

SENIOR GOLFERS' SOCIETY OF THE SOUTHERN CAPE

A Member of the Senior Golfers' Union of South Africa

CONSTITUTION

May 1996

(as amended to February, 2016)

1) **NAME**

The name of the society shall be the Senior Golfers' Society of the Southern Cape.

2) **AFFILIATION**

The society shall be affiliated to the Senior Golfers' Union of South Africa and the colours of the society shall be those of the Union.

3) **JURISDICTION**

The jurisdiction of the society shall embrace the area falling within the jurisdiction of the Southern Cape Golf Union.

4) **OBJECTS**

The objects of the society shall be to provide golfing, social and recreational amenities and facilities for its members **in a non-profit manner**.

5) **MEMBERSHIP**

The membership of the society shall consist of the following classes:

- a) Honorary Life Members: being those who are elected on the recommendation of the committee at an annual general meeting of the society.
- b) Veteran Senior Members: being those with twenty or more years membership of one or more societies. Such members may be exempted from the payment of the annual subscription.
- c) Active Members: An active member shall mean an amateur male golfer who has been admitted to membership of the Society. At the time of being invited to apply for admission he shall have obtained the age of 55 years and be a playing member in good standing of a golf club which is affiliated to a provincial union or Association of the South African Golf Federation. A condition of his continued membership as an active member of the society shall be that he retains his aforesaid membership of a golf club and meets such obligations as are set out by the Committee for all active members of the society. As a normal practice no candidate should be admitted to membership if he has attained the age of 70 years except by transfer from another society. The total number of active members shall not at any time exceed the quota laid down by the governing body of the Union.
- d) Transferee Members: Transferee shall mean an active member of any one of the constituent societies of the Union who has ceased to be ordinarily resident within the area of the society in which he is a member and who has in response to a written request by his society and by reason of his new domicile, been accepted as a supernumerary transferee member to this society. The former society shall thereupon be notified accordingly and the said member shall pay such fees to this society as are provided for in Rule 7. He shall enjoy playing status and eligibility for all competitions, the annual championship and national tournament without affecting the quota of members of this society nor

his eligibility for admission to active membership of this society. This rule is subject to review by the governing body of the Union for which purpose the society shall in December of each year advise the standing committee of the names of all its supernumerary transferee members.

- e) Non-playing Members: a non-playing member shall mean a member who at the discretion of the committee of the society has been transferred to the class of non-playing member. A non-playing member shall be requested to maintain some form of membership of a golf club. This requirement may be waived upon application to the committee. A non-playing member may at the discretion of the committee be re-admitted to active membership provided he is a member of an affiliated club and has an official handicap.

6) ELECTION TO MEMBERSHIP

- a) Any person proposed for membership of the society shall be sponsored by two members of the society who shall provide the committee with full particulars of the person recommended for membership with particular reference to such person's association with golf. If the committee is then fully satisfied that such person should prove to be a desirable and active member of the society only then shall an application form be issued to the proposer for completion; application forms shall contain such particulars as the committee may require.
- b) A candidate shall be proposed by a member and seconded by another member both of whom shall be at least three years standing. Neither the proposer nor the seconder shall be a member of the committee and no member may propose or second more than one candidate in one year.
- c) The committee shall consider applications for membership in the order in which they are received provided that priority in election to membership may be given to a candidate who in the opinion of the committee has rendered outstanding service to the game of golf or who warrants priority due to other circumstances recognised by the committee. The election of a candidate to membership shall be in the discretion of the committee which may refuse any application for membership without giving any reason therefor. In the event of such refusal at least one year must elapse before a further application for membership by such candidate shall be considered by the committee. Candidates elected to membership shall be advised accordingly by the secretary and subject to the payment of the prescribed entrance fee, subscription and levy, if any, be enrolled as a member.

7) FEES

- a) Membership is on an annual basis.
- b) Entrance fees, annual subscriptions for active and non-playing members and affiliation fees payable to the Union shall be decided from time to time by the annual or a special general meeting of the society. All fees cover the period from 1st January to 31st December and are payable within 30 days of the first date. Members in arrears are not entitled to vote at any meeting.

