



CONSTITUTION  
OF THE  
EASTERN PROVINCE BIATHLON ASSOCIATION

AS APPROVED ON  
19 JULY 2013,

DURING THE ANNUAL GENERAL MEETING OF THE ASSOCIATION



**CONSTITUTION OF THE EASTERN PROVINCE BIATHLON ASSOCIATION**

**CLAUSE 1: DEFINITION AND APPLICATION**

In this Constitution, except where incompatible with the context, the following terms shall have the meaning indicated:

<b>"ASSOCIATION"</b>	The Eastern Province Biathlon Association.
<b>"CONSTITUTION"</b>	The Constitution of the Eastern Province Biathlon Association
<b>"GENERAL MEETINGS"</b>	The meetings as formulated in Clause 7.
<b>"NATIONAL BODY"</b>	The South African Biathlon Association
<b>"MANAGEMENT COMMITTEE"</b>	The Management Committee as constituted in terms of Clause 13.
<b>"MEMBER(S)"</b>	Any athlete, school, club or other body affiliated to the Association.
<b>"BIATHLON"</b>	Combination of run and swim in accordance with the Biathlon competition rules.
<b>"BIATHLO"</b>	Combination of run and swim in accordance with the Biathlo competition rules.
<b>"RULES"</b>	The rules of the National Body
<b>"SELECTION COMMITTEE"</b>	The Selection Committee as constituted in terms of Clause 18.



**CLAUSE 2: NAME AND LEGAL PERSONALITY**

- 2.1 The name of the Association shall be the Eastern Province Biathlon Association.
- 2.2 The Association shall have legal personality and shall-
  - 2.2.1 have an independent existence;
  - 2.2.2 be entitled to own property;
  - 2.2.3 be entitled to enter into legal transactions and institute legal actions.
- 2.3 The Association shall not distribute its annual profits amongst its members.

**CLAUSE 3: AIMS AND OBJECTS**

The aims and objects of the Association are:-

- 3.1 to promote the interests of Biathlon and Biathlo and its athletes, and to uphold the Rules relative to amateur status and the eligibility of athletes to compete under the rules of the National Body and the Association;
- 3.2 to administer Biathlon and Biathlo under the jurisdiction of the Association;
- 3.3 to inquire into such irregularities as may have occurred during Biathlon and Biathlo meetings or in the course of the administration of Biathlon and Biathlo and have been submitted to the Association or have come to its notice;
- 3.4 to hold local and Interprovincial meetings and to take part in annual National Championship meetings in Biathlon and Biathlo;
- 3.5 to attend to the selection of athletes who are to represent the Association;
- 3.6 to provide for the keeping of official lists of records of performances;
- 3.7 to decide upon the nature, award and protection of the Association's colours;
- 3.8 to maintain the principle of non-discrimination In respect of sex, race, religion and political views.



**CLAUSE 4: WAYS AND MEANS OF ACHIEVING AIMS AND OBJECTS**

The aims and objects of the Association may be achieved by:-

- 4.1 affiliation to the National Body
- 4.2 cooperation with any code which has running and/or swimming as components;
- 4.3 affiliation with the Provincial Sports Council;
- 4.4 providing suitable grounds, premises, equipment and other conveniences necessary for the holding and organising of amateur meetings;
- 4.5 the acquisition in a legal manner of such movable or immovable property as may be required to achieve the aims and objects of the Association;
- 4.6 entering upon such negotiations and concluding such contracts and agreements as may be lawfully undertaken by an incorporated body and are not incompatible with the aims and objects of the Association;
- 4.7 raising funds for any purpose which may be deemed necessary.

**CLAUSE 5: MEMBERSHIP**

- 5. The Members of the Association are any athlete, school, club or body within the area previously known as the Eastern Province, which has applied for membership on the prescribed form and has paid the annual affiliation fee determined by the Management Committee.

