

Constitution

of the



As approved by Council on 15 March 2021

CONTENTS

1	Name	1
2	Founding Statement	1
3	Interpretation.....	1
4	Aims and Objectives	3
5	Area of Operation	4
6	Organisation	4
7	Council.....	4
8	Executive Committee	5
9	Headquarters	5
10	Annual General Meeting of the Association.....	6
11	Special General Meeting.....	7
12	Nomination and Election – the Executive Committee	7
13	Nomination and Election – Honorary Members	9
14	Registration.....	9
15	Voting	9
16	Quorums.....	10
17	Finance.....	10
18	Amendments to the Constitution.....	11
19	Amateur Status	11
20	Colours	11
21	Misconduct and Discipline	11
22	Dispute Resolution.....	13
23	Indemnity	13
24	Public Statements.....	13
25	Minutes of Meetings.....	14
26	Auditors.....	14
27	Dissolution of the Association.....	14
28	Separate Identity of the Association	14
29	Application of the Association’s Funds	15
30	Restrictions on Powers of Members	15

1 NAME

- 1.1 The body shall be called the Northerns “Blues” Hockey Association (the “Association”) or “NBHA” in its shortened form.

2 FOUNDING STATEMENT

2.1 Preamble

The Association was formed in February 1994 at a time when South African society and sport was deeply divided owing to inherently discriminatory racial policies and practices.

These policies denied fundamental rights to the majority of South Africa’s peoples and gave rise to deep-rooted disparities in all fields of endeavour, not least in sport and in Hockey.

2.2 Principles

Recognising the need to move away from the injustices of the past and to unite their membership, the parties to the unity process in Hockey (the Founders, as defined in clause 3.6) committed themselves to the establishment of an Association that would serve to:

- 2.2.1 Enshrine principles of equality, accountability, mutual respect and recognition;
- 2.2.2 Embody democratic, non-racial and non-sexist policies and practices;
- 2.2.3 Create opportunities for participation without distinction based on colour, race, creed, religion or gender;
- 2.2.4 Redress historical disparities to allow all to participate and compete equally and specifically address the needs of historically disadvantaged communities through special programs.
- 2.2.5 Act with general unity of purpose.

These principles underpin the aims, objectives and operations of the Association.

3 INTERPRETATION

Unless the context otherwise requires, the following words and expressions have the meanings set out hereunder.

- 3.1 “South Africa” means the Republic of South Africa as constituted on 31 May 1961.
- 3.2 “Hockey” embraces field and indoor hockey.
- 3.3 “FIH” means the International Hockey Federation.
- 3.4 “Criminal record” means as recorded by the Judicial Record of South Africa.
- 3.5 “SAHA” means the South African Hockey Association.
“GSC” means the Gauteng Sports Council;
“TSC” means the Tshwane Sports council;

