

TYC Constitution (2013)

1. TITLE

The Club shall be known as the "Transvaal Yacht Club" or "TYC".

2. OBJECTS

The Club is an association of persons, established for the purpose of meeting the following objects:

- 2.1. to obtain facilities on the foreshore and waters of Hartbeespoort Dam for members to go afloat in sailing boats;
- 2.2. to promote the sport and pastime of yachting and yacht racing;
- 2.3. to cater for the comfort and convenience of Members ashore and to promote good fellowship among members.

TYC is an association not for gain.

3. MEMBERS

TYC will cater for the following classes of members, all of whom must be accepted by the Executive Committee as such, and who have paid the entrance fee (unless admitted from a prior membership class) and annual subscription as provided for in Clauses 4 and 5. Members shall, unless otherwise indicated, enjoy all the privileges the Club confers. All members are prohibited from selling their membership rights or any entitlement in terms thereof.

3.1. Foundation Members (N/A, historical - left unchanged)

Foundation Members (full members) are those who were duly elected and who paid their subscription of One Pound Ten Shillings Sterling before the first Annual General Meeting in August, 1924. The Annual Subscription for Foundation Members shall be the same as that for Ordinary Members. If, for any reason, a Foundation Member resigns from the Club, he shall have the privilege of re-entering the Club at any time without paying entrance fee, but he will be subject to the same ballot for admission as a new Member. Such Member shall enjoy all the privileges the Club confers.

3.2. Members

Members are individuals recognised by the Club for sailing and other activities. Members are entitled to bring partners and children who may sail with the member on a non competitive or casual basis.

3.3. Family Members

Family Members are members with a partner (and children, where applicable) recognised individually by the Club for sailing and other activities. The member, partner (and children) shall each enjoy the privileges applicable to them that the Club offers.

3.4. Student Members

Student members shall be those who can satisfy the Committee that they are bona fide students at the start of the Club's financial year.

3.5. Country Members

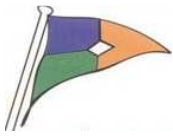
Country members shall be those who reside outside a radius of 100 kilometers from the Club. Country Members shall enjoy all the privileges the Club confers, except that they may not leave boats at the Club without written permission from the Executive Committee.

3.6. Life Members (N/A, historical - left unchanged)

Life Members shall have been full members of at least two years standing who have paid the commuted subscription as provided in Clause 5 and are accepted as such by the Executive Committee.

New Life Members will not be accepted after the 1992 Annual General Meeting.

3.7. Honorary Life Members



TYC Constitution (2013)

Honorary Life Members shall be members or past members who, in consideration of outstanding services to the club or for other good and sufficient reason are elected by the unanimous vote of all present at any Annual General Meeting.

3.8. Honorary Members

Honorary Members shall be persons not normally members of the club who are elected for a specified period by the unanimous vote of those present at a meeting of the Executive Committee. Honorary Members shall, for the period of their membership, enjoy all the privileges the Club confers except the right to vote at general meetings or sit on committees.

3.9. Senior Members

Members who have retired from full time employment and can establish that they have been members of the Club for 20 years or more may on application to the Executive Committee and unanimous agreement thereof be accepted as senior members of the club. The fees for senior members shall be as defined from time to time in the bye-laws.

3.10. Guests

Facilities for visitors from other Yacht Clubs and the guests of members shall be provided for in the Bye-laws.

4. FEES

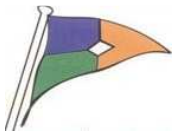
- 4.1. **Entrance Fees and annual subscriptions** payable by the various classes of membership shall be as laid down in the Bye-Laws.
- 4.2. **Moorings:** All moorings must be purchased from the Club at a price ruling at the time of purchase.

