Fifteen per cent of members shall form a quorum at any General Meeting. Proxy votes permissible provided forms are submitted to Hon. Secretary prior to the commencement of any General Meeting.

Should there not be a quorum ten minutes after the stated time of any meeting, the Chairman shall adjourn the meeting for two weeks. The members present at a duly notified adjourned meeting shall constitute a quorum.

Number amended 1987
Number amended 1998

12. Notice of any General Meeting shall be sufficiently given to each member if posted on the Club notice board and sent by circular by post addressed to each member according to the Members' Roll.

MINUTES etc

Number amended 1987
Number amended 1998

13. The Hon. Secretary shall keep a correct record of all meetings of the Club, and deal as instructed by the Committee with all correspondence, except that pertaining to finance.

FINANCE

Number amended 1987
Number amended 1998
Contents amended 2002

14. The Hon. Treasurer shall deal, as instructed by the Committee, with all matters pertaining to the finance of the Club. He or she shall collect all subscriptions and entrance fees and submit at each meeting of the Committee accounts for payment.

MEMBERSHIP

Contents amended 1986

15. (a) Ordinary Members:

- Number amended 1987
Number amended 1998
- Membership of the Club shall be open and subject to the discretion of the Committee.
- Contents amended 1989
- (b) Honorary Members:
- The Committee, or a sub-Committee appointed by the Committee, shall have power to make any distinguished visitor or other person an Honorary Member without payment of entrance fees or subscription for such period as they may deem fit.
- Contents amended 1992
- If:
- Contents amended 2002
- (i) he or she is so eligible by reason of holding a public office;
or
- (ii) he or she is so eligible being a bona fide candidate for membership of the Club; or
- (iii) he or she is so eligible by having conferred an exceptional benefit to the Club.
- (c) All the members of the Forest Hills Sports Club shall, without election or payment of entry fees, be ipso facto, members of all sports sections. Participating members shall however be liable for subscriptions levied by such sections.
- Introduced 1992
- (d) Temporary or Reciprocity Members
- Contents amended 1999
Contents amended 2002
- No person residing within 30 kilometres from the premises of the Club shall be eligible for election as a temporary or reciprocity member of the Club unless he or she is allowed privileges of membership while engaged in a match or competition approved by the Management of the Club or is a visitor to the Durban Metropolitan area, who is approved by a committee member, and who has been issued with a visitor's card which is valid for no more than 30 days. Such card may not be issued more than once during any 12 month period.
- Introduced 1992
- (e) None but members of the Club (including temporary and reciprocity members) shall be permitted to part-take of or pay for facilities of the Club including liquor or refreshments supplied on the premises of the Club.
- Introduced 1994
- (f) Junior members :

A Junior member shall be any member participating in a sport or sporting facility of the Club who is below the age of 18 years complete. A Junior member shall enjoy all privileges of membership, save the right to vote and the right to participate in any committee, sub-committee or sports section committee of the Club."

Contents amended 1996

(g) Intermediate members :

An intermediate member shall be a member of the Club who as at 31 December of the previous year, is between the ages of 18 years complete and 21 years complete. An intermediate member shall enjoy all the privileges of membership, save that such member shall not enjoy the right to vote and/or participate in any committee, or sub-committee of the Club. Such member shall however be entitled to participate and vote in a committee of any sports section to which that member belongs. Nothing herein contained shall prevent an intermediate member from paying the subs payable by an ordinary member in which event he or she shall enjoy the privileges of ordinary membership.

Contents amended 1996

Contents amended 2002

APPLICATION FOR MEMBERSHIP

Number amended 1987

Introduced 1993

Contents amended 1994

Number amended 1998

Contents amended 2002

16. A candidate for membership must be proposed and seconded by two paid-up members of the Club. The proposal form (supplied by the Club) duly completed must be submitted together with the applicant's entrance fee, and subscriptions for the year, or the balance thereof, to the Hon. Secretary by the Proposer. Pending acceptance or rejection of the candidate's application he or she shall enjoy probationary membership status which shall mean that he or she shall not be entitled to vote, sign on visitors or partake in the purchase of liquor.

