

THE WESTERN PROVINCE RUGBY FOOTBALL

REFEREES' SOCIETY

CONSTITUTION

1. **NAME**

The Society is known as the Western Province Rugby Football Referees' Society (herein referred to as "the Society").

2. **HEADQUARTERS**

The headquarters of the Society are the offices of the Western Province Rugby Football Union (herein referred to as "the Union") at Newlands, Cape Town.

3. **OBJECTS**

The objects of the Society are:

- 3.1 To foster and promote the game of rugby football in accordance with the laws of the game as formulated by the International Rugby Football Board:
- 3.2 To appoint referees for such matches as the Committee may consider advisable:
- 3.3 To promote the image of the Society and of referees and to develop and encourage interest in refereeing:
- 3.4 To strive for the highest possible standard of refereeing by encouraging a careful study of the laws of the game, by promoting interest in discussions and deliberations about the laws, by setting exams for members and by the regular review and training of referees:
- 3.5 To obtain uniformity in the interpretation of the laws within the Union's area of jurisdiction as defined in paragraph 6 and to encourage the observance of the laws:
- 3.6 To arrange and promote contact with other referees' societies.
- 3.7 To procure that its best referees and officials are appointed to committees and panels of the South African Rugby Union:
- 3.8 To provide social facilities at Newlands for use by its members:

- 3.9 To arrange activities aimed at promoting goodwill and co-operation amongst its members:
- 3.10 In general to protect the interests of members of the Society and to do all such other things as are incidental or conducive to the attainment or promotion of the above objects.

4. COLOURS

The colours of the Society are:

Sporting Attire

- 4.1 The uniform in which the Society's referees officiate consists of a rugby jersey, black shorts and black socks with turnovers of royal blue, sky blue, maroon and white. In addition, referees may wear a tracksuit or windbreaker of a design prescribed by the Committee from time to time, when officiating as touch judges or in poor weather conditions.

4.2 Tie

A tie of dark blue material with royal blue diagonal stripes six and one half centimetres apart, the stripes being bordered on either side by white stripes. Equidistant between the stripes appear alternatively replicas of the Union's emblem, a disa (D. Grandiflora, Uniflora) in red, white and yellow, miniature replicas of the Society's badge.

- 4.3 A merit tie of dark blue material with two diagonal stripes, one white and one light blue, 0,75 centimetres apart. Between the two stripes appear the words "Meriete Toekenning" and "Merit Award" alternately. Approximately 4.75 centimetres below the lower stripe is the upper stripe of the next series. Equidistant between the stripes appear alternately replicas in gold of a small disa (D. Grandiflora, Uniflora) and miniature replicas of the Society's badge.

4.4 Badge

A badge will be a red disa (D. Grandiflora, Uniflora) with the words "WP RugbyReferees" below embroidered on the left breast and on the right breast or elsewhere, the name and /or logo of the sponsor of the referees as might be approved by the Executive Committee from time to time.

5. AFFILIATION CREDO AND JURISTIC STATUS

- 5.1 The Society is affiliated to the Union and must remain so affiliated.

- 5.2 The Society accepts and is and will continue to be bound by decisions of the International Rugby Football Board, the South African Rugby Union and the Union, and the rules relating to amateurism. Furthermore, this Constitution is subject to the constitutions of each of the above bodies, as well as rules and regulations promulgated in terms of such constitutions and any decision of any of the abovementioned institutions, and this constitution is void to the extent that it conflicts with any such constitution rules, regulation or decisions.
- 5.3 Notwithstanding the above, the Society is a corporate body with its own juristic status, independent of its members and office bearers and it is the lawful owner of its assets. The Society acts in its own name when it is involved in litigation, or when it acquires assets or undertakes liabilities, and in general when dealing with its affairs.
- 5.4 The credo of the Society is non-racialism in sport and its related activities. No member shall be discriminated against on the basis of colour, creed, or gender.
- 5.5 The Society is non-profit making. The Society may not carry on any business undertaking or trading activity other than:
- 5.5.1 the purchase of refereeing clothing and equipment and the resale thereof; and
- 5.5.2 the conduct of the Society's bar in its clubhouse and the committee room and then only provided the gross income
- 5.5.3 or that arises from a trading activity which is an integral part of the Society's operations and intended to cover the Society's costs and development of referees.
- 5.6 No member or office bearer shall have any right to the property or other assets of the Society. No part of the Society's income or property shall be distributed to any person except only as reasonable compensation for services rendered to the Society and then only by resolution of the Committee and in the course of its public benefit activities.
- 5.7 No member shall be liable for any of the obligations of the Society, nor for any act or omission by any office bearer of the Society. No office bearer shall be personally liable for any loss suffered by any person as a result of any act or omission that occurs in good faith while the office bearer is performing a function for or on behalf of the Society.

6. JURISDICTION

- 6.1 All members of the Society are bound by the provisions of this Constitution whether or not they have received a copy thereof.

- 6.2 The area of jurisdiction of the Society is always identical to that of the Union. However, the Society retains jurisdiction over the behaviour of its members outside the Unions borders.

7. MEMBERS

- 7.1 Any person who is prepared to promote the objects of the Society may become a member, provided that a person who is registered as an active rugby player at a rugby club may not be a member.
- 7.1.2 The aforesaid notwithstanding, an exception will be made for bona fide students and scholars, some of whom may still be playing rugby (schools or club), to become members of the Society, subject to the provision that for matches within the jurisdiction of the Society, such members may only referee schools and age-group club rugby, and should recuse themselves where there is a conflict of interests. Such members will be referred to as Junior Referee Society Members.
- 7.2. The Society consists of the following members:
- 7.2.1 Honorary life members;
- 7.2.2 Referees, being members who have advised the committee that they wish to officiate as referees in league and/or school matches.
- 7.2.3 Non-active members, being members who have advised the Committee that they do not wish to officiate as referees in league or school matches, and members who have been reclassified in terms of paragraphs 24.3 or 27.
- 7.3 Subject to paragraph 10.3.2, a member who is or becomes permanently resident outside the Union's borders may only be and remain classified as a referee, with the permission of the provincial Union or other controlling body having jurisdiction at the member's place of residence.