5. PAYMENT OF SUBSCRIPTIONS AND ACCOUNTS

- 5.1. The annual subscription of every member is due on 1 March of each year, being the first day of the Club Financial Year.
- 5.2. In the event of non-payment by 30 April of that year, any member in arrears will be unable to receive any benefits of membership, but will nevertheless be liable for such arrears. In the event of non-payment by 31 May in that year the member shall cease to be a member and shall be excluded from the Club.
- 5.3. In case of sickness, absence on leave or other reasonable cause, the Executive Committee shall have the power to extend the time for payment, or suspend payment and rights for a year but not in respect of a member who can and does use the Club.
- 5.4. Normal accounts for Club services shall be payable on presentation.
- 5.5. Resignations received after 31 March will not be accepted in good standing unless accompanied by payment of all outstanding accounts, including subscriptions.
- 5.6. Full annual subscriptions are payable if new members join up to the end of October. Pro rata annual subscriptions are payable from 1st November up to 31st January. New members joining after 31st January will pay full subscriptions for the ensuing financial year.
- 5.7. Interest on arrear amounts may be charged at a rate of interest determined by the Executive Committee, and published on Club statements.

6. ELECTION OF MEMBERS

- 6.1. Persons desirous of joining the Club shall present themselves at the Club on a recognised sailing day for introduction to members of the Membership Committee and for the completion of application forms, which must be supported by two full members as proposer and seconder. Application forms shall not be complete without payment of the prescribed entrance fees and subscriptions. The (provisional) application shall then be displayed on the Clubhouse Notice Board for four weeks, after which it shall be presented to the next meeting of the Executive Committee for ballot. Three negative votes shall reject a candidate.



TYC Constitution (2013)

- 6.2. A prospective member, after the completion of a bona fide application and payment may, from the time the application is displayed on the Notice Board, use the Club until he/she is advised of the result of the ballot.
- 6.3. Should the application be rejected, then all monies paid will be refunded and the applicant will be informed in writing of the decision within 30 days of the relevant meeting of either the Membership or Executive Committee at which the application was rejected.
- 6.4. Past Members rejoining the Club:
 - 6.4.1. A Member who has left the Club in good standing may rejoin the Club by paying the lesser of fees applicable to a new member or the subscriptions applicable for the period they ceased to be a member.
 - 6.4.2. They are exempt from the normal balloting procedure for new members.
 - 6.4.3. Members who left the Club not in good standing and who wish to rejoin will have to apply to the Committee for a review of the reasons for leaving not in good standing . If the Committee unanimously considers it is in the best interest of the Club, they may allow such past members to re-apply as if they were new members, provided any past debts are repaid before their membership applications are considered.

7. OFFICERS

The Officers of the Club are:

President
Commodore
Vice-Commodore
Rear-Commodore
Treasurer
Secretary

- 7.1. The President shall have the right to attend and vote at all General Meetings and meetings of the Executive Committee, but if such a person is a Member with voting rights, he shall not by reason of the dual capacity have the power to vote twice.
- 7.2. The Commodore shall be the Chairperson of all General and Committee meetings of the Club and may exercise a casting vote as well as a deliberative vote.
- 7.3. In the absence of the Commodore his place and privilege devolve on the Vice-Commodore, then on the Rear-Commodore. In the absence of all the Flag Officers the meeting has the power to elect a chairperson with similar privileges.

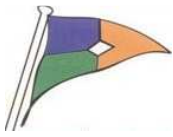
8. ELECTION OF OFFICERS

Thirty (30) days before the Annual General Meeting of Members of the Club, a notice shall be placed on the Club Notice Board calling for nominations to fill the posts of:

President.
Commodore
Vice-Commodore
Rear-Commodore
Secretary
Sailing Officer
Public Relations Officer

and up to **two other Members of the Executive Committee**

- 8.1. The name of the candidate shall be advised in writing to the Secretary by the Proposer and Seconder together with the candidate's acceptance of the nomination.
- 8.2. Nominations shall cease two weeks before the Annual General Meeting and shall be displayed on the Notice Board until the morning before the meeting.
- 8.3. Candidates may withdraw at any time before the Annual General Meeting by giving written notice to the Secretary.



TYC Constitution (2013)

- 8.4. Any candidate nominated for one office may accept another office without further nomination.
- 8.5. Should there be no nomination for any particular office, the offices may be filled at the Annual General Meeting.

