

## BY-LAW 7 – SA SAILING REGIONAL BY-LAW

### Contents

<b>1. THE BY-LAW.....</b>	<b>2</b>
<b>2. DEFINITIONS AND ABBREVIATIONS.....</b>	<b>2</b>
<b>3. INTERPRETATIONS.....</b>	<b>3</b>
<b>4. DOMICILE.....</b>	<b>3</b>
<b>5. AREA OF JURISDICTION.....</b>	<b>3</b>
<b>6. THE MAIN BUSINESS OF THE REGIONAL AUTHORITIES.....</b>	<b>4</b>
<b>7. OBJECTS OF THE REGIONAL AUTHORITIES.....</b>	<b>4</b>
<b>8. POWERS OF THE REGIONAL AUTHORITIES TO CARRY OUT ITS OBJECTS.....</b>	<b>4</b>
<b>9. ORGANISATIONAL STRUCTURE OF THE REGIONAL AUTHORITIES.....</b>	<b>4</b>
<b>10. NAME AND BURGEE.....</b>	<b>7</b>
<b>11. REGIONAL INSIGNIA.....</b>	<b>8</b>
<b>12. TROPHIES.....</b>	<b>8</b>



## **1. THE BY-LAW**

This By-Law brings into being the SA Sailing Regional Authorities.

The Regional Authorities shall administer and provide oversight, direction, leadership and management of the affairs and assets of SA Sailing in the various geographies in accordance with the spirit and intent of the SA Sailing Constitution, including its Objects and Strategic Priorities and shall be regulated by the SA Sailing Constitution and By-Laws as approved by Council.

The Regional Authorities, comprising Districts and Clubs, shall act as divisions of SA Sailing and be managed by a Regional Executive Committee.

## **2. DEFINITIONS AND ABBREVIATIONS**

For the purpose of this By-Law, the following words and expressions shall have the following meanings, unless the subject or context indicates otherwise:

- 2.1. "AGM" means Annual General Meeting.
- 2.2. "Constitution" means the Constitution of South African Sailing.
- 2.3. "Council" means the National Council of South African Sailing.
- 2.4. "GAAP" means generally accepted accounting practices.
- 2.5. "National Sport Association" means the national governing body of the Sport in membership of SASCOG, and recognised by the Department of Sport and Recreation in the Republic of South Africa.
- 2.6. "Region" means such areas as the Council may determine from time to time, in accordance with the relevant By-Laws and in alignment with the requirements of the appropriate National Sport Governing Body;
- 2.7. "Regional Council" means the Council of the specific region.
- 2.8. "SA Sailing" means South African Sailing Association.
- 2.9. "SGM" means Special General Meeting.
- 2.10. "SRSA" means the South African Department of Sport and Recreation.
- 2.11. "The Act" refers to the National Sports and Recreation Act, 1998 as amended by the National Sport and Recreation Amendment Act, 2007.



### 3. INTERPRETATIONS

- 3.1. The headings to the clauses or paragraphs of the By-Law are for descriptive purposes only and shall not be used in the interpretation hereof.
- 3.2. Unless the context indicates a contrast of intention, the singular shall include the plural and vice versa.
- 3.3. Any word importing one gender includes the other.
- 3.4. Should any clause in this By-Law be found to be inconsistent with the purpose of this By-Law read with the Constitution of SA Sailing, the requirements of SASCOC, the requirements of the SA Department of Sports and Recreation, and/or the Constitution of the Republic of South Africa, such clause shall be interpreted as *pro non scripto* and the remainder of this By-Law shall remain valid and enforceable.
- 3.5. Where the Regional Council or any Standing or other committee deviates from the time in which to fulfil an obligation, relating to an enactment within a specified time, such deviation may be ratified by the Council at a Council meeting, or such alternative meeting as may be deemed appropriate by the Council, and no enactment shall be invalid or *ultra vires*, solely by virtue of such enactment being made outside of the specified time.

### 4. DOMICILE

- 4.1. The domicile and seat of management of each Regional Authority shall be deemed to be situated in the area as determined by the membership at the Regional AGM, with the *domicilium citandi et executandi*, being the registered address of the regional office, as published on the website, provided that it shall always be at a place within the Republic of South Africa.

### 5. AREA OF JURISDICTION

- 5.1. The geographical area of jurisdiction of the region shall consist of such areas as the Council may determine from time to time, in accordance with the relevant By-Laws and in alignment with the requirements of the appropriate National Sport Governing Body.



