



**CONSTITUTION OF  
REINING AND  
WESTERN PERFORMANCE HORSE  
SOUTH AFRICA**

**RWPHSA**

**January 2018**

## TABLE OF CONTENTS

AMENDMENTS TO THE (2015) CONSTITUTION, SAEF RESPONSE 2017 AND PRESENT COUNCIL MEMBERS .....	3
1. PREAMBLE TO THE CONSTITUTION.....	4
2. CONSTITUTION, NAME AND CORPORATE PERSONALITY .....	5
3. DEFINITIONS AND ABBREVIATIONS USED.....	5
4. INTERPRETATIONS.....	8
5. HEADQUARTERS.....	8
6. AREA OF JURISDICTION OF S.A. REINING AND WESTERN PERFORMANCE HORSE.....	8
7. OBJECTS OF REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.....	8
8. MEMBERSHIP .....	9
9. POWERS OF REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA TO CARRY OUT ITS OBJECTIVES .....	13
10. MEMBERSHIP AND TERMINATION OF MEMBERSHIP .....	15
11. VOTING RIGHTS.....	16
12. ANNUAL GENERAL MEETING ("A.G.M.").....	16
13. ORDINARY GENERAL MEETINGS ("O.G.M'S").....	17
14. SPECIAL GENERAL MEETINGS ("S.G.M.'s") .....	18
15. GENERAL PROVISIONS RELATING TO A.G.M.'s, ORDINARY GENERAL MEETINGS AND S.G.M.'s. ....	19
16. REINING AND WESTERN PERFORMANCE HORSE COUNCIL .....	20
17. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER, SECRETARY AND THE OTHER MEMBERS OF REINING AND WESTERN PERFORMANCE HORSE COUNCIL.....	25
18. EXECUTIVE.....	27
19. ASSOCIATE MEMBERS.....	28
20. HONORARY LIFE MEMBERS.....	28
21. PATRONS .....	29
22. LIMITATION OF LIABILITY OF MEMBERS INDEMNITY .....	29
23. ALTERATION OR VARIATION OF THIS CONSTITUTION .....	29
24. NOTIFICATION .....	29
25. INTERPRETATION OF THIS CONSTITUTION .....	30
26. DISSOLUTION OR WINDING UP OF REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA ..	30
SIGNING OF CONSTITUTION .....	34
SCHEDULE ONE - NON-RACIALISM .....	35
SCHEDULE TWO - AFFILIATES TO REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.....	37
SCHEDULE THREE - APPLICATION OF THE PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962..	38
SCHEDULE FOUR - DISPUTES .....	40

## AMENDMENTS TO THE (2015) CONSTITUTION, SAEF RESPONSE 2017 AND PRESENT COUNCIL MEMBERS

- a. Changed Item 1, "Preamble to the Constitution", page 4, added para reining [JH, 19/01/2018]
- b. Item 3.30 (2.30) deleted [JH, 13/01/2018]
- c. Item 3.31 (2.31), changed to "at least one club, having five (5) members", page 7, [JH, 18/06/2017]
- d. Item 3.39 deleted [JH, 13/01/2018]
- e. Changed Item 7.11 (6.11) [JH, 13/01/2018]
- f. Changed item 11.2 (10.2), "Ordinary Members shall each have 2 (two) votes" [13/01/2018]
- g. Added Item 11.8, "No proxy votes will be allowed." [JH, 13/01/2018]
- h. Changed Item 12.3.2, removed "Special Members" [JH, 13/01/2018]
- i. Changed Item 12.3.5 (11.3.5), added "A representative from the SAEF" [JH, 13/01/2018]
- j. Changed Item 13.1.2, "50% plus 1 of" [JH, 13/01/2018]
- k. Item 13.3.1, corrected cross-references, page 18, [JH, 21/06/2017]
- l. Item 15.1.3 (14.1.3), changed "each member shall have 2(two) votes", added "athlete & associate representative shall have 1 (one) vote each" [JH, 13/01/2018]
- m. Item 16.1.6, added "A representative of the Associate members" [JH, 13/01/2018]
- n. Item 16.1.7 (15.1.6), deleted "9 (nine)" members [JH 13/01/2018]
- o. Item 16.1.3, deleted "who shall be an Ex-Officio member, with no voting rights"  
(The Treasurer now has voting rights), page 20, [JH, 18/06/2017]
- p. Removed "The Provincial chairman may not hold one of the following portfolios", page 20,  
before item 16.1.8.1. [WB, 20/06/2017]
- q. Item 16.1.8.3, changed to "Judges and Officials, Venues and Schedules", page 20 [WB, 20/06/2017]
- r. Item 16.1.8.4, changed to "Finance", page 20 [WB, 20/06/2017]
- s. Item 16.8.1.6, changed to "Administration", page 20 [WB, 20/06/2017]
- t. Item 16.1.8.7, changed to "Marketing, Advertising and Communications", page 20 [WB, 20/06/2017]
- u. Item 16.1.8.8, changed to "Liaison, Public Relations", page 20 [WB, 20/06/2017]
- v. Item 16.1.8.10, added "Show Co-ordinating", page 20 [WB, 20/06/2017]
- w. Item 16.8 (15.8), changed "6 (six)" to "4 (four)" years [JH 13/01/2018]
- x. Item 16.10 (15.10), changed "6 (six)" to "50% plus 1", deleted "minimum of 4 (four)" [JH, 13/01/2018]
- y. Item 17.2.1 (16.2.1), changed "Special" to "Associate" [JH,13/01/2018]
- z. Item 17.15 (16.15), changed to "4 (four)" years [JH 13/01/2018]
- aa. Item 17.16 (16.16), deleted [JH 13/01/2018]
- bb. Item 18.2, changed to "three (3) months", page 27, [JH, 18/06/2017]
- cc. Item 18.4 (17.4), changed "disciplinary" to "judicial" [JH, 13/01/2018]
- dd. Item 27 (26), replaced "APPEAL BOARD..." with "JUDICIAL BODY" [JH, 13/01/2018]
- ee. Items 28 to 30, added [JH, 13/01/2018]
- ff. Item 1, Schedule 2, corrected grammar and references in paragraph, page 34, [JH, 18/06/2017]

## **1. PREAMBLE TO THE CONSTITUTION**

### **1.1 TRANSFORMATION**

Transformation implies a basic change of character with little or no resemblance to the past configuration or structure. Within the sporting context transformation implies that our national teams are representative of South African demographics. However, it is not only about figures. It is about the “soul of the nation” – the transformation of our minds so that we see ourselves as South Africans, not as blacks and whites, men and women, with and without disability. Transformation cuts across age, gender, disability and geographical spread. [Reference: White Paper on Sport and Recreation, Final Draft, June 2011].

Para Reining has been included in the REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA Show Rules, which is used by all member clubs and provinces, as well as all local and international judges, under instructions from the Show Convenor at each show. The patterns and guidelines in the Show Rules are derived from the World Para Reining Website ([www.worldparareining.org](http://www.worldparareining.org)).

### **1.2 OLYMPISM**

Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.

The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.

[Reference: Olympic Charter, August 2015].

### **1.3 PURPOSE OF THIS CONSTITUTION**

This constitution is designed to enable the peaceful and harmonious pursuit of the goals and ideals expressed in items 1.1 and 1.2. It must be sufficiently robust to provide good corporate governance, to allow the goals and ideals to be realised in a realistic timeframe, as well as providing the platform and guidelines for the Constitutions of all member Provinces and Clubs involved with the equestrian discipline of Reining and Western Performance.

## **2. CONSTITUTION, NAME AND CORPORATE PERSONALITY**

- 2.1 This is the Constitution of the body known as "REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA", which Association is the national body duly recognised by the South African Equestrian Federation.
- 2.2 REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA is a voluntary Association having a corporate identity separate from that of its Members and is entitled to own property, whether movable or immovable or otherwise, and is entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its Members from time to time, shall have perpetual succession.
- 2.3 The provisions of this Constitution are founded upon and shall be implemented and administered in the recognition of human dignity, equality and the advancement of human rights and freedoms, non-racialism, non-sexism and the right of freedom of association and the supremacy of the Constitution of the Republic of South Africa (1996), the rule of law and good corporate governance.

## **3. DEFINITIONS AND ABBREVIATIONS USED**

For the purposes of this Constitution, the following words and expressions shall have the following meanings unless the subject or context indicates otherwise:

- 3.1 "Act of Parliament" refers to the National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as "The Act".
- 3.2 "A.G.M." means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 3.3 "Appeal Board" means a body of appeal appointed by the Council in terms of this Constitution.
- 3.4 "Athlete/participant" means a person competing in Equestrian Sport, in REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, within any Club, (or as an individual) in a Development structure of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, who shall be subject to the authority of THE FEDERATION, irrespective of the gender or age category.
- 3.5 "Associate Members" means all those associations or organisations having the same or similar objects to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and having their National Office within the area of jurisdiction of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, which bodies have made application and have been accepted as Associate Members of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA in terms of the provisions of this Constitution.
- 3.6 "Annual Financial Statements" means the annual audited balance sheet, income and expenditure account, Treasurer's report and Auditor's report.