8. HONORARY LIFE MEMBERS

- 8.1. Any person may be elected an honorary life member of the Society.
- 8.2 An honorary life member shall be elected as follows:
- 8.2.1 He may be proposed only by the Committee which must unanimously resolve to propose him.
- 8.2.2 Such proposal may be made only at an Annual General Meeting or Extraordinary General meeting. Notice of such proposal must be posted to every member together with the notice of the Annual General Meeting or Extraordinary General Meeting at which the proposal will be made.

- 8.2.3 The proposal must be supported by two thirds of the members entitled to vote who are present at the Annual General Meeting or Extraordinary General Meeting.
- 8.2.4 The proposal may be made only by reason of such person's commendable services to rugby football.

9. SUBSCRIPTION/REGISTRATION

- 9.1 The annual subscriptions/registrations shall be fixed from time to time by the Committee and shall be advised to members in writing. Any Annual General meeting shall have the power to amend the Committee's decision. If no subscription is found by a particular committee, the subscription shall remain the same as in the previous year.
- 9.2 The annual subscription covers the period from November of the year to October of the following year and becomes due and payable January of each year.
- 9.3 A candidate for membership shall pay his/her first subscription/registration with his/her application for membership. He/she shall not become a member until his/her first subscription/registration has been paid.
- 9.4 Existing members shall pay their subscription at or before the Annual General Meeting.
- 9.5 A member who has not paid his subscription by 31 March of any year shall be requested in writing to do so. Such request shall be by notice sent to the member's last address known to the Society.
- 9.6 Notwithstanding the provisions of paragraph 30.5 a member who has not paid his subscription by 31 May of any year shall automatically lose his membership. Thereby the member shall lose all the benefits of membership but he shall remain liable for any subscription and other monies owing by him to the Society.

10. LOSS OF MEMBERSHIP AND RECLASSIFICATION

Referees and Non-active Members

- 10.1 A referee or non-active member shall cease to be a member of the Society if:
- 10.1.1 He resigns as a member.
- 10.1.2 He fails to pay his subscription on or before 31 May in any year.
- 10.1.3 He is permanently suspended from the Society by the Committee.

10.1.4 He is permanently suspended by the Union.

Honorary Life Member

10.2 An honorary life member shall cease to be a member of the Society if:

10.2.1 He resigns as a member

10.2.2 He is permanently suspended from the Society by the Committee.

10.2.3 He is permanently suspended by the Union.

Referees

10.3 A referee shall cease to be a referee and shall be reclassified as a non-active member if:

10.3.1 He gives the Society notice in writing that he no longer wishes to officiate in league or school matches within the Society's area of jurisdiction.

10.3.2 He ceases to reside within the Union's borders, unless he so ceases during a rugby season, in which event he shall be reclassified at the end of such season, unless he obtains the permission referred to in paragraph 7.2

10.3.3 He is reclassified by the Committee in terms of paragraph 27.3

10.3.4 S/he is or becomes attached to or involved with a rugby club in the Western Province in any representative position or capacity.

11. PRIVILEGES OF MEMBERSHIP

General

11.1 All members, except a suspended member, shall enjoy the following privileges:

11.1.1 The right, subject to the clubhouse rules, to use the clubhouse in the main stand at Newlands.

11.1.2 The right to attend any general or regional meeting of the Society. No member may attend any committee meeting unless he is an elected member of the relevant committee or has been invited or summoned to the meeting.

11.1.3 Subject to the provisions of paragraph 4, the right to wear the Society's colours.

11.1.4 On payment of all outstanding subscriptions, the right to obtain a copy of this constitution free of charge and upon request from the Society, and the right to purchase items of clothing and equipment from the Society.

Voting Rights

11.2 Each member of the Society shall have a vote at any general or regional meeting of the Society, and any meeting of a committee of which he/she is a member, except:

11.2.1 members attending a general or regional meeting who have not yet paid their subscriptions for the current year.

11.2.2 suspended members.

11.2.3 Junior Referee Society Members, as mentioned in para 7.1.2 above.

11.2.4 members who have been members of the Society for less than six months.

11.3 The chairman of any meeting shall have a casting vote in addition to his ordinary vote.

11.4 Except where otherwise stated in this constitution, decisions at a meeting of the Society shall be taken by simple majority. No vote may be cast by proxy. No ballot paper for the election of any members of the Committee or the Performance Review Subcommittee shall be invalid merely because the voter votes for fewer candidates than there are vacancies.

12. DUTIES OF MEMBERS

12.1 The following is expected of each member:

12.1.1 Support of the Society and his colleagues in the pursuit of the Society's objects.

12.1.2 Avoidance of open criticism of his colleagues and particularly the performance of a fellow member in any match.

12.2 The following is expected of each referee:

12.2.1 Attendance as regularly as possible at the Society's meetings.

12.2.2. Submission to such theoretical or practical exams or fitness tests as the Committee may deem necessary.

13.

EXECUTIVE COMMITTEE

13.1 The Society shall be governed and controlled by a Committee, the members of which shall all be members of the Society entitled to vote and which shall consist of the following officials:

Chairman, Vice Chairman, five additional members, a Referee's Representative and the Manager Referees(non-voting).

