

## **2003 (Amended) CONSTITUTION**

### **OF**

## **FREE STATE METALLIC SILHOUETTE SHOOTING ASSOCIATION**

### **1.0 NAME**

The Association, a non-profit amateur sporting organisation, shall be known as FREE STATE METALLIC SILHOUETTE SHOOTING ASSOCIATION, hereinafter referred to as the Association.

The Association, in its own name, shall be capable in law of suing and of being sued and of acquiring, holding and alienating property, movable and immovable.

### **2.0 DEFINITIONS**

Words not defined in the Association Rules shall, unless the context indicates otherwise, bear the meanings assigned to them in this Constitution and unless inconsistent with the context, all words and expressions importing the masculine gender shall include the feminine, words signifying the singular number shall include the plural and vice versa, and the following expressions shall have the following meaning assigned to them, namely:

“Affiliated Club” shall mean a Club at which Metallic Silhouette Shooting is conducted in accordance to official rules and procedures, which is affiliated to the Association and which is situated in the Free State.

“Amateur” shall mean a person who complies with the requirements of the definition of an amateur as defined by the National Olympic Committee of South Africa.

“Auditor” shall mean a suitably qualified independent financial expert.

“Committee” shall mean the Executive Committee of the Association, as constituted in terms of clause 5.0 hereunder.

“Constitution” shall mean the Constitution of the Association.

“Delegate” shall mean the nominated representative of the Affiliated Club, who has voting rights at Special and Annual General Meetings.

“Member” shall mean an individual who is an amateur Metallic Silhouette Shottist and who is a member, of good standing, of an Affiliated Club and shall include a Temporary Member, a Junior Member and a Direct Member as constituted in terms of clause 4 hereof.

“Notice” shall mean written notice given to or by the secretary of any Affiliated Club, or the secretary of the Association as the case may be, sent by prepaid post to the latest address of which such said secretary has had notice.

“SAMSSA” shall mean the South African Metallic Silhouette Shooting Association.

“Secretary” shall mean the first Secretary, if more than one Secretary has been appointed.

### **3.0 OBJECTS**

The objects of the Association in general are to promote, organise and control amateur Metallic Silhouette Shooting in the Free State and in particular, without restricting the generality of this Clause:

- 3.1 To affiliate to SAMSSA.
- 3.2 To organise the Free State Metallic Silhouette Shooting Championships annually.
- 3.3 To organise and control league and Classification Shooting.
- 3.4 To select and authorize teams to represent the Free State Province from time to time in International and National Competitions and/or to compete with teams of other Provinces in mini-provincial Competitions.
- 3.5 To raise funds by membership fees or otherwise for the furtherance of the objects contained in this clause.
- 3.6 To foster the good image of Metallic Silhouette Shooting in the public eye and to promote the safe and responsible use of fire arms by anyone legally entitled to so use them.

#### **4.0 MEMBERSHIP**

- 4.1 Any person who wishes to join the Association can, subject to clauses 4.11 and 4.12, only do so by joining an Affiliated Club unless such person is resident in a magisterial district which is not served by an Affiliated Club, in which event such person may join the Association as a Direct Member. Vice versa, all members of Affiliated Clubs which are members of the Association are entitled to all the rights and benefits of such membership and are subject to all the obligations of membership but in particular the payment of such annual membership fee to the Association as may be decided on from time to time by the Executive Committee.
- 4.2 Affiliation fees shall be paid directly to the Association.
- 4.3 Liability of Members for debts incurred by the Association shall be limited to the amount of their unpaid membership fees.
- 4.4.1 The Executive Committee shall, in writing stating the reasons, and where it considers it to be in the interests of the Association, be entitled:
  - 4.4.1.1 To refuse an application for direct membership,
  - 4.4.1.2 To issue warnings or temporarily suspend or suspend the membership of any Member,
  - 4.4.1.3 To expel any Member,
  - 4.4.1.4 To refuse an application for affiliation of a Metallic Silhouette Shooting Club,
  - 4.4.1.5 To suspend the affiliation of a Metallic Silhouette Shooting Club,
  - 4.4.1.6 To expel an affiliated Metallic Silhouette Shooting Club,
  - 4.4.1.7 To take such other disciplinary measures as may, in the circumstances, be deemed appropriate.