## **6. THE MAIN BUSINESS OF THE REGIONAL AUTHORITIES**

- 6.1. The main business of SA Sailing Regional Authorities is to represent SA Sailing as the recognised National Sport Association and national controlling body of the sport of sailing in the regions of South Africa and to further the objects and strategic priorities of SA Sailing through and in conjunctions with the districts, clubs, classes, members and appropriate local bodies as established by government.

## **7. OBJECTS OF THE REGIONAL AUTHORITIES**

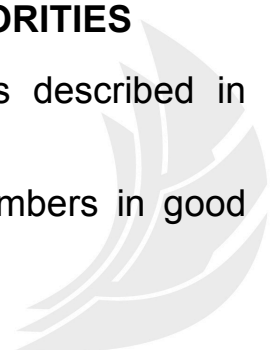
- 7.1. In addition to the objects of SA Sailing, the Region Authority shall promote and administer the sport of sailing in all its forms and disciplines and carry out the functions and duties of SA Sailing in the area of jurisdiction. This will include, amongst other items, to:
  - 7.1.1. Represent the clubs, sailing associations, and sailors of the Region;
  - 7.1.2. Promote sailing in the Region;
  - 7.1.3. Co-ordinate the Regions sailing calendar and to award regional colours in accordance with the regulations;
  - 7.1.4. Promote and organise, in conjunction with member clubs and associations, District, Regional, National or International events to be held in the Region;
  - 7.1.5. Represent its members in dealings with the public and authorities and to collaborate with such bodies in the administration of Safety Regulations where applicable in the Region and on behalf of SA Sailing; and
  - 7.1.6. Assist and co-operate with SA Sailing in all its activities.

## **8. POWERS OF THE REGIONAL AUTHORITIES TO CARRY OUT ITS OBJECTS**

- 8.1. As per the SA Sailing Constitution.

## **9. ORGANISATIONAL STRUCTURE OF THE REGIONAL AUTHORITIES**

- 9.1. The Regional Authorities shall operate on the basis as described in relevant sections in the SA Sailing Constitution.
- 9.2. All elected officers of Regional Committees shall be members in good standing of SA Sailing.



### 9.3. Regional Committee meetings:

- 9.3.1. The Regional Committee shall meet at least 4 (four) times during its year of office.
- 9.3.2. The Chairman shall have the authority to call special meetings of the Regional Committee for the purpose of dealing with any urgent business.
- 9.3.3. A quorum for a Regional Committee meeting will be at least half of the voting members of the committee.
- 9.3.4. Minutes shall be taken for all Regional Committee meetings and these shall be distributed to all Regional Committee members and Council within 30 (thirty) days following meetings.
- 9.3.5. Each member of a Regional Committee shall have 1 (one) vote and the Chairman shall have an ordinary as well as a casting vote.

### 9.4. Regional AGM and SGM

- 9.4.1. The Regional AGM shall be held before the end of June of each year at a date, time and venue to be decided by the Regional Committee.
- 9.4.2. Preliminary Notice of an AGM or SGM shall be sent to each Affiliated Club and recognised National Sailing Discipline Authority and Class Associations, 45 (forty-five) days prior to the intended date of the meeting, inviting the submission of items for the agenda.
- 9.4.3. Written notice of the AGM and SGM, setting out the proposed venue and date thereof, shall be sent to all Affiliated Clubs, recognised National Sailing Discipline Authorities and Class Associations at least 30 (thirty) days before such meetings stating the business to be transacted thereat. Notice is to include:
  - 9.4.3.1. Details of any special motions or proposals that are to be discussed at the meeting;
  - 9.4.3.2. Minutes of the previous AGM; and
  - 9.4.3.3. Minutes of any special meetings that have been called in the region during the year.
- 9.4.4. The outgoing Chairman shall chair the meeting until the new Chairman is elected, after which the new Chairman shall preside.
- 9.4.5. A quorum at a AGM or SGM shall be 50% (fifty percent) of the delegates entitled to vote. Should a quorum not be present at the scheduled meeting, a new notice of meeting at least 14 (fourteen) days following the date of the original meeting shall be sent to each

Affiliated Club and recognised National Sailing Discipline Authority and Class Associations. The delegates entitled to vote who are present at the second meeting shall constitute a quorum.

9.4.6. Voting by members at the AGM or SGM shall be in accordance with the method described in the SA Sailing Constitution relating to voting at Regional Annual General meetings. Proxy votes shall be allowed, provided a letter appointing the proxy is submitted to the Chairman of the meeting prior to, or at the commencement, of the meeting.