- 3.6 “Founder Associations”:
- The Northern Transvaal Men’s Hockey Association;
 - The Northern Transvaal Woman’s Hockey Association;
 - The Northern Transvaal Men’s Hockey Board and
 - The Northern Transvaal Women’s Hockey Board
- 3.7 “Member” shall mean a club that meets, and continues to meet, the following criteria deemed necessary for the well-being and sustainability of such member:
- 3.7.1 It has a constitution applicable to the Member which mirrors the aims and objectives of both the South African Hockey Association and the Northerns “Blues” Hockey Association;
- 3.7.2 It has a functional executive committee and it maintains an up-to-date record of names and contact details of that committee’s members with the Association’s administrator;
- 3.7.3 It has at least one team entered into and participating in the outdoor leagues of the Association or, in the event of the outdoor off-season period, it had at least one team entered into and participating in the most recently completed outdoor league of the Association.
- 3.7.4 It is in good financial standing with the Association with regard to annual affiliation fees, as well as any other fees levied, due to the Association;
- 3.7.5 It annually holds an Annual General Meeting and submits the minutes of such meeting, as well as statements of its financial affairs, to the office of the Association within sixty days of the date on which such meeting is held.
- 3.8 The Association shall register an “Affiliate Member”, and the Affiliate Member shall retain its status, when it meets, and continues to meet, the following criteria deemed necessary for the well-being and sustainability of such an Affiliate Member:
- 3.8.1 It annually submits to the Association’s office the registration information required by the Executive Committee for purposes of administration and communication;
- 3.8.2 It annually presents and administers at least one competition, tournament or league for and on behalf of its own membership;
- 3.8.3 It has a constitution applicable to the Affiliate Member which mirrors the aims and objectives of both the South African Hockey Association and the Northerns “Blues” Hockey Association;
- 3.8.4 It has a functional executive committee;
- 3.8.5 It is fully paid up in respect of financial commitments to the Association;
- 3.8.6 It annually holds an Annual General Meeting and submits the minutes of such meeting, as well as audited statements of its financial affairs, to the office of the Association within sixty days of the date on which such meeting is held.
- 3.9 “Guest Members” means organisations, clubs or associations that are accepted into the Association’s activities and that adhere to the rules and regulations of the Association.
- 3.10 “Associate members” are sports organisations which conduct programs in or allied to Hockey as a competitive sport, but which do not qualify for full membership. Such membership shall be determined by a signed Memorandum of Understanding and guided by the provisions in the bye-laws.

- 3.11 “Membership” means collectively the Members, the Affiliate Members and the officers of the Executive Committee.
- 3.12 “Simple majority” means the majority of votes cast.
- 3.13 “Absolute majority” means more than half of those present and entitled to vote.
- 3.14 “Special majority” means more than two-thirds of those present and entitled to vote.
- 3.15 “SASCOC” means the South African Sports Confederation and Olympic Committee.
- 3.16 “IOC” means the International Olympic Committee.
- 3.17 “Representative” or “Inclusive” means representative and inclusive of all peoples of the country and constituents of the Association and / or affiliate.
- 3.18 “Equity requirements” embrace the concepts or principles of representivity and inclusivity.
- 3.19 “Office” means the registered office or headquarters of the Association as defined in clause 9.
- 3.20 Any actions that are required to be taken in accordance with stipulations of the Consitution which need to be done “in writing” or “written” may be effected via email. Messages sent via instant messaging applications will not be considered “written” or “in writing”.

4 AIMS AND OBJECTIVES

- 4.1 The main objective of the Association is the administration, development, co-ordination and promotion of Hockey in which participants take part on a non-professional basis as a pastime, and:
- 4.1.1 To promote, advance, administer, co-ordinate and generally encourage Hockey in South Africa.
 - 4.1.2 To govern and to make, alter, repeal and enforce laws, rules, policies and regulations for Hockey under the jurisdiction of the Association, as required.
 - 4.1.3 To seek and maintain membership of SAHA in accordance with the Statutes and Codes of Conduct of that body and to support and promote the Rules of Hockey as determined by the FIH.
 - 4.1.4 To seek and maintain good standing with SAHA, GSC and TSC and to strive for good relations with its partners, other multi-code structures and other Affiliates.
 - 4.1.5 To abide by the anti-doping policies of the Institute for Drug-Free Sport (as adopted by the SASCOC) and determined by the FIH, SAHA, SASCOC and the IOC from time to time.
 - 4.1.6 To formulate, control and amend the conditions under which competitions are contested.
 - 4.1.7 To settle disputes arising between Members or Affiliate Members or bodies connected directly or indirectly with Hockey within the jurisdiction of the Association.

- 4.1.8 To encourage participation, development and transformation (through access, equity and affirmative action measures) and to actively implement sustainable programs to:
- 4.1.8.1 Promote the development of playing facilities and the provision of equipment;
 - 4.1.8.2 Provide opportunities for players to improve their performance levels;
 - 4.1.8.3 Train leaders, administrators, coaches, umpires and technical officials; with the objective of ensuring that resources are accessible to all participants in Hockey on an equal basis.
 - 4.1.8.4 To establish and maintain an efficient administration that is accountable and transparent in its actions.
 - 4.1.8.5 To preserve the independence and autonomy of the Association subject to the Constitution of South Africa.