- 4.4.2 In the exercise of its discretion in terms of sub-clause 4.4.1, the Executive Committee may appoint a representative Disciplinary Committee to act on its behalf.
- 4.4.3 Before a Member or Affiliated Club is expelled or suspended, such Member or Affiliated Club shall be given the opportunity to state his or its case, explain or defend himself or itself either in writing or verbally.
- 4.4.4 An Affiliated Club or Member who has been expelled or whose affiliation or membership has been suspended, has no claim against the Association for the re-imbusement of any moneys paid.
- 4.5 Clubs applying for affiliation shall satisfy the following requirements:
  - 4.5.1 A certified copy of its Constitution is to be furnished to the Executive Committee for approval.
  - 4.5.2 The affiliation fee, as determined by the Executive Committee, must be paid on application, by the Affiliated Clubs and Direct Members, which fee will be refundable should such application fail.
  - 4.5.3 The names, addresses and telephone numbers of its members interested in Metallic Silhouette Shooting, are to be furnished to the Executive Committee.
- 4.6 Affiliated Clubs shall advise the Executive Committee of any amendments to their Constitutions.
- 4.7 A Member having Direct Membership to the Association will be entitled to such direct membership until the end of the membership year in which a Club from the magisterial district in which the Member is a resident, is granted affiliation to the Association. Such Member will then become eligible for membership of such Affiliated Club and should then apply for membership of the Club. He will then cease to enjoy direct membership.
- 4.8 Individuals applying for Direct Membership shall satisfy the following requirements:
  - 4.8.1 The Executive Committee must be satisfied that no Affiliated Club serves the magisterial district or area respectively in which such applicant is resident;
  - 4.8.2 Such membership fee as may be decided upon by the Executive Committee from time to time, to be paid in accordance with clause 4.9 hereunder.
- 4.9 Clubs or individuals who have in terms of this Clause applied for affiliation or membership as the case may be, may at the discretion of the Executive Committee, immediately enjoy the privileges of such affiliation or membership upon payment, in full, of all applicable fees as determined by the Executive Committee from time to time.
- 4.10.1 Life membership to the Association may be granted by the Executive Committee, provided the following requirements have been complied with:
  - 4.10.1.1 Application is made for such Life Membership by the individual concerned, who has paid such an amount as to be determined from time to time by the Executive Committee;
  - 4.10.1.2 A recommendation to grant such Life Membership has been obtained from the Club in whose area of jurisdiction such person is ordinarily resident.

- 4.10.2 Honorary Life Membership of the Association to any person may be granted by the Association only if a resolution, of which due notice has been given, is carried unanimously at the Annual General Meeting.
- 4.10.3 Life Membership referred to in sub-clause 4.10.1 and 4.10.2 hereof shall in general be subject to the previous provisions of this Constitution in particular clause 4.0, but provided that Clause 4.1 shall not be applicable to Life Membership.
- 4.10.4 In the event of death, resignation or termination of office for any reason whatsoever, by a Delegate appointed by the Affiliated Club, a successor to him will immediately be appointed by the said Affiliated Club.
- 4.11 No Member or Affiliated Club of the Association may belong to or be affiliated to a rival organisation. A rival organisation is one which on a regional, provincial or national basis purports to promote and control the Metallic Silhouette Shooting sport, without being an Affiliated Club in terms of this Constitution and the SAMSSA Constitution.
- 4.12 Membership shall be restricted to bona-fide amateurs.
- 4.13 Junior Membership:
- 4.13.1 Membership may be granted to juniors provided that they have obtained written consent from their legal guardians.
- 4.13.2 Junior Members shall have no voting rights and may not serve on the Executive Committee. Junior membership shall count when determining the number of Delegates per Club.
- 4.13.3 Junior Membership shall expire at the age of eighteen (18) years. Full membership shall be payable for the subsequent financial year after the Member becomes eighteen (18) years old, with the exception of full-time students, who will still pay the junior fee.

## **5. MANAGEMENT**

- 5.1 The management, control and administration of the Association shall vest in the Free State Metallic Silhouette Shooting Executive Committee, constituted as follows:
- 5.1.1 President (optional)
- 5.1.2 Executive Committee consisting of:
- 5.1.2.1 Chairman
- 5.1.2.2 Vice-Chairman
- 5.1.2.3 Secretary
- 5.1.2.4 Treasurer
- 5.1.2.5 Additional Members, the number of which shall not be limited, and representing all the Affiliated Clubs.
- 5.2 Members of the Executive Committee shall be elected annually by the Delegates of the Affiliated Clubs, at the Annual General Meeting, for one year and shall hold office until the election of the office bearers of the Annual General Meeting next ensuing.