- 3.7 "Club" means any REINING AND WESTERN PERFORMANCE HORSE club which caters for any discipline of REINING AND WESTERN PERFORMANCE HORSE in a district or Province, as contained in this Constitution.
- 3.8 "Compliance" means that the member Province, club and athlete has fulfilled the necessary provisions of this Constitution in regard to specific requirements as contained herein, and as such is regarded as being in good standing with REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 3.9 "Constitution" means this Constitution.
- 3.10 "Reining and Western Performance Horse South Africa Council" means the National committee
- 3.11 "REINING AND WESTERN PERFORMANCE HORSE" means the sport of REINING AND WESTERN PERFORMANCE and includes the disciplines referred to in this Constitution and as defined by the FEI.
- 3.12 "REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA" means the body recognised by SAEF as the organisation responsible for REINING AND WESTERN PERFORMANCE HORSE in the Republic of South Africa, and as referred to in this Constitution.
- 3.13 "Day" means a calendar day. "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 3.14 "Event" means a REINING AND WESTERN PERFORMANCE HORSE event held under the auspices of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 3.15 "Event Organizer" means a person duly authorised to manage an event on behalf of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA either directly or indirectly through its members.
- 3.16 "FEI" means the *Federation Equestre Internationale* being the supreme controlling body of REINING at global and continental levels.
- 3.17 "Honorary Life Members" means all those persons bestowed with this honour by the General Council of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, and shall include any persons to whom this honour was bestowed prior to the acceptance of this Constitution.
- 3.18 "Levies" means the monies levied and due by the membership to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and as approved and agreed to by membership at each Annual General Meeting of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 3.19 "Member" shall mean an Ordinary Member, Athletes Commission or an Associate Member.
- 3.20 "Month" means a calendar month.
- 3.21 "National Sport Federation" means the national governing body of the Sport in membership of SASCOC, and recognised by the Department of Sport and Recreation in the Republic of South Africa.

- 3.22 "National Office" means the head Office of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA as defined in this Constitution.
- 3.23 "Ordinary General Meeting" means a meeting convened in terms of this Constitution.
- 3.24 "Ordinary Members" means those members duly accepted as members in terms of the geopolitical demarcations as set out in this Constitution.
- 3.25 "Organisers" shall mean those persons who have been duly authorised by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA either directly or through their provincial membership to stage a REINING AND WESTERN PERFORMANCE HORSE event inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- 3.26 "Patrons" shall mean a person duly appointed as such in terms of this Constitution.
- 3.27 "Person" means a natural or legal person.
- 3.28 "President" means the President of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, duly elected in terms of this Constitution.
- 3.29 "Province" means one of the nine (9) geopolitical areas as defined in Section 103 of the Constitution of the Republic of South Africa 1996 (as amended).
- 3.30 Item deleted
- 3.31 "Provincial REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA member" means a duly constituted body consisting of at least one club, having five (5) members, within a Province, associated with each other for the special and specific purpose of liaison and communication with the sporting codes of that Province, and the Department of Sport and Recreation in that Province.
- 3.32 "Athlete" shall mean the individual, together with his horse which shall be regarded as one competitor.
- 3.33 "Rules and Regulations" means the rules and regulations of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 3.34 "S.A.E.F" means the South African Equestrian Federation.
- 3.35 "S.A.I.D.S." means the South African Institute for Drug-Free Sport.
- 3.36 "S.A.S.C.O.C." means the South African Sport Confederation and Olympic Committee duly recognized and approved by the Department of Sport and Recreation as the governing body of Sport in the Republic of South Africa.
- 3.37 "Secretary" means the person either elected or employed in terms of the provisions of this Constitution.
- 3.38 "Special General Meeting" means a meeting convened in terms of this Constitution.

- 3.39 Item deleted
- 3.40 "S.R.S.A.", means the Department of Sport and Recreation in South Africa.
- 3.41 "Treasurer" means the person either elected or employed in terms of the provisions of this Constitution.
- 3.42 "Vice-President" means the Vice-President of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA as defined in this Constitution.
- 3.43 "W.A.D.A" means the World Anti-Doping Agency.
- 3.44 "Year" means a calendar year.
- 3.45 Any words importing one gender include the other.

#### **4. INTERPRETATIONS**

- 4.1 The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.
- 4.2 Unless the context indicates a contrasting intention, the singular shall include the plural and vice versa.

#### **5. HEADQUARTERS**

The National Office Headquarters shall be in Gauteng Province, Republic of South Africa, and shall remain at that place until the Council shall decide that the National Office shall be moved to another place, provided that the National Office shall always be at a place within the Republic of South Africa.

#### **6. AREA OF JURISDICTION OF S.A. REINING AND WESTERN PERFORMANCE HORSE**

The geographical area of jurisdiction of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall be the Republic of South Africa.

#### **7. OBJECTS OF REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA**

The objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA are:

- 7.1 to be and to operate and function as the autonomous controlling and administrative body of the sport of REINING AND WESTERN PERFORMANCE HORSE within the area of its jurisdiction.
- 7.2 to direct, develop, promote and administer the Sport of REINING AND WESTERN PERFORMANCE HORSE within the area of its jurisdiction in accordance with sound business and financial principles;
- 7.3 to ensure that the encouragement, promotion, development and administration of the Sport of REINING AND WESTERN PERFORMANCE HORSE, whether same be at National, Provincial, District or Local level, is carried out in accordance with the principles of non-racism, by which it is meant that race ethnicity and nationality shall not be a basis for discriminating against or of affording privileges to any one person or group of persons.



- 7.4 to promote sportsmanship and fair play at all levels of the sport, free of any interference.
- 7.5 to apply annually to be a member of SAEF and to abide by their Constitution, Rules and Regulations, as well as to affiliate to FEI (should the need so arise, and as directed by SAEF) and/or any other national or international sports body as the General Council upon the recommendation of the national executive may decide to cooperate with SAEF and SASCOC (through SAEF) if required, in particular as regards the participation of REINING AND WESTERN PERFORMANCE HORSE Athletes in all Multi-Code Games and Events.
- 7.6 To advance the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by Reining and Western Performance Horse Council, whether within or without the area of jurisdiction of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and irrespective of whether or not such other Associations or Organisations be connected with the sport of REINING AND WESTERN PERFORMANCE HORSE.
- 7.7 To uphold and enforce the rules of REINING as prescribed by the FEI (*Federation Equestre Internationale*) from time to time and to encourage and promote the highest standard of sporting behaviour in connection with the performing of REINING AND WESTERN PERFORMANCE.
- 7.8 To uphold and enforce any code of conduct pertaining to the sport of REINING AND WESTERN PERFORMANCE approved by the SAEF and/or its corresponding REINING AND WESTERN PERFORMANCE HORSE Region, any other code of conduct decided upon by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 7.9 To encourage the appointment of coaches at all levels within the Equestrian community.
- 7.10 To select representative Athletes at all levels for participation in any tournaments whether same be local or international.
- 7.11 To award local colours in terms of the criteria laid down in the Rules and Regulations and to apply for National Colours via the SAEF to SASCOC.
- 7.12 To recognise and accept the jurisdiction, rules and regulations of the South African Institute for Drug-free Sport (“SAIDS”) as well as the code of the World Anti-Doping Agency (“WADA”) and the FEI Equine Anti-Doping and Controlled Medication Regulations as may be amended from time to time.
- 7.13 To promote the appointment and education of Judges and Officials.

## **8. MEMBERSHIP**

- 8.1 REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA consists of three categories of members, and one category of Athletes, namely:

- 8.1.1 Ordinary Members, shall be those members as defined by their geopolitical areas and made up of their Provincial / Club structures as set out in this Constitution, and as such they shall be obliged to promote, develop and participate in the sport of REINING AND WESTERN PERFORMANCE, as well to ensure as the development of REINING AND WESTERN PERFORMANCE Athletes through constructive coaching and capacity building.
- 8.1.2 Athletes Commission means body representative of current REINING AND WESTERN PERFORMANCE HORSE Athletes, known as the Athlete's Commission, and established from individual REINING AND WESTERN PERFORMANCE HORSE enthusiasts participating in the sport of REINING AND WESTERN PERFORMANCE, as defined in this Constitution. Such Members shall at all times have direct representation on the REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA Council.
- 8.1.3 Associate Member(s) shall comprise those bodies who have made application and been accepted as Associate Members to the Sport of REINING AND WESTERN PERFORMANCE HORSE, and are recognised as a body specifically catering for their membership within a confined organisation and/or area, namely the Defence Force, Police Force, Schools and Tertiary Education and any other body duly accepted. An application may made to the Secretary of the Reining and Western Performance Horse Council in the form determined by the Reining and Western Performance Horse Council from time to time, enclosing a copy of its duly adopted Constitution, a declaration that it will adhere to the Constitutions of SASCOC and REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, a complete membership list and such other information as may be required by the Reining and Western Performance Horse Council. The Secretary shall submit applications for affiliation to the next Reining and Western Performance Horse Council meeting for consideration and the Reining and Western Performance Horse Council shall in turn submit all such applications, with a recommendation, to the next Annual General Meeting.
- 8.1.4 Athlete(s) shall mean each individual participant in the sport, who together with his horse shall make up one competitor. Such Athlete may apply to join REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA by way of filling out the requisite application form as may be produced by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and amended from time to time. REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA may levy a fee against such Athlete at its discretion and such Athlete, whether or not a fee was levied and / or paid but upon acceptance of such application, shall be subject to this Constitution and any Rules and Regulations of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA. The aforesaid fees shall be collected directly by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA by way of any mechanism that it may establish for such purpose.