5 AREA OF OPERATION

The area of operation of the Association is as prescribed in the Bye-Laws of the Association.

6 ORGANISATION

The supreme authority of the Association shall be the collective Membership assembled in duly constituted meetings.

The legislative and administrative power of the Association shall be vested in the Annual (or Special) General Meeting, the Council and the Executive Committee, subject to such limits of authority specified in the Constitution.

7 COUNCIL

7.1 Council shall comprise:

- The Executive Committee;
- The Members, each represented by one or two persons
- The Affiliate Members, each represented by one or two persons.
- Associate members
- Guest members

7.2 Council shall meet at least four times per annum.

7.3 Recommendations, proposals or motions on policy decisions passed at Council meetings shall be tabled at AGM's for adoption and ratification.

7.4 The following powers shall vest in the Council:

- 7.4.1 To do anything that is in the interest of the Association, provided that it is in keeping with its mission and objectives and complies with the provisions of the Constitution and the directives of the Annual General Meeting.
- 7.4.2 To deliberate on any matters which may be brought before it and to make recommendations on the same matters to the Annual General Meeting.

8 EXECUTIVE COMMITTEE

- 8.1 The Executive Committee shall be responsible and accountable to the Membership and shall effect and implement the policies of the Association as determined by the Membership in duly constituted meetings.
- 8.2 The Executive Committee shall consist of a minimum of six persons, and the Administrator who shall serve *ex officio* without voting rights. The elected officers shall comprise:
- The President;
 - The Honorary Treasurer;
 - At least four additional members
- 8.3 The members of the Executive Committee may elect from amongst the additional members a person to designate as Vice-President.
- 8.4 The Management Committee shall be responsible for the management, leadership and implementation of any special and extraordinary business of the Association. The committee will comprise of the following members:
- The President
 - The Vice-President
 - The Honorary Treasurer
 - The Administrator
- 8.5 The Affiliate and Associate members shall have their own committees responsible for the activities related to their specific affiliate, and shall report to the Executive Committee.
- 8.6 Nominations and elections shall be conducted in terms of the procedures set out in clause 12.
- 8.7 Subject to the approval of the Executive Committee, the President shall have the right to co-opt any other person or persons to assist the Executive in the execution of specific duties. Such person or persons shall be required to attend meetings of the Executive for the specific business for which he or she was co-opted.
- 8.8 The Executive Committee shall meet not fewer than four times per annum and shall report in writing to the Membership and Council on any material matters arising from its meetings.
- 8.9 The powers, duties and operations of the Executive Committee shall be as defined in clauses of the Bye Laws.

9 HEADQUARTERS

The registered office of the Association shall be located in the Gauteng Province, and in particular in Tshwane, unless otherwise agreed by the Members.

10 ANNUAL GENERAL MEETING OF THE ASSOCIATION

- 10.1 It shall be incumbent upon the Executive Committee to ensure that an Annual General Meeting of the Membership is held every year on such date and at such venue as may be determined by the Executive.
- 10.2 Written notice of such meeting shall be given no later than thirty days prior to the date of such meeting, to the Honorary Members of the Association, the members of the Executive Committee, the Members, the Affiliate Members and such other persons entitled to receive notice. The notice shall be accompanied by an agenda of business to be conducted at the meeting, minutes of the previous Annual General Meeting and one copy of the most recent audited annual financial statements.
- 10.3 The President, and in his or her absence, the Vice-President, and failing them any other appointed member of the Executive Committee, shall serve as Chairperson at Annual General Meetings.
- 10.4 The agenda for the Annual General Meeting shall be as follows:
- Presentation and approval of credentials;
 - Approval of the notice of meeting;
 - Apologies;
 - Ratification of the minutes of the previous Annual General Meeting;
 - Matters arising from the minutes of the previous Annual General Meeting;
 - To receive from the President the Annual Report on the activities of the Association for the period under review;
 - Matters arising from the Annual Report;
 - To receive, consider and approve the audited annual financial statements for the year ended 31 December of the previous year;
 - To elect Honorary Members;
 - To elect members of the Executive;
 - To consider any proposals from the Members or the Affiliate Members which have been received by the office in time for inclusion on the agenda;
 - To consider any other business set down for discussion at the Annual General Meeting.
- 10.5 Attendance at the Annual General Meeting shall be restricted to the Honorary Members, the Executive Committee and the delegates of the Members and Affiliate Members and such other persons as the Executive Committee may deem fit to invite. The Members and the Affiliate Members may send as many delegates at their cost as they wish, provided that:
- 10.5.1 The names and credentials of such delegates are submitted in writing to the Association's office ten calendar days prior to the meeting; and
- 10.5.2 Where members delegate two or more persons, they are encouraged to attempt to comply with the Association's equity requirements.