POSTING CANDIDATES

Number amended 1987

Number amended 1998

17. The names of the candidates with the names of the proposers and seconders shall be posted on the notice board fourteen days prior to the next Committee meeting.

ADMISSION

Number amended 1987

Number amended 1998

18. The admission of members into the Club shall be by vote of two-thirds of the Committee present.

REJECTION AND APPEAL

Number amended 1987
Number amended 1998
Contents amended 2002

19. Any candidates rejected by the Committee may be subsequently put up for election by ballot at a General Meeting. Ten adverse votes shall preclude him or her from admission. Such a ballot shall be void unless at least twenty members record their votes.

ENTRANCE FEES AND SUBSCRIPTIONS

Number and Contents amended 1987
Contents amended 1990 (see retrospective amendment of 1991 AGM Minutes)
Number amended 1998

20. Entrance fees and subscriptions shall be decided and varied from time to time by way of resolutions of the Main Club Committee.

All cheques to be made payable to "Forest Hills Sports Club".

Deleted 1992

MEMBER RE-JOINING THE CLUB

Number amended 1987
Contents amended 1995
Number amended 1998
Contents amended 2002
Heading introduced 2002

21. In the case of any former member re-joining the Club within a period of (2) two years after his or her resignation and on condition that his subscriptions are fully paid at the time of his or her resignation, the Committee shall waive the entrance fee. Whether a former member re-joins the Club within the two year period or not, he or she will be subject to the provisions of clause 16.

PAYMENT DEFAULT

Number amended 1987
Deleted and amended 1994
Number amended 1998
Contents amended 2002

22. Every new member is expected to pay the subscription fees on receipt of the official notice of election. Any member being more than two months in arrear with payment of his or her subscriptions shall be considered a defaulter, and the Committee shall have the right to post on the notice board the names of defaulters in respect of subscriptions due to the Club.

YEAR

Number amended 1987
Contents amended 1991

23. Save for the cricket section, whose financial year shall be from 01 September to 31 August, the Club's financial year is from 01 March to

Contents amended 1996
 Number amended 1998
 Contents amended 2000
 Contents amended 2002

the last day of February. Subscriptions shall be due by the first day of the relevant financial year. Should a member be elected within the last six months of the financial year, he or she shall be liable for one half of the annual subscriptions.

DISABILITIES IF IN ARREARS

Number amended 1987
 Deleted and amended 1992
 Number amended 1998
 Contents amended 2002

24. (a) Any member who is more that 2 months in arrears shall have his or her name removed from the register of members by the Hon. Secretary and it shall not be re-instated while his or her subscriptions remain unpaid. Such member shall not be allowed to vote on any occasion whatever nor shall he or she be entitled to participate in any of the advantages or privileges of the Club;
- (b) None but paid up members are eligible to serve on any committee or take part in the management of the Club.

COUNTRY MEMBER

Inserted 1997
 Deleted 1986

25. A country member shall be any person who would otherwise be an ordinary member but who resides more than 30 kilometres in distance by the most direct road from the Club premises.

RESIGNATION

Number amended 1986
 Number amended 1987
 Number amended 1998
 Contents amended 2002

26. Any member of the Club may terminate his or her membership by written notice to the Hon. Secretary and by payment of all his or her liabilities to the Club to the end of the current year.

FOUNDATION MEMBERS

Number & Contents
 amended 1986
 Number amended 1987
 Contents amended 1989
 Contents amended 1991
 Contents amended 1996
 Number amended 1998

27. Any person shall be eligible for foundation Membership upon the payment of R500,00. Foundation Members shall not be liable for future subscriptions to the Club save any sports section thereof provided that the sum of R500,00 is paid in full before the official opening of the Club.