9. EXECUTIVE COMMITTEE

- 9.1. The Executive Committee shall be appointed at the Annual General Meeting and shall manage, control and in general conduct the affairs of the Club save as shall be excluded by the duties of the Trustees.
- 9.2. The personnel of the Committee shall consist of the Commodore, Vice-Commodore, Rear Commodore, Treasurer, Secretary, Sailing officer, Public Relations officer and up to two other members.
- 9.3. The Committee shall meet once every month – five members shall form a quorum.
- 9.4. The seat on the Committee of any Member absent from two consecutive regular meetings may at the discretion of the majority of the Committee present be declared vacant.
- 9.5. When a vacancy occurs from any cause whatsoever, the rest of the Committee shall fill the vacancy without delay by election in committee.
- 9.6. The Secretary shall call a special meeting of the Committee when requested to do so by any two Members thereof or by a Flag Officer.
- 9.7. All members of the Executive Committee shall be members of the Club.

NB: Where the word Committee is used without qualification in these Rules, the Executive Committee is signified. The Committee shall have the power to appoint Sub-Committees for special purposes.

10. SAILING COMMITTEE

The Sailing Committee shall be a Sub-Committee consisting of up to five persons:

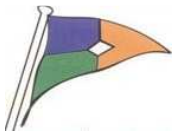
- 10.1. A Chairperson who shall be nominated by the Executive Committee;
- 10.2. The Sailing officer who shall be appointed by the Club at the AGM in terms of Clauses 8 and 9 of these Rules;
- 10.3. And up to Three (3) other Members who shall be appointed by the Executive Committee.
- 10.4. Three members shall form a quorum.
- 10.5. The members of the Sailing Committee shall, if necessary, co-opt additional members. However, the Executive Committee must be advised at the next meeting of the co-option and the reasons therefore.
- 10.6. The Sailing Committee shall arrange the sailing programme and races, and shall appoint:
 - 10.6.1. Judges and time-keepers
 - 10.6.2. Starters, etc.
- 10.6.3.** Settle protests and generally exercise functions laid down for such a body by **ISAF** as represented by SAS and/or their appointed delegates.

11. MEMBERSHIP COMMITTEE

The Membership Committee shall be a Sub-Committee consisting of up to three persons:

- 11.1. A Chairperson (Club Manager) who shall be appointed by the Trustees in terms of Clause 14.10.2 of these rules.
- 11.2. Two (2) other members who may (but need not) be members of the Executive Committee, who shall be appointed by the Executive Committee.
- 11.3. Two members shall form a quorum.
- 11.4. The Membership Committee shall interview prospective members, ensure that Application forms are correctly completed, including details of boats owned for the Boat Register, and ensuring that the correct fees are charged and paid.

12. FUNDS, ACCOUNTS AND THE TREASURER



TYC Constitution (2013)

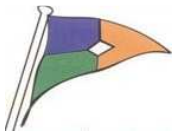
- 12.1. Proper books including a register of members shall be kept by the Treasurer.
- 12.2. A banking account shall be opened in the name of the Club; all cheques thereon shall be signed by any two of the Treasurer, Commodore or Secretary.
- 12.3. Beyond a trifling amount, monies must not accumulate in the hands of the Treasurer.
- 12.4. It shall be the duty of this Officer to submit to the Committee at each monthly meeting, all accounts and claims against the Club, together with a statement of the Club's financial position, and to prepare Statements of Comprehensive Income and of Financial Position for the year ending 28th (29th) February together with Financial Statements of the Club's affairs up to and including the month preceding the Annual General Meeting for submission to the Meeting.
- 12.5. No payment not previously sanctioned by the Committee shall remain on the books as a charge against the Club.
- 12.6. Any expenditure on Capital improvements must be approved by the Trustees.
- 12.7. No remuneration shall be paid to 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 by or accrued to the Club.

13. SECRETARY

The Secretary shall keep proper minutes of all meetings and subsequently read for confirmation in the usual manner the proceedings of all meetings, shall call meetings in a manner which shall be defined for the year at the first Committee Meeting, shall conduct and preserve all correspondence of strategic importance to the Club.

