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# CONSTITUTION

## **ARTICLE 1: TITLE AND LEGAL STATUS**

1.1 The Association shall be called the **Kingfisher Bowling Association** (abbreviated as and where necessary by the letters **K.B.A.**), hereinafter referred to as “The Association” and shall be affiliated to **BOWLS SOUTH AFRICA** (hereinafter referred to as **B.S.A.**)

1.2 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 supremacy of the Constitution of Bowls South Africa, the rule of law and good corporate governance.

1.3 This constitution does not replace the constitution of SASCOC or BOWLS SA or KZN Provincial Bowls Association. In the event of any discrepancies or differences between this constitution and the constitutions referred to above, the terms, conditions and/or requirements of SASCOC, Bowls SA or the Provincial Bowls Association shall apply. and to seek alignment with KZN Provincial Bowls Association in order to promote and facilitate common goals for all Districts within the Provincial boundaries. This in no way supersedes any obligations to Bowls SA as set out elsewhere in tis constitution.

1.4 The KBA is a non-profit and public benefit organisation and shall not carry on any business, undertaking or trading activity, save to the extent permitted in terms of section 30 of the Income Tax Act, 1962, as amended. No surplus funds will be directly or indirectly distributed to any person.

## **ARTICLE 2: INTERPRETATION**

2.1 The headings to the clauses or paragraphs of this constitution are for descriptive purposes only and shall not be used in the interpretation hereof.

2.1.1 Unless the context indicates a contrasting intention, the singular shall include the plural and vice versa

2.1.2 Any words importing one gender include the other.

**2.1.3 Should any clause in this Constitution be found to be inconsistent with the purpose of this read with the Constitution of SASCO and the Constitution of the Republic of South Africa, such clause shall be interpreted as pro non scripto and the remainder of this Constitution shall remain valid and enforceable.**

**2.1.4 Where the EXCO deviates from the time in which to fulfil an obligation, relating to an enactment within a specified time, such deviation may be ratified by the Council at the Annual General Meeting or such alternative meeting as may be deemed appropriate by EXCO and no enactment shall invalid or ultra vires, solely by virtue of such enactment being made outside of the specified time.**

**2.1.5 Unless the context indicates otherwise, all reference to the word member shall be deemed to be reference to all categories of membership namely Council, District and Associate as a collective unit.**

**2.2** In case of doubt of the strict meaning of any Article of the Constitution or Rules or By-Laws, the interpretation of the Executive Committee shall be binding on all concerned until the next Annual General Meeting, when the matter may be referred to the meeting for a decision.

**(Moved ARTICLE 31)**

### **ARTICLE 3: OBJECTIVES**

**3.1 To seek alignment with KZN Provincial Bowls Association in order to promote and facilitate common goals for all Districts within the Provincial boundaries. This in no way supersedes any obligations to Bowls SA as set out elsewhere in tis constitution.**

3.2 The principal object of the association is to provide social and recreational amenities and facilities for its members.

3.3 To promote, advance and control the *Sport* of Bowls in the area under its jurisdiction through such rules, by-laws and regulations as may be found necessary subject to the rules and regulations of B.S.A.

**3.4 To recognise, accept and enforce 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) including the application of sanctions to individuals.**

3.5 To arrange and control Leagues, Championships and Tournaments played under the auspices of the Association.

3.6 To consider and deal with all matters which may, from time to time, be submitted to the Association by affiliated Clubs or any other Associations or Bodies.

3.7 To apply funds at its disposal for the promotion of its objectives. At least three persons who accept fiduciary responsibility for the association will not be connected persons in relation to each other and no single person will directly or indirectly control the decision making powers.

**3.8 The activities will be carried on in a non-profit manner and no surplus funds will be directly or indirectly distributed to any person.**

**MOVED NEW WORDING TO ARTICLE 1**

- 3.8 To annually, at the AGM, in consultation with the appropriate bodies, approve Conveners and Standing Committees for –
- 3.8.1 Technical Officials
  - 3.8.2 Coaches
  - 3.8.3 K.B.A. Inter-District Players Association
  - 3.8.4 Green keepers
- 3.9 To annually appoint at the Council Meeting in April of the K.B.A, Selection Standing Committees, one for each gender, which shall consist of four [4] members each. No more than two members of each gender from any one Club.
- 3.10 No person shall serve on more than one Standing Committee in a bowling year.

#### **ARTICLE 4: JURISDICTION**

The area of jurisdiction shall be as defined by the Association to be from the Mkomazi River in the north to the Umtamvuna River in the South and the Wild Coast Sun, as well as the Eastern Cape enclave with the Northern boundary a straight line from Ifafa to the Eastern Cape Border.

