

## CONSTITUTION OF SOUTH AFRICAN SAILING

### By-Law 5 SUBSCRIPTIONS

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## **1. GENERAL**

- 1.1. Having regard to the funds required to administer and attain the objectives of the association, the Council shall determine the Annual National Subscription (ANS) payable by the Members of SA Sailing.
- 1.2. In order to administer and attain its objectives in its region, each Regional Authority is responsible for its own budget and shall determine the Annual Regional Subscription (ARS) payable by the Members of SA Sailing in its region.
- 1.3. In order to administer and attain its objectives in its discipline, each Sailing Discipline Authority is responsible for its own budget and shall determine the Annual Discipline Subscription (ADS) payable by the Members of SA Sailing in its discipline.
- 1.4. The Total Annual Subscription (TAS) shall be the sum of the Annual National Subscription (ANS) and the Annual Regional Subscription (ARS) in the case of affiliated clubs, and the sum of the Annual National Subscription (ANS) and the Annual Discipline Subscription (ADS) in the case of Sailing Discipline Authorities.
- 1.5. The TAS shall be paid by the affiliated clubs to their Regional Authority within 30 (thirty) days of the end of the month of receipt.

The Regional Authority shall:

- 1.5.1. pay the ANS portion of the TAS received from the affiliated clubs into the SA Sailing central bank account within 14 (fourteen) days of the end of the month of receipt.
- 1.5.2. pay the ARS portion of the TAS received from the affiliated clubs into the Regional bank account within 14 (fourteen) days of the end of the month of receipt
- 1.6. The Sailing Discipline Authority shall pay the ANS portion of the TAS received from members into the SA Sailing central bank account within 14 (fourteen) days of the end of the month of receipt.

## **2. DETERMINATION OF THE ANNUAL NATIONAL SUBSCRIPTION**

- 2.1. Not less than ninety calendar days before the commencement of the SA Sailing financial year, Council shall send to the Regional Executive Committee and each Sailing Discipline Authority chairman a notification of the proposed income and expenditure budget, together with Council's proposal of the ANS for the ensuing financial year.
- 2.2. The ANS so proposed shall be subject to confirmation by the Regional Executive Committee and the chairman of each Sailing Discipline

Authority and shall be deemed to have been confirmed, unless rejected by more than two of the notified parties.

- 2.3. A party wishing to reject the Council proposal of the ANS shall, within thirty calendar days of the dispatch of the notification, inform Council of its rejection and furnish reasons for doing so.
- 2.4. In the event of the Council proposal being rejected, Council shall convene a meeting of the Chairman and Treasurers of the notified parties, at the Councils expense, to be held within 46 (forty six) calendar days of the initial notification, to approve a budget and determine the ANS for the financial year in which event:
  - 2.4.1. Each Regional Committee's representative shall have one vote,
  - 2.4.2. Each Sailing Discipline Authority representative will have one vote,
  - 2.4.3. The simple majority decision of such a meeting shall be deemed to be the decision of the Council,
  - 2.4.4. The Vice President of Council, or his nominee, being another member of Council shall act as chairman of the meeting, but shall not have a vote.
- 2.5. Within 7 (seven) calendar days of the ANS having been confirmed or determined, as the case may be, Council shall, in writing, formally notify Regional Executive Committees and Sailing Discipline Chairman of the ANS as determined for the financial year.
- 2.6. On good cause, the Council may vary the rate of, or waive payment of any class of subscription.

### **3. DETERMINATION OF ANNUAL REGIONAL SUBSCRIPTIONS (ANS)**

- 3.1. Not less than 90 (ninety) calendar days before the commencement of the SA Sailing financial year, each Regional Committee shall submit to all affiliated clubs in its region its fully motivated budget and its proposal for the ARS for that Region for the ensuing year.
- 3.2. The ARS so proposed shall be subject to confirmation by the affiliated clubs. The proposal shall be deemed to be confirmed unless it is rejected by the majority of the affiliated clubs in good standing in the region.
- 3.3. Any affiliated club wishing to reject the Regional Committee's proposal of the ARS shall, within 30 (thirty) calendar days of notification to the affiliated clubs of the Regional Executive's proposal of the ARS, notify the Regional Committee of its rejection in writing and furnish full reasons for doing so.