14. TRUSTEES

- 14.1. The role of Trustees shall be to hold in trust the Club's assets and to protect the legal and financial viability of the Club in pursuit of the Club's objectives. The Trustees shall not be related or connected persons.
- 14.2. The tenure of Trustees shall be for multiple years to enable them to provide continuity over the long-term affairs of the Club.
- 14.3. The President of TYC shall be a Trustee of the Club and there shall be up to three other Trustees, provided that there shall not be less than three Trustees (including the President) at any time.
- 14.4. Trustees shall be elected at an AGM according to the same procedures applying to the election of officers. They do not require to be re-elected at each AGM but shall hold their position until either they advise the Secretary in writing that they resign from that position, they cease to be a member of the Club or they are voted out of that position by a motion at an AGM or Special General Meeting.
- 14.5. When Trustee positions fall vacant it shall be incumbent on the remaining Trustees to ensure nomination and replacements by the time of the next AGM, or SGM if an urgent need arises.
- 14.6. The Trustees shall represent the Club in any legal actions and shall involve themselves sufficiently in the Club's operational affairs to forestall or mitigate any legal actions they consider may harm the Club's position. They shall consult the Committee of the day on any legal matters. A single Trustee shall only act in a legal capacity for the Club if his actions have the agreement of the other available Trustees and such action follows the minuted direction of the Executive Committee.
- 14.7. Any major expenditure or commitments that will require the Club to borrow or pledge funds in any form shall, unless approved at an AGM or SGM require the approval of the Trustees.
- 14.8. They shall have the right to call for independent audits of the Club's financial affairs and to call special general meetings of the Club in any serious matters relating to their responsibilities.
- 14.9. The Trustees, for the time being shall be entitled to seats upon the Committee, to take part in its deliberations and shall possess equal voting rights with other members



TYC Constitution (2013)

thereof. They do not lose their seats on the Committee through non-attendance, as do the other Members.

- 14.10. The Trustees shall from time to time:
 - 14.10.1. Appoint a Treasurer from suitably qualified persons who need not be Members and determine the remuneration to be paid to the incumbent Treasurer.
 - 14.10.2. Appoint a Club Manager from suitably qualified persons, who need not be Members and determine the remuneration to be paid to the incumbent Club Manager.

The following are provided as guidelines only regarding Trustees:

Trustees should ideally be long-standing members of the Club who have been flag officers and preferably past Commodores. They should bring legal, financial or business experience to their role and be persons of recognised integrity and sound judgement. They should not hold operational responsibilities at the Club but can vote at Committee Meetings and provide guidance from their experience. The Trustees should meet from time to time to consider issues of strategic importance to the Club. They should act in consensus.

15. BORROWING POWERS

- 15.1. The Members in General Meeting may from time to time decide to borrow or raise or secure the payment of any sum or sums of money for the purposes of the Club but the amount at any one time owing in respect of money so borrowed raised or secured shall not exceed the market value of the Club's assets.
- 15.2. The Members in General Meeting may raise or secure repayment of such money in such a manner and upon such terms and conditions as they think fit and, in particular, by the issue of mortgage bonds or debentures, to purchase, sell, exchange, lease or otherwise acquire or dispose of immovable property, subject to applicable legislation.

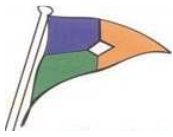
16. AUDITOR

- 16.1. The Trustees may in terms of clause 14.8 appoint an auditor to hold office for the ensuing year and to audit the Club's books.
- 16.2. If the auditor is a Member of the Club, he shall not be a Member of the Committee; neither shall he have been a Member of the Committee during the year in question.