The above to be replaced with:

**The area of jurisdiction of the Association shall be that portion of the KZN Province as may be defined by Bowls SA.**

#### **ARTICLE 5: COLOURS**

- 5.1 The official colours of the Association shall be turquoise and white.
- 5.2 The regalia of the Association shall be:-
- 5.2.1 Pocket Badge: A badge depicting a pygmy Kingfisher on a black background for blazers. The word “Kingfisher” embroidered in turquoise below it.
  - 5.2.2 Hatband: The hatband shall be white with the word “Kingfisher” embroidered in turquoise.
  - 5.2.3 Lapel Badge: A metal lapel badge depicting a Kingfisher mounted on a bar signifying:
    - 5.2.3.1 For the Executive: President, Vice President, Secretary, Assistant Secretary, Treasurer, Executive, Competition Secretaries.
    - 5.2.3.2 For Selected Players: Inter District.
    - 5.2.3.3 For Past Executive Members: Past President, Past Executive.
    - 5.2.3.4 For Honorary Life Members.
  - 5.2.4 Inter- District Anorak: As approved by the Executive.
  - 5.2.5 Inter- District Shirt/Blouse: As approved by the Executive.
  - 5.2.6 Inter District pants: As approved by the Executive

- 5.2.7 Tie: A navy blue neck tie with a pygmy Kingfisher and “K.B.A.” embroidered in turquoise below the motif.
- 5.2.8 Jersey: Plain white with pocket badge embroidered on left hand side (if desired).
- 5.2.9 Scroll: White or black with the appropriate words embroidered in turquoise.
- 5.3 Office Bearers of all Committees will wear:
- 5.3.1 Women: A hatband to be worn with a black blazer, long sleeves for the Executive or alternatively an approved anorak, a pocket badge and a scroll designating the appropriate office and committee, e.g. Technical Official’s Convener, Technical Officials Committee, Green keepers Convener, Green keepers Committee, Coaches Convener, Coaches Committee. The appropriate lapel badge of the office to be worn on the blazer or anorak.
- 5.3.2 Men: A hatband to be worn with a black blazer or alternatively an approved anorak, tie, pocket badge and scroll designating the appropriate committee as for 4.3.1. The appropriate lapel badge of the office to be worn on the blazer or anorak.
- 5.3.3 Selectors: A hatband, and an approved anorak with a pocket badge and scroll with the word “Selector” below it.
- 5.4 Past Presidents: A hatband with the cream or black blazer and a tie for men, with a pocket badge and scroll with the words “Past President” below it. The appropriate lapel badge to be worn on the blazer.
- 5.5 Past Members of the Executive: After serving not less than two [2] years, shall be permitted to wear a hatband with a cream or, black blazer and a tie for men, with a pocket badge and a scroll with the words “Past Executive” below it. The appropriate lapel badge to be worn on the blazer.
- 5.6 Honorary Life Members: A hatband with the cream or black blazer and a tie for men, with a pocket badge and a scroll with the words “Honorary Life Member” below it. The appropriate lapel badge to be worn on the blazer.
- 5.7 Founder Members: A navy hatband with the cream or black blazer and a tie for men, with a pocket badge and a scroll with the words “Founder Member” below it. The appropriate lapel badge to be worn on the blazer.
- 5.8 Selected Players: A hatband to be worn with an approved anorak with a pocket badge and a scroll with the words “Inter- District” below it. An approved shirt/blouse shall be worn for the Inter- District tournament. Such insignia to be presented by the President (or his/her representative) of K.B.A. and to remain the property of the individual.
- 5.9 Wearing Official Regalia: Everybody entitled to wear the Regalia of the Association may do so only at official functions and fixtures.
- 5.10 Persons previously entitled to wear colours granted them by the NSCWBA and LSCBA shall have the right to retain these in perpetuity.

## ARTICLE 6: MEMBERSHIP

### 6.1 Honorary Membership

- 6.1.1 Council shall have the right to elect an Honorary Life President and Honorary Life Member upon notice of a motion to a Council Meeting, provided that such notice of motion has had the prior approval of the Executive. The notice of motion shall not be accepted for the agenda unless the prior support of Clubs controlling not less than eighty per cent of the total voting strength has been canvassed and obtained. At no time shall there be more than one [1] Honorary Life President, nor more than three [3] Honorary Life Members of the Association.
- 6.1.2 Honorary Life Members shall take no part in the business or discussion at Council Meetings unless requested to do so by the Chairman of the meeting, nor have any vote unless they are a delegate of a Club.

### 6.2 Affiliation

- 6.2.1 Any Bowling Club within the jurisdiction of K.B.A. that conforms to the requirements of B.S.A. and the Association, may apply for affiliation, provided such Club has a bowling green either in use or in the course of construction, **or provided such club has access to a bowling green** and further subject to the provisions of Article 3.1 above.
- 6.2.2 Application for membership from a Club must be made to the Secretary of the Association in writing, and be accompanied by a copy of the Club's Constitution, two specimens of the proposed Club colours, a list of the Office Bearers, a complete list of its members and the annual affiliation subscription due to the Association.
- 6.2.3 Such application shall be considered by the Executive Committee at its first meeting following receipt of the application, and the Club shall be advised in writing of the decision of the Executive which shall be ratified at the first Council Meeting thereafter to which the Club shall be invited.
- 6.2.4 Bowling sections of composite Clubs may affiliate to the Association, but they shall be bound by all the provisions of this Constitution and rules and by-laws of the Association in their own right and shall be interpreted as Clubs for this purpose.
- 6.2.5 All Clubs shall keep proper records, minute books and books of account.
- 6.2.6 Each Club shall advise the Association of any alteration to its Constitution not later than fourteen [14] days after the meeting at which the alteration was effected.
- 6.2.7 The Honorary Secretary of K.B.A. shall notify B.S.A. of the affiliation to or disaffiliation from the K.B.A. of any Clubs during the year.
- 6.2.8 The Association shall maintain an up to date register of the colours of affiliated Clubs.
- 6.2.9 All affiliated clubs are to submit to the Secretary of the Association, a list giving the names, addresses, and telephone numbers and if possible, email addresses, of the office bearers and committee members for the ensuing year within 21 days of their AGM.
- 6.2.10 No members of the Association will be allowed to sell their membership rights or any entitlement in terms thereof.