- 8.1.5 REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA may, by a majority vote taken at an Annual General Meeting or a Special General Meeting convened inter alia for this purpose, grant associate membership status to any other association operating on a national level provided that no associate membership shall be granted to an association with the same aims and objectives as REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 8.1.6 REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA may, by a two-thirds majority vote taken solely for this purpose, withdraw its recognition of any associate member contemplated in this Constitution, in which event; the relevant association will cease, forthwith, to be an associate member of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 8.1.7 In matters of mutual interest, REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and any members may, if the need arises, enter into a written agreement covering specific issues for the benefit of the Sport and its members.
- 8.2 The current Ordinary Members shall be:-
- 8.2.1 Western Cape REINING AND WESTERN PERFORMANCE HORSE
- 8.2.2 Gauteng REINING AND WESTERN PERFORMANCE HORSE
- 8.2.3 Eastern Cape REINING AND WESTERN PERFORMANCE HORSE
- 8.2.4 Free State REINING AND WESTERN PERFORMANCE HORSE
- 8.2.5 Limpopo REINING AND WESTERN PERFORMANCE HORSE
- 8.2.6 Kwazulu Natal REINING AND WESTERN PERFORMANCE HORSE
- 8.2.7 Northern Cape REINING AND WESTERN PERFORMANCE HORSE
- 8.2.8 North West REINING AND WESTERN PERFORMANCE HORSE
- 8.2.9 Mpumalanga REINING AND WESTERN PERFORMANCE HORSE
- 8.3 The jurisdictions of Members shall be limited by the boundaries of the provinces, in compliance mutatis mutandis with SASCOC, they presently represent but shall, within a period of two years from adoption of their Provincial Constitution, fall within the under mentioned geo-political Provinces/Districts, if a province consists of more than 25 clubs in a province.

### **Members**

There shall be nine (9) Provincial Members, categorized and made up of the following Regions:

- (i) In the Province of Western Cape (Cape Town)
  - West Coast (Malmesbury)
  - Boland (Stellenbosch)
  - Overberg (Swellendam)
  - Eden (George)
  - Central Karoo (Beaufort West)
- (i) In the Province of Northern Cape (Kimberley)
  - Namakwa (Springbok)
  - Pixley-ka-Seme (De Aar)

- Siyanda (Upington)
  - Kgalagadi (Kathu)
  - Frances Baard (Kimberley)
- (iii) In the Province of the Eastern Cape (Bisho)
- Cacadu (Grahamstown)
  - Amathole (East London)
  - Chris Hani (Queenstown)
  - Ukhahlamba (Aliwal North)
  - O R Tambo (Umtata)
  - Alfred Nzo (Mount Ayliff)
  - Nelson Mandela (Port Elizabeth)
  - Buffalo City (East London)
- (iv) In the Province of Free State (Bloemfontein)
- Xhariep (Trompsberg)
  - Motheo (Bloemfontein)
  - Lejweleputswa (Welkom)
  - Thabo Mofutsanyana (Phuthaditjhaba)
  - Fezile Dabi (Kroonstadt)
- (v) In the Province of Kwazulu-Natal (Pietermaritzburg)
- Ugu (Port Shepstone)
  - Umgungundlovu (Pietermaritzburg)
  - Uthukela (Ladysmith)
  - Umzinyathi (Dundee)
  - Amajuba (Newcastle)
  - Zululand (Ulundi)
  - Umkhanyakude (Mtubatuba)
  - UThungulu (Richards Bay)
  - iLembe (Kwa Dukuza)
  - Sisonke (Ixopo)
  - Ethekwini (Durban)
- (vi) In the Province of Mpumalanga (Nelspruit)
- Gert Sibande (Standerton)
  - Nkangala (Witbank)
  - Ehlanzeni (Nelspruit)

(vii) In the Province of Limpopo (Polokwane)

- Mopani (Giyani)
- Vhembe (Thohoyandou)
- Capricorn (Polokwane)
- Waterberg (Bela-bela)
- Sekhukhune (Groblersdal)

(viii) In the Province of North West (Mafikeng)

- Bojanala (Rustenberg)
- Central (Mafikeng)
- Dr Ruth Segomotsi Mompati (Vryburg)
- Dr Kenneth Kaunda (Klerksdorp)

(ix) In the Province of Gauteng (Johannesburg)

- Johannesburg (Johannesburg)
- Ekurhuleni (Germiston)
- Sedibeng (Vereeniging)
- Tshwane
- West Rand

## **9. POWERS OF REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA TO CARRY OUT ITS OBJECTIVES**

9.1 REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall have all such powers and authorities as shall be necessary or desirable or conducive of achieving any and all of the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA. These powers and authorities shall be exercised by the Reining AND Western Performance Horse Council and/or by any duly constituted sub-committee in accordance with and subject to the provisions of this Constitution and the Act. Without in any way limiting the generality of the foregoing, the powers and authorities of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall include those set out in Clauses 9.2 to 9.18 below.

9.2 To acquire by purchase, exchange, hire, sub-lease, donation or otherwise movable and/or immovable property of any kind.

9.3 To sell, let, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property or rights of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.

9.4 To enter into contracts of any and all kinds necessary to carry out, give effect to or secure the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.

- 9.5 From time to time, in accordance with sound business and financial principles to invest the funds of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA in such property or assets or other security as may be deemed advisable.
- 9.6 To employ, suspend or dismiss and remunerate employees, professional assistants and experts.
- 9.7 To arrange allowances, gratuities and bonuses to employees or ex-employees of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, or the dependants of such persons, and to support or subscribe or make donations to any charities or other institutions, clubs, societies and funds.
- 9.8 To regulate relations between its Members and REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or its members or individual REINING AND WESTERN PERFORMANCE HORSE Athletes.
- 9.9 To invite the patronage of any person or persons as it may consider advisable.
- 9.10 To insure against losses, damage, risk and liability of all kinds.
- 9.11 To draw, make, accept, endorse, execute, negotiate and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments.
- 9.12 To institute, conduct, defend, compound or abandon any legal proceedings by and against REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or its Officers or otherwise concerning the affairs of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, or the action of its Members, and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 9.13 To raise money whether by subscription or levies which are to be paid to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA by the 1<sup>st</sup> day of February each year from its Members inclusive of clubs, tertiary institutions, and or any other associations or organisations which are affiliated directly or indirectly to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA on behalf of ordinary REINING AND WESTERN PERFORMANCE HORSE Athletes who are members of the bodies referred to above, as well as to obtain funding from any other source, and to recover by legal process monies due by any of the above.
- 9.14 To contribute or subscribe to bodies with aims similar to the aims of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, and invest monies upon such security and in such manner as it may from time to time determine.
- 9.15 To borrow and guarantee or otherwise secure the repayment of money in such manner and in such terms as it may think fit.
- 9.16 To make and pass rules, by-laws or regulations and to add to, repeal or alter such rules, by-laws or regulations, with or without penalties for the carrying out, administration and implementation of this Constitution and the attainment of the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.

9.17 To impose fines, to suspend for a period of time, to ban and/or implement any other disciplinary measures on its Members or former Members or on any REINING AND WESTERN PERFORMANCE HORSE Athlete or club or association or organisation connected or concerned with REINING AND WESTERN PERFORMANCE HORSE arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by Reining AND Western Performance Horse Council, including those of SAIDS, SASCO and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from its Members or former Members. Without in any way limiting the generality of the foregoing, REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall have the power to suspend or ban any REINING AND WESTERN PERFORMANCE HORSE Athlete, Member or club from participating in any championship or event.

9.18 To take all such action as may be required or necessary to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to REINING AND WESTERN PERFORMANCE HORSE by its Members, former Members or any other persons or body.