17. ANNUAL GENERAL MEETING

- 17.1. The Annual General Meeting of Members shall be held as soon as possible after the end of the financial year, but not later than the 31st May. At this Meeting the order of business shall be as follows:
 - 17.1.1. Minutes of the last Annual and any Special General Meetings
 - 17.1.2. Financial Statements for the past year, together with the budget for the current year and if an Auditor has been appointed in terms of clause 14.8, the Auditor's Report for the past year.
 - 17.1.3. Report for the past year
 - 17.1.4. Confirmation of the Bye-Laws
 - 17.1.5. To discuss and resolve upon any motion, notice of which has been given
 - 17.1.6. Election of Officers for the coming year
 - 17.1.7. General
- 17.2. For the Annual General Meeting or any Special General Meeting, fourteen days notice with agenda shall be sent to every member with voting rights.
- 17.3. Twenty Members present and entitled to vote shall constitute a quorum.
- 17.4. If a quorum be not present, the meeting shall stand adjourned to the same day and time of the following week, when such Members as are present shall form a quorum.
- 17.5. The Chairperson shall have the discretion to accept modifications to the details of a proposal providing the intent of the proposal is retained and such modification be supported by the proposer and a majority vote of the meeting.

18. SPECIAL GENERAL MEETING



TYC Constitution (2013)

- 18.1. If the Committee deem fit, or upon requisition signed by ten full Members, a Special General Meeting shall be called, summonses for which must be sent out within two weeks of receipt of the signed requisition.
- 18.2. In the requisition the nature of the business to be discussed must be clearly stated and no other business save that so set forth may be discussed at such Special General Meeting.
- 18.3. Twenty Members present and entitled to vote shall constitute a quorum.
- 18.4. Should a quorum not be present, the meeting shall stand adjourned to the same day and time of the following week, when such Members as are present shall form a quorum.
- 18.5. The Chairperson shall have the discretion to accept modifications to the details of a proposal providing the intent of the proposal is retained and such modification be supported by the proposer and a majority vote of the meeting.

19. BYE-LAWS

- 19.1. When it appears to the Committee that the objects of the Club can be furthered and its working improved by the framing of Bye-laws, they are empowered to do so provided that such Bye-laws are not in conflict with the Rules of the Club.
- 19.2. Such Bye-laws are in force (unless rescinded earlier by the Committee) until the next Annual General Meeting, when they must either be confirmed by such meeting and added to the Standing Bye-laws or cease to be in force.
- 19.3. Fees and charges shall be published for general notice, as envisaged in the Bye-Laws.

20. ALTERATION TO RULES

Any of the Rules may be altered or any new Rules added by resolution of two-thirds majority of those voting Members present at the Annual or a Special General Meeting, provided that the notice of two weeks be given and full text of proposed alteration or addition is presented at the meeting.

21. INFRINGEMENT OF THE RULES

- 21.1. At the time a person is elected a Member of the Club, the Secretary shall acquaint him with the fact in writing and shall give him a copy of the Rules and Bye-laws in force at that time, after which he shall be held to be fully aware of the nature of them.
- 21.2. The Committee is empowered to suspend, exclude or otherwise deal as it may think fit, with any Members found guilty of wilfully damaging Club property, infringing Rules or Bye-laws, acting in an ungentlemanly or dishonorable manner or in a way prejudicial to the interest of the Club, provided always that the Member or Members concerned shall have the right, for fourteen days, to appeal to a Special General Meeting of the Club, whose decision shall be final.

22. RACING RULES

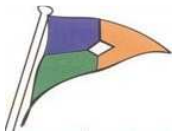
Sailing races shall be held under the **ISAF** Yacht Racing Association Rules, latest edition, subject to special clauses governing classes and conditions.

23. UNIFORM

The uniform of the Club shall be single or double breasted navy blue blazer with Club burgee on left pocket, grey or white trousers according to season, white cap cover on yachting cap with burgee badge; white, brown or black shoes.

24. IDENTIFICATION OF MEMBER'S BOATS

- 24.1. Any member mooring or berthing any yacht, dinghy tender or other boat on the Club premises shall permit his/her boat to be numbered in a way approved by the Executive Committee with a number allocated by the Committee for identification purposes, so as to also conform to any legislation applicable at the time.