ALTERATION OF RULES

Number amended 1986
 Number amended 1987
 Number amended 1998

28. This Constitution shall not be altered or repealed except by the vote of two-thirds of the members present at the Annual General Meeting, or a Special General Meeting called for this purpose.

COMPLAINTS

- Number amended 1986
Number amended 1987
Number amended 1998
29. Complaints by members must be forwarded to the Hon. Secretary in writing and placed before the Committee.

CONSTRUCTION OF RULES

- Number amended 1986
Number amended 1987
Number amended 1998
30. Should any doubt arise as to the meaning of a Rule or Bye-Law, the Committee are empowered to make a ruling thereon, and, in the event of dissatisfaction, the matter may be brought up for decision at the next Annual General Meeting or at a Special General Meeting called for that purpose, and the ruling of such General Meetings shall be final.

COMMITTEE MEETINGS

- Number amended 1986
Number and contents amended 1987
Contents amended 1991
Number amended 1998
Contents amended 2002
31. (a) The Committee shall meet at least once a month. Any Member of the committee absenting himself or herself without leave for three consecutive meetings shall forfeit his or her seat.
- (b) Four Committee Members shall form a quorum at any Committee Meeting. Should there not be a quorum ten minutes after the stated time of any meeting the Chairperson shall adjourn the meeting for two weeks. The members present at a duly notified adjourned meeting shall constitute a quorum.

SPORTS SECTIONS

- Contents amended 1989
Contents amended 1996
Number amended 1998
amended 2004
32. (a) All sports sections shall present the Committee with their respective constitutions, certified copies of which shall be retained by the Secretary. Any sports section which does not have its own constitution shall be bound by this constitution. Contents
- Contents amended 1996
- (b) The Constitution of the sports sections shall be subject to the prior approval of the Committee. Once approved and in the event of any conflict between this constitution and the constitution of any other sports section, this constitution shall prevail and the decision of the Committee in this respect shall be final.
- Introduced 1999
- (c) All sports sections shall, as soon as possible, present the committee with the minutes of their monthly meetings as well as their monthly financial reports together with any other financial documents as the committee may from time to time prescribe.

Introduced 2004

- (d) Notwithstanding any contrary provisions herein, or in any section's constitution contained, should a fully paid up member of the Forest Hills Sports Club be elected onto a section's committee, or not having been so elected regularly performs administrative or coaching duties on its behalf, that member shall, even though he or she is not a member of such section, be eligible to vote as though he or she were a member.

LIQUOR

Introduced 1992
Number amended 1998
Contents amended 2002

33. (a) No member of the Club shall sell or supply liquor to a member for consumption by that member's guest, unless that member has entered his or her name and address and that of his or her guest clearly and indelibly in the Visitors Book provided for this purpose.

Amended 1997

- (b) Guests may not be introduced as visitors to the Club more than twice per month.

Introduced SGM 1993

- (c) The Club membership shall not be less than 35 ordinary members.
- (d) The average annual subscription for a member shall be no less than R12,00 (Twelve Rand);
- (e) The Committee shall ensure that proper records, including a register of members are kept;
- (f) No profit from the sale of liquor by the Forest Hills Sports Club shall accrue to any individual, except in terms of a written agreement approved by the Minister on application.

Introduced 1994
Number amended 1998

34. **BOOKS OF ACCOUNT AND AUDIT**

Contents amended 1996

- 34.1 The Committee and the Committees of the sports sections shall cause true and proper books and accounts to be kept showing under proper and sufficient headings :

Contents amended 1996

- (a) the whole of the assets and liabilities of the Club and where applicable the sports section; and

Contents amended 1996

- (b) the income and expenditure of the Club and where applicable the sports section;

- 34.2 All monies of the Club and all monies of sports sections which are

not required for immediate use, shall be paid into a bank as the Committee may appoint from time to time. The retention by a sports section of monies for a particular purpose shall be done only with the consent of the Committee of the Club.