### 6.3 Individuals

- 6.3.1 The Committee of each Club affiliated to the Association, upon receipt of an application for individual membership, shall use the standard Application Form **and status of individual as per BSA database**. A copy of which must be submitted to the Honorary Secretary of the Association.
- 6.3.2 Clubs shall forward to the Association the names of such of its members who are not in good standing at that Club.
- 6.3.3 All members of the association will be entitled to annual or seasonal membership.

### **ARTICLE 7: DISAFFILIATION**

- 7.1 Any Club wishing to disaffiliate from the Association must give notice of its intention in writing prior to the Annual General Meeting of the Association, failing which it shall be liable for the affiliation subscriptions for the ensuing year.
- 7.2 A Club desiring to disaffiliate from the Association must first obtain a Certificate of Good Standing, both financial and otherwise from K.B.A. before being permitted to affiliate to another District Association and is subject, in all instances, to the approval of BSA.

### **ARTICLE 8: SUBSCRIPTIONS AND LEVIES**

- 8.1 Each affiliated Club shall pay an annual affiliation subscription as laid down by B.S.A. **and KBA**.
- 8.2 Each affiliated Club shall, not later than 15 December each year, render to the Hon. Secretary:-
  - 8.2.1 A return showing its total enrolled membership classifying Life Members with full privileges and ordinary members liable for the full affiliation subscription, on an alphabetical list in duplicate by 15 December. Total membership to be in accordance with **the BSA database** kept by the Honorary Secretary and the Honorary Treasurer.
  - 8.2.2 The annual affiliation subscription, as determined by Council, shall be calculated on the total enrolled membership as above.
  - 8.2.3 Kingfisher annual affiliation subscription, as determined by Council together with B.S.A. affiliation fees shall be due and payable by 15 December each year.
- 8.3 Clubs shall be liable for payment of the annual affiliation subscriptions *on a pro rata basis* for bona fide new members. Such payments are to be made on a monthly basis. Where applicable, clearance certificates must accompany the registration fees.

Note 1: New members shall mean those members who are registering for the first time at a club. Registered bowlers who apply for dual membership with a club within the jurisdiction of K.B.A. or who resign from their club to join another club within the jurisdiction of K.B.A. are not liable for these payments.

Registered bowlers, who resign from their Club to join another Club within the K.B.A., are not liable for these payments.

Note 2: New or dual members who join a Club after January of each year will pay a pro rata affiliation fee to B.S.A. and K.B.A. Members who have been in the Clearance File from the previous year will be charged the full B.S.A. rate until after June when the pro rata fee will apply.

In the case of dual members, all affiliation subscriptions are payable through the member(s) "First Call" club. I.e. the club at which the member is registered to play District, National and/or Regional competitions.

- 8.4 In the event of any affiliation subscription being unpaid by the due date all rights and privileges, including participation in Club Bowls, entry in District, Inter District, National, and/or Regional competitions, shall be forfeited.
- 8.5 New clubs are accountable for fees, levies and/or other monies as determined by the Executive within fourteen (14) working days after approval of their application for affiliation.
- 8.6 The Association, via the Council, shall have the right to impose upon Clubs such levies as may be deemed necessary to meet special circumstances.

**ARTICLE 9: MANAGEMENT**

**9.1 The Council**

- 9.1.1 Subject to Article 9.2. The management of the Association shall vest in a Council consisting of the Executive together with two delegates [irrespective of gender] from each affiliated Club.
- 9.1.2 The delegates of each affiliated Club shall be **nominated** by their Club. In the event of a delegate being unable to attend a Council Meeting, **a nominated** alternate may attend.
- 9.1.3 Minutes of the Council Meetings shall be distributed to B.S.A., members of the Executive, affiliated Clubs and Standing Committees.

**9.2 The Executive**

- 9.2.1 The Executive shall consist of **eight [8]** officers, viz: the President, Vice President, Honorary Secretary, Honorary Treasurer, two [2] Honorary Competition Secretaries **and two [2]** Executive Members.
- 9.2.2 **KBA will seek to enforce the principles of gender and racial equality when electing members of the Executive. Who will as a minimum requirement, consist of at least (ONE) member of the opposite gender and race. If possible (4) of each gender. Non-compliance with this provision will only be accepted and enforced where no member of the opposite gender or race has been nominated for any position on the Executive**  
No more than [4] four members from any one club may be elected.
- 9.2.3 No member of the Executive shall act as a delegate of an affiliated Club at Council meetings.
- 9.2.4 Each year the Executive and every affiliated Club shall be entitled to nominate one or more persons for the position of:
  - 9.2.4.1 President



9.2.4.2 Vice President

9.2.4.3 **Six [6]** members of the Executive, the composition of which must comply with **Article 9.2.1** above, who will be elected to fill the positions called for in **Article 18.3.8**.