## **10. MEMBERSHIP AND TERMINATION OF MEMBERSHIP**

10.1 Any Association which wishes to become an Associate Member of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall apply in writing to Reining and Western Performance Horse Council to be admitted as an Associate Member and shall furnish a copy of its constitution and all such information as Reining AND Western Performance Horse Council may require to decide upon its application.

10.2 No Association shall be admitted to membership of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA unless Reining AND Western Performance Horse Council is satisfied that the constitution of such Association substantially complies with the requirements contained in Schedule Two hereto.

10.3 Reining and Western Performance Horse Council's decision to admit or refuse any application for membership shall be referred to the next meeting of the Council for ratification.

10.4 Associate Members shall agree upon and define their geographic areas of jurisdiction provided that in the event of dispute and failure to reach agreement such areas of jurisdiction shall be defined by Reining and Western Performance Horse Council, and shall comply mutatis mutandis with the SAEF constitution.

10.5 The right of each existing and future Member to have one or more representative teams participate in the various events and championships which are held or staged under the auspices of SAEF and REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall be determined by Reining AND Western Performance Horse Council, which may vary such rights from time to time.

- 10.6 Any Member other than an ordinary member which ceases to operate a viable structure as defined in this Constitution and may ipso facto be suspended from membership and the Council shall decide at its next ordinary meeting whether the membership of such member should be terminated.
- 10.7 Any member of any classification may, at any time, tender their resignation from REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA. Such member must give notice by not later than 30 November of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA at the date of their resignation.

## **11. VOTING RIGHTS**

- 11.1 The voting rights set out in this clause shall apply in respect of any and all meetings of the Council.
- 11.2 Ordinary Members shall each have 2 (two) votes.
- 11.3 Athletes Commission shall each have 1 (one) vote.
- 11.4 Associate Members shall each have 1 (one) vote.
- 11.5 Honorary Life Members may only vote in connection with any motion to terminate the Membership of any Honorary Life Member, and shall each have 1 (one) vote.
- 11.6 Only Members whose representatives are personally present at the meeting concerned shall have the right to vote.
- 11.7 Each Special Member, Ordinary Member or Associate Member will be entitled to nominate one representative to attend and to vote at any general meeting. Such nominations shall be in writing, addressed to the Secretary and must be received by the National Office not less than 72 (seventy-two) hours prior to the time for the commencement of that meeting.
- 11.8 No proxy votes will be allowed.

## **12. ANNUAL GENERAL MEETING ("A.G.M.")**

- 12.1 An A.G.M. shall be held once in every year provided that not more fifteen months shall elapse between one A.G.M. and the next.
- 12.2 The Reining and Western Performance Horse Council shall decide the date, time and place on which each A.G.M. shall be held, provided that unless there is good reason to the contrary, it shall be held at a venue to be determined by the Reining and Western Performance Horse Council or at such other place as Reining and Western Performance Horse Council may determine and that the A.G.M. is held in within 4 (four) months from the end of the financial year.
- 12.3 The following persons shall be entitled to attend and speak at the A.G.M.:
- 12.3.1 All members of Reining and Western Performance Horse Council
- 12.3.2 Not more than 1 (one) representative of the Associate Members.



- 12.3.3 The Patrons.
- 12.3.4 All Honorary Life Members
- 12.3.5 A representative from the SAEF or any other person who may be invited by Reining and Western Performance Horse Council to do so.
- 12.4 The business to be transacted at an A.G.M. shall be:
  - 12.4.1 To read the notice convening the Meeting
  - 12.4.2 To read and confirm the Minutes of the previous A.G.M., Special General and General meetings, and to consider any matters arising therefrom
  - 12.4.3 To receive and consider the Annual Report of the President, for the period since the date of the previous A.G.M.
  - 12.4.4 To adopt with or without modification, the audited Annual Financial Statements for the period since the date of the previous A.G.M., provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, or rejection by the Council at an Ordinary General Meeting or by the Reining and Western Performance Horse Council as per the decision of the A.G.M. .
  - 12.4.5 To appoint the auditors of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA to hold Office until the next A.G.M.
  - 12.4.6 To consider and to adopt with or without modification, or to reject any recommendations of Reining and Western Performance Horse Council.
  - 12.4.7 To consider all nominations by Reining and Western Performance Horse Council of persons to be Patrons or Honorary Life Members and to accept or to reject any such recommendation or nomination
  - 12.4.8 To elect the Reining and Western Performance Horse Council in terms of clause 15 as read with clause 16
  - 12.4.9 To discuss and consider any matter of which 30 (thirty) days written notice has been given.
- 12.5 Notice of each A.G.M. shall be sent to all the Members, Members of Reining AND Western Performance Horse Council, Patrons and Honorary Life Members not less than 45 (Forty-Five) calendar days prior to the date of the A.G.M.
- 12.6 Not less than 21 (twenty-one) calendar days prior to the date of any A.G.M., copies of the Agenda for that A.G.M. and the Annual Financial Statements for the financial year preceding the date of the A.G.M. shall be disseminated to all Members, Patrons and Honorary Life Members by post, and/or by hand, and /or by fax, and/or by electronic mail.

### **13. ORDINARY GENERAL MEETINGS ("O.G.M'S")**

- 13.1 Subject to the terms of this Constitution the Reining AND Western Performance Horse Council shall be the highest authority of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and shall determine its policy, decide upon its budget and give directives to

Management Committee.

- 13.2 The Ordinary General Meeting of the Council shall be held on such date and at such place as Reining AND Western Performance Horse Council shall determine provided that unless there are good reasons to the contrary.
- 13.3 The following persons shall be eligible to attend and speak at meetings of the Council:
- 13.3.1 All the persons referred to in clause 12.3.1 save those referred to in sub-clauses 12.3.2 to 12.3.5.
- 13.4 Notwithstanding anything to the contrary herein, no Honorary Life Member shall be entitled to attend or speak at the Ordinary General Meeting but may do so upon the invitation of Reining AND Western Performance Horse Council.
- 13.5 Notice of any Ordinary General Meeting of the Council shall be sent to Ordinary, Special and Associate Members not less than 21 (twenty-one) calendar days before the date of such meeting which notice shall be accompanied by a proposed agenda as recommended by Reining and Western Performance Horse Council.
- 13.6 The text of any motion which any Member wishes to be put to and considered by any Ordinary General Meeting shall be received not less than 30 (thirty) calendar days prior to the date of such meeting by the National Office who shall disseminate it by post and /or by hand, and/or by fax, and/or by electronic mail, together with the final agenda to all Ordinary Members, Special Member and Associate Members, not less than 10 (ten) calendar days prior to such date.
- 13.7 The business to be transacted at the O.G.M. shall be:
- 13.7.1 to read the notice convening the meeting;
- 13.7.2 to read and confirm, with or without amendments, or to reject the minutes of the previous Ordinary General Meeting as the case may be, as well as the minutes of any S.G.M. held in the interim, and to consider any matters arising therefrom;
- 13.7.3 to consider and to adopt, with or without modification, or to reject, any Resolution of which due notice has been given;
- 13.7.4 to consider and to adopt with or without modification or to reject the budget for the ensuing year which shall have been prepared by the Treasurer and considered and recommended by Reining and Western Performance Horse Council;
- 13.7.5 no resolution which has the effect of creating, amending or repealing a by-law, regulation or standing rule shall be binding unless the notice thereof has been given in terms of 12.6 hereof or such resolution has been ratified at the next Ordinary Council meeting.

**14. SPECIAL GENERAL MEETINGS ("S.G.M.'s")**

- 14.1 An S.G.M. of Members shall be convened:
- 14.1.1 By resolution of Reining AND Western Performance Horse Council, or
- 14.1.2 Upon the written requisition of not less than 50% plus 1 of Members, addressed to the Secretary and delivered to the National Office provided that such written requisition shall state

the exclusive purpose for which the S.G.M. is to be called and the text of the motion to be put to the meeting.

- 14.2 Within 14 (fourteen) calendar days after receipt of the resolution or requisition referred to in sub-clause 14.1, the Secretary shall send written notification to all Members, which notice shall specify the time, date and place of the S.G.M., which time, date and place shall have been determined by Reining and Western Performance Horse Council provided that the date shall not be less than 21 (twenty-one) calendar days of the date of posting dissemination of the notification, together with written notification of the purpose of and measures to be transacted at the S.G.M. and the text of motions to be put to and considered by the meeting.
- 14.3 No business other than that stated in the notification, referred to in sub-clause 14.2, shall be transacted at the S.G.M.
- 14.4 Only the persons referred to in 12.3 excluding those referred to in sub-clause 12.3.5 shall be entitled to attend and speak at S.G.M.'s.