5.3 The procedure for the election of the members of the Executive Committee shall be as follows:

5.3.1 Nominations from the floor will be asked for candidates for the positions as per clause 5.1.2 above

5.3.2 Popular vote by Delegates by means of secret ballot will decide on the successful candidate for each position.

5.3.2.1 In the event of an Affiliated Club having up to and including five (5) Affiliated Members, such club will be entitled to one (1) Delegate.

5.3.2.2 In the event of an Affiliated Club having between six (6) and up to and including twenty (20) Affiliated Members, such Club will be entitled to two (2) Delegates.

5.3.2.3 In the event of an Affiliated Club having between twenty one (21) and up to and including eighty (80) Affiliated Members, such Club will be entitled to four (4) Delegates.

5.3.2.4 In the event of an Affiliated Club exceeding eighty one (81) Affiliated Members, such Club will be entitled to five (5) Delegates.

5.3.2.5 The above Affiliated Members should all be full members of said Affiliated Clubs, FSMSSA and SAMSSA and should not be Junior Members.

5.3.3 Direct Members who do not belong to Affiliated Clubs will be considered to be a body and may elect a Delegate to serve as an Additional Member on the Executive Committee to represent their interests.

5.4 The Executive Committee will have full authority to act between annual General Meetings on behalf of the Association, but notwithstanding any other provisions of this constitution, the Executive Committee will be responsible to the Association for all actions taken or acts performed by it.

5.5 The Executive Committee shall cause the proceedings of all its meetings to be properly minuted and the minutes shall be sent to the Secretaries of all affiliated Clubs, within a period of one month after the meeting.

5.6 A member of the Executive Committee who fails to attend three consecutive meetings without apologies in advance, will cease to serve on the Executive Committee.

## **6. VACANCIES ON THE EXECUTIVE COMMITTEE**

In the event of a vacancy occurring in whatsoever way in the ranks of the members of the Executive Committee, the Committee shall appoint a successor, whose term of office will continue to the date or moment when his predecessor's term of office would normally have come to an end.

## **7.0 POWERS OF THE EXECUTIVE COMMITTEE**

7.1 The ownership, control and administration of all the assets of the Association shall vest in the Executive Committee, which shall have the authority to take decisions and act on behalf of the Association in all matters concerning it and to do all things not inconsistent with the objects of the Association or the provisions of this Constitution.

- 7.2 To expel or suspend members or Affiliated Clubs and to approve or refuse membership of the Association in accordance with clauses 4.4.1 tot 4.4.4.
- 7.3 To issue membership cards to all its Members, or arrange to indicate Provincial Affiliation on Affiliated Membership cards.
- 7.4 From time to time appoint for such periods as may be decided upon, persons in honorary capacities.
- 7.5 To appoint employees for such periods and at such remuneration as may be decided upon.
- 7.6 To arbitrate on disputes, which may arise between Members and/or Affiliated Clubs.
- 7.7 To acquire, hire or lease immovable property if necessary for the promotion of the objects of the Association.
- 7.8 To apply the funds of the Association to the promotion of the affairs of the Association exclusively, as set out in this Constitution.
- 7.9 To co-opt extra additional members to serve on the Executive Committee, where these members' services shall be deemed necessary.

#### **8.0 NOTICE OF EXECUTIVE COMMITTEE MEETINGS**

- 8.1 At least fourteen days written notice shall be given to members of the Executive Committee of Committee meetings and such notice shall state the date, time and place of the meeting provided that the Committee may determine a regular venue, day of the month and time for Committee meetings provided further that in event of a change of a regular venue and/or day of the month and/or time of Committee meetings, fourteen days written notice shall be given to members of the Committee of such change of venue and/or day of the month and/or time of the committee meetings.
- 8.2 An agenda shall be furnished to members of the Executive Committee at least seven days before the meeting.
- 8.3 The Committee shall convene as far as practicable once a month.

#### **9.0 QUORUM AND CONDUCT OF EXECUTIVE COMMITTEE MEETINGS**

- 9.1 The Chairman or the Vice-Chairman and the Members of the Executive Committee, who are present shall constitute a quorum but if less than fifty (50) per cent of the Members are present, the meeting will be adjourned for half an hour, after the lapse of which the meeting will proceed with those Members present, who shall constitute a quorum. If the quorum then stands at less than twenty (20) per cent of the Executive Committee, then the meeting will stand adjourned until a later date.
- 9.2 The Committee shall cause the proceedings of all its meetings to be properly minuted and the minutes shall be placed before the first succeeding meeting of the committee. If the minutes of any meeting are accepted as correct, they shall be confirmed by the signature of the Chairman and the Secretary.