The same person may be nominated for each position but shall not be elected to more than one position. All nominees shall be elected on an annual basis at an Annual General Meeting and hold office until conclusion of the following Annual General Meeting.

Delegates must vote for the requisite number to be elected.

9.2.5 Members of the Executive shall be eligible for re-election.

9.2.6 Meetings shall be held monthly and at such other times as may be necessary for the carrying out of the business of the Association. The President shall have the right to convene a Special Executive Committee meeting whenever he/she deems necessary.

9.2.7 Minutes of Executive Meetings shall be distributed to B.S.A. and Members of the Executive and such additional persons as the Executive may decide.

9.2.8 Members of the Executive shall not be eligible to act as delegates to the Annual General Meeting, Council or any Special General Meeting of K.B.A.

9.2.9 Should any Member absent himself/herself from three [3] consecutive meetings without furnishing good and sufficient reason (in the opinion of the Executive) for such absence, his/her seat on the Executive shall forthwith become vacant and such Member will be banned from serving on the K.B.A. Executive for five [5] years.

#### **ARTICLE 10: POWERS OF COUNCIL**

Without in any way derogating from the general powers conferred on it by this Constitution, the Council shall have the power to:-

- 10.1 Appoint Sub-Committees for any purpose and to delegate to such Sub-Committees such of its powers as may be considered desirable.
- 10.2 Request at any time a Special General Meeting which shall be called by the Honorary Secretary upon receipt of a requisition from not less than three affiliated Clubs, signed by their respective Presidents and Secretaries, and stating, in the form of a Resolution, the business for which the Meeting is called. At a meeting called pursuant to a requisition, no business other than that for which the meeting was called shall be discussed.
- 10.3 Deal with all matters relating to policy, honorary membership, affiliation (including fees structure), levies and any matter relating thereto submitted by the Executive and/or an affiliated club in terms of the provisions of Article 28, disputes and appeals in terms of Article 13 and any other matter provided for in this Constitution.

**ARTICLE 11: POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE**

**The Executive Committee shall acknowledge all regulations as laid down from time to time by Bowls SA – wherein policies pertaining to those regulations of SASCOC, the Department of Sport & Recreation and National Government are necessary compliances.**

**These regulations include items such as disciplinary procedures, including sexual harassment, anti-doping, the Child Protection Act and the Consumer Act.**

- 11.1 Be empowered to carry on the routine work of the Association, alter or amend any by-laws and act in case of emergency, reporting any action to the next meeting of the Council.
- 11.2 Conduct or defend any legal action in which it may be concerned in the name of the Association, but shall be personally indemnified by the Association against any expenses that may be incurred in connection therewith.
- 11.3 Be responsible for ensuring that all equipment and other property of the association housed by any Executive Member be insured by such Member against loss by fire, accident or burglary, for this such members will be reimbursed. All floating trophies to be insured by the Clubs, when in their possession. The trophies held at Headquarters to be insured by K.B.A.
- 11.4 All equipment which is the property of K.B.A. will be the responsibility of the Executive Member using it. Should the incumbent be changed, such equipment will be transferred to his/her successor after he/she has been made au fait with the operation thereof by the previous incumbent.
- 11.5 Deal with any matters of discipline concerning affiliated Clubs and their Members.
- 11.6 Appoint Sub-Committees for any purpose and to delegate to such Sub-Committees such of its powers as may be considered desirable.
- 11.7 Carry out all duties that relate to the general administration of the District.
- 11.8 See that all decisions concerning monies, trophies, property, policy and any other matters decided on by Council or the Annual General Meeting are implemented.
- 11.9 Initiate, manage and control such competitions, which it may consider necessary and desirable.
- 11.10 Determine the date, time and venue of the Annual General Meeting, a Special General Meeting or a Council Meeting, subject to the provisions of this Constitution.
- 11.11 Submit such motions and/or recommendations to an Annual General Meeting or Council Meeting as it may deem necessary.
- 11.12 Approve Standing Committees and Selection Committees in terms of the provisions of this Constitution.
- 11.13 Appoint, dismiss and/or replace, where necessary, team managers of representative Kingfisher teams and specify the duties of such managers.
- 11.14 Inspect greens in consultation with the Green keepers Standing Committee and ensure that the most suitable greens are used for District, National and Regional tournaments.
- 11.15 Recommend Honorary Life Members.

- 11.16 Approve club colours and dress, club Constitutions within the framework of the requirements and guidelines of B.S.A.
- 11.17 Lay down decrees, rules, By-Laws and regulations which are not in conflict with the Constitution of B.S.A. or this Constitution, and where necessary with Council's approval.

#### **ARTICLE 12: DECISIONS OF THE COUNCIL & EXECUTIVE COMMITTEE**

Decisions of the Council and the Executive Committee shall be binding on all affiliated Clubs and the members thereof, provided that such decisions are not in conflict with the Laws or regulations as laid down by B.S.A. or with any regulations promulgated by the said Association. Such decisions shall not be altered except at a subsequent meeting of the Council by at least two thirds of the Clubs represented.