**15. GENERAL PROVISIONS RELATING TO A.G.M.'s, ORDINARY GENERAL MEETINGS AND S.G.M.'s.**

- 15.1 The following provisions shall apply to all A.G.M.'s, O.G.M.'s and S.G.M.'s:
- 15.1.1 A.G.M.'s, O.G.M.'s and S.G.M.'s shall, subject to the terms of this constitution, be held at such time and place as shall be decided by Reining AND Western Performance Horse Council.
- 15.1.2 The chairperson of any A.G.M., O.G.M., or S.G.M. shall be the President or in his or her absence the Vice-President, or in his or her absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote.
- 15.1.3 Each member of Reining AND Western Performance Horse Council shall have 2 (two) votes and the Chairperson of any general meeting shall have a deliberate vote, in that capacity, and a second or casting vote in the event of an equality of votes, and the Athletes and Associate Representative shall have 1 (one) vote each.
- 15.1.4 A quorum shall consist of 50% (fifty per centum) plus 1 (one) of the Ordinary Members in good standing.
- 15.1.5 If a quorum shall not be present at the place of the meeting within 30 (thirty) minutes after the time set for commencement of the meeting, or the Member is not present during the meeting, until the proceedings have been duly declared to have been concluded so by the President, the meeting if convened upon the requisition of Ordinary Members, shall be dissolved; in any other case, it shall stand adjourned to a date not earlier than 5 (five) calendar days and not later than 15 (fifteen) calendar days after the date of that meeting, and, at such adjourned meeting the representatives of Ordinary, Special and Associate Members present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.
- 15.1.6 Where a meeting has been adjourned as aforesaid, the Secretary shall, upon a date not later than 3 (three) calendar days after the adjournment disseminate a written notice to each

Member stating:

- 15.1.6.1 the date, time place to which the meeting is adjourned;
- 15.1.6.2 the matter before the meeting, when it was adjourned;
- 15.1.6.3 the grounds for the adjournment; which notice shall have been settled by the President.
- 15.1.7 Voting shall be on a show of hands unless a poll be demanded by representative of not less than 40% (forty per centum) of Members represented and entitled to vote, and in such event, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.

**16. REINING AND WESTERN PERFORMANCE HORSE COUNCIL**

- 16.1 The Reining and Western Performance Horse Council shall consist of the following persons:
  - 16.1.1 The President,
  - 16.1.2 The Vice-President with portfolio
  - 16.1.3 The Treasurer,
  - 16.1.4 The Secretary who shall be an Elected or Ex-Officio Member, with no voting rights.
  - 16.1.5 A Representative of Athletes Commission
  - 16.1.6 A Representative of the Associate members
  - 16.1.7 Members made up of the chairman of each of the provincial structures referred to under article 8.2.
  - 16.1.8 Provided that at no stage shall there be less than 2 (two) women who shall occupy any of the positions referred to above.
  - 16.1.9 Minimum of 5 (five) and Maximum of 8 (Eight) members holding the following portfolios:
    - 16.1.9.1 Development and Transformation
    - 16.1.8.2 Technical and Coaching
    - 16.1.8.3 Judges and Officials, Venues and Schedules
    - 16.1.8.4 Finance
    - 16.1.8.5 International Affairs
    - 16.1.8.6 Administration
    - 16.1.8.7 Marketing, Advertising and Communications
    - 16.1.8.8 Liaison, Public Relations
    - 16.1.8.9 Veterinary and AHS
    - 16.1.8.10 Show Co-ordinating
  - 16.1.9 REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall have the right to appoint, where needed, the following sub- committees, or distribute the portfolio among the members of Reining and Western Performance Horse Council.
    - 16.1.9. National Selection Committee
    - 16.1.9.2 National Judges Committee
    - 16.1.9.3 National Disciplinary Committee

- 16.1.10 Any individual who is a Provincial President of SAEF may not at the same time be a member of the Reining and Western Performance Horse Council.
- 16.2 Reining and Western Performance Horse Council meetings shall be deemed to be validly constituted notwithstanding the fact that at any time there are no fewer than 2 (two) women as members thereof.
- 16.3 Reining and Western Performance Horse Council may co-opt other persons as members in order to discharge specific functions provided that no co-opted member shall have a vote and provided further that although the predominant criterion for co-option shall always be merit, Reining and Western Performance Horse Council shall, as far as possible, seek to preserve a balance of men and women members.
- 16.4 Members of Reining and Western Performance Horse Council shall vote on all resolutions by a show of hands.
- 16.5 Members of Reining and Western Performance Horse Council shall decide on all matters by a simple majority vote.
- 16.6 Each member of Reining and Western Performance Horse Council shall have 1 (one) vote, and the President of any meeting of Reining and Western Performance Horse Council shall have a second or casting vote, in the event of an equality of votes, save and except at an Elective Annual General Meeting where the REINING AND WESTERN PERFORMANCE HORSE COUNCIL shall have no vote after item 12.4.7 of the AGM's Agenda.
- 16.7 The chairperson of any meeting of Reining AND Western Performance Horse Council shall be the President, or in his or her absence the Vice-President, or in his or her absence such other Member of Reining and Western Performance Horse Council as shall have been appointed at that meeting by the Members of Reining AND Western Performance Horse Council present and entitled to vote.
- 16.8 No person may serve for more than 4 (four) consecutive years as President nor may any person serve for more than 4 (four) consecutive years as Vice-President.
- 16.9 Reining and Western Performance Horse Council shall meet twice annually, provided that it shall not be necessary for Reining and Western Performance Horse Council to meet in those months in which one of the two bi-annual general meetings are held.
- 16.10 A quorum of Members of Reining and Western Performance Horse Council shall consist of not less than 50% plus 1 such Members of provinces referred to in clause 8.2, and if there is not a quorum present at the appointed time and place for any meeting of Reining and Western Performance Horse Council or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded and declared by the chairperson of that meeting to

have been concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of Reining and Western Performance Horse Council who are present at that meeting provided that such date shall not be more than 10 calendar days after such meeting; and at such adjourned meeting those members of Reining and Western Performance Horse Council present and entitled to vote shall constitute a quorum and may transact the business of that meeting.

- 16.11 The Secretary shall, by such means as is most expedient and by such means as appears most appropriate in the circumstances, inform those members of Reining and Western Performance Horse Council who were not present at the meeting of the date, time and place to which the meeting has been adjourned.
- 16.12 Except where otherwise stated herein and subject to the provisions of this constitution, Reining AND Western Performance Horse Council shall be vested generally with all such powers and authorities as are necessary to promote and attain the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and, without in any way limiting the generality of the foregoing, Reining and Western Performance Horse Council shall have all such powers and authorities as are necessary to carry out the duties and functions referred to in 16.16.
- 16.13 Reining AND Western Performance Horse Council shall control all expenditure of the funds of the Association and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of the Association.
- 16.14 No cheque or promissory note drawn on behalf of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall be valid unless signed by any 2 (two) of the President, the Vice-President, the Treasurer, the Secretary, or any other employee of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA who has been authorised by Reining and Western Performance Horse Council to have signing powers.
- 16.15 Reining and Western Performance Horse Council shall be entitled to make any and all by-laws or regulations necessary to promote the aims and objects of the Association and such by-laws and/or regulations shall be binding upon members. Such regulations shall be ratified at the next Ordinary General Meeting.
- 16.16 Reining AND Western Performance Horse Council may delegate the exercise of any of its powers and functions to one of its Members or to a sub-committee of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 16.17 In addition to the foregoing, Reining AND Western Performance Horse Council shall:
- 16.17.1 undertake and perform all such duties and functions as shall be decided by the Council;
- 16.17.2 consider and, if thought fit, approve the separate constitutions, by-laws, rules and regulations of each Member, and any amendments or alterations thereto;
- 16.17.3 generally undertake and perform all such duties and obligations as are reasonably required to achieve the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, and to

- implement the policies to be followed by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA;
- 16.17.4 formulate recommendations and resolutions for the consideration of the Council and to prepare the agenda for Council meetings;
- 16.17.5 subject to the provisions of the Constitution, make, amend, vary, repeal and enforce rules, by-laws and regulations;
- 16.17.6 conduct disciplinary proceedings in respect of any infringement of this constitution or the by-laws, rules or regulations or any agreement between any participant and REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or the rules of the sport and to impose sanctions whether by way of fines, or suspension or banning/ exclusion from participating in any championships, event or event held or being conducted under the auspices of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or the activities of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or by way of withdrawing monies for which any person would otherwise be eligible. For the purposes of this Constitution, all events and championships of whatsoever nature organised and/or run by Members of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall be deemed to be under the auspices of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA;
- 16.17.7 impose and collect levies, subscriptions, dues and imposts;
- 16.17.8 arrange, control, regulate and promote events, championships and any other forms of competition;
- 16.17.9 employ any person upon such terms and conditions as shall be decided and, when considered necessary or desirable, terminate the employment of any such person.
- 16.17.10 decide upon and resolve any dispute between any Members, and/or Club, and/or persons who are members of such clubs;
- 16.17.11 subject to 8.3 above, determine the area/s or jurisdiction of Members and vary or alter such areas from time to time when necessary;
- 16.17.12 co-opt any person to Reining AND Western Performance Horse Council as may be required to achieve the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or fulfil any purpose incidental thereto;
- 16.17.13 form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and, subject to the constitution, by-laws, rules and regulations, delegate such of its powers to such sub- committees as may be required;
- 16.17.14 appoint special advisers and consultants, for any purposes, and terminate such appointment/s;
- 16.17.15 accept or reject any application for membership subject to ratification by the Council.
- 16.17.16 open accounts with any recognised commercial banking or financial institution and invest any funds of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and pay any such funds