9.4.7. Regional Committee members may not have a vote unless appointed as a club delegate.

9.5. The business of the AGM shall be:

9.5.1. To approve the minutes of the previous AGM or SGM;

9.5.2. To receive and, if thought fit, to adopt the report of the Chairman;

9.5.3. To receive and, if thought fit, adopt the annual reports of the Finance and other Standing Committees;

9.5.4. To ratify any new or amendments to the By-Law, of which notice shall have been given with the notice of the AGM or Special General Meeting;

9.5.5. To consider and, if thought fit, adopt any motions submitted by members, of which notice shall have been given with the notice of the AGM or Special General Meeting;

9.5.6. Election of incoming committee; and

9.5.7. To attend to such general matters or motions that the General Meeting, in the meeting, may resolve to allow.

9.6. SGM

9.6.1. SGM of a Region may be convened by the Regional Chairman, and shall be convened on the receipt of a requisition for a SGM signed by 10% (ten per cent) of the voting rights of the Affiliated Clubs, clearly stating the intention and business to be discussed at such a meeting.

9.6.2. The business of the SGM shall be to attend to such general matters or motions that were raised in the notice of the SGM.

9.7. Should any dispute arise at any AGM, SGM, or other Regional meeting as to the interpretation of the By-Law relating to the region, the Chairman of the meeting shall rule thereon. This ruling shall be binding on all members of the region until the next SA Sailing Council meeting when such ruling shall be ratified or amended.

- 9.8. Only representatives accredited in writing by Affiliated Clubs may vote at General Meetings. Each Affiliated Club will be entitled to vote on the same basis as provided for in By-Law 4.
- 9.9. Other than for motions to amend the Constitution and to dissolve SA Sailing, which shall require a two-thirds majority, a simple majority of votes in accordance with By-Law 4 at any General Meeting shall be sufficient to carry the vote.

## **10. NAME AND BURGEE**

The Name and Burgee of the Regional Authorities shall be as follows:

### **10.1. Eastern Cape**

- 10.1.1. The name of the Regional Authority in the Eastern Cape Region shall be South African Sailing Eastern Cape, which may be abbreviated to SA Sailing EC where necessary.
- 10.1.2. The burgee of South African Sailing Eastern Cape will be dark blue with narrow white bands from each corner to a circle at the centre. The circle shall enclose a red anchor.

### **10.2. Kwazulu-Natal**

- 10.2.1. The name of the Regional Authority in the Kwazulu-Natal Region shall be South African Sailing Kwazulu-Natal, which may be abbreviated to SA Sailing KZN where necessary.
- 10.2.2. The burgee of South African Sailing Kwazulu-Natal will be a triangular flag, whose horizontal length at the centre shall be one and a half times the vertical height along the left hand edge, with a black background. A white stripe, one tenth of the vertical height of the burgee in width, shall run horizontally through the centre of the burgee to its edges, and a white stripe one tenth of the vertical height of the burgee in width, shall run vertically to its edges, with the left-hand edge of the vertical stripe being half the vertical height from the left-hand edge. The reverse side, where applicable, shall be the reverse of this description.

### **10.3. Northern Region**

- 10.3.1. The name of the Regional Authority in the Northern Region shall be South African Sailing Northern Region which may be abbreviated to SA Sailing NR.
- 10.3.2. The burgee of South African Sailing Northern Region will be a blue field with a white 'T'.

## 10.4. Western Cape

- 10.4.1. The name of the Regional Authority in the Western Cape Region shall be South African Sailing Western Cape which may be abbreviated to SA Sailing WC.
- 10.4.2. The burgee of South African Sailing Western Cape will be a white St. George's Cross upon a royal blue background.

## 11. REGIONAL INSIGNIA

- 11.1. The insignia for each Regional Authority will be the emblem of SA Sailing with the name of the region in full below it.



## 12. TROPHIES

- 12.1. All trophies with the control of the Region shall remain the property of the Region and shall be insured as such if deemed necessary. Should trophy winners wish to hold the trophies until the next occasion upon which they are open for competition, the Region may allow this, provided proper security is given for their safe custody and return.
- 12.2. The Region shall have the power to lay down the conditions for all trophies within its control and to alter such conditions provided that the prior written consent of the donor has, where possible, first been obtained.

This By-Law supersedes all prior versions

Proposed 12/10/2017

Adopted