#### **ARTICLE 13: DISPUTES AND APPEALS**

- 13.1 All matters of dispute arising between an affiliated Club and a member thereof shall, in the first instance, be heard and determined by the Committee of the Club **concerned in terms of its constitution.**
- 13.2 The aggrieved party shall have the right to appeal against the finding of the Club Committee to the Executive Committee in writing **within 14 (Fourteen) days of written receipt of notification of the outcome giving full grounds for the appeal.**
- 13.3 All matters of dispute arising between two or more Clubs, shall in the first instance, be heard and adjudicated upon by the Executive. **Should any club not be satisfied with the ruling given by EXCO, it may appeal to Bowls SA within 14 (Fourteen) days of the written receipt of notification of the outcome. The rest to be left out.**

( and if not resolved to the satisfaction of all parties concerned, shall, at the written and fully motivated request of any of the parties concerned, be referred to Council, which may adjudicate on the matter or appoint a commission of inquiry to investigate the matter and submit a recommendation to Council, whose decision shall be binding on all parties concerned.)

#### **13.4 APPEALS**

- 13.4.1 Any party not being satisfied with the decision of the Club, shall have the right to appeal to KBA. Such appeal shall be forwarded in writing to the KBA secretary within 14(Fourteen) days after receiving the decision of the club and shall reflect the grounds for appeal.**
- 13.4.2 The Executive shall on receipt of an appeal appoint a Body of Appeal within 14 (Fourteen) working days of receipt of said appeal. The Body of Appeal shall consist of such body as the executive determine necessary. The Executive shall also appoint the chairman of such Body of Appeal who shall have the deliberative and casting vote. The appellant shall be advised of the compilation of the board and shall have the right to challenge the composition of such board. Such challenge must be submitted within 3 (Three) days of receipt of the names of the board setting out full reasons for such dispute. In the event of such dispute the Executive will make a final determination on the Body of Appeal such determination being final and binding. The Body of Appeal shall determine a date, time and venue for the hearing of the appeal which shall be within 14 (Fourteen) working days from the final date of appointment of the Body of Appeal.**
- 13.4.3 A club or player who feels aggrieved by a verdict pronounced or punishment imposed by the Appeal Body which has been ratified by the Executive may within 30 days after notification of the findings of the Body lodge with the Operations Manager of Bowls SA an appeal in writing against such verdict or punishment, stating clearly the grounds therefore.**

**ARTICLE 14: NOMINATION AND ELECTION OF OFFICERS**

- 14.1 The Secretary shall send out the official nomination forms for election to the Executive, such forms to reach the Clubs sixty [60] days prior to the Annual General Meeting. These nominations duly signed by the President or Secretary of the Club concerned or by a Member of the Executive Committee, shall be returned to the Secretary thirty [30] days prior to the Annual General Meeting of the Association, which will be held on the first Monday in October, unless otherwise agreed to by the Association.
- 14.2 The names of candidates eligible for nomination as President as well as the names of all other candidates and their nominators shall be sent to affiliated Clubs twenty one [21] days prior to the Annual General Meeting, together with the notice convening the meeting.
- 14.3 In the event of insufficient nominations being received the candidates nominated shall be elected at the Annual General Meeting. Nominations for the remaining vacancies shall be received from the floor and balloted at such meeting.
- 14.4 All elected Office Bearers shall hold office until the conclusion of the next Annual General Meeting. The term of office for a President and Vice President to be no longer than three (3) consecutive years. Where no candidate(s) are available, Council can prevail upon the incumbent to remain for a further period of not more than one (1) year at a time.
- 14.5 No person shall be eligible for nomination as President unless the said person has served at least two [2] years on the Executive Committee of K.B.A.
- 14.6 Should a vacancy occur on the Executive the remaining members shall have the power to either co-opt a suitable person to fill the vacancy until the next Annual General Meeting, or convene a Special General Meeting for the purpose of electing a member to fill such vacancy.
- 14.7 Should the President's position become vacant, the Vice President shall become the Acting President.

**ARTICLE 15: HONORARY SECRETARY**

The Honorary Secretary shall:-

- 15.1 Keep correct records of the Meetings of the Association.
- 15.2 Register the names, addresses, B.S.A. numbers and ID numbers of all members of affiliated Clubs and keep a register of the official colours of all Clubs. **Keep BSA database updated.**
- 15.3 Submit returns and all other information required by B.S.A
- 15.4 Receive all entries for Inter District and National Tournaments, and forward these to the respective designated authorities unless such authorities instruct otherwise
- 15.5 Carry out such other duties incidental to the appointment as may be assigned from time to time, but shall only act on instructions from either the Executive Committee or the Council. For these services shall receive an honorarium from the Association funds as may be recommended by the Executive Committee and approved at the Annual General Meeting.

- 15.6 In conjunction with the President, prepare an Annual Report on behalf of the Executive Committee. A draft of the report shall be submitted to the Executive Committee for approval at the meeting to be held prior to the Annual General Meeting.
- 15.7 Together with the President, be the only Executive Member empowered to sign any correspondence.
- 15.8 Keep stocks and proper records of the following:-  
Brooches, association hatbands, pocket badges, lapel badges, ties, registration and registration forms, Laws of the Sport of bowls, the Constitution of both B.S.A. and K.B.A.