- 3.4. In the event of the Regional Committee's proposal of the ARS being rejected by the affiliated clubs, the Regional Executive shall convene a meeting of the affiliated clubs, to be held within 46 (forty six) days of the notification to the affiliated clubs of the Regional Committees proposal of the ARS, to approve a budget and to determine the ARS for the financial year in which event:
- 3.5. Each affiliated club may be represented by one individual, who shall be a member of that affiliated club's general committee and shall have one vote,
- 3.6. The simple majority decision of such a meeting shall be deemed to be the determination of the regional Executive,
- 3.7. The chairman of the Regional Executive or his nominee (who shall be a member of the Regional Executive) shall act as chairman of the meeting but shall not have a vote.
- 3.8. Within 7 (seven) working days of the ARS having been confirmed or determined, as the case may be, the Regional Executive shall, formally in writing, notify the affiliated clubs of the ARS determined for the financial year.

#### **4. SUBSCRIPTIONS PAYABLE BY AFFILIATED CLUBS**

- 4.1. Each affiliated club shall collect from all of their members (except as provided for in cl.4.4 & 4.5) a SA Sailing Subscription based on the TAS as determined above. The subscription payable shall be calculated as follows.

If the affiliated club membership is classified or best serves the purpose as:

- 4.1.1. Family Membership

Being a member, his or her spouse and their children under 19 (nineteen) years of age, 150% of the TAS per Family Membership

- 4.1.2. Ordinary Membership & Life Membership

Being a single member, the full amount of the TAS per Ordinary or Life Membership.

- 4.1.3. Student Membership

Being a single member of a registered education institution, 30% of the TAS per student member at a Tertiary Institution, otherwise 20% of the TAS per student member.

- 4.1.4. Youth Membership



Being a single member, under 19 (nineteen) years of age and not being a member of a registered educational institution, 50% of the TAS per member.

4.1.5. Social Membership

Being a member of an affiliated club who does not ever participate or who is not in any way involved in the activities of sailing, 40% of the TAS per member.

4.1.6. Temporary Membership

Being a single membership valid for the duration of a specified event, 30% of the TAS.

4.1.7. Each club member who is not classified and cannot be classified in 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6 above

The full amount of the TAS multiplied by the amount the club member pays in Club subscription and divided by the subscription amount paid by a Full Member of that club, subject to a minimum of 40% of the full amount of the TAS.

4.2. The subscription determined above shall apply in respect of clubs that begin their financial year on or after 1<sup>st</sup> April in the year of determination. Clubs that start their financial year before 1<sup>st</sup> April in the year of determination shall pay the subscription as determined for the previous year.

4.3. Each affiliated club that collects the TAS from its members shall be entitled to make the same arrangements with its members for the payment of annual subscriptions as it makes for payment of their club subscriptions, including the right to grant extended terms for the payment thereof, provided that where a member pays his indebtedness to the club on instalments, each instalment shall be pro-rated between the club subscription and the annual subscription.

4.4. In the event of a member belonging to more than one affiliated club, he shall be liable only for a single subscription in which regard:

4.4.1. The member shall choose the affiliated club to which he wishes to pay his annual subscription, provided that the member who enjoys different categories of membership at different affiliated clubs to which he belongs, shall pay his annual subscription at the Member Club of his choice, which will result in his paying the highest proportions of annual subscriptions.

4.4.2. The member shall inform the other affiliated clubs of which he is a member, of the name of the of the affiliated club to which he is paying

his subscription and provide proof of payment or the arrangements in place for payment.

4.4.3. If the member fails to provide the information referred to in 4.4.2 the club concerned shall be obliged to include that member in its determination of the amount payable in terms of 4.1 above.

4.4.4. The club that is excused from accounting for a member in terms of 4.4.2 shall indicate in the certificate referred to in 8.7 in respect of the member concerned the name of the club to which the member has paid or is paying the annual subscription.