With the exception of the Referee's Representative who shall be elected annually at the Annual General Meeting, the term of office of the Committee shall be from the dissolution of one Annual General Meeting until the dissolution of the second Annual General Meeting following that at which the Committee was elected for a second year term.

13.2 Termination of Office:

13.2.1 A member of the Executive Committee, or Performance Review Committee may be removed from office by a vote of not less than two-thirds of those present and entitled to vote at a General Meeting of the Referee Society, in the following circumstances:

13.2.2 At the Annual General Meeting after he reaches the age of 70 years.

13.2.3 when he is declared insolvent, insane or incapable of handling his own affairs by a court.

13.2.4 should he undermine the authority of the Society in any way whatsoever;

13.2.5 should he refuse and/or fail to carry out his duties in a manner which can reasonably be expected of him and such refusal and/or failure continues for seven(7) days after such Executive Member has received written notice requiring him to carry out the said duties:

13.2.6 should he not diligently comply with any provisions of the Constitution, Bye-Laws, Regulations or Rules of the Society, and such non-compliance continues for seven(7) days after such Executive Member has received written notification from the Society to so comply;

13.2.7 If he is removed from an office of trust on account of misconduct.

13.2.8 If he has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act, 1958(Act No. 6 of 1958), or any offence involving

dishonesty and sentenced to imprisonment without the option of a fine or to a fine exceeding one hundred rand.

13.3 Vacancies in the Executive Committee and Performance Review Committee:
Any vacancy on the Executive Committee or Performance Review Committee occurring between Annual General Meetings, shall be filled by the Society at a General Meeting specially convened for that purpose. The meeting at which such vacancy is filled shall not be the same meeting at which a member of the Executive Committee or Performance Review Committee is removed from office.

13.4 Referee's Representative

13.4.1 At each Annual General meeting the active referees present and entitled to vote shall elect a Referee's Representative to serve on the Committee. The provisions of the Constitution relating to nomination of candidates for election to the Committee and relating to election of the Referee's Representative shall apply, with the necessary changes to the term of service by the Referee's Representative. Should a Referee's Representative not be elected at the Annual General Meeting for any reason whatsoever, the members may act in accordance with sections 13.3; 14 and 15 of this Constitution to fill such a vacancy. There will be no obligation on the members to have a Referee's representative, suffice that if they choose to fill the vacancy at any time they must do so in accordance with this Constitution.

13.4.2 Only active members, or a non-active member that has become non-active within the previous 2 years are eligible as the Referee's Representative.

13.4.3 The Referee's Representative will be a full member of the Committee, and will not be a member of any Subcommittee. The Referee's Representative will have access to subcommittee meetings and any information necessary to perform fully their task as the Referee's Representative.

13.4.4 Removal of the Referee's Representative from their position on the Committee will be as per the removal of any other Committee member in section 13.2 of this Constitution, except with the necessary changes to the term of service by the Referee's Representative.

14. NOMINATION OF COMMITTEE

14.1 Nomination of candidates for election to the Committee takes place as follows:

14.1.1 Unless he has declared himself ineligible for re-election every member of the Committee except a co-opted member is automatically nominated for re-election.

If no other written nomination is received in respect of one or more of the abovementioned offices, the person then occupying such office is deemed to have been re-elected.

- 14.1.2. In order to make himself ineligible for re-election in a particular year, a committee member must advise the Manager in writing on or before 30 September of that year. Such committee member remains in office until the end of the next following Annual General Meeting.
- 14.1.3 A nomination as a candidate for election to the Committee shall be in writing, must be signed by a proposer, a seconder, and the candidate himself, and must reach the Manager **not less than seven clear days before the date of the Annual General Meeting**. A member may be nominated for more than one office.
- 14.1.4 Upon receipt of the aforesaid **nominations** the Manager of the Referee Society shall forthwith **circulate such nominations** to all persons entitled to notice of the meeting in question.
- 14.1.5 Verbal nominations may be made at the Annual General Meeting under the following circumstances only:
 - 14.1.5.1 If no other nominations are received for an office; or
 - 14.1.5.2 If less than five additional members are nominated in writing or;
 - 14.1.5.3. If a member has been nominated for another office but has not been elected to such office, he may be nominated verbally for other offices.

Such nominations must be properly seconded and proof must be furnished to the chairman of the Annual General Meeting that the nominee consents to his nomination.

15 ELECTION PROCEDURE

- 15.1 For the purpose of conduction any election of committee members or bye-election, the Committee must **appoint an electoral officer** who may not be a member of the Society. Furthermore, the Committee must appoint so many other persons as it deems necessary to form an Electoral Subcommittee to assist the electoral officer. No member who is a candidate for office or serving member of the Committee may be a member of the Electoral Subcommittee.
- 15.2 Ballot papers in any election or bye-election must be issued to persons wishing to vote only against payment or proof of payment by that person of his/her subscription/registration. No ballot paper may be issued to a person not entitled to vote.