- to any person (natural, corporate or otherwise) who has a valid claim for payment against REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA;`
- 16.17.17 decide upon the criteria for the award of National Colours and appoint National Selectors for the selecting of teams to whom Colours may be awarded;
- 16.17.18 ensure that full and proper books of accounts are kept in accordance with sound accounting principles;
- 16.17.19 ensure that the said books of account and all records of REINING AND WESTERN PERFORMANCE HORSE's finances and assets are duly audited each year as soon as is practicable after the financial year end of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA which shall be 31 December of each year and that annual financial statements are prepared;
- 16.17.20 deal with any question or issue arising out of or relating to or incidental to non-racialism as described in the schedule one hereto;
- 16.17.21 deal with any question or issue arising out of or relating to or incidental to non-sexism or discrimination on any grounds as referred to in this Constitution.
- 16.17.22 address any question or issue or matter concerning or incidental to development including budgeting for and expenditure on development;
- 16.17.23 approve the employment and termination of employment of staff by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA including all matters incidental thereto and the review from time to time of all existing contracts of employment of staff and all matters incidental thereto;
- 16.17.24 decide any question, issue or matter relating to emblems, colours, or anthems for REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA;
- 16.17.25 make recommendations on any question or issue relating to affiliation to or disassociation from any macro or other body;
- 16.17.26 decide any question or issue relating to the use of REINING AND WESTERN PERFORMANCE HORSE facilities and/or other facilities incidental thereto and/or the standard thereof;
- 16.18 Reining AND Western Performance Horse Council's jurisdiction shall not be limited to dealing with such matters as are referred to it but shall include the power and capacity to be pro-active and initiate such enquiries and/or take such steps as Reining AND Western Performance Horse Council seems fit.
- 16.19 It is recognised that it is desirable for all provincial bodies themselves to negotiate and achieve unified provincial bodies. Notwithstanding this, Reining and Western Performance Horse Council shall have the right and power to be pro-active and to take such steps as it may to facilitate unity as may seem fit to ensure that any difficulties or problems in the way of unity in any province shall be overcome.
- 16.20 Any member of Reining and Western Performance Horse Council who, without having first obtained leave of absence from Reining and Western Performance Horse Council, shall



otherwise than in circumstances beyond his or her control, not attend three (3) consecutive meetings of Reining and Western Performance Horse Council, of which meetings due notice has been given, shall be deemed to have resigned from Reining and Western Performance Horse Council.

16.21 No member of Reining and Western Performance Horse Council shall be entitled to any remuneration, but all members of Reining and Western Performance Horse Council shall be entitled to be refunded any disbursement incurred by any such member in fulfilling any duties or functions as shall be approved by Reining and Western Performance Horse Council.

16.22 Any Member, of any classification, shall be entitled to have a representative attend and speak, but not vote, at any meeting of Reining and Western Performance Horse Council; provided such Member shall have submitted written notification to the Secretary of such intention and the full details of any matter such member is desirous of raising at such Meeting, not less than 10 (ten) calendar days prior to the date of such meeting.

**17. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER, SECRETARY AND THE OTHER MEMBERS OF REINING AND WESTERN PERFORMANCE HORSE COUNCIL**

17.1 Each Member shall be entitled to nominate 1 (one) person for election as President, 1 (one) person for election as Vice-President, 1 (one) person for election as Treasurer 1 (one), 1 (one) person for election as Secretary and 1(one) person for election for each portfolio as referred to in clause 16.1.7

17.2 Each ordinary member as referred to in clause 8.2 shall appoint one representative to serve on its respective structure on the Reining AND Western Performance Horse Council.

17.2.1 The REINING AND WESTERN PERFORMANCE HORSE Representative of the Associate Member shall be elected at a meeting of the Associate Member.

17.3 Each nomination shall be in writing, shall be seconded by any Member and shall be signed by the nominee to indicate his or her acceptance of the nomination.

17.4 It shall be permissible for the same person to be nominated for more than one Office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.

17.5 A valid nomination for any of the posts referred to in sub-paragraphs 16.1.1 to 16.1.3 inclusive and 16.1.7 shall, in the event of the nominee being defeated in an election for the post concerned, be deemed to be a valid nomination for election as a member without portfolio in terms of sub-paragraph 16.1.4.

17.6 In the event of the nominee being elected to one of the posts referred to in sub-paragraph 16.1.7 and appointed as a representative of an ordinary member, the nominee shall be entitled to 1(one) vote on the Reining and Western Performance Horse council.

17.7 All such written nominations shall be received by the National Office not less than 30 (thirty) calendar days prior to the date of the next A.G.M.

- 17.8 If no nominations are received for the election of the President or the Vice-President, or both, the President or the Vice-President, shall continue in Office, if available, until the next A.G.M.; failing which at the first meeting of Reining and Western Performance Horse Council after that A.G.M., the members of Reining and Western Performance Horse Council shall elect a person to act as the President or the Vice-President, or both until a President or Vice-President, as the case may be, is duly elected at a meeting of the Council.
- 17.9 The retiring President, the retiring Vice-President and the retiring Treasurer shall be eligible for re-election without nomination, provided the Secretary shall have received written notification from such persons of their willingness to continue in Office, if re-elected.
- 17.10 If there is more than one nomination for any of the posts of President, Vice-President, Secretary and Treasurer then such posts shall be elected separately by ballot, such elections to be held in the sequence aforesaid.
- 17.11 If the number of men thus nominated plus those elected to one or more of the posts referred to in sub- paragraphs 16.1.1 to 16.1.3 inclusive and 16.1.7 is two or fewer, then the men thus nominated shall be deemed to be elected and there shall be a ballot only in respect of the remaining vacancies.
- 17.12 If the number of women thus nominated plus those elected to one or more of the posts referred to in sub- paragraphs 16.1.1 to 16.1.3 inclusive and 16.1.7 is two or fewer, then the women thus nominated shall be deemed to be elected and there shall be a ballot only in respect of the remaining vacancies.
- 17.13 If the number of persons thus nominated is such that, together with those elected to the specific posts referred to in sub-paragraphs 16.1.1 to 16.1.3 inclusive, the number of men exceeds two and the number of women exceeds two, then there shall be a ballot in respect of all nominees
- 17.13.1 until there is a total of three men elected to Reining and Western Performance Horse Council, those men who receive the highest number of votes amongst the men candidates shall be deemed to be elected;
- 17.13.2 likewise, until there is a total of two (2) women elected to Exco those women who receive the highest number of votes amongst the women candidates shall be deemed to be elected;
- 17.13.3 thereafter the remaining positions on Reining and Western Performance Horse Council shall be filled by the candidates who have received the highest number of votes irrespective of the gender of the candidates.
- 17.14 Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 17.15 All members of Reining and Western Performance Horse Council shall hold Office 4 (four) years unless such member resigns.

**18. EXECUTIVE**

- 18.1 Reining a n d Western Performance Horse Council will appoint an Executive Board at the Annual General Meeting of every even year, comprising of:
  - 18.1.1 The President
  - 18.1.2 Four (4) Members of Reining and Western Performance Horse Council inclusive of the Representative of the Athletes Commission
  - 18.1.3 The Secretary
- 18.2 The Executive shall meet at least once every three (3) months.
- 18.3 The Executive with the support of the Discipline Commissions referred to above, will function as the decision- making body around policy matters and shall be empowered to take decisions and to immediately undertake any action required by given events as stipulated in the Rules and Regulations of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 18.4 The Executive Committee shall appoint an independent Judicial Committee to deal with all judicial matters relating to the Membership and/or their individual members with at least one member having a legal background.
- 18.5 The President may call on any member of Reining a n d Western Performance Horse Council to attend an Executive Committee Meeting.
- 18.6 The minutes of the Executive Committee Meetings must be distributed to all members of Reining and Western Performance Horse Council.
- 18.7 Each Ordinary Member and Special Member shall elect a representative to serve on the under mentioned Committees. These committees are, but will not be limited to:
  - 18.7.1 Development and Transformation Committee
  - 18.7.2 International Affairs Committee
  - 18.7.3 Marketing, Public Relations Committee
  - 18.7.4 Events, Schedules, Venues and Competitions Committee
  - 18.7.5 Technical Committee
- 18.8 The roles and responsibilities of Committee Members will be defined in Rules and Regulations of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.
- 18.9 The membership and representation of each sub-committee shall be decided and approved by Reining a n d Western Performance Horse Council.
- 18.10 Each Sub-committee shall, subject to the provisions of this Constitution and to the by-laws, rules and regulations of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, perform such duties and functions as are delegated to it by Reining and Western Performance Horse Council.
- 18.11 The powers and authority of each standing sub-committee shall be as set out in the by-laws, rules and regulations of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA,

provided that Reining and Western Performance Horse Council may by resolution add to or subtract therefrom.