**CLAUSE 6: ORGANIZATION OF THE ASSOCIATION**

- 6.1 The principal constituent bodies of the Association are:-
  - 6.1.1 The General Meeting;
  - 6.1.2 The Management Committee.
- 6.2 Other Committees and Subcommittees which may be constituted by the principal constituent bodies in conformity with the provisions of the Constitution if need arises



**CLAUSE 7: GENERAL MEETINGS**

- 7.1 The General Meeting constitutes the supreme authority of the Association and shall be held once every year on a date to be determined by the Management Committee.
- 7.2 Special General Meetings shall be called by the Management Committee when it so decides, or upon receipt of written requests signed on behalf of at least thirty Members. Such a Special General Meeting shall be called within 30 days after receipt of the said requests.

**CLAUSE 8: NOTICE OF GENERAL MEETINGS**

- 8.1.1 Members shall receive 30 days written notice of the time and venue of the Annual General Meeting;
- 8.1.2 All notices of motions to be treated at the Annual General Meeting are to reach the Secretary not less than 20 days before such meeting;
- 8.1.3 The Secretary shall notify all members of the agenda for the Annual General Meeting 14 days before the meeting.
- 8.1.4 The Chairperson may in the exercise of his discretion determine shorter periods as the periods stipulated in clauses 8.1.2 and 8.1.3, provided that those periods so determined shall not be less than 14 days and 7 days respectively.
- 8.2 All Special General Meetings shall be called in writing by the Management Committee and notice be given at least 21 days in advance. The notice calling the meeting shall include its agenda.

**CLAUSE 9: REPRESENTATION AT GENERAL MEETINGS**

Every Member shall be entitled to be present at General Meetings and shall be entitled to participate in the business of the Association. In the case of a member who has not reached the age of 16 years, a parent of such a member may participate in the business of the meeting

**CLAUSE 10: QUORUM AT GENERAL MEETINGS**

A minimum of twenty registered Members shall constitute a quorum at any General Meeting.



**CLAUSE 11: PROCEDURE AT GENERAL MEETINGS**

- 11.1 At General Meetings the Chairperson shall preside, or in his absence the Vice-chairperson or in the absence of both, the delegates present shall elect a Chairperson;
- 11.2 The agenda of the Annual General Meeting shall be disposed of in the following order:-
- 11.2.1 opening and welcoming of members;
  - 11.2.2 attendance register and apologies;
  - 11.2.3 reading of the notice of the meeting;
  - 11.2.4 reading and adopting the minutes of the previous Annual General Meeting and of Special General Meetings;
  - 11.2.5 submission, discussion and adoption of the Chairperson's report;
  - 11.2.6 submissions and adoption of an audited statement of receipts and expenditure of the previous year;
  - 11.2.7 dealing with any amendments to the Constitution or with any matter proposed and of which due notice has been given;
  - 11.2.8 election of office bearers in terms of Clause 13;
- 11.3 The agenda of a Special General Meeting shall be disposed of in the order specified below:
- 11.3.1 scrutiny of delegates credentials;
  - 11.3.2 reading of the notice of meeting;
  - 11.3.3 dealing with any matters proposed and of which previous notice has been duly given.
- 11.4 No motion or amendment on the agenda of General Meetings may be withdrawn without the approval of the Meeting. If the original proposer of a motion is absent at the meeting, any other representative of the member who proposed the motion or amendment shall be competent to introduce the motion, in which case he shall, for all practical purposes, be vested with the rights and privileges of the original proposer.