8) MANAGEMENT

- a) The affairs of the society shall be governed by a committee consisting of a president, captain, vice-captain, honorary secretary, honorary treasurer and an additional committee member. Four attending a meeting shall be a *quorum* and the senior committee member present shall act as chairman who shall have a casting vote.

- b) The committee shall be elected at the annual general meeting from candidates nominated in writing to the honorary secretary not later than fourteen days before the date of such general meeting. The elected committee shall remain in office until the conclusion of the next annual general meeting. All retiring committee members shall be eligible for re-election. The committee shall have power to fill any vacancy which may occur in its numbers and to appoint an additional member at its discretion.
- c) The President, Honorary Secretary and Honorary Treasurer, who may not be connected persons in relation to each other, accept fiduciary responsibility for the society. No single person may directly or indirectly control the decision making powers of the society.
- d) The Society may not knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would become payable by any person under the Income Tax Act or any other Act administered by the Commissioner for the South African Revenue Service.

9) ANNUAL GENERAL MEETING

The annual general meeting shall be held in George in the month of February of each year on the date stated in the annual fixture card. Ten members shall form a *quorum* and the president or in his absence the senior committee member shall act as chairman and shall have a casting vote. Should there be no officer present the meeting shall elect a chairman.

10) SPECIAL GENERAL MEETING

A special general meeting may be convened at any time either by the committee or on the receipt of a written request signed by not less than ten members. Fourteen days notice of such a meeting stating the agenda for the meeting shall be given. At such a meeting ten members shall form a *quorum* and the chairman shall be as stated in para. 9 above with the same authority. No business other than the agenda for the meeting shall be dealt with by a special general meeting.

11) FINANCE

- a) The financial year shall commence on the 1st day of January in every year. The honorary treasurer shall keep proper accounts and these shall be reviewed by a person of professional standing prior to the annual general meeting.
- b) Subject to clause 16 no assets, surplus funds, profits or gains shall be distributed to any person and the funds of the Association shall be utilized solely to recover direct and reasonable indirect costs in accordance with the Objects for which it was established.
- c) No remuneration will be paid to any person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered nor may any remuneration be determined as a percentage of any amounts received or accrued to the society.
- d) Members are prohibited from selling their membership rights or any entitlement in terms thereof.

12) HANDICAPS

A member's handicap shall be his lowest current handicap at any club of which he is a member but it shall be at the discretion of the committee to make any adjustments it may deem necessary.

13) RULES

The society accepts and is bound by the Rules of Golf and such amendments or additions thereto as may be adopted by the Royal and Ancient Golf Club of St. Andrews and the decisions which it may from time to time issue on the interpretation of the Rules of Golf.

14) AMENDMENTS

- a) All amendments to this Constitution shall be by two-thirds majority of members present and entitled to vote at an annual general meeting or a special general meeting of which due notice shall be given.
- b) A copy of all amendments to the constitution will be submitted to the Commissioner of the South African Revenue Service.

15) LIABILITIES

Liability of Members: The society shall be a body corporate, not for gain, having an existence independently of its members with perpetual succession and all its assets shall be registered or held in the name of the society. Members shall not be liable to meet the debts, engagements or liabilities of the society and the liability of members shall be limited to payment by them to the society of the subscriptions or other fees due by them in terms of this constitution.

16) DISSOLUTION OF THE SOCIETY

- a) The society may not be dissolved, wound up nor placed in liquidation except by a resolution passed at a Special General Meeting called for that purpose which resolution shall be passed by not less than two-thirds of the members present at such meeting.
- b) If after payment of its debts and satisfaction of its liabilities any assets whatsoever remain they shall be given or transferred to ~~some other society or association having objects similar to those of the society or those of the SA Golf Union:~~
 - i) Any other recreational club which has been approved by the Commissioner in terms of Section 30A of the Income Tax Act (the Act);
 - ii) Any public benefit organization, contemplated in paragraph (a)(1) of the definition of a "public benefit organization" in section 30(1) which has been approved in terms of section 30(3) of the Act;
 - iii) Any institution, board or body which is exempt from the payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole or principle object the carrying on of any public benefit activity; or
 - iv) Any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) of the Act.