18.12 It is specifically recorded that any Head of a Commission in any discipline shall not be entitled to occupy such position in the event of such person having a financial interest in a business venture connected to the Sport of REINING AND WESTERN PERFORMANCE HORSE.

## **19. ASSOCIATE MEMBERS**

19.1 Any association or organisation which wishes to become an Associate Member of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall apply in writing to Reining AND Western Performance Horse Council to be admitted as such and shall furnish a copy of its constitution and all such information as Reining and Western Performance Horse Council may require to decide upon its application.

19.2 Reining and Western Performance Horse Council may in its discretion admit any such association or organisation as an Associate Member upon such terms and conditions including terms and conditions as to the payment of subscriptions as Reining and Western Performance Horse Council may consider fit.

19.3 Any decision by Reining and Western Performance Horse Council in respect of an application for Associate Membership shall be referred to the next Ordinary General Meeting of the Council for ratification and shall not be binding until so ratified.

19.4 Notwithstanding anything else herein contained it shall be competent for Reining and Western Performance Horse Council, with the ratification of the Council, to create quasi-independent and quasi-autonomous bodies or associations having their own constitutions and members for the purpose of better achieving any of the objects of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA. The constitution, by-laws and regulations of such bodies or associations shall at all times be subject to the approval and ratification of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA which shall at all times have the power to dissolve and/or withdraw recognition of any such body or association.

## **20. HONORARY LIFE MEMBERS**

20.1 Reining and Western Performance Horse Council shall, from time to time, nominate any person who has rendered notable and meritorious service to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and/or in the promotion of the sport of REINING AND WESTERN PERFORMANCE and whom it wishes to recognise and honour as an Honorary Life Member which nomination shall be presented to the Council for ratification at the next A.G.M. and, if ratified by the Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges namely to attend the A.G.M., to receive advance notice and to make preferential bookings in respect of any event or championship held under the auspices of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA

20.2 All past presidents of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA may become an Honorary Life Member of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA if so nominated and such appointment is ratified at an AGM.

**21. PATRONS**

21.1 Reining AND Western Performance Horse Council may from time to time nominate any person whom Reining and Western Performance Horse Council considers to be fit and desirable to be a Patron of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA which nomination shall be presented for ratification at the next A.G.M. and, if ratified by the Council, such person shall become a Patron of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.

21.2 Patrons shall enjoy the same rights and privileges as are enjoyed by Honorary Life Members together with such further rights and privileges as are decided upon by Reining AND Western Performance Horse Council from time to time.

**22. LIMITATION OF LIABILITY OF MEMBERS INDEMNITY**

22.1 The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, by way of subscription or otherwise howsoever.

22.2 The Patrons, the President, the Vice-President, all members of Reining AND Western Performance Horse Council, the Treasurer, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, in terms of this Constitution and under delegated powers from the Members in General Meeting or from Reining AND Western Performance Horse Council, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, from whatever cause arising, provided such person/s acted in good faith.

**23. ALTERATION OR VARIATION OF THIS CONSTITUTION**

This Constitution may be altered or varied, at any time, by the Members in General Meeting, upon a majority vote of not less than 75% (seventy-five per centum) of the total votes of the Members, whose representatives are present and entitled to vote at that time provided not less than 21 (twenty-one) calendar days written notification of such Meeting, together with a copy of a proposed resolution/s

**24. NOTIFICATION**

For the purposes of this Constitution, all notifications by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA to any person or any Member, Honorary Life Member or Patron shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by hand, and/or by fax, and/or by electronic mail to the last known postal address of such Member/s, by any official of REINING AND

WESTERN PERFORMANCE HORSE SOUTH AFRICA; but all notifications to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA by any person (natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the Secretary. In no respects shall any postal authority be, or be deemed to be, the agent of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.

**25. INTERPRETATION OF THIS CONSTITUTION**

Any disputes arising out of or in connection with the enforceability of this constitution or the application and interpretation of the provisions thereof or any dispute between REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and another national sports federation, or between a member of the Reining and Western Performance Horse Council and a Member or individual shall be referred to SAEF who may refer the matter to SASCO (The South African Sport Confederation and Olympic Committee) or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.

**26. DISSOLUTION OR WINDING UP OF REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA**

26.1 REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA may be dissolved or wound-up, at any time, by the Members in General Meeting, upon a majority vote of not less than 75% (seventy five per centum) of the total votes of Members, whose representatives are present and entitled to vote, who are present in person at such general meeting, provided that not less than 6 (six) calendar days written notification of such meeting and of any resolution aimed at dissolving or winding-up REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall have been given to all Members.

26.2 Upon dissolution or winding up of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, all the property and assets of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organisation/s having objects similar to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, at the discretion of the Members.

## **27. JUDICIAL BODY**

- 27.1 The Exco shall appoint the members of the judicial body (Legal, Disciplinary, Ethic and Appeals committee) and delegate such powers to the committee to include, but not be limited by the following:
- 27.1.1 To assist REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA with legal matters in all forms inclusive of investigations and hearings;
- 27.1.2 To set up and continuously update a Code of Conduct for both participants and management, adopted by National Council;
- 27.1.3 To set up and continuously update the Grievances Procedures, adopted by National Council;
- 27.1.4 To hear internal appeals against any decision of any member, Provincial committee or committee of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA;
- 27.1.5 To hear any matter falling under the judicial body, as well as to adjudicate thereon in terms of their powers in any dispute and/or disciplinary matter of whatsoever nature, inclusive of decisions relating to national selection;
- 27.1.6 To adjudicate, mediate and arbitrate upon other legal matters.
- 27.2 Any matter referred to the Judicial body by a Sub-Committee/Provincial committee or individual will require a deposit of which the amount will be determined by the Judicial body from time to time of which the amount must be ratified by the Executive Committee.
- 27.3 The Judicial body shall comprise of three members of which at least one must have a legal background and appoint a chairman amongst themselves.
- 27.4 Every member of a Judicial body shall have one vote each at their meetings and hearings.
- 27.5 The Judicial body may from time to time co-opt members to assist with specific legal matters or disputes.
- 27.6 Any party aggrieved by a decision of a Judicial body may refer the matter to SAEF for its final determination provided the leave of the Judicial body is first sought and obtained within a period of 21 (twenty-one) days. The Judicial body shall grant the necessary discretionary leave if the matter is of great importance to the parties concerned and the referral sought is not judged frivolous or vexatious. In the absence of a referral to SAEF, the decision of the Legal committee shall be final and binding.

## **28. FINANCE**

- 28.1 The financial year of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA is the 12 (twelve) month period commencing on 1 January in one year and ending on 31 December of the same year.
- 28.2 The Finance Committee shall be chaired by the Treasurer, who must have a minimum of 5 (five) years financial experience;
- 28.3 The Finance Committee shall cause to be prepared an annual budget for the ensuing year to be presented and approved at the ordinary general meeting of the National Council each year.

28.4 It shall be a requirement of membership for all Ordinary and Associate Members to submit to the Finance Committee a copy of their financial statements within 3 (three) months from the end of their respective year-ends and the Treasurer shall report to the National Council on compliance with this requirement and such matters pursuant thereto that may be relevant to the Members of the National Council.

28.5 Exco shall be responsible for monitoring the financial accounts of events organised by REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and shall further be entitled to inquire into events organised by its Ordinary Members. This shall not imply any restriction in the right of such bodies to control their own affairs or the affairs of their constituent bodies.

## **29. CONFLICT OF INTEREST**

29.1 A Conflict of Interest is defined as any personal, professional or financial relationship, including relationships of family members that could influence or be perceived to influence objectivity when representing or conducting business or other dealings for or on behalf of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or its members or other persons or bodies over which REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA enjoys jurisdiction, or that detracts from their ability to perform their duties with integrity, and in an independent and purposeful manner.

29.2 In the context of the provisions of this Constitution, a distinction is made between the situation of a "Potential Conflict of Interest" and the case of a "Conflict of Interest". Only Conflicts of Interest are prohibited.

29.3 A situation of a "Potential Conflict of interest" arises when the opinion or decision of a person, acting alone or within an organisation, in the framework of the relevant activities, may be reasonably be considered as liable to be influenced by relations that the aforementioned person has, has had or is on the point of having with another person or organisation that would be affected by the person's opinion or decision.