#### **ARTICLE 16: HONORARY TREASURER**

The Honorary Treasurer shall:-

- 16.1 Keep proper books of account of the Association, collect subscriptions, issue receipts and pay accounts as are passed and authorised at Council and/or Executive Committee Meetings.
- 16.2 Pay all monies received into the accounts opened in the name of the Association at any Bank or registered Financial Institution and invest funds not immediately required as the Executive may decide.
- 16.3 At the end of each financial year, prepare Financial Statements which shall be duly audited. A budget shall be drawn up and presented to the Executive Committee for approval at the last Executive Meeting prior to the Annual General Meeting at which the audited Financial Statements shall be rendered.
- 16.4 Submit an Income and Expenditure Statement to Clubs, two weeks prior to Council Meetings, and to the Executive at the Executive Meeting.
- 16.5 Keep records involving financial transactions pertaining to the Association.
- 16.6 Receive an honorarium from the Association funds as may be recommended by the Executive and approved at the Annual General Meeting.

#### **ARTICLE 17: HONORARY COMPETITION SECRETARIES**

The Honorary Competition Secretaries shall:-

- 17.1 Be responsible for the running of District Competitions and Tournaments organised by and played under the jurisdiction of the Association.
- 17.2 **Conduct a draw** at the most convenient venue, prepare the draw and distribute copies thereof to the relevant clubs.
- 17.3 Make the necessary arrangements for the distribution of trophies.
- 17.4 Receive entries for District Championships and Competitions played under the auspices of the Association.
- 17.5 Keep full records of all District Championships, Competitions and Official Tournaments and submit ranking returns to B.S.A.
- 17.6 Carry out all other duties contingent upon their office but shall only act on instructions from the Executive.

- 17.7 Receive an honorarium from the Association funds as may be recommended by the Executive and approved at the Annual General Meeting.

#### **ARTICLE 18: MEETINGS**

- 18.1 The Annual General Meeting of the Association shall be held on the first Monday in October each year, or the date designated in the diary in the event the first Monday in October is not suitable or unless otherwise agreed to by the Council, at a venue to be fixed by the Executive Committee. Any Member of an affiliated Club shall have the right to attend the Annual General Meeting but only the duly appointed delegates or registered alternates shall vote.
- 18.2 A copy of the Agenda, Annual Report, Financial Statement and Notice convening the meeting, together with names of the candidates nominated for election to the Executive, shall be sent to all affiliated Clubs at least twenty one [21] days prior to the meeting. A copy of the Agenda to be sent to all Standing Committees.

- 18.3 Business to be transacted at the Annual General Meeting:-

The business of the Annual General Meeting shall be conducted in the following order:

- 18.3.1 To read the Notice convening the Meeting.
- 18.3.2 To receive delegates credentials and apologies.
- 18.3.3 Obituary.
- 18.3.4 To consider applications for affiliation/disaffiliation.
- 18.3.5 To read and confirm the Minutes of the last Annual General Meeting and or any Special General Meetings and of the last Council Meeting and to deal with any business arising therefrom.
- 18.3.6 To deal with any correspondence pertinent to the Annual General Meeting.
- 18.3.7 To receive the annual report and adopt the same.
- 18.3.8 To elect Office Bearers, i.e. President, Vice President, Honorary Secretary, Honorary Treasurer, two [2] Competition Secretaries **and two (2)** Executive Members.
- 18.3.9 To approve the necessary Standing Committees as required in **Article 3.8 and 3.9**
- 18.3.10 To confirm the nomination of members [if any] for the Selection Committees of B.S.A.
- 18.3.11 To appoint an Auditor.
- 18.3.12 Honoraria To receive the Executive Committee's recommendation and decide on honoraria for the ensuing financial year.
- 18.3.13 To award Merit Badges and Certificates as per approved list.
- 18.3.14 Only matters listed on the Agenda of the AGM may be discussed.

#### **18.4 Special General Meetings**

Special General Meetings may be called by the Executive or shall be called by the President on receipt of a requisition to the Secretary from not less than three affiliated Clubs, signed by their respective Presidents and Secretaries, and stating in the form of a Resolution, the business for which the meeting is called. At a meeting called pursuant to a requisition, no business other than that for which the meeting has been called shall be discussed.

#### **18.5 Council Meetings**

In addition to the Annual General Meeting, the Council shall meet at least three times a year or more often as the business of the Association shall demand.

**18.6 Executive Committee Meetings**

Shall be held monthly and at such other times as may be necessary for the carrying out of the business of the Association. The President shall have the right to convene a Special Executive Committee Meeting whenever he/she deems necessary.