11 SPECIAL GENERAL MEETING

- 11.1 The office, upon a written notice made by the Members or Affiliate Members representing a total of not less than 25% of the votes of the Members and Affiliate Members, shall convene a Special General Meeting.
- 11.2 Written notice of a Special General Meeting shall be given no later than 30 days prior to the date of such meeting to all persons entitled to receive notice of such meeting. The notice shall be accompanied by an agenda of business to be conducted at the Special General Meeting. The agenda shall express the purpose of the meeting to be called and no business other than that which is specified shall be transacted at the Special General Meeting.
- 11.3 Attendance at Special General Meetings shall be restricted to delegates of the Members, Affiliate Members, the Executive Committee and any other persons whom the Executive may deem fit to invite. The Members and the Affiliate Members may send as many delegates as they wish at their cost provided that:
 - 11.3.1 The names and credentials of such delegates are submitted in writing to the Associations office ten calendar days prior to the meeting; and
 - 11.3.2 Where members delegate two or more persons, they are encouraged to attempt to comply with the Association's equity requirements.
- 11.4 The President, and in his or her absence, the Vice-President, and failing them any other member of the Executive Committee, shall serve as Chairperson at Special General Meetings.

12 NOMINATION AND ELECTION – THE EXECUTIVE COMMITTEE

- 12.1 Nominations
 - 12.1.1 Annually or as required, the Members and the Affiliate Members shall be entitled to nominate persons for election as officers as set out in clause 8.2. The nominations must be received by the Administrator not less than 21 days before the Annual General Meeting and must be accompanied by the written acceptance of the nominee. All incumbent members of the Executive Committee shall be deemed to be available for re-election unless they have served the maximum number of terms as specified in clause 12.3.1 or they formally give notice to the contrary not less than 45 days prior to the Annual General Meeting. The Administrator shall circulate all nominations together with the names of those office-bearers available for re-election, to the Membership not less than 15 days prior to the Annual General Meeting.
 - 12.1.2 No person who is a paid official of the Association or holds a criminal record shall be eligible for nomination and election as a member of the Executive Committee.
 - 12.1.3 All members of the Executive Committee shall hold office in their personal capacity and not as representatives of any Member or Affiliate Member or any other organisation.

12.2 Balloting

- 12.2.1 The persons present or represented by proxy and entitled to vote at the Annual General Meeting shall elect the members of the Executive Committee from amongst the eligible nominees and retiring office-bearers standing for re-election.
- 12.2.2 Elections shall be conducted by separate ballot for each of the following:
- President
 - Honorary treasurer
 - Additional members
- 12.2.3 To ensure that the Executive Committee complies with the Association's equity requirements, it shall be incumbent on the Members and Affiliate Members to take this into consideration when nominating candidates.
- 12.2.4 On the first ballot for each vacancy, each of those present or represented and entitled to vote shall cast a vote and the candidate(s) who receive the highest number of votes with an absolute majority shall be elected.
- 12.2.5 If any vacancy still remains, there shall be a second and subsequent ballots until all vacancies have been filled and, in each such ballot the number of remaining candidates shall be reduced (if necessary) by removing those receiving the least number of votes so that there are no more than twice the number of candidates as there are remaining vacancies, subject to the Association's equity requirements.