29.4 A case of "Conflict of Interest" is constituted when any person who, having abstained from declaring a situation of a potential conflict of interests, expresses an opinion or takes a decision in the circumstances. This conduct is prohibited.

29.5 In assessing the situations, direct or indirect interests must be taken into account. This also includes the interests of a third person (for instance a parent, spouse, life partner, business partner, relation or dependent).

29.6 When performing an activity for REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or being elected or appointed, persons bound by this Constitution shall disclose any personal interest that could be linked to their prospective activities.

29.7 A Conflict of Interest may be deemed so severe by the majority of the members of the Executive that such a person shall be deemed not eligible to be elected or appointed to serve on any structure of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA.



- 29.8 Persons bound by this Constitution shall avoid any situation that could lead to Conflict of Interest.
- 29.9 Faced with a situation of a potential conflict of interests, the person concerned must declare the potential conflict proactively . and prior to engagements relating to it refrain from participating in associated engagements , expressing an opinion, from making or participating in making a decision, or accepting any form of benefit whatsoever. It is required that the person concerned be rescued from proceedings prior to the matter being dealt with.
- 29.10 Should such person fail to disclose such a personal interest; or in the case of a potential conflict of interest fail to recuse himself from any related proceedings and or accept any benefit as aforesaid;; or should there be a dispute or objection concerning any Conflict of Interest, this shall immediately be disclosed or reported to the responsible individual at the organisation for which the person performs his or her duties, for appropriate measures. This includes instances in which the person becomes aware of the potential conflict of interest, or becomes aware of a conflict of interest after the decision has been taken, or the matter discussed.

### **30. DISPUTE RESOLUTION**

- 30.1. Any dispute arising out of, or in connection with, the enforceability of this Constitution, or the application and interpretation of the provisions thereof, or any dispute between REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and another national sports federation, or any dispute between Members of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, or any dispute between members of Exco, or between Exco and a Member, or between Exco or an Exco member and an individual (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to SAEF or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration in terms of the procedure for the resolution of disputes in sport.
- 30.2. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.
- 30.3. In recognition of the desire to resolve all disputes in Equestrian Sporting fraternity as amicably and effectively as possible, it is required of all Members REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA to incorporate in their constitutions (and to include in any agreements they may enter into) a dispute resolution clause in terms substantially the same as the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided for.
- 30.4. Recourse to the High Courts or Magistrates Courts by a party to any REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA-related dispute shall be limited to instances of an alleged violation of the provisions of this Constitution or an alleged disregard for the principles of natural justice or for purposes of obtaining urgent interdictory relief. In all other instances any disputes fall to be decided according to the dispute resolution processes provided for in this Constitution.

**SIGNING OF CONSTITUTION**

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

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

## **SCHEDULE ONE - NON-RACIALISM**

1. The principle of non-racialism is recognised and accepted. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no club, province or other affiliated body may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which though not worded in racial terms none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of 2 (Two).
4. The principle of non-racialism also demands that all clubs, provinces and other affiliated bodies shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity or nationality of such persons; eg. when hosting an event and such non-members are legitimately at the premises of the club or other body in connection therewith.
5. The fundamental rights of freedom of association and freedom of disassociation are recognised. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in 5. (Five), and the principle of non-racialism referred to in 1.(One), and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:
  - 7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation (Cf. para 2 above).
  - 7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one (1) or more racial groups, provided that those criteria are not racist in their terms or in their intended effect e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though de facto its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.
8. Under no circumstances will an infringement of 4.(Four), above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.

9. The existence of the so called "ethnic" clubs are perceived to be problematical and require deeper analysis.
- 9.1 Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well-established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.
- 9.2 What is said below is a discussion in general terms and is not a reference to any 1. (one) or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the bona FEI purpose of catering for the cultural needs or aspirations or interests of the particular ethnic group which it serves. There does not appear to be any ulterior racial motive.
- 9.3 If the constitution of such a club were to restrict its membership to persons of a particular ethnic group (or race or nationality), it would by necessary implication, be excluding persons from all other ethnic groups/races/nationalities from membership.  
Prima facia this would be an infringement of paragraph 2(Two) above. The question which has to be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of 2(Two), above (Cf also 7.1 above). It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the proposed new unified national body or any provincial body.
- 9.4 By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership.
10. The principles and guidelines set out above with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of person's religious beliefs.

## **SCHEDULE TWO - AFFILIATES TO REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA**

Eligibility requirements for Ordinary members, Special Members and Associate Members in terms of clause 8 of the Constitution of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA

1. The objects clause of the constitution of an Associate Members must include provisions that are identical to or substantially the same as sub-clauses 8.1.1 to 8.1.4 and 8.1.7 hereof.  
Associate Members shall encourage, promote, develop and administer the sport of REINING AND WESTERN PERFORMANCE within the area of its jurisdiction in accordance with sound business principles.
2. There must be provisions in the constitution of Associate Members, stipulating that:
  - 2.1 the Association recognises and adopts the Schedule One;
  - 2.2 the Association may not become a member or affiliate to any other body without the prior written consent of Reining AND Western Performance Horse Council;
  - 2.3 the Associate Members may not authorise, send or sanction any team to go on a tour outside the boundaries of the Republic of South Africa without having first obtained the written consent of SAEF through the Reining and Western Performance Horse Council. .
3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Constitution sub-committee whose decision shall be final and binding.

### **SCHEDULE THREE - APPLICATION OF THE PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962.**

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

- 1.1 The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
- 1.2 At least 85% ( Eighty Five Percent) of the Association's activities shall be carried out in the Republic of South Africa
- 1.3 At least 3 (Three) members who will accept fiduciary responsibilities and shall also not be connected persons to each other: and no single person directly or indirectly controls the decision making powers relating to the Association
- 1.4 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity.)
- 1.5 The Association's funds will be used solely for the objects for which it was established, or shall be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, (act no.39 of 1984) or in securities listed on a stock exchange as defined in the Stock Exchanges Control.
- 1.6 The Association will not carry on any business undertaking or trading activities other than to the extent that:  
The gross income derived from such business undertaking or trading activity does not exceed the greater of R25000 or 15% of the gross receipts of the constitution: The undertaking or activity is -
  - a) integral and directly related to the sole object of the Association : and
  - b) carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost: and
  - c) which would not result in unfair competition in relation to taxable entities:  
the undertaking or activity, if not integral and directly related to the sole object of such Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation : or:  
the undertaking or activity is approved by the Minister by notice in the Gazette, having regard to
    - a) the scope and benevolent nature of the undertaking or activity
    - b) the direct connection and inter-relationship of the undertaking or activity with the sole purpose of the Association
    - c) the profitability of the undertaking or activity: and
    - d) the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or activity.  
Any business undertaking or trading activities, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, will be retained or continued as the case may

- be, in the form so acquired for a period of five years.
- 1.7 On the dissolution of the Association, the remaining assets will be transferred to any similar public benefit organization, within the Republic of South Africa which has been approved in terms of Section 30 of the Act for the purposes of Section 18A of the Act:
  - 1.8 No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in term of Section 18A: provided that a donor (other than a donor which is an approved public benefit organization or an institution board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation:
  - 1.9 A copy of all amendments to the Constitution, trust deed, will be submitted to the Commissioner for the South African Revenue Service;
  - 1.10 No remuneration will be paid to any employee, Office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;
  - 1.11 The Association will submit the required Income Tax Returns annually together with the relevant supporting documents;
  - 1.12 The Association will, within such period as the Commissioner may determine, register in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of the Act;
  - 1.13 The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

## **SCHEDULE FOUR - DISPUTES**

### **DISPUTES:**

1. Any dispute arising out of, or in connection with, the enforceability of this Constitution, or the application and interpretation of the provisions thereof, or any dispute between REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA and another national sports federation, or any dispute between Members of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA, or any dispute between members of Exco, or between Exco and a Member, or between Exco or an Exco member and an individual (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to SASCOC or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration in terms of the procedure for the resolution of disputes in sport.
2. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.
3. In recognition of the desire to resolve all disputes in Reining and Western Performance Horse fraternity as amicably and effectively as possible, it is required of all Members of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA to incorporate in their constitutions (and to include in any agreements they may enter into) a dispute resolution clause in terms substantially the same as the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided for.
4. Recourse to the High Courts or Magistrates Courts by a party to any REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA - related dispute shall be limited to instances of an alleged violation of the provisions of this Constitution or an alleged disregard for the principles of natural justice or for purposes of obtaining urgent interdictory relief. In all other instances any disputes fall to be decided according to the dispute resolution processes provided for in this Constitution.
5. Subject to the constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this article (including the holding of an arbitration as envisaged in Article 35.1 on an urgent basis), no ordinary member, associate member or individual falling under the jurisdiction of REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA shall approach a Court of Law to decide on a dispute it has with a member, or individual affiliated to REINING AND WESTERN PERFORMANCE HORSE SOUTH AFRICA or with the SAEF itself.