Contents amended 1996

34.3 At the Annual General Meeting an Auditor shall be appointed for the ensuing year and it shall be the duty of such Auditor to partially audit all the Club's accounts as well as those of the sports sections. If any casual vacancy shall occur in the office of the Auditor, the Committee shall appoint an alternate.

Contents amended 1995

Contents amended 1996

34.4 The Club and its sports sections shall be bound by any directives issued by the auditor.

Contents amended 1996

34.5 It shall always be at the discretion of the Committee to obtain a full audit of either the Club's accounts or those of any sports section.

Introduced 1995

Contents amended 1996

35. **DISSOLUTION OF A SPORTS SECTION**

In the event of any sports section becoming dissolved, all of that sports section's assets and funds shall accrue to the Main Club. Dissolution shall be deemed to have taken place once the membership of a sports section is less than 10 members.

Introduced 1994

Contents amended 1996

Number amended 1998

Contents amended SGM 1996

Proviso deleted 2012

Heading introduced 2012

ACTIONS AGAINST THE CLUB ETC

36.(i) Any action instituted against the Club shall if it is so advised, be defended by the Club and no member thereof shall be personally liable for any debts or obligations unless such a person committed a fraud in relation thereto.

Introduced 1995

Number amended 1998

Contents amended 2002

(ii) The Club shall not be liable for any loss or injury sustained by any member, player, visitor or a child or children of any of the above as a consequence of any activity, Club structure or any other cause whatsoever notwithstanding that any member of the Club may have through his or her negligence caused such loss or injury.

Special provisions pertaining to cricket section introduced 2005

Special provisions pertaining to Cricket section deleted 2012

General clause introduced 2012

GENERAL

37(i) Save and except as reasonable compensation for services rendered, the Club's income and property are never distributed to its members or office-bearers who shall have no rights in and to such income or property

solely by virtue of their being members or office-bearers;

- (ii) Although the Club is an association made up of its members, it shall be deemed to constitute a body corporate which has an identity and an existence distinct from its members or office-bearers and which shall be capable of suing or being sued in its name;
- (iii) The Club shall as a body corporate continue to exist notwithstanding changes in the composition of its membership or office-bearers;
- (iv) The Club shall only be capable of being dissolved and its affairs wound up at an annual or special general meeting. In such an event, all of the Club's income and assets as remain after all of its liabilities have been met, shall through the offices of its auditors, be transferred to another non-profit organisation having similar objectives. The fees and charges of the Club's auditor in undertaking the winding up of the Club and the transfer of its assets aforesaid shall constitute a liability as above – contemplated.
- (v) Regarding construction and demolition to Club premises, a notice is to be placed on the notice board outlining the nature of the work to be undertaken and the estimate of the cost involved. The notice is to be placed on the Club notice board four (4) weeks prior to commencement of work advising members that comments and objections are to be given in writing to the secretary. This would obviously exclude cases of emergency where prompt repairs are necessary.

Introduced 2012

DISCLAIMER IN RESPECT OF USE OF CLUB FACILITIES

38. It is a condition of membership of the Club that:
- (i) neither the Club nor its committee members, section committee members, employees or the general body of members (the latter by reason of their membership alone) shall be liable to any member in whatsoever capacity as a consequence of that member, that member's child or that member's invitee suffering any damages or loss pursuant to the use of the Club's facilities, whether such use was authorised or otherwise.
 - (ii) each member in the capacities aforesaid accepts that all activities undertaken at or on the Club's premises (or elsewhere under the Club's auspices or control) shall be undertaken (whether by the member, the member's child or the member's invitee) at that person's own risk, to which end each member together with his or her spouse, executors, administrators or assigns does by virtue of his or her membership aforesaid indemnify the Club, its committee members, its section committee members, its employees and its members aforesaid, and/or any other person or persons connected directly or indirectly with such activities, against any and all such claims as are in sub-clause 38 (i) hereof referred to, wheresoever and howsoever arising.