- 15.3 If there are more than two candidates in any round of voting for the office of Chairman or Vice-Chairman, the candidate who polls the highest number of votes in that round shall not be declared elected unless the number of votes cast for him is **one more than the 50%** of the total number of votes cast in that round. If the candidate is not thus elected, the candidate who polled the least number of votes in that round shall be **eliminated** and a further round or rounds of voting held until:
- 15.3.1 a candidate polls 50% of the votes cast in a round or;
- 15.3.2 one candidate gains more votes than the other in a round in which there are only 2 candidates remaining.
- 15.3.3 The voting procedure referred to in the preceding paragraph also applies to the first round of the election of additional committee members. If there are more than nine candidates, no additional committee member shall be declared elected in the first round of voting unless at least one more than half the number of eligible voters present votes for him or her. At the end of the **first round** of voting, the **candidate who polled the lowest number of votes shall be eliminated**. The remaining candidates not declared elected shall go forward to the second round of voting in which the candidates elected shall be those who poll the highest number of votes.
- 15.3.4 The Electoral Officer must supervise the counting of votes, must certify the number of votes obtained by each candidate in each round, and must thereafter:
- 15.3.5 hand his certificate to the **Chairman who must report the result** of each round of the election to the meeting, **together with the number of votes polled by each candidate including candidates not elected; and**
- 15.3.6 hand the ballot papers to the Manager who must keep such ballot papers in safekeeping until the period for protest expires or any protest is dealt with.
- 15.3.7 Any member aggrieved by the result of an election, may lodge a written **protest** with the Manager **within 7 clear days after the date of the election** together with his protest fee, which will be in line with the Unions appeal fee. In the absence of such protest, all member shall be deemed conclusively to have accepted the result of the election.
- 15.3.8 If a protest is lodged, the Manager must refer the ballot papers to the Union's auditors within seven days after receipt of the protest. The decision of the auditors, who shall act as experts and not as arbitrators, shall be final and binding on the parties. If the decision of the auditors is to uphold the result of the election, the protest fee shall be forfeited to the Society. If the decision of the auditors is to uphold the protest, and, as a result, the composition of the

Committee is altered, the protest fee must be refunded to the member. In either case, the auditor's fees must be borne by the Society.

16. SUBCOMMITTEES

16.1 The Committee may appoint such subcommittees as it deems fit, but shall appoint the following subcommittees each of which shall consist of at least two persons apart from the Chairman (of the Society); provided that, other than the Chairman, Manager Referees and the convenor of the subcommittee appointed by the Committee, the members of the Performance Review Subcommittee shall be elected as provided in paragraph 16.3

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16.2 **The Chairman and Manager Referees of the Society is ex officio member of all subcommittees.** The chairman of each subcommittee must be a member of the Committee. Only members of the Society may serve on subcommittees.

16.3 At every annual general meeting at which a new Executive Committee is elected, the members present and entitled to vote shall elect seven members, who shall not be active referees nor junior members, to serve with the Chairman of the Society, Manager Referees and the convenor as the Performance Review Subcommittee.

16.4 The provisions of the bye-laws relating to nomination of candidates for election to the Committee and relating to election of additional committee members shall apply with the necessary changes to the election of the members of the Performance Review Subcommittee.

16.5 The names of members of subcommittees, excluding and ad hoc subcommittees, shall be advised to members of the Society by circular.

16.6 Except for the Performance Review Subcommittee, the Committee shall have the power to make such amendments to the membership of a subcommittee as it deems fit, including the power to remove a member of a subcommittee from office. The membership of the Performance Review Committee shall be amended in accordance with sections 13.2, 13.3 and 16.3 of this Constitution.

16.7 All subcommittees shall cease to exist on the dissolution of the Committee.

17 MEETING OF COMMITTEES

- 17.1 The Committee shall meet regularly and a verbal and written report of the activities and decisions of the Committee shall be presented to each general meeting contemplated in paragraph 21.1 by the chairman thereof.
- 17.2 Subcommittees shall meet regularly and a verbal or written report shall be presented to the next following committee meeting, by the chairman of each subcommittee meeting.
- 17.3 A meeting of the Committee or a subcommittee shall be held when convened by the chairman thereof, or when at least three other members of the relevant committee request such chairman for such meeting, provided that the Committee may require that the chairman of a subcommittee shall convene a meeting of his subcommittee within a period fixed by the Committee.

18. **HONORARY LIFE PRESIDENT AND
HONORARY LIFE VICE-PRESIDENT**

- 18.1 An honorary life member may be elected honorary life president or honorary life vice-president of the Society.
- 18.2 An honorary life president or vice-president shall be elected as follows:
 - 18.2.1 He may be proposed only by the Committee which must unanimously resolve to propose him.
 - 18.2.2 Such proposal may be made only at an Annual General Meeting or Special General Meeting. Notice of such proposal must be posted to every member with the notice of the Annual General Meeting or Special General Meeting at which the proposal will be made.
- 18.3 The proposal must be supported by all members entitled to vote and present at the Annual General Meeting or Special General Meeting.
- 18.4 The proposal may be made only as a result of the honorary life member's exceptional service over a long period of time to rugby football and the Society.

19. **ANNUAL GENERAL MEETING**

- 19.1 The Annual General Meeting of the Society shall be held at Newlands, or if Newlands shall be unavailable, at such other place as the Committee may decide, after the end of each rugby season but not later than 30 November.
- 19.2 At the Annual General Meeting, the following business shall be dealt with.
 - 19.2.1 Approval of the minutes of the previous Annual General Meeting;

- 19.2.2 Approval of the minutes of any Extraordinary General Meeting held since the last Annual General Meeting.
- 19.2.3 Consideration of any matters arising from the abovementioned minutes;
- 19.2.4 Tabling of the report of the Chairman in respect of the previous season and consideration thereof as well as consideration of matters arising therefrom;
- 19.2.5 **Appointment of auditors and determination of their remuneration;**
- 19.2.6 Determination of the subscription;
- 19.2.7 Election of committee members;
- 19.2.8 Consideration of any proposals of which due notice had been given;
- 19.3 **The financial statements and financial reports for the period 1st January to 31st December of the same year shall be tabled for consideration at the first general meeting after such statements and reports are delivered to the Society.**

20. SPECIAL GENERAL MEETING

- 20.1 The Committee may convene a Special General Meeting at any time and shall convene such meeting if a request for such a meeting is received by The Manager. Such request shall be in writing, shall be signed by not less than ten percent of members of the Society entitled to vote, and shall clearly specify the business to be dealt with at the meeting.
- 20.2.1 If the Committee has not given notice of a Special General Meeting within ten days after receipt by the Manager of a notice in due form, the meeting may be convened by the persons who signed the request, or by some of them.
- 20.3 No business shall be discussed or conducted at a Special General Meeting other than such business as appears on the agenda.