#### 4.5. Exclusion and exemptions from SA Sailing Subscriptions

4.5.1. In the event of an affiliated club having a section which caters specifically for members who are not generally recognised as sailors but who participate in a form of water sport other than sailing and who pay subscription to that sport's governing body, such members may be excluded from the calculation of the amount payable in terms on 4.1 above, in which event the club concerned shall, in respect of such members, indicate on the certificate referred to in 8.7, the name of the sport to which the section relates and that the member concerned complies with the exemption as herein stated.

4.5.2. If a member has attained the age of 70 (seventy) years before the commencement of the club's financial year, that member shall be exempt from the calculation of the amount payable in terms of 4.1 above, in which event the club concerned shall, in respect of such a member, indicate on the certificate referred to in 8.7 the date of birth of such member.

4.5.3. Subject to the prior approval of Council, if a member has been afforded "honorary" membership of an affiliated club by virtue of their office (national, provincial, district or municipal office, members of the defence force or police force, employees of the Department of Sport and Recreation or SASCOC, etc.) their contribution to the sport of sailing by way of major sponsorships, their role in the promotion of sailing as a member of the press, their position as an Office Bearer of another affiliated club or sports club in the area of the club, or for any other reason deemed acceptable by Council, such members may be excluded from the calculation of the amount payable in terms of 4.1 above, in which event the club concerned shall, in respect of such members, indicate on the certificate referred to in 8.7 the applicable reason for the granting of the "honorary" membership.

### 5. SUBSCRIPTIONS PAYABLE BY SAILING DISCIPLINE AUTHORITIES

- 5.1. Each Sailing Discipline Authority shall collect from all of their members (except as provided for in cl.4.4 & 4.5) a SA Sailing Subscription based on the ANS as determined above. The subscription payable shall be calculated as follows.

If the affiliated club membership is classified or best serves the purpose as:

5.1.1. Family Membership

Being a member, his or her spouse and their children under 19 (nineteen) years of age, 150% of the ANS per Family Membership

5.1.2. Ordinary Membership & Life Membership

Being a single member, the full amount of the ANS per Ordinary or Life Membership.

5.1.3. Student Membership

Being a single member of a registered education institution, 30% of the ANS per student member at a Tertiary Institution, otherwise 20% of the ANS per student member.

5.1.4. Youth Membership

Being a single member, under 19 (nineteen) years of age and not being a member of a registered educational institution, 50% of the ANS per member.

5.1.5. Social Membership

Being a member of an affiliated club who does not ever participate or who is not in any way involved in the activities of sailing, 50% of the ANS per member.

5.1.6. Temporary Membership

Being a single membership valid for the duration of a specified event, 30% of the TAS.

5.1.7. Each club member who is not classified and cannot be classified in 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6 above

The full amount of the ANS multiplied by the amount the club member pays in Club subscription and divided by the subscription amount paid by a Full Member of that club, subject to a minimum of 40% of the full amount of the ANS.

- 5.2. The subscription determined above shall apply in respect of sailing discipline authorities that begin their financial year on or after 1<sup>st</sup> April in

the year of determination. Sailing discipline authorities that start their financial year before 1<sup>st</sup> April in the year of determination shall pay the subscription as determined for the previous year.

- 5.3. Each sailing discipline authority that collects the ANS from its members shall be entitled to make the same arrangements with its members for the payment of annual subscriptions as it makes for payment of their club subscriptions, including the right to grant extended terms for the payment thereof, provided that where a member pays his indebtedness to the sailing discipline authority in instalments, each instalment shall be pro-rated between the sailing discipline authority subscription and the annual subscription.
- 5.4. In the event of a member belonging to more than one sailing discipline authority and/ or an affiliated club, he shall be liable only for a single subscription in which regard:
  - 5.4.1. The member shall choose the sailing discipline or affiliated club to which he wishes to pay his annual subscription, provided that the member who enjoys different categories of membership at different sailing disciplines or affiliated clubs to which he belongs, shall pay his annual subscription at the sailing discipline authority or Member Club of his choice, which will result in his paying the highest proportions of annual subscriptions.
  - 5.4.2. The member shall inform the other sailing discipline authority or affiliated clubs of which he is a member, of the name of the of the sailing discipline authority or affiliated club to which he is paying his subscription and provide proof of payment or the arrangements in place for payment.
  - 5.4.3. If the member fails to provide the information referred to in 5.4.2 the sailing discipline authority concerned shall be obliged to include that member in its determination of the amount payable in terms of 5.1 above.
  - 5.4.4. The sailing discipline authority that is excused from accounting for a member in terms of 5.4.2 shall indicate in the certificate referred to in 8.7 in respect of the member concerned the name of the sailing discipline authority or club to which the member has paid or is paying the annual subscription.
- 5.5. Exclusion and exemptions from SA Sailing Subscriptions
  - 5.5.1. In the event of a sailing discipline authority having a section which caters specifically for members who are not generally recognised as sailors but who participate in a form of water sport other than sailing and who pay subscription to that sport's governing body, such



