
SOUTH AFRICAN FIGURE SKATING ASSOCIATION

CONSTITUTION

(As amended at the Council meeting held on the 21st of May 2016)

1**NAME**

The name of the Association shall be the "**SOUTH AFRICAN FIGURE SKATING ASSOCIATION**".

2**ABBREVIATIONS**

The following abbreviations will be used in this Constitution, the Regulations and Annexures thereto.

South African Figure Skating Association **SAFSA**

International Skating Union **ISU**

The Council of the South African Figure Skating Association **THE COUNCIL**

The Executive Committee of the Council of the South African Figure Skating Association **THE EXECUTIVE**

A Provincial Committee of the South African Figure Skating Association **PROVINCIAL COMMITTEE**

[South African Figure Skating Coaches Commission](#) **SAFSCC**

National Judges Technical Standing Committee **NJTC**

National Technical Standing Committee **NTC**

Rules and Regulations Standing Committee **R&RC**

Other standing committees set up by the Council to carry out specific tasks **STANDING COMMITTEES**

3**OBJECTS**

3.1 The objects of SAFSA will be to promote, control, encourage, advance, assist, protect and generally further Figure Skating in the Republic of South Africa, on ice and on synthetic polymeric ice surfaces whether performed using ice skating blades or substitutes simulating such, in the categories of:

3.1.1 Single Skating

3.1.2 Pair Skating

3.1.3 Ice Dancing

3.1.4 Synchronised Skating

- 3.2 To settle disputes that may arise within the sport among its Provincial Committee's, Standing Committee's, affiliated bodies and Members and to be the highest authority.

4**ORGANISATION AND MANAGEMENT**

The affairs of SAFSA shall be managed by:

- 4.1 The Council
- 4.2 The Executive
- 4.3 The Provincial Committees

in terms of the powers defined in this Constitution and Regulations thereto, and the Constitutions of the Provinces.

5**HEADQUARTERS**

The Headquarters of SAFSA shall be in the residential province in the Republic of South Africa of the President of SAFSA and is also the legal residence of SAFSA.

6**REGISTRATION**

The Association shall be registered with the Department of Welfare's Directorate for Non-profit Organisations, in terms of Act No. 71 of 1997 as amended.

7**EXTENT OF OPERATIONS AND JURISDICTION**

The Association will carry on its activities in the Republic of South Africa, raise funds and collect contributions and donations nationally and/or internationally. It is the exclusive national sport association recognised by the ISU, South African Sports Confederation and Olympic Committee, Sports and Recreation South Africa and the Department of Welfare of South Africa that administers Figure Skating throughout South Africa. All members of SAFSA recognise that all national matters are under the sole jurisdiction and control of SAFSA.

SAFSA recognises the Articles of Association of the South African Sports Confederation and Olympic Committee, the Sport and Recreation Act, 2007, as amended, and the National Department Sports and Recreation South Africa.

8**NON-PROFITABLE ORGANISATION**

SAFSA is a body corporate-type voluntary organisation that exists in its own right separately from its members and is not established nor shall it be conducted for gain or profit and the funds of SAFSA shall be utilised for and applied to objectives contemplated in Clause 3.1. It can sue and be sued in its own name. The existence of the organisation is not congruent to its members.

9**IDEOLOGICAL INTERFERENCE**

SAFSA does not approve of interference in its sport based on political, racial, religious or any other grounds and will make every effort to avoid any such interference.

10**INCOME AND PROPERTY**

The income and property of the Associations may not be distributed to its members or office-bearers, except as reasonable compensation for services rendered (if applicable). No member or office-bearer has any claim or rights over any income and/or property owned by SAFSA except in the case of "trust funds" in the name of a particular member.

11**THE COUNCIL**

- 11.1 The permanent members of the Council shall consist of:
- (1) The National President
 - (2) The Deputy National President
 - (3) The National Secretary
 - (4) The National Treasurer
 - (5) The National Development Officer
 - (6) The National Public Relations Officer
 - (7) The Vice-President's being the Chairman of each Provincial Committee
 - (8) The Chairman of the NJTC
 - (9) The Chairman of the R&RC
 - (10) The Chairman of [SAFSCC](#)
 - (11) The Athlete Representative
- 11.1.1 The National President, Deputy National President, National Secretary, National Treasurer, National Development Officer, National Public Relations Officer and Chairman of the R&RC shall be elected by a simple majority vote of the Provincial Representatives of the Council at the Annual General Meeting of the Council.
- 11.1.2 The Vice-Presidents shall be the Chairman of each Provincial Committee as elected by the members of each Provincial Committee at its Annual General Meeting or by the Provincial Committee elected at the Annual General Meeting of the Provincial Branch.
- 11.1.3 The Chairman of the NJTC shall be elected by a simple majority vote of the Senior National Judges at the annual general meeting of the NJTC at the time and place of the National Championships. Should the Chairman cease to hold office for any reason whatsoever the Vice-Chairman shall assume the office as Chairman. In the event of the Vice-Chairman also ceasing to hold office, the Senior National Judges shall elect a new Chairman and Vice-Chairman.