21. OTHER MEETINGS OF THE SOCIETY

21.1 General Meetings

The Committee shall convene not fewer than five general meetings of the Society during the period February to and including September in each year. The meeting at which the annual examination for all members is written, shall not be a general meeting, notwithstanding that other business may be dealt with at such

meeting. The meetings shall be held on such dates and at such places within the area of jurisdiction of the Union as the Committee may determine.

21.2 Regional Meetings

For the purpose of this paragraph, the Committee may divide the Union's area of jurisdiction into so many regions as it deems fit.

21.3 The Committee may then convene as many meetings of the Society within each region and at such times and at such places as it deems fit. Such meetings shall be open to all members of the Society whether or not they reside or work within the region.

21.4 The chairman of each such regional meeting shall be a member of the Committee delegated for the purpose by the Chairman. Any business of the Society may be discussed at a regional meeting, but no resolution taken at any such meeting shall be binding on members of the Society not present at such meeting nor on the Society as a whole, and neither the chairman of such meeting nor the meeting itself shall make any rulings as to the interpretation of the laws. Minutes of the proceedings and attendance register at any such meeting shall be taken and furnished to the manager as soon as possible after such meeting, but in any event before the next such meeting for that region.

22. NOTICE OF MEETINGS AND PROPOSALS

22.1 Notice of the Annual General Meeting and of any Special General Meeting shall be posted by the Manager Referees to all members at least thirty days before the date of the meeting. Such notice shall contain at least the following:

22.1.1 Particulars of the place, date and the time of the meeting, and

22.1.2 The agenda; and

22.1.3 The last date for the receipt by the Manager Referees of written nominations of candidates for election to the Committee.

22.2 The Committee shall as soon as possible after its election determine the dates and places when and where meetings will be held during the course of the next following rugby season and post particulars to members from time to time. Details of more than one meeting may be sent in any one notice but such notice shall be posted to members of the Society at least fourteen days before the date of any meeting referred to therein.

22.3 Notice of any committee meeting shall be transmitted by the Manager Referees to all Committee members at least three clear days before the date of the meeting.

22.4 The mere fact that a member or members of the Society did not receive notice of a meeting shall not invalidate any decision taken at such meeting.

22.5 If a member wishes to propose a motion at any Annual General Meeting or a Special General Meeting or a general meeting he shall give prior notice of the motion to the Manager Referees. Such notice shall set out the motion clearly, shall contain the names of the proposer and seconder and a summary of the motivation thereof, and it shall reach the Manager at least twenty-one days before the date of the meeting at which the motion will be discussed. The Manager shall then post a notice of the motion to all members of the Society at least fourteen days before the date of the meeting.

23. PROCEDURE AT MEETINGS

23.1 The quorum for an Annual General Meeting, an Extraordinary General Meeting, or a general meeting shall be fifty members entitled to vote and present in person at the meeting. There shall be no quorum for a regional meeting or subcommittee meeting.

23.2 The quorum for a meeting of the Committee shall be 50% of its members entitled to vote plus one, or where 50% does not represent a round number, the first round number above such 50%.

23.3 If a quorum is not present at any meeting of the Society of the Committee within fifteen minutes after the appointed time of the meeting, matters shall be dealt with as follows:

23.3.1 An Annual General Meeting and a Committee meeting shall be postponed to the same time on the same day in the next following week and at the same place. At the postponed meeting, members present at the appointed time of the meeting, shall constitute a quorum.

23.3.2 A Special General Meeting and a general meeting shall lapse.

23.4 Notwithstanding paragraph 23.3, the Committee shall have the power to postpone a meeting at which an examination is to be conducted if the attendance at the meeting is so poor that continuance of the meeting would result in a considerable number of referees not submitting to the examination.

- 23.5 A resolution in writing signed by all members of the Committee shall be as valid and effectual as a resolution duly passed at a Committee meeting and shall be effective from the last date of signature unless otherwise stated therein.
- 23.6 The Chairman of the Society, and in his absence the Vice Chairman, shall act as chairman at all meetings of the Society, provided that the chairman of each regional meeting shall be appointed by the Chairman. If both the abovementioned officials are absent, the members present shall elect a chairman from amongst their number.

24. **FAILURE TO ATTEND MEETINGS**

- 24.1 **A member of the Committee who is absent from three consecutive meetings of the Committee without the Committee's permission, shall automatically cease to be a member of the Committee.** Members shall be informed about the matter by publication of the name of the suspended Committee member in a circular to members or verbally at a general meeting. Such publication shall also indicate whether another member has been co-opted in his place and, if so, the name of such committee member.
- 24.2 **The Chairman's annual report shall indicate the number of committee meetings held during the Committee's term of office, and the number of meetings attended by each committee member.**
- 24.3 **A referee who is absent from all the Society's general and regional meetings in one season without the permission of the Committee or who neglects for three consecutive years to sit for the yearly written examination without the permission of the Committee, shall automatically be reclassified as a non-active member** and shall not officiate as a referee before he has appeared before the Committee to explain his neglect and unless the Committee has reinstated him to his classification as a referee.

25. **DUTIES AND POWERS OF COMMITTEE**

- 25.1 Control of the Society vests in the Committee which shall control and manage the Society and carry out its duties in general in such a way that the Society functions properly, and which shall carry out the following particular duties:
- 25.1.1 The Committee shall appoint such subcommittees as are required by this Constitution or as may be necessary.
- 25.1.2 The Committee shall maintain organization and discipline in the Society, and where necessary to do so, promulgate bye-laws.