**CLAUSE 12: VOTING PROCEDURE AT GENERAL MEETINGS**

- 12.1 In all matters calling for a resolution voting shall be by show of hands; or by secret ballot if two members so demand before voting is proceeded to, or if the Chairperson so decides;
- 12.2 The Chairperson and each member of the Management Committee and every Member of the Association shall have one vote each subject to the provisions of clause 9 above; The Chairperson shall, in addition to his ordinary vote, have a casting vote;

**CLAUSE 13: THE MANAGEMENT COMMITTEE**

- 13.1 The direction of the Association's affairs shall be vested in the Management Committee.
- 13.2 The Management Committee shall be made up of:-
  - 13.2.1 The Chairperson, Vice-Chairperson, Secretary and Treasurer, and three additional members to be elected by the members at the Annual General Meeting, who all have to be Members of the Association or a parent of a member child.
  - 13.2.2 The Chairperson elected may after consultation with the other members of the management committee co-opt an additional member or members on the management committee to provide for wider representation on the committee.
- 13.3 Nominations for the offices of Chairperson, Vice- Chairperson, Secretary, Treasurer and members of the Management Committee have to be submitted to the Secretary in writing at least 20 days before the Annual General Meeting. These nominations shall appear unchanged on the agenda of the Annual General Meeting. The outgoing office-bearers are automatically deemed to have been nominated for their respective offices. The provisions of clause 8.1.4 read with clause 8.1.2 are *mutatis mutandis* applicable in this clause.

**CLAUSE 14: MEETINGS OF THE MANAGEMENT COMMITTEE**

- 14.1 The Management Committee shall meet at least one time before a competition meeting referred to in clause 3.5 above or when the Chairperson thinks fit;
- 14.2 At any meeting of the Management Committee four members of the said committee shall constitute a quorum;
- 14.3 Minutes of all meetings shall be kept.



**CLAUSE 15: POWERS AND DUTIES OF THE MANAGEMENT COMMITTEE**

In addition to the powers and duties granted to the Management Committee in terms of any section of the Constitution, the following further powers shall vest in it:-

- 15.1 when vacancies occur in the offices of Chairperson, Vice-Chairperson, Secretary or Treasurer, to fill such vacancies for the remaining period until the next Annual General Meeting;
- 15.2 to receive applications from Members as to the business of the Association and to make recommendations to the Annual General Meeting in this connection;
- 15.3 to decide where any meetings of the Association shall be held;
- 15.4 to nominate delegates to any association with which the Association is affiliated;
- 15.5 to convene an Annual General Meeting of the Association every year;
- 15.6 to suspend temporarily or permanently any person who has been convicted of misbehaviour or dishonourable practices in Biathlon and/or Biathlo.
- 15.7 to consider at every meeting a financial statement of the Association;
- 15.8 to submit to the Annual General Meeting an annual report;
- 15.9 to submit to the Annual General Meeting an audited financial report, and financial statements for the previous financial year (1 April - 31 March). If the Annual General Meeting be held before 30 April, a provisional financial statement has to be submitted.
- 15.10 to consider any violation or infringement of the Constitution, Rules and Regulations of the Association, and to make the necessary recommendations, or to take the necessary actions;
- 15.11 to open current and savings accounts for the Association and to draw, receive and endorse cheques, and to do electronic banking in connection with the financial business of the Association; to pay out any honorarium upon which the Management Committee may decide;
- 15.12 to agree to the settlement of the travel and subsistence expenses of any athlete or official when funds are available;
- 15.13 to do everything that is desirable for the affairs of the Association, in keeping with its accepted aims and subject to the conditions of this Constitution and to directions of the Annual General Meeting;
- 15.14 to appoint a legal adviser and must appoint an honorary auditor every year at its first meeting after the Annual General Meeting.





**CLAUSE 16: FORFEITURE OF OFFICE**

If any member of the Management Committee absents himself without leave from three successive meetings, it shall be presumed that he has forfeited his office.

**CLAUSE 17: HEAD OFFICE**

- 17.1 The Head Office of the Association shall be situated at the place decided upon by the Management Committee at their first meeting after the Annual General Meeting;
- 17.2 On a decision to move the Head Office all members must immediately be notified of the new address. If decided to move, the Head Office shall become operative at the new address within two months.