12.3 Term

- 12.3.1 The President and the Honorary Treasurer shall hold office for terms of three years and the number of consecutive terms they may serve in such capacities shall be limited to two.
- 12.3.2 The Additional Members shall hold office for terms of two years and there shall be no limitation on the number of terms they may serve.

12.4 Vacancies

Subject to the Association's stated equity requirements, the following procedure shall be adopted for the replacement of elected officers of the Executive Committee in the event that a vacancy occurs:

- 12.4.1 Nominations shall be called for from the Members and the Affiliate Members and the Executive shall arrange a replacement through the medium of an email ballot.
- 12.4.2 The candidate so elected shall hold office until the next Annual General Meeting and shall be eligible for re-election.
- 12.4.3 If no nominations are received by the date stipulated, which may not be less than seven days from the date on which nominations are called, the Executive Committee shall have the right to fill the vacancy. The candidate so appointed shall hold office until the next Annual General Meeting and shall be eligible for re-election.
- 12.4.4 In special circumstances, the Membership may exercise their right to call a Special General Meeting for the purpose of electing officers to vacant positions, subject to the provisions of clause 11.

13 NOMINATION AND ELECTION – HONORARY MEMBERS

- 13.1 The persons present or represented and entitled to vote at the Annual General Meeting may elect Honorary Members.
- 13.2 The criteria for such positions and the procedures for the nomination and election of candidates shall be as set out in the Bye Laws.

14 REGISTRATION

- 14.1 Each Member shall maintain a register of its players and only players so registered shall be eligible to play Hockey under the auspices of such Member.
- 14.2 A schedule of names of the registered players shall be submitted by the Members to the Administrator annually at a date determined by the Executive Committee and advised to the Members.
- 14.3 It is incumbent on Members to ensure that they comply with registration requirements as determined by SAHA.

15 VOTING

- 15.1 Council, Annual & Special General Meetings
 - 15.1.1 The number of votes shall be allocated as follows:
 - 15.1.1.1 Any Member having ten or more field hockey teams participating in the Association's club leagues shall be entitled to four votes;
 - 15.1.1.2 Any Member having six or more field hockey teams but fewer than ten participating in the Association's club leagues shall be entitled to three votes;
 - 15.1.1.3 Any Member having two or more field hockey teams but fewer than six participating in the Association's club leagues shall be entitled to two votes;
 - 15.1.1.4 Any Member with only one field hockey team participating in the Association's club leagues shall be entitled to one vote;
 - 15.1.1.5 Each Affiliate Member shall be entitled to one vote;
 - 15.1.1.6 Each member of the Executive Committee shall be entitled to one vote.
 - 15.1.2 The Chairperson shall direct the manner in which voting shall be conducted subject to the provisions of the Constitution and Bye-Laws.
 - 15.1.3 Amendments to the Constitution shall require a special majority at a Special General Meeting.
 - 15.1.4 Amendments to the Bye-Laws shall require a special majority of the Council.
 - 15.1.5 The election of members of the Executive Committee and of Honorary Members shall require absolute majorities.
 - 15.1.6 All other decisions of the Council shall require a simple majority.
 - 15.1.7 Any proposal failing to receive the required majority shall be deemed to have failed.

- 15.1.8 Proxies shall not be permitted at meetings of the Council but shall be allowed at Annual and Special General Meetings in accordance with the regulations contained in the Bye-Laws.
- 15.2 Meetings of the Executive Committee
 - 15.2.1 Each member present shall be entitled to one vote and the President shall have a casting vote in the event of an equality of votes.
 - 15.2.2 The President, or in his or her absence, the Vice-President, and failing them, the Chairperson of the meeting, shall direct the manner in which any voting shall be conducted.