- 25.1.3 The Committee shall keep proper records as specified in paragraph 30.
- 25.1.4 The Committee shall control the Society's finances and shall ensure that such books of account as the Committee in consultation with the Society's auditors deem necessary, are kept, and that financial statements from 1st January to 31st December of the same year are drawn up, audited and submitted to the next following Annual General Meeting or a general meeting as provided in paragraph 19.3
- 25.1.5 The Committee shall appoint referees for such matches as the Committee may consider advisable.
- 25.1.6 The Committee shall, through its Chairman, compile a written report in respect of each season which shall be sent to members with the notice of the next following Annual General Meeting. The report may be published alternately in Afrikaans and English.
- 25.2 The Committee shall have the power to do anything which could be done by the Society itself, except such matters as are specifically reserved in this Constitution as the prerogative of a general meeting of members. In addition to the general powers entrusted to the Committee hereby, and without in any way restricting such powers, the Committee shall have the following powers:
- 25.2.1. To make bye-laws for the efficient functioning of the Society provided such bye-laws do not conflict with this Constitution.
- 25.2.2 To raise funds in such manner, including by entering into sponsorship agreements, as the Committee deems fit and to invest such funds in a registered financial institution as defined in section 1 of the Financial Institutions (Investment of Funds) Act 39 of 1984.
- 25.2.3 To give receipts for monies paid to the Society. Such receipts shall be signed by the Treasurer or other members of the Committee appointed for the purpose.
- 25.2.4 Subject to paragraph 5.5, to purchase all types of equipment and stocks which may be needed by members of the Society and to resell them to members only, provided no profit arising from any sale by the Society accrues to any individual.
- 25.2.5 To grant a member permission in its sole discretion, to wear the Society's badge notwithstanding that such member does not qualify to wear the badge in terms of paragraph 4.6.
- 25.2.6 To institute, conduct, defend, settle or abandon legal proceedings by or against the Society or its officials in any matter relating to the Society.

- 25.2.7 To appoint subcommittees for the advancement of any of the purposes of the Society and to fill vacancies on such subcommittees.
- 25.2.8 To delegate any of its powers or duties to such subcommittee provided that:
- 25.2.8.1 No subcommittee shall have executive powers on behalf of the Society;
 - 25.2.8.2 The Committee may not abandon its authority to reverse the decision of a subcommittee.
- 25.2.9 To enquire into any complaint received by the Committee about any member, and if thought fit, to refer such complaint to the Disciplinary Committee, to take such disciplinary action against such member as the Disciplinary Committee may recommend, and to hear any appeal against a decision of the Disciplinary Committee.
- 25.2.10 To require referees to undertake theoretical and/or practical examinations including fitness tests, in the Committee's discretion.
- 25.2.11 To decide about the qualifications and abilities of referees and to grade referees in different grades, to amend such grades from time to time, and, where necessary, to reclassify a referee as a non-active member.
- 25.2.12 To recommend the name or names of persons to be appointed Honorary Life members of the Society as a result of commendable service to rugby football.
- 25.2.13 To recommend the name or names of persons to be appointed Honorary Life Presidents of the Society as a result of exceptional service to rugby football and to the Society over a long period of time.
- 25.2.14 To make a merit award to a member of the Society who:
- 25.2.14.1 has served at least five years as a member of the Committee; or
 - 25.2.14.2 has been appointed an honorary life member; or
 - 25.2.14.3 in the opinion of the Committee has rendered meritorious service to the Society over a long period of time; or
 - 25.2.14.4 has taken charge of one or more matches in the junior or senior competitions of the South African Rugby Football Union.
- 25.2.15 To delegate one or more of its members to represent the Society at the Annual General Meeting of the South African Rugby Football Referees' Society.

- 25.2.16 To delegate one or more of its members to represent the Society on the general Council of the Union.
- 25.2.17 To delegate one or more of its members to represent the Society on any committee of the South African Rugby Football Union or of the Union.
- 25.2.18 Through the Union, to refer aspects of the laws for interpretation to the South African Rugby Football Union and to inform the South African Rugby Football Union of the Committee's interpretation of the laws.
- 25.2.19 To formulate proposed amendments to the laws and to submit such proposals to the South African Rugby Football Union for consideration.
- 25.2.20 To organise such functions as the Committee may deem desirable in order to encourage goodwill amongst its members.

26. FINANCE

- 26.1 The Committee shall maintain such current and savings accounts at banks as it deems necessary.
- 26.2 All funds which the Society receives shall be deposited in such account or accounts within **seven** days of receipt thereof.
- 26.3 All payments by the Society shall be by way of cheque and electronic banking (internet) which shall be signed or authorised by two committee members appointed for the purpose by the Committee, or by one committee member appointed therefore and the Manager of Referees.
- 26.4 The finance committee shall keep true accounts of all receipts, payments, assets and liabilities of the Society and of all other matters necessary to reflect accurately the financial position of the Society, and shall report in writing at each monthly committee meeting as to the state of the Society's finances.
- 26.5 No funds of the Society may be utilized other than for the fulfillment of the objects for which it has been established. Subject to this, the Committee may use such funds as it deems fit provided that, notwithstanding any provision to the contrary herein, the Committee may not incur a liability of more than R15,000.00 (Fifteen Thousand Rand) without the prior consent of a general meeting of members, and such consent may be given only in respect of a specific case and not in general. Any surplus funds not required for the fulfillment of the Society's objects must be invested in a registered financial institution as defined in section 1 of the Financial Institutions (Investment of Funds) Act 39 of 1984.
- 26.6 Notwithstanding anything to the contrary in this Constitution, the Society may not accept a donation which is revocable at the instance of the donor or which could

enable the donor or any connected person (as defined in the Income Tax Act 58 of 1962) in relation to such donor, to derive some direct or indirect benefit from the application of such donation.