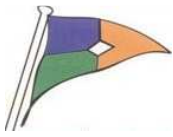


TYC Constitution (2013)

- 24.2. The provisions of this clause shall come into operation on 2 May 1982 and shall apply to all members as if they had brought boats to the Club premises on or after 2 May 1982.
- 24.3. It shall be the responsibility of the member to advise the Committee of any change of ownership of any boat registered in his/her name and he/she shall be held responsible for that boat until the Committee is officially notified of any change.
- 24.4. For purposes of this clause, the term "Club Premises" shall be considered as the area under the effective control of the club, and all buildings or improvements thereon, including premises of the Club, premises under the control of the Club, waters of the Club, waters under the control of the Club and/or waters normally used by the Club for purposes of mooring yachts, dinghies, tenders and the like boats.

25. LOST, ABANDONED AND DERELICT PROPERTY

- 25.1. Any property which remains on Club Premises for a continuous period of ninety days or more after the owner thereof has ceased to be a member of the Club, shall be deemed to be Property abandoned by such persons and may be disposed of by the Executive Committee in such manner and upon such terms as they may decide.
- 25.2. Any property other than...
 - 25.2.1. Yachts, dinghies, tenders or other boats...
 - 25.2.2. Trailers, dollies, cradles and the like supports and...
 - 25.2.3. Engines, vehicles, including caravans, and the like
found on Club premises and of which the ownership cannot, after reasonable investigation, be established shall be placed in a special "Lost Property" section set aside for this purpose by the Executive Committee and if after the lapse of a period of thirty days from the date appointed for the closing cruise of the Club in any calendar year, such property remains unclaimed, it shall be deemed to be lost or abandoned property and may be disposed of by the Executive Committee in such manner and upon such terms as they may decide.
- 25.3. Any yacht, dinghy, tender or other boat and any dolly cradle and the like support, and any engine, vehicle including caravan, or the like left on the Club premises and of which ownership is unknown and cannot be traced after reasonable investigation may be declared by the Executive Committee to be derelict property irrespective of the physical condition thereof.
- 25.4. Notice of such declaration shall be given by the Secretary by:
 - 25.4.1. Placing a statement to this effect on the main notice board of the Club at the Club premises which statement shall as far as possible describe the property in such detail as to permit identification thereof and which statement shall remain prominently displayed on such notice board for a period of not less than ninety days, and attaching a copy of notice to the property at the time of placing such statement on the notice board and...
 - 25.4.2. Attaching a copy of the statement, referred to in paragraph 30.4.1of this section, to the agenda for the next Annual General Meeting
- 25.5. Any property declared to be derelict in the manner provided for in this section, and of which notice has been given in terms of paragraphs above in this section, and which remains unclaimed after the lapse of a period of thirty days from the date of holding the annual general meeting or after the lapse of the period of ninety days as provided for in this section, whichever is the later, may be disposed of in such manner and on such terms as the Executive Committee may decide.
- 25.6. If any yacht, dinghy, tender or other boat and any trailer, cradle and the like support and any engine, vehicle, including caravan or the like is left on the Club premises and of which the ownership is known to the Executive Committee is, in the opinion of the Executive Committee:
 - 25.6.1. Not being used by the owner thereof and constitutes a nuisance to other members of the Club and/or
 - 25.6.2. Hindering the proper maintenance and upkeep of the Club premises and/or
 - 25.6.3. Detracting from the neat appearance of the Club premises and/or



TYC Constitution (2013)