- 11.1.4 The Chairman of the SAFSCC shall be elected by a simple majority vote of the coaches who are members of the SAFSCC at the annual general meeting of the SAFSCC at the time and place of the National Championships. Should the Chairman cease to hold office for any reason whatsoever the Vice-Chairman shall assume the office as Chairman. In the event of the Vice-Chairman also ceasing to hold office, the coaches who are members of the SAFSCC shall elect a new Chairman and Vice-Chairman.
- 11.1.5 The Athlete Representative shall be an athlete who:
- 11.1.5.1 must be at least sixteen (16) years old and must a citizen of South Africa;
 - 11.1.5.2 must not have a prior conviction or sanction for a doping offence;
 - 11.1.5.3 must have represented South Africa in an International Competition or ISU Champion-ship no more than eight (8) years prior to his or her election;
 - 11.1.5.4 shall be elected by a simple majority vote of current athletes who have competed in the Senior or Junior sections in the National or any one of the Interprovincial Champion-ships in the current or previous skating season; and
 - 11.1.5.5 shall hold the position of Provincial Athlete Representative for a period of three (3) years and may be nominated for a maximum of one (1) further consecutive term.
- 11.1.6 Each Provincial Committee shall after the completion of the current term of office, or should the position become vacant for any reason whatsoever, call for nominations and hold elections for the position of Provincial Athlete Representative at a date decided by the Provincial Committee which shall not be later than the date of the Annual General Meeting of the Province concerned.
- 11.1.7 The election result of each Provincial Committee must be announced within one (1) month of the result to the Council through the Executive and the Council must by an absolute majority vote approve such Athlete Representatives.
- 11.1.8 The Provincial Athlete Representative of the Provincial Committee in the Province in which a meeting of the Council shall take place shall attend the Council meeting on behalf of all the Athlete Representatives.

11.2 The non-permanent, non-voting members of council shall be the 2nd delegates of the respective Vice-Presidents and Chairman of the NJTC and SAFSCC. Attendance by the Vice-Presidents' 2nd delegates at Council Meetings shall be at the discretion and cost of the Provincial Committees. The costs of the 2nd delegates of the NJTC and SAFSCC shall be borne by SAFSA headquarters.

11.3 Council Powers

The Council shall have the power:

- 11.3.1 To affiliate to the ISU and to any other organisation, association or institution if such affiliation will in the opinion of the Council further the objectives contemplated by Clause 3.1 and to allow Figure Skating Organisations, Associations and Institutions to affiliate to SAFSA.
- 11.3.2 To govern and to make, alter and repeal regulations, with the recommendations submitted by the R&RC, the NTC and the NJTC, governing and regulating Single Skating, Pair Skating, Ice Dancing and Synchronised Skating in the Republic of South Africa.
- 11.3.3 To grant and contribute towards the provision of trophies, awards and distinctions and to regulate the conditions under which such trophies, awards and distinctions may be competed for, granted or achieved.
- 11.3.4 To purchase, sell, hire or let or in any other manner whatsoever acquire, dispose of or deal in any property whether movable or immovable, enter into any contracts and other relationships, which is or may be required for the due and proper achievement of the objects of SAFSA or any one or more of such objects.
- 11.3.5 To borrow or raise money by the issue of bonds, debentures, bills of exchange, promissory notes or other obligations, including the mortgage of immovable property owned by SAFSA.
- 11.3.6 To lend money on good and proper security to such members, associations, clubs, companies or other organisations, associations or institutions as the Council may deem expedient.
- 11.3.7 To invest and deal with the funds, monies and other liquid assets of SAFSA in such manner and upon such security as the Council may deem expedient.