26.7 The Society's financial year shall run from 1st January to 31st December of the same year.

27. PERFORMANCE REVIEW AND GRADING OF REFEREES

- 27.1 Grading of referees is the responsibility of the Committee which shall act on the recommendations of the Performance Review Subcommittee (in this paragraph referred to as "the Subcommittee"). The Committee shall not be obliged to give effect to a recommendation of the Subcommittee, and may not give effect to a recommendation to promote a referee while that referee's subscription remains unpaid.
- 27.2 Performance Reviewing shall occur with the assistance of the Performance Review Panel. The Subcommittee shall base its recommendation on reports received from members of the panel.
- 27.3 If the Committee is of the opinion that a referee's knowledge of the laws and/or his/her physical abilities and/or his/her performance in fitness tests and/or his/her attendance of the examinations, meetings and training courses is such that it is not desirable that he/she should officiate further as a referee, the Committee may reclassify him/her as a non-active member.
- 27.4 A referee may not be reclassified in terms of paragraph 27.3 unless he/she has been given the opportunity to appear before the Committee.
- 27.5 After the expiry of one month from his reclassification, a member who has been reclassified in terms of paragraph 27.3 may ask to undertake a test of his knowledge of the laws or his fitness as the case may be. If he passes the test, the Committee shall immediately reclassify him/her as an active referee, provided he/she satisfies the Constitution's other requirements for being an active referee.

28. APPOINTMENTS

- 28.1 Appointment of referees is the responsibility of the Committee. The Committee may, however, delegate to the Appointments Subcommittee the power to appoint referees for any matches. In appointing referees to matches, the Appointments Subcommittee may use a computer program to make the appointments. The Appointments Subcommittee may choose to make some of the appointments manually (by hand) from time to time. In the event of an emergency an appointment may be made by the Chairman of the Appointments Subcommittee, and, failing him, by any other committee member, and, with due consideration of

the circumstances, any assessor or coach or the most senior referee present graded 2B or above: provided that no person shall be appointed who is not a member of the Society.

Where no referee is appointed, or the appointed referee does not turn up for the game, or the appointed referee gets injured, the regulations stipulated in the WPRFU Constitution will apply.

- 28.2 Except with prior consent of the Committee which may be given only because of employment circumstances or in exceptional circumstances, no referee may refuse to officiate in a class or series of matches. Furthermore, the Committee may require a referee to officiate in any match irrespective of his grading. If he neglects or refuses to do so, the provisions of paragraph 28 shall apply notwithstanding that such referee may not deliberately have failed to officiate.
- 28.3 No referee shall officiate in a match or in a series of matches if the Committee has informed the Union or other organizing body responsible for such match or matches, that the Society declines to appoint officials for such match or matches.

29. RULES AND INTERPRETATIONS

- 29.1 The Society shall apply the laws of the game of rugby football from time to time accepted by the International Rugby Football Board. Furthermore, the Society shall apply any laws from time to time accepted by the South African Rugby Union or the Union.
- 29.2 The abovementioned laws shall be applied in conjunction with such interpretations, if any, as may have been accepted by the South African Rugby Union.

30. DISCIPLINE

- 30.1 If the Committee or the Chairman considers that any member has deliberately contravened any provision of this Constitution or any rules made thereunder, or has misbehaved, or has brought the Society or rugby football into disrepute, or has damaged the Society's interests or reputation, the matter shall be referred to a Disciplinary Committee convened for the purpose.
- 30.2 The **Disciplinary Committee shall consist** of the following members:
- 30.2.1 The **Chairman or the Vice Chairman of the Society.**
- 30.2.2 **One other member of the Committee.**

30.2.3 **One member of the Society who does not serve on the Committee.**

30.2.4 **One member of the Society who is a qualified lawyer and who shall be chairman.**

30.3 After hearing evidence, the Disciplinary Committee shall decide whether or not it considers the member's actions punishable. It may then recommend to the Committee that the Committee exercise one or more of its disciplinary powers set out hereunder, namely:

30.3.1 The power to expel a member from the Society;

30.3.2 The power to request a member to resign and if he/she fails to resign within seven days of such request, to expel such member from the Society;

30.3.3 The power to suspend a member for such period as the Committee in its sole discretion deems fit.

30.3.4 The power to fine a member an amount not exceeding the amount paid or payable to the member in respect of match fees for the year in which the punishment is imposed.

30.3.5 The power to withdraw a member's complimentary Newlands ticket privileges for a specified period or permanently.

30.3.6 The power to suspend any punishment imposed on a member for such period and on such conditions as it deems fit.

30.4 Notwithstanding anything to the contrary herein, the Committee may not discipline a member unless it has first given him the opportunity to appear before the Disciplinary Committee to be heard in his/her defense and to lead such evidence as he wishes. Such appearance shall take place at a meeting of the Disciplinary Committee, notice whereof has been given to each member of the Disciplinary Committee and to such member. If the member fails to attend the meeting, the Disciplinary Committee shall have the power to postpone consideration of the member's case or proceed with consideration of his/her alleged misconduct in his absence. If the Disciplinary Committee postpones a member's case owing to the member's absence, the member's membership of the Society shall be deemed to have been suspended until he appears before the Disciplinary Committee and payment of match fees owing to him shall be withheld until he so appears.