- 25.6.4. Not being maintained in proper order and condition and could as a result, cause damage to property of members and of the Club and/or to Club premises the Executive Committee may give notice to the member concerned, by registered post addressed to his last known address according to the records of the Club, requiring the member to remove such property from the Club premises within a period specified in the notice, and shall post a copy of such notice on the main notice board of the Club at the Club premises for a period of thirty days.
- 25.6.5. Should such member fail to comply with the requirements of the notice within the time specified, whichever is the later, the Executive Committee may declare the property derelict and deal with it in such a manner and upon such terms as they may decide.
- 25.6.6. The owner of any property declared by the Executive Committee to be lost, abandoned and/or derelict property shall be deemed to have conferred ownership in respect of such property upon the Club without the need for any further act on the part of the owner and the Executive Committee shall have the power, in respect of such property, to confer ownership therein upon third parties.
- 25.6.7. No member or past member shall have a claim or other form of legal redress against the Club, its Executive Committee, its members or any of the employees in respect of any act carried out in good faith in terms of the provisions of this clause. Any member introducing any visitor to the Club undertakes thereby to indemnify the Club, its Executive Committee and/or its members against any claim or other form of legal redress sought and obtained by such visitor in respect of any act carried out in good faith in terms of this clause.
- 25.6.8. The Executive Committee shall be entitled to recover from a member any costs incurred by them on behalf of the Club in disposing of any property declared lost, abandoned and/or derelict in terms of this clause.
- 25.6.9. For purpose of this Clause only, the term "Club Premises" shall be further extended to include any property of any visitor introduced to the Club by a member which shall be deemed to be, for the purposes of this clause, the property of the member concerned.

26. BUSINESS ACTIVITIES

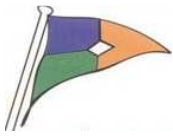
- 26.1. No business activity shall be carried out using any of the Club facilities unless such activities are permissible in terms of the Town Planning or other conditions of use applicable to the Club's property and such activities are approved by the the Executive Committee as being necessary or for the benefit of the Club.
- 26.2. Only members of the club shall be permitted to pay for accommodation therein or for liquor or refreshments supplied therein.
- 26.3. No profit from the sale of liquor by the club shall accrue to any individual except under written agreement approved by the Minister or a person acting under his direction.
- 26.4. No surplus funds shall be distributed, directly or indirectly to any person.

27. OCCUPATIONAL HEALTH AND SAFETY ACT "The Act")

The Club has machinery which falls under the Occupational Health and Safety Act, including specifically the crane and winch.

- 27.1. The Commodore (Chief Executive Officer) shall designate annually in writing, one or more safety officers and shall appoint the Club Manager as the responsible person in terms of this Act.
- 27.2. Any person, who uses the machinery at the Club that falls under this Act without the approval of the Manager, shall be subject to the Club's discipline (infringement of rules). They may be evicted from TYC premises at the discretion of the Club Manager and may be prosecuted at the discretion of the Commodore.

28. WINDING UP THE CLUB



TYC Constitution (2013)

- 28.1. The cCub may be wound up by a resolution of 75% of members present, entitled to vote and voting at an Annual General Meeting or Special General Meeting of the Club. A notice of such meeting is to be given to members at least 30 days prior to the meeting.
- 28.2. .On dissolution the residual assets must be distributed to:
- 28.3. 28.2.1 Any other recreational club which has been approved by the Commissioner in terms of section 30A of the Income Tax Act ("the Act").
- 28.4. 28.2.3 Any public benefit organisation, contemplated in paragraph (a)(1) of the definition of a "public benefit organisation" in section 30(1) which has been approved in terms of section 30(3) of the Act.
- 28.5. 28.2.4 Any institution, board or body which is exempt from tax under the provisions of section 10(1)(cA)(i) of the Act, which has as sole or principal object the carrying on of any public benefit activity; or
- 28.6. 28.2.5 the government of the Republic of South Africa in the national, provincial or local sphere, contemplated in section 10(1)(a) of the Act.
- 28.7.
- 28.8.

29. UNDERTAKINGS TO THE SOUTH AFRICAN REVENUE SERVICE

29.1 A copy of all amendments to this Constitution will be submitted to the Commissioner of the South African Revenue Service.

29.2 The Club will submit the required returns for income tax together with the relevant supporting documents to the South African Revenue Service.

29.3 The Club is 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 or scheme in respect 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 Income Tax Act or any other Act administered by the Commissioner of the South African Revenue Service.

1. 30. MATTERS NOT COVERED IN THE CONSTITUTION

1.1.1. Any matter not specifically provided for in the Constitution and/or Bye-Laws shall be considered by the Executive Committee and such decision will be binding on members. Such decisions would be ratified and incorporated during the next AGM.