- 11.3.8 To guarantee the performance of contracts, subject to the approval of Council, entered into by Provincial Committees and generally to enter into any deed of suretyship whatsoever.
- 11.3.9 To charge for admission to any premises over which SAFSA may have temporary control or management.
- 11.3.10 To establish if deemed necessary a trust or trusts for the achievement of any of the objects of SAFSA and for this purpose to grant or donate assets whether movable or immovable to any such trust or trusts.
- 11.3.11 To do all such other lawful things as are, in the opinion of the Council, necessary, desirable, incidental, supplementary or ancillary to any object or power hereinbefore mentioned.
- 11.3.12 **Agreements with other Governing Bodies**
- To enter into agreements with the governing bodies of other sports with reference to competitions and eligibility status.
- 11.3.13 **Advertising and Sponsorship**
- To enter into any advertising or sponsorship contract or accept sponsorship payments on behalf of the Association, any Provincial Body or a Registered Member of SAFSA to enable financial assistance to be provided to such body or member to defray expenses incurred for training, equipment, travelling expenses, championships, competitions, exhibitions, or medal test expenses, subject to all such monies received or disbursed being channelled through the accounts of Council or a Provincial Body.
- 11.3.14 **Formation of Provincial Committees**
- To authorise the establishment of a Provincial Committee at any place in the Republic of South Africa where there is a permanent Ice Rink.
- 11.3.15 To resolve, or to appoint ad hoc tribunals from time to time or the Rules and Regulations Committee to exercise final jurisdiction over, any dispute of a disciplinary or sporting nature, adjudicated over by any of its Provincial Committee's, Standing Committee's or affiliated Clubs and other bodies. The Council may delegate this authority to the Executive should the Council so decide.
- 11.3.16 To initiate, or to appoint ad hoc disciplinary tribunals from time to time or the Rules and Regulations Committee to exercise jurisdiction over, any disciplinary or sporting dispute between the Council or the Executive and a Provincial Committee,

Standing Committee, affiliated Clubs of a Provincial Committee or other affiliated bodies.

- 11.3.17 To initiate, or to appoint ad hoc disciplinary tribunals from time to time or the Rules and Regulations Committee to exercise jurisdiction over, any disciplinary or sporting dispute between the Council or the Executive and a Member of a Provincial Committee, Standing Committee, affiliated Clubs of a Provincial Committee or other affiliated bodies.

11.4 **Voting**

- 11.4.1 Voting at Council Meetings shall be limited to the following persons as follows;

The National President 1 vote plus a casting vote

The Vice-Presidents of each Province 1 vote each

The Chairman of the NJTC and [SAFSCC](#) 1 vote each

- 11.4.2 In the event of any one of the Council members eligible to vote being unable to be present at a Council Meeting, he/she may nominate in writing, by means of a proxy (Appendix No. 1), another attendant of the Council meeting to vote on his/her behalf at such meeting.

- 11.4.3 The proxy, referred to in 11.4.2, must deal with a specific item(s) listed in the agenda and must be submitted prior to the start of the Council meeting to the National Secretary.

- 11.4.4 All questions arising at Council meetings shall be decided by a simple majority of those present and voting on the question, provided that in the event of an equality of votes, the President shall have a second or casting vote or, if need be, the matter may be deferred to the next Council Meeting.

11.5 **Quorum**

The quorum shall be one voting member over 50% of the full number of voting members on the Council. In the event of there not being a quorum, the meeting shall stand adjourned to the same time and place three months hence when members attending shall constitute a quorum.

11.6 **Number of Meetings to be Held**

At least two meetings (including the Annual General Meeting) of the Council shall be convened by the President each year. The Council may, however, convene a meeting if such meeting is requested in writing by 40% of the voting members on the Council and the President has failed to comply with such request within 30 days.

11.7 Notice Convening Meetings

A meeting of the Council shall be convened by posting a notice to all members of the Council at least twenty-eight (28) clear days before such meeting, specifying the time and date and place of the meeting, and the business to be transacted. With the consent of 60% of the voting members of the Council, the period of notice may be less than that stipulated above.

11.8 Business other than Special Business

Business other than special business may, with the consent of two-thirds of the voting members of the Council present, be transacted at a meeting of the Council, notwithstanding that such business may not have been mentioned in the notice convening the meeting.

11.9 Special Business

Special business shall be the making and alteration of Regulations and dealing with the funds of SAFSA.

11.10 Rescinding Resolutions

No proposal to rescind a resolution previously passed by the Council shall be considered at any meeting unless notice thereof has been given in the notice convening the meeting and the text of the resolution proposed to be rescinded is set out in the said notice.