30.5 The **notice referred** to in paragraph 30.4 shall;

30.5.1 **specify the time, date and place of the meeting; and**

- 30.5.2 **name the member and indicate that his alleged misconduct will enjoy attention** at the meeting;
- 30.5.3 **be sent by post fax or e-mail to the member at his last known address at least the date of the meeting fourteen clear days before.**
- 30.6 The Committee shall consider the Disciplinary Committee's recommendations as soon as possible after receipt thereof. If the Committee resolves to discipline the member, the Committee shall advise the members of the Society of the punishment thus imposed, without reference to the member's name, either verbally at a general meeting or by way of circular.
- 30.7 The decision of the Committee shall be conveyed to the member by notice sent by registered post to the member's last known address or delivered in any other manner which the Committee in its sole discretion deems fit.
- 30.8 The Committee shall not be bound to give reasons for any action against a member, except that such member shall be entitled to reasonable particulars of his alleged misconduct to enable him/her to defend himself/herself.
- 30.9 **Within fourteen days** after the decision has been conveyed to him/her, a member so disciplined **may appeal** to the Committee by lodging a written notice of appeal with the Manager. The Committee shall hear the appeal as soon as possible but in any event not later than thirty days after receipt of the notice of appeal. The member shall have the right to attend and speak at the meeting at which his appeal will be heard. The provisions of paragraphs 30.4 and 30.5 shall apply mutatis mutandis to such meeting but no evidence shall be led. The Committee's decision shall be final and binding on the member.
- 30.10 Notice of an appeal against the Committee's decision shall suspend a member's punishment until the appeal has been disposed of by the Committee.
- 30.11 The consequences of the expulsion or requested resignation of a member are as follows:
- 30.11.1 Any match credits which the member enjoyed prior to his expulsion, for the purpose of obtaining a complimentary ticket at Newlands is forfeited.
- 30.11.2 Any complimentary ticket held by the member at the time of his/her expulsion is forfeited, and he/she shall immediately return the ticket to the Manager.
- 30.12 The consequences of the suspension of a member are as follows:
- 30.12.1 The suspended member may not officiate in any match under the Union's jurisdiction during his/her suspension.

- 30.12.2 The member forfeits the privileges of membership as described in paragraph 11 during his/her suspension.
- 30.12.3 The member's membership of the Committee or any subcommittee is summarily terminated, and he/she shall not serve on the Committee or any subcommittee until after the next Annual General Meeting, or until the period of his/her suspension expires, whichever shall be the later.
- 30.12.4 The use of any complimentary ticket at Newlands held by the member at the time of his/her suspension is forfeited for the duration of his/her suspension, and he/she shall immediately return the ticket to the Manager.
- 30.13 The Chairman may:
- 30.13.1 after consultation with the Vice-Chairman and the Convenor of the Referees' Support Subcommittee suspend a member pending that member's appearance before the Disciplinary Committee; and/or
- 30.13.2 direct that a referee shall not be appointed for any matches and/or that appointments of the referee already made shall be withdrawn pending his appearance before the Disciplinary Committee, provided that within thirty days after the Chairman's decision in terms of 30.13.1 or 30.13.2 the Disciplinary Committee convenes to hear the case against the member or the Committee ratifies the decision of the Chairman, failing which the Chairman's decision shall lapse.

31. REVIEW OF DECISIONS

- 31.1 Any decision of the Committee and of a general meeting of members is binding on all members of the Society unless such decision is rescinded.
- 31.2 Any decision of the Committee may be reviewed and rescinded by the Committee itself or by a general meeting of members provided notice of a proposal to review and rescind has been given in accordance with the provisions of paragraph 22.5.
- 31.3 Any decision of a general meeting of members may be reviewed and rescinded by a subsequent general meeting of members, provided notice of a proposal to review and rescind has similarly been given.

32. INTERPRETATION OF CONSTITUTION

In the event of doubt as to the meaning of any portion of this Constitution or any

bye-law, the **Chairman's interpretation shall be final and binding** on all members provided that it shall be subject to review and rescission, as contemplated in paragraph 31, mutatis mutandis.

33. AMENDMENT OF CONSTITUTION

33.1 Amendment of this Constitution shall occur only if:

33.1.1 proper notice of 30 days of such proposed amendment has been given, and

33.1.2 the proposed amendment is accepted by two thirds of those present at an Annual General Meeting or Extraordinary General Meeting and who are entitled to vote.

33.2 The notice of a proposal to amend the Constitution shall contain precise details of the proposed amendment and the names of the proposer and seconder shall appear thereon.

33.3 Each amendment to this Constitution shall be submitted to the Commissioner of Inland Revenue or such other person as he may direct within 30 days after it comes into effect.

34. DISSOLUTION

34.1 Dissolution of the Society shall occur only if:

34.1.1 proper notice has been given of the proposal that the Society dissolve; and

34.1.2 the proposal is accepted by ninety percent of those present at an Annual General Meeting or a Special General Meeting and who are entitled to vote.

34.2 In the event of dissolution, the meeting at which dissolution occurs shall appoint from amongst the members a liquidator whose appointment shall be subject to the approval of the Union. In the event that the Union rejects the Society's appointment, the Union shall itself appoint a liquidator.

34.3 With effect from the ratification of his appointment by the Union or the appointment of the Union's nominee, the liquidator shall assume entire control of the Society including all the functions of the Committee. The liquidator's function shall be as quickly as possible to pay all debts owing by the Society, to collect, compromise, or write off all debts owing to the Society, and thereafter to pay the balance of the Society's funds to the Union, in which such funds shall vest provided that no funds shall be paid to the Union nor shall such funds vest in the

Union unless it is registered in terms of the Income Tax Act 58 of 1962 with the South African Revenue Services as a public benefit organization.