**CLAUSE 18: SELECTION COMMITTEE**

- 18 The selection of any athlete, athletes, team or teams to represent the Association shall be performed by the Selection Committee which consists of the Chairperson, Vice- Chairperson and Secretary of the Association
- 18.1 The Management Committee shall determine dates for the selection of any team;
- 18.2 Teams shall be selected by the Selection Committee at meetings specially called for this purpose by the convener. Any two members present at such meeting shall constitute a quorum;

**CLAUSE 19: HONORARY MEMBERS**

- 19.1 An Honorary Chairperson and an Honorary Vice-Chairperson may be elected by the delegates at the Annual General Meeting;
- 19.2 Nominations for the offices of Honorary Chairperson and Honorary Vice-Chairperson may be submitted in writing to the Secretary or may be orally done at the Annual General Meeting.
- 19.3 Voting shall be by show of hands.



**CLAUSE 20: COLOURS**

- 20. The Associations colours are as follows:
  - 20.1 The logo; a red elephant with its trunk raised;
  - 20.2 Blazer - black blazer with the badge on breast pocket;
  - 20.3 Blazer badge - The logo with the words "Biathlon/Tweekamp" (or vice-versa) embroidered in red on the breast pocket;
  - 20.4 Tie - black with the logo 3cm in size;
  - 20.5 Athletic Vest – red and black;
  - 20.6 Shorts - black;
  - 20.7 Tracksuit – red and black tracksuit with the logo on the breast pocket.

**CLAUSE 21: AWARD OF COLOURS**

- 21.1.1 Award to athletes. Association colours may be awarded by the Management Committee to athletes of the Association who have been selected by the selection committee to represent the Association and who have in fact represented the Association at five Inter-provincial biathlon meetings (which may include the National Championship Meeting) in the Association's A-team.
- 21.1.2 Association colours may also be awarded to an athlete who has won a medal at the National Championship Meeting.
- 21.2 Award to Managers. Persons who were duly nominated to act as managers of teams of the Association may be awarded the colours of the Association, with the proviso that the word "Manager" be indicated on the badge. Persons to whom such a badge is awarded may decide personally in which language the wording is to be;

**CLAUSE 22: CODE OF CONDUCT**

All biathletes and officials to whom Association colours have been awarded shall at all times conduct themselves in a manner that will benefit and do credit to the insignia under which they have been chosen to represent their sport and their Association.

The management committee may take disciplinary action against any biathlete or official who did not behave in terms of the code of conduct. Such action may include the withdrawal of the provincial colours.



**CLAUSE 23: HONORARY AWARDS FOR SERVICE**

- 23.1 An honorary award for services rendered to the Association may be made to a maximum of two persons per year by the Management Committee;
- 23.2 Nominations for such an award shall be submitted to the Management Committee 7 days before the Annual General Meeting by members, together with a report on the services rendered;
- 23.3 The names of candidates to whom honorary awards have been made shall be announced at the Annual General Meeting.
- 23.4 Nominations for honorary awards shall be subject to the conditions that a candidate will have served the Association at least three years in an executive capacity;
- 23.5 The honorary colours shall be the official badge of the Association on a black background with the following wording added to the blazer badge: "Honoris Causa".

**CLAUSE 24: RULES AND REGULATIONS**

In addition to the provisions of the Constitution the Association must apply the Biathlon and Biathlo Competition Rules accepted by the National Body for the smooth running of its affairs.

**CLAUSE 25: AMENDMENTS TO THE CONSTITUTION**

- 25.1 The Constitution may be amended only at an Annual General Meeting or at a Special General Meeting called for this specific purpose;
- 25.2 Notice of any proposed amendments shall be entered on the agenda in accordance with the procedure laid down in Clause 8;
- 25.3 The notice shall specify which clause of the Constitution it proposes to amend and shall indicate clearly what should be omitted or added to it;
- 25.4 The Constitution can be amended only by a two-thirds majority of the members present and recording their votes;
- 25.5 Any amendment to the Constitution takes immediate effect unless the contrary is decided;
- 25.6 Any amendment to the Constitution must be submitted by the Management Committee to the President of the National Body.