16 QUORUMS

- 16.1 For meetings of the Council, a quorum shall consist of at least 50% plus one of the total membership comprising the Members and Affiliate Members, provided that if such quorum is not present within half an hour of the time appointed for the meeting, the meeting shall stand adjourned for 30 minutes from the appointed hour. At such adjourned meeting, the members present shall constitute a quorum.
- 16.2 At Annual or Special General Meetings, a quorum shall consist of at least 50% plus one of the total membership comprising the Members and the Affiliate Members present in person or represented by proxy, provided that if such quorum is not present within half an hour of the time appointed for the meeting, the meeting shall stand adjourned for 30 minutes from the appointed hour. At such adjourned meeting, the members present or represented by proxy shall constitute a quorum.
- 16.3 For Executive Committee meetings a quorum shall consist of 50% of the members plus one.

17 FINANCE

- 17.1 Each Member and Affiliate Member shall pay an annual affiliation fee to the Association as determined by the Council annually at its meeting closest to the start of each calendar year.
- 17.2 The financial year-end of the Association shall be 31 December each year.
- 17.3 Accounts
 - 17.3.1 The Executive Committee shall be accountable for the keeping of proper books of account and records of income and expenditure of the Association and shall at the close of each financial year cause to be prepared and audited Annual Financial Statements for that year which shall be received, considered and approved at the next Annual General Meeting of the Association.
 - 17.3.2 On approval, a signed audited copy of the Annual Financial Statements shall be affixed in the Minute Book of the Association.
- 17.4 The Bank Accounts

The Association's financial transactions shall be conducted by means of a banking Account. It is incumbent on the Executive Committee to ensure that effective procedures for authorising payments is maintained.

17.5 Borrowing Powers

The Association shall, in addition to all powers enjoyed by it under the common law or by statute, have the power to borrow money from time to time, subject to limitations as are agreed by the Membership, such sums of money on such terms and conditions as it considers fit with the power to consent to any variation or alterations of the terms of any such borrowings.

17.6 Reporting Requirement

The Association shall submit all reports as may be required by, and shall submit all amendments to this Constitution, to the Commissioner for the South African Revenue Services.

18 AMENDMENTS TO THE CONSTITUTION

18.1 The Constitution of the Association shall not be amended except at a Special General Meeting called for the purpose, and no amendments shall be made to the Constitution unless supported by a special majority of not less than 67% of the total votes of those present or represented and eligible to vote.

18.2 Notice of the intention to amend, rescind or add any article or provision of the Constitution shall be given to the Administrator which shall within 14 days of receipt of such notice call the meeting by written notice sent not less than 30 days prior to the date of the meeting to those entitled to receive such notice.

18.3 All amendments to the Constitution shall be submitted to SAHA.

19 AMATEUR STATUS

The amateur status or otherwise of individuals shall be governed *mutatis mutandis* by the provisions relating thereto contained in the Statutes of the International Hockey Federation.

20 COLOURS

The official colours of the Association shall be sky blue and navy. The logo of the Association shall be the Barberton Daisy. Specific representative team requirements are stipulated and regulated by the TSC.

21 MISCONDUCT AND DISCIPLINE

21.1 The Members and Affiliate Members shall at all times:

21.1.1 Abide by the provisions of the Constitution and the Bye-Laws, and the rules and regulations framed and promulgated in terms thereof;

21.1.2 Conduct their own affairs in the best interests of the Association and Hockey;

21.1.3 Insofar as is applicable, procure and ensure that their respective representatives, clubs, teams, officials and players, comply with and abide by the Constitution, Bye-Laws, rules and regulations and conduct themselves appropriately with a view to maintaining the best interests of the Association and Hockey.