**ARTICLE 19: CONTROL OF FINANCE**

- 19.1 The Financial Year of K.B.A. shall be from 1 August to 31 July. Affiliation fees shall cover the period 1 January to 31 December and shall be due and payable by 15 December of the current financial year.
- 19.2 All K.B.A. monies shall be lodged in the name of the Association in such registered financial institutions as the Executive may decide.
- 19.3 The Executive shall have the power to invest any funds of K.B.A. not immediately required.
- 19.4 Subject to any condition which the Executive may determine, no Member of the Executive or its employees shall be entitled to enter into a contract or incur any liability or expense affecting K.B.A.
- 19.5 All accounts shall be operated upon by the President, Vice President, Honorary Secretary and Honorary Treasurer and the signatures of any two of these shall appear on all Association cheques and investment transactions.
- 19.6 The travelling and reasonable expenses of Members of the Executive on official business shall be borne by the Association.  
No remuneration will be paid to any person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered, nor may any remuneration be determined as a percentage of any amounts received or accrued to the association.

**ARTICLE 20: DRESS**

All members of affiliated Clubs shall, at all times, be bound by the Laws of the Sport of Bowls, and any rules, by-laws or regulations laid down by B.S.A. relating to the dress which may be worn by such Members when playing bowls or attending any bowls competition.

**ARTICLE 21: COMMUNICATION WITH THE ASSOCIATION**

21.1 All communications with the Association must be addressed to the Honorary Secretary and transmitted through the Secretary of the Club concerned. Communications transmitted by individual members direct or in any other manner than aforesaid shall be returned or forwarded to the Secretary of the club to which the correspondent belongs for comments by the club management.

**21.2 No member or club shall establish or maintain contact with BSA without the prior knowledge of the Executive of KBA. Such request for contact shall not unreasonably withheld.**

**ARTICLE 22: QUORUMS**

- 22.1 The quorum required for an Annual General Meeting, Special General Meeting and Council Meeting shall be delegates of two thirds of affiliated Clubs.
- 22.2 The quorum required for an Executive Meeting shall be a majority of these entitled to be present.

- 22.3 If, within thirty minutes after the time at which any of the above meetings were due to start and there is no quorum present, the meeting shall be dissolved and shall be adjourned for seven days, or any lesser period as those present may determine. All business transacted at these subsequent meetings shall be binding.

### **ARTICLE 23: VOTING**

- 23.1 Matters, other than a change to the constitution, shall be decided by majority vote.
- 23.2 Voting shall be by a show of hands, unless by request of the majority, a ballot is called for.
- 23.3 Election of Office Bearers at the Annual General Meeting shall be by ballot having due regard to the composition of this Committee as set out in Article 8.2.1 Delegates must vote for the requisite number to be elected.
- 23.4 Votes must be cast in person and voting by proxy will not be permitted.
- 23.5 Voting shall be limited to one [1] vote in respect of each affiliated Club. [See 9.2.3 and 18.1]
- 23.6 Only the President and Vice President of the Executive shall have a vote at Annual General Meetings, Council or Special General Meetings.
- 23.7 Where there is an equality of votes cast for or against any motion requiring a simple majority the President shall have a casting vote at all meetings.
- 23.8 Honorary Life Members, Past Presidents and Past Executive Members may take no part in the business or discussion at Annual General Meetings or Council Meetings unless requested to do so by the Chairman of the Meeting, no shall they have a vote.
- 23.9 Members of the Standing Committees shall be entitled to attend Council Meetings but shall not intervene in any Council business except at the request of and as allowed by the Chairman of the Council, nor shall they have a vote.  
Standing Committees are responsible to the Executive and/or Council as directed by the Executive to carry out their obligations as set out in this Constitution and to advice on all matters connected with that specific committee.

### **ARTICLE 24: CHAIRMAN**

The President shall occupy the Chair at all Meetings of the Association but, in the absence of the President, the Vice President shall preside. Should both these officials be absent, the Meeting shall, with the Secretary presiding, elect a temporary Chairman.

### **ARTICLE 25: NOTICE OF MEETINGS**

- 25.1 Annual General Meetings – as per the date designated in the diary
- 25.2 Special General Meetings – at least fourteen [14] days notice shall be given.
- 25.3 Ordinary Council Meetings – as per the dates designated in the diary
- 25.4 Ordinary Executive Meetings – as per the dates designated in the diary.



- 25.5 Where EXO deviates from time the time in which to fulfil an obligation, relating to an enactment with a specified time, such deviation may be ratified by Council at the Annual General Meeting or such alternative meeting as may be deemed appropriate by the Executive and no enactment shall be invalid or ultra vires, solely by virtue of such enactment being made outside of the specified time.

**ARTICLE 26: DELEGATES TO MEETINGS OF B.S.A.**

Delegates to attend the Annual General Meeting or any Special General Meeting of B.S.A. shall be decided by the Executive Committee.

**ARTICLE 27: KWA- ZULU NATAL MEETINGS**

Representatives to the KwaZulu Natal **Provincial Bowls Association** meetings shall be decided by the Executive.

**ARTICLE 28: NOTICES OF MOTION**

- 28.1 Notices of Motion for a Special General Meeting must reach the Honorary Secretary of the Association not less than thirty (30) days before the date of the intended Special General Meeting to be called for their consideration.
- 28.2 Any motion to be moved at a meeting of Council shall be submitted to the Honorary Secretary 30 (thirty) days prior to the meeting in the full and exact form in which it is intended, together with the motivation.