members may be excluded from the calculation of the amount payable in terms on 5.1 above, in which event the sailing discipline authority concerned shall, in respect of such members, indicate on the certificate referred to in 8.7, the name of the sport to which the section relates and that the member concerned complies with the exemption as herein stated.

5.5.2. If a member has attained the age of 70 (seventy) years before the commencement of the sailing discipline authority's financial year, that member shall be exempt from the calculation of the amount payable in terms of 5.1 above, in which event the sailing discipline authority concerned shall, in respect of such a member, indicate on the certificate referred to in 8.7 the date of birth of such member.

5.5.3. Subject to the prior approval of Council, if a member has been afforded "honorary" membership of an affiliated club by virtue of their office (national, provincial, district or municipal office, members of the defence force or police force, employees of the Department of Sport and Recreation or SASCOC, etc.) their contribution to the sport of sailing by way of major sponsorships, their role in the promotion of sailing as a member of the press, their position as an Office Bearer of another discipline or club, or for any other reason deemed acceptable by Council, such members may be excluded from the calculation of the amount payable in terms of 5.1 above, in which event the sailing discipline authority concerned shall, in respect of such members, indicate on the certificate referred to in 8.7 the applicable reason for the granting of the "honorary" membership.

## **6. SUBSCRIPTIONS PAYABLE BY INDIVIDUAL MEMBERS**

6.1. The Council shall determine the subscription payable by individual members who are not members of an affiliated club or a sailing discipline authority.

## **7. SUBSCRIPTIONS PAYABLE BY OTHER CLASSES OF MEMBERSHIP**

7.1. the subscription payable by any other classes of membership shall be set by negotiation between the Council and the member concerned.

## **8. ACCOUNTING FOR THE SUBSCRIPTIONS BY AFFILIATED CLUBS**

8.1. On receipt of the TAS from its members, the affiliated club shall account to the Regional Authority in respect of all subscriptions received within 30 (thirty) days of the end of the month in which the subscriptions were received.

8.2. If an affiliated club fails substantially to comply with any provisions of this By-Law 5;

- 8.3. The affiliated club shall be given notice in writing of its breach specifying the specific clauses of the Constitution and By-Laws, by Council.
- 8.4. The affiliated club shall remedy the breach within 14 (fourteen) days of dispatch of the notification.
- 8.5. Should the affiliated club fail to remedy such breach within 14 (fourteen) days, the affiliation of the club shall be automatically cancelled.
- 8.6. Council may, at its sole discretion, extend the deadlines to remedy the breach or make such arrangements as may be necessary to assist the club to ensure future compliance.
- 8.7. Every affiliated club shall, with six months of the end of the clubs financial year, furnish the Region with a certificate signed by its Commodore and Treasurer stating;
  - 8.7.1. The names of the Club Members per Membership Class as specified in 4.1 above.
  - 8.7.2. The calculated amount of the TAS payable to the region.
  - 8.7.3. The amount of subscriptions paid to the region in respect of the financial year.
  - 8.7.4. Reconciliation between amounts per 8.7.2 and 8.7.3 above.
- 8.8. The region shall, if it is not satisfied with the accuracy of the certificate provided by the club in terms of 8.7 above, be entitled to require an affiliated club, at its own cost and expense, to furnish the region with an auditors certificate verifying the information furnished in that certificate.
- 8.9. All information furnished by affiliated clubs to the region or Council in respect of any of its members in terms of these provisions shall remain the club's privileged information and shall not be used by the region or Council for any purposes other than for accounting purposes.

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