- 21.2 Without derogating from the generality of the foregoing provisions, the Association from time to time, and always consistent with the Rules of the FIH by which it is bound, may frame, adopt and promulgate its own Bye-Laws for the purpose of maintaining the best interests of the Association and Hockey and for governing misconduct. Such Bye-Laws shall include the appointment of a disciplinary committee and its method of constitution and powers subject to principles of common law.
- 21.2.1 Any Member or Affiliate Member guilty of any breach of a provision of the Constitution or the Bye-Laws, or any club, team or official or player who brings Hockey into disrepute shall be liable to discipline by the Executive Committee at its sole discretion.
- 21.2.2 Where any Member or Affiliate Member has not disciplined any club, team, official or player, for a breach of the provisions of the Constitution or Bye-Laws, or in the opinion of the Executive Committee does not properly discipline such person or entity for a breach as aforesaid, the Executive Committee may require the club or team, duly represented, or the official or the player and the Member or Affiliate Member concerned to appear before it for the purpose of inquiring into the alleged misconduct and, if necessary, may discipline such a club, team, official or player, Member or Affiliate Member and may rule on the apportionment of the costs of holding such an inquiry as well as the imposition of sanctions including a fine or fines on the guilty party or parties, as the case may be, as provided for in clause 21.3 and its succeeding sub-clauses.
- 21.2.3 Where any Member or Affiliate Member disciplines any club, team, official or player falling under its control and/or jurisdiction, such club, team, official or player shall, subject to prepayment of an appropriate fee laid down by the Executive Committee from time to time, have the right to appeal to the Executive Committee.
- 21.3 At any disciplinary or appeal hearing, the Executive Committee shall adopt such rules of procedure as laid down in the Bye-Laws or, in the absence thereof, such rules as it may deem appropriate subject to common law principles of due process and the right to fair and proper hearing. Any individual, team or club or other entity shall have the right to be heard, which right shall include the right to be acquainted with the charges and the right to appear personally or to submit a defence in writing.
- 21.3.1 In the event of it being found that:
- 21.3.1.1 A Member or Affiliate Member is guilty of a breach of the Constitution or Bye-Laws, rules and regulations framed hereunder or of conduct which would bring Hockey into disrepute, the Executive Committee may in its discretion impose a monetary fine and/or other sanctions, provided that no fine shall exceed treble the annual affiliation fee payable by such Member or Affiliate Member for the year in which such Member or Affiliate Member is found guilty.
- 21.3.1.2 A club, team, official or player is guilty of misconduct, the Executive Committee may impose a monetary fine and/or other sanctions on such club, team, official or player, which may include suspension from participation in the playing or administration of Hockey for such period as the Executive Committee, in its sole discretion, shall determine.

21.3.2 Every Member or Affiliate Member shall ensure the effectiveness of any disciplinary action imposed in terms of this clause and shall preclude any such disciplined club, team, official or player from participation in Hockey during the period of suspension.

21.3.3 Every disciplinary meeting or appeal hearing held by the Executive Committee shall be reported to the next Council Meeting.

21.4 The first obligation of the Membership shall be to seek and exhaust internal remedies in matters of misconduct and discipline.

22 DISPUTE RESOLUTION

Subject to the regulations set out in clause 21 of the Constitution, any dispute arising out of or in connection with the enforceability of the Constitution, or the application and interpretation of the provisions thereof, or any dispute between any Members and/or Affiliate Members of the Association or between a Member or Affiliate Member and the Executive Committee of the Association, shall be referred to SAHA for resolution through mediation or expedited arbitration in terms of the Rules and Procedures for the Resolution of Disputes in Sport prevailing at the time such dispute is so referred. In the event of arbitration in terms of the foregoing, such resolution or finding shall be final and binding on the parties to the dispute.

23 INDEMNITY

23.1 Any action instituted by or against the Association shall be taken or defended in the name of the Association and no member of the Association shall be personally liable for any debts or obligations, irrespective of the manner incurred.

23.2 Any Member or Affiliate Member of the Association shall be indemnified by the Association, and it shall be the duty of the Association, out of its funds, to pay all costs, losses and expenses which any Member or Affiliate Member or other officer may incur or may become liable for by reason of any contract entered into or any act or deed done in any way in the discharge of his or her duty.

No Member or Affiliate Member or other officer or employee of the Association through the insufficiency or deficiency of any security in or upon which any of the monies of the Association shall be deposited shall be liable for any loss, damage or misfortune whichever shall happen in the execution of the duty of the person concerned unless the same happens through his own willful act or default.

23.3 The Association shall under no circumstances whatsoever be liable for injury or losses sustained by any player, official, club or team affiliated to the Association.