**ARTICLE 29: APPOINTMENT OF SELECTORS STANDING COMMITTEES**

- 29.1 The K.B.A. will, in February of each year, invite Clubs to submit names [with a short CV] of persons willing to serve as Selectors. From these names, as well as names nominated by the Executive, four [4] persons of the same gender for each Standing Committee, shall be appointed. (See Article 3.9)  
The successful nominees will be announced at the April Council Meeting.
- 29.2 The Selectors Standing Committees to appoint the Conveners from their members.
- 29.3 The responsibilities of the Conveners shall be:-
- 29.3.1 To convene meetings of the Selectors when necessary.
- 29.3.2 To have all selected players sign the 'Code of Conduct'.
- 29.3.3 To submit the names of sides selected to the Executive of K.B.A. for approval before announcement by the President.
- 29.3.4 To appoint coaches and managers (if necessary) once the Inter- District sides are selected.  
**REPLACE WITH**  
**To nominate coaches and managers (if necessary) for consideration by EXCO once the Inter-District sides are selected.**
- 29.3.5 To determine the allocation of duties and responsibilities of the Committee.

- 29.4 The Chairperson shall have a deliberate and, if necessary, a casting vote.
- 29.5 No Club should have more than two [2] representatives on a Selection Committee.
- 29.6 Members of the Selection Standing Committee must be registered members of an affiliated Club in this District.
- 29.7 In the event of none or insufficient nominations being made, the Executive reserve the right to appoint Selectors who might be available for selection to play, with the following stipulations:
- 29.7.1 The Convener will not be eligible to play.
- 29.7.2 A Selector who is selected to play, will not be permitted to be part of the selection process for the team in which the Selector might play.
- 29.7.3 In the event of the above happening then five (5) Selectors will be appointed.
- 29.8 The Selection Standing Committees shall select the following players:-
- 29.8.1 To represent the K.B.A. in Inter-District Tournaments held under the auspices of B.S.A.
- 29.8.2 For the K.B.A. Preliminary Masters subject to the Criteria set out in Article 27 of the By-Laws.
- 29.8.3 To take part in the K.B.A. Masters Tournament subject to Article 28.11 of the By-Laws.
- 29.8.4 For all such other events as the Council or Executive may direct.

#### **ARTICLE 30: DISCIPLINE**

If, in the opinion of the Executive, any player taking part in any Championship, Competition or League fixture organised by the Association, is guilty of unseemly conduct, misbehaviour or malpractice, or if any entrant for any of the Associations competitions, fails to present himself/herself in terms of the published schedule of play, or bring the District, any Bowling Committee or a member of a Committee appointed by the Association into disrepute, or behave in any unseemly manner in any matter which concerns the sport of bowls, the Executive shall deal with the matter in accordance with the procedure set out in Article 12 of the Association's By-Laws.

#### **ARTICLE 31: SOUTH AFRICAN TOURNAMENTS**

Should the Association at any time apply to hold any Tournament played under the auspices of B.S.A., the Executive shall in each case nominate the Tournament Chairman who shall select Committee Members.

#### **ARTICLE 31: INTERPRETATION MOVED TO ARTICLE 2.2**

#### **ARTICLE 32: ALTERATIONS TO THE CONSTITUTION**

- 32.1 Any alteration of, or addition to, the Constitution proposed by the Executive to be forwarded to the clubs for their perusal. Should any club wish to challenge or alter the wording of any alteration or addition, a motivation must be forwarded to the District Secretary 30 (thirty) days prior to the next Council Meeting/Special Meeting.
- 32.2 No alteration of, or addition to, the Constitution will be effective unless at least two thirds of the total votes represented at the Meeting are cast in favour of the proposal.

**ARTICLE 33: DISSOLUTION**

In the event of the dissolution of the Association, any assets after liabilities have been met, shall be given or transferred to an organisation within the area of jurisdiction of the Association that has objects similar to those of the K.B.A. or public benefit organisation (excluding a branch of a foreign exempt PRO), any institution, board or body which has as its sole or principal object the carrying on of any public benefit activity, or the government of the Republic in the national, provincial or local sphere. This body to be identified by the Executive in office at the time.

**ARTICLE 34: EFFECTIVE DATE**

This Constitution was first adopted at a Special General Meeting held on May 26<sup>th</sup> 1997 and amended from time to time thereafter Re-written and further adopted at a Special General Meeting held on October 5<sup>th</sup> 2015.

**ARTICLE 35: SARS COMPLIANCE**

A copy of any amendment to the Constitution or other written instrument under which the Association is established, will be submitted to the Commissioner for the South African Revenue Service (SARS).

The Association will not or was not knowingly a party to, or does not knowingly permit, or has not knowingly permitted itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Act or any other Act administered by the Commissioner for the SARS

**ARTICLE 36: MERIT AWARDS**

Merit Awards can be given to the following categories with the approval of the Executive:

- 1) Members who have served at least 5 (five) years on the Kingfisher Executive;
- 2) Members who have served at least 5 (five) years on a Kingfisher Standing Committee;
- 3) Members who have served the K.B.A. in any capacity and deserve recognition;
- 4) Members nominated by their Clubs for service to bowls. These nominations to reach the District Secretary by 31<sup>st</sup> August each year.