- 9.3 Matters requiring decision by the Executive Committee shall be decided by a majority vote and in event of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.
- 9.4 If the President elects to attend an Executive Committee Meeting, he shall preside and in the event of an equality of votes, he will have a casting vote in addition to his deliberative vote.
- 9.5 The Executive Committee shall elect Delegates to represent the Association at SAMSSA, as per clauses four and five of the SAMSSA Constitution.

#### **10.0 NOTICE OF ANNUAL GENERAL AND SPECIAL GENERAL MEETINGS**

- 10.1 At least one month's written notice accompanied by an agenda, financial statement, budget and annual report shall be given to Members, as well as the Affiliated Clubs, of the Annual General Meeting and such notice shall state the date, time and place of the meeting.
- 10.2 At least two weeks' written notice shall be given to members and Affiliated Clubs, of Special General Meetings, and such notice shall state the date, time and place of the meeting and will also furnish the agenda.

#### **11.0 SPECIAL GENERAL MEETINGS**

- 11.1 On receipt of a request in writing addressed to the Secretary of the Executive Committee and signed by at least twenty (20) per cent of the full Members of the Association, the Committee shall within one month, and with at least two weeks' written notice to the Members, which notice shall state the reason for the meeting, convene a Special General Meeting at a time and place to be determined by the Executive Committee.

The request in writing shall state the object of the meeting and only such matters as are specified in the request will be dealt with at the Special General Meeting.

- 11.2 The Executive Committee shall, if the circumstances deem it necessary, have the right to call a Special General Meeting in accordance with clause 10.2 above.

#### **12.0 QUORUM FOR ANNUAL GENERAL AND SPECIAL GENERAL MEETINGS**

The President, or in his absence, the Chairman or the vice-Chairman and the Members of the Association, who are present shall constitute a quorum, but if less than twenty (20) per cent of the Members are present, the meeting will be adjourned for half an hour, after the lapse of which the meeting will proceed with those Members present, who shall constitute a quorum.

#### **13.0 CONDUCT OF ANNUAL GENERAL MEETINGS**

- 13.1 The Association will meet at least once a year at a time and place determined by the Executive Committee, but within three months of the end of the Association's financial year. This meeting will be referred to as the Annual General Meeting, shall be properly minuted and shall be conducted in accordance with clauses pertaining to the Annual General Meetings and Special General Meetings.
- 13.2 Matters requiring decisions by the Association shall be decided by a majority vote. The President or Chairman, who presides at the Association Meeting, shall not have a deliberative vote, but shall in the event of an equality of votes have a casting vote.

- 13.3 The President, Chairman or Members of the Executive Committee shall subject to Clause 13.2, not be entitled to vote at Special General meetings.
- 13.4 All members of the Executive Committee may be eligible for re-appointment.
- 13.5 The business of the Annual General Meeting shall be proceeded with in the following order:
  - 13.5.1 Reading of the notice convening the Annual General Meeting.
  - 13.5.2 Ratification of Delegates' credentials.
  - 13.5.3 Reading and confirmation of the minutes of the preceding Association meeting.
  - 13.5.4 Ratification or otherwise of actions of Executive Committee, including ratification of Free State Colours.
  - 13.5.5 Submission and consideration, and if approved, the adoption of the Annual Report and Financial Statement.
  - 13.5.6 Honoraria.
  - 13.5.7 Special business of which due notice shall have been given.
  - 13.5.8 Election of office bearers.
  - 13.5.9 Election of Honorary Officials
  - 13.5.10 General Business.

#### **14.0 FINANCIAL ARRANGEMENTS AND ACCOUNTS**

- 14.1.1 Members of the Committee shall not be entitled to any remuneration, or other fee in respect of services rendered in their capacity as members of the Committee.
- 14.1.2 Members of the Executive Committee and every Officer of the Association shall be and are indemnified by the Association against all proceedings, cost and expenses incurred in connection with the Association, not arising from their negligence, dishonesty or fraud.
- 14.1.3 No paid employee of the Association shall be entitled to be a Member of the Executive Committee.
- 14.2 The Association shall insure itself against loss resulting from the negligence, dishonesty or fraud of any of its officials having receipt or charge of moneys belonging to the Association if such insurance can be obtained on a practicable and economical basis.
- 14.3 The financial year of the Association shall extend for a period of twelve months from the first day of October to the last day of September of the following year. The membership year shall coincide therewith.