24 PUBLIC STATEMENTS

24.1 The official mouthpiece of the Association shall be the President and all releases to the media, in its electronic and print forms, shall be authorised by the President before any such release is made.

24.2 No registered player or other official whatsoever shall make any public statement on behalf of the Association without the prior approval of the President.

- 24.3 Members of and other sub-committees of the Executive Committee shall not divulge any matters of a confidential nature to the media.

25 MINUTES OF MEETINGS

The Administrator shall keep hard copies of the minutes of all meetings and proceedings and such minutes shall, when signed by the President of the Association, be conclusive evidence of the correctness of the entries therein. Included in this record of minutes shall be copies of all minutes of any sub-committee of the Executive Committee and any reports prepared by the Executive Committee or other bodies or persons holding office in the Association.

26 AUDITORS

The books and records of the Association shall be subjected to an annual audit by a firm of public accountants registered under the Public Accountants and Auditors Act, 1951 (as amended).

27 DISSOLUTION OF THE ASSOCIATION

- 27.1 The Association shall endure indefinitely notwithstanding any changes in the composition of its Membership, Council, Executive Committee or Management Committee, until such time as the Members resolve, or are obliged by any duly authorised body, to dissolve the Association.
- 27.2 The Association may be dissolved if at least two-thirds of the Members present and voting at a general meeting of Members convened for the purpose of considering such matter are in favour of dissolution. Not less than 21 days' written notice shall be given of such meeting and the notice convening the meeting shall clearly state that the question of dissolution of the Association and the disposal of its assets will be considered. If there is no quorum at such general meeting, the meeting shall stand adjourned for not less than one week and the Members attending such adjourned meeting shall constitute a quorum.
- 27.3 Upon its dissolution the assets of the Association remaining after the satisfaction of all its liabilities shall be given or transferred to such similar public benefit organisation having objects similar to its main object which has been approved in terms of Section 30 of the Income Tax Act, 1962, as amended, and is registered as a non-profit organisation as may be determined by the members of the Association at or before the time of its dissolution.

28 SEPARATE IDENTITY OF THE ASSOCIATION

- 28.1 The Association shall be deemed to be a body corporate and shall have an identity and existence distinct from that of the Executive Committee or Members.
- 28.2 Legal proceedings instituted by or against the Association may be instituted in the name of the Association.

- 28.3 Howsoever or wherever the Association's assets may be held or registered they shall be held on and for the account of the Association and at no time shall the Members be deemed to acquire for themselves or their personal account any vested right or interest in the funds or assets of the Association.

29 APPLICATION OF THE ASSOCIATION'S FUNDS

The income and property of the Association howsoever derived shall be applied solely towards the promotion of its main objective, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus, or otherwise howsoever, to the Members of the Association: provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any officer or servant of the Association or to any Member thereof in return for any services actually rendered to the Association.

30 RESTRICTIONS ON POWERS OF MEMBERS

- 30.1 The Association is prohibited from distributing any of its funds to any person, otherwise than in the course of undertaking any public benefit activity, and is required to utilise its funds solely for the object for which it has been established, or to invest such funds:
- 30.1.1 With a financial institution as defined in Section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);
 - 30.1.2 In securities listed on the stock exchange as defined in Section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);
 - 30.1.3 In such other prudent investments in financial instruments and assets as the Commissioner of the South African Revenue Services may determine after consultation with the Executive Officer of the Financial Services Executive and the Director of Non-Profit Organisations;
- Provided that the provisions of this sub-clause shall not prohibit the Association from retaining any investment, otherwise than any investment in the form of a business undertaking or trading activity or asset which is used in such business undertaking or trading activity, in the form that it was acquired by way of donation, bequest or inheritance.
- 30.2 The Association shall not carry on any business undertaking or trading activity, unless specifically permitted in terms of section 30(3)(b)(iv) of the Income Tax Act.
- 30.3 The Association is prohibited from accepting any donation 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.
- 30.4 The Association is prohibited from applying its resources or funds in the interest of supporting, promoting or opposing any political party.