- 14.4 The Executive Committee shall keep such accounts, entries, registers and records as are necessary for the proper working of the Association. The books of accounts shall be made up at the end of each financial year and shall be audited by the Auditor of the Association. An audited balance sheet shall be submitted to the Association at its Annual General Meeting.
- 14.5 The Association shall maintain a banking account or accounts with a registered Commercial bank. All monies received shall be deposited to the credit of the Association's said account(s) and all payments shall be made by a cheque under signature of the persons authorised by the Committee to sign cheques drawn on the Associations account(s), or by means of Electronic Fund Transfers and/or other acceptable Electronic means as may be safely afforded by Registered Commercial Banks in future.
- 14.6 The Association shall annually appoint an independent Auditor. Such Auditor shall after having been appointed be deemed to be reappointed upon the termination of the period of his appointment, without any resolution being passed unless:
- 14.6.1 He is not qualified for re-appointment; or
- 14.6.2 A resolution is passed by a majority of members of the Association present at such Association meeting appointing another auditor, or providing expressly that he shall not be re-appointed; or
- 14.6.3 He has given the Association notice in writing of his unwillingness to be re-appointed.
- 14.7 Where at an Association meeting no auditor is appointed, or re-appointed, the Executive Committee shall, as soon as reasonably possible appoint a person to fill the vacancy.
- 14.8 The auditor of the Association shall have a right of access at all times to the books and accounts and vouchers of the Association and shall be entitled to require from the officials of the Association such information and explanations as he thinks necessary for the performance of his duties.
- 14.9.1 Membership fees which become due and payable on the first day of the Association's financial year shall be paid by Members not later than the last day three months hence.
- 14.9.2 Members who have not paid their membership fees timeously as set out in the previous sub-clause, shall pay such administrative fee as may be decided on by the Executive Committee from time to time in addition to the membership fee.
- 14.10.1 Receipts, appropriately marked, shall be issued to Members when membership fees are paid.
- 14.10.2 Membership fees shall be paid directly to the Association by direct Affiliated Members only, all members' payments that are Affiliated to Affiliated Clubs, will be paid via the respective Clubs.
- 14.10.3 Production of an original receipt for that financial year is prima facie proof that a person is entitled to all the privileges of membership.
- 14.10.4 For all monies received, receipts shall be issued.

## **15.0 AMENDMENT OF CONSTITUTION**

- 15.1 This Constitution may only be amended by a two-thirds majority of the votes of the Delegates present at an Annual General Meeting or a Special General Meeting, of which due notice has been given, in accordance with clauses 10, 11, 12 and 13.
- 15.2 Proposals for amendment of the Constitution at an Annual General Meeting must be signed by the proposer and seconder and submitted to the executive committee in accordance with clause 15.5 hereunder
- 15.3 Proposals for amendment of the constitution at a Special General meeting must be signed by the proposer and seconder and at least twenty (20) per cent of the full Members of the Association and submitted to the Executive Committee in accordance with clause 15.5 hereunder.
- 15.4 The Executive Committee may, subject to sub-clause 15.5 and notwithstanding sub-clause 15.2, submit proposals for amendment at the Annual General Meeting or Special General Meeting.
- 15.5 Proposals for amendment shall be circulated to all Members and Affiliated Clubs at least one month before the Annual General Meeting or Special General Meeting, by the Executive Committee and submitted to the association meeting.

## **16.0 RULES**

- 16.1 The Silhouette Shooting Rules, as compiled and distributed by SAMSSA/IMSSU shall be applied by the Association, its Affiliated Clubs and Members.
- 16.2 Free State Colours : The Executive Committee shall select Free State Teams according to the Guidelines of the Executive Committee of the Association.
- 16.3 Selection Criteria:

Refer to the Guidelines for Selection Criteria as laid down by the FSMSSA Executive Committee.

## **17.0 ARBITRATION**

In the event of a dispute to which the Association is a party and an Affiliated Club and-or a Member the other party, such dispute will be settled in terms of the Arbitration Act, no 42 of 1965, as amended from time tot time.

## **18.0 DISSOLUTION**

The Association shall only be dissolved other than by operation of law, upon resolution by a two-thirds of the votes of the members of the Association. Once a resolution of dissolution has been passed the Association will decide on the disposal of assets after debts and/or claims, if any, have been satisfied, provided that its nett assets be distributed to another Association in the Republic of South Africa having similar objects and enjoying exemption from tax in terms of section 10(1) (cd) of the Income Tax Act, or to any other amateur sporting association enjoying the aforementioned exemption or to other associations in the Republic of South Africa which are themselves exempt from tax in terms of section 10 of the Act.

Accepted this THIRD

day of NOVEMBER

2004



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CHAIRMAN



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SECRETARY