11.11 Unbecoming Conduct at Meetings

Any person guilty of unbecoming conduct at any Council Meeting may be called upon to apologise and, having failed to do so, may be dealt with as the meeting may think fit. Such person shall, if requested by the meeting, retire while his/her conduct is being discussed.

11.12 Vacancy on Council

A vacancy on the Council due to death or resignation of the nominee of a Provincial or Standing Committee shall be filled by another nominee or Vice-Chairman where applicable, of that Provincial or Standing Committee.

11.13 The Executive

The Executive shall be elected by the Council, subject to the provisions of Clauses 11.15.1, 11.15.2 and 11.15.3 applying where necessary, and shall consist of:

- (1) The National President
- (2) The Deputy National President
- (3) The National Secretary
- (4) The National Treasurer
- (5) The National Development Officer

(6) The National Public Relations Officer.

11.14 Powers of the Executive

The Executive shall have the following powers;

- 11.14.1 to deal with matters of a routine nature during the periods between Council meetings;
- 11.14.2 to purchase such stationery and equipment as may be required for the purpose of carrying out the affairs of SAFSA and generally to do all such things as may be necessary for the proper conduct and management of SAFSA;
- 11.14.3 to deal with complaints lodged by any person provided that the complaint of a SAFSA member must be submitted through their Provincial Committee;
- 11.14.4 after giving the reasons therefore in writing to the member, suspend or disqualify such member who has acted contrary to this Constitution or any Regulations in force thereunder or in a manner so as to bring discredit on SAFSA or its officials, for such period as the Executive shall decide, from participating in any competition, test or event. Any decision of the Executive shall be subject to appeal to them within 14 days of date of notification and in need thereafter to the Council;
- 11.14.5 to act in all or any cases of emergency, provided that any ruling, decision or findings made by the Executive in terms of this rule, shall only be binding and acted upon until confirmation, rejection or amendment thereof by the Council;
- 11.14.6 to invite, through the National President, and in its sole discretion, to any of its meetings any person who may assist the Executive in its leadership and operational tasks. Such invited person shall have no vote; and
- 11.14.7 equitably enforce due observance of the SAFSA Constitution, rules, policies and regulations.

11.15 Annual General Meetings

The Annual General Meeting of the Council shall be held by the 30th June of every year or in special circumstances may be held at a later date determined by the Executive. Clauses 11.4.2, 11.4.3, 11.5, 11.7, 11.8, 11.10, 11.11 and 11.12 shall apply.

11.15.1 Nomination of Office Bearers to Council

Nominations for the Executive positions (National President, Deputy National President, National Secretary, National

Treasurer, National Development Officer and National Public Relations Officer) of Council, including those of present incumbents, must be received by the National Secretary three (3) months prior to the Annual General Meeting of the Council.

Current office bearers shall formally indicate their willingness to serve, or not, for a further term at least four (4) months prior to the expiry of their term of office as determined by the Annual General Meeting of the Council.

Nominations for the position of National President must be accompanied by a *curriculum vita* and the nominee must have served as a SAFSA Provincial Committee Member for a period of no less than two (2) consecutive years prior to his/her nomination.

The National President shall also act as the Chief Executive Officer of SAFSA. The Deputy National President shall also act as the Deputy Chief Executive Officer and the National Secretary as the Assistant Chief Executive Officer.

11.15.2 **Election of Office Bearers to Council**

The National President, Deputy National President, National Secretary, National Treasurer, National Development Officer, National Public Relations Officer and Chairman of the R&RC shall be elected by a simple majority vote of the Provincial Representatives (Vice-Presidents of each Province) of the Council at an Annual General Meeting of the Council.

11.15.3 **Office-bearers Period of Office**

The above mentioned office-bearers, who may not at any time be connected persons in relation to one another referred to in clause 11.15.2 shall hold a period of office as follows:

11.15.3.1 The National President shall hold office for a period of four (4) years and the same incumbent may not serve as National President for more than three (3) continuous terms. In the event of the National President ceasing to hold office for any reason whatsoever the Deputy National President shall assume the office as National President for the unexpired portion of the previous incumbent's period of office.

11.15.3.2 The Deputy National President shall hold office for a period of three (3) years. In the event of the Deputy National President assuming the vacant office as National President or should the Deputy National President cease to hold office for any

other reason whatsoever, such replacement for the unexpired portion of the previous incumbent's period of office so created shall be elected by the Council.

- 11.15.3.3 The National Secretary, National Treasurer and National Development Officer shall hold office for a period of three (3) years. In the event of the National Secretary, National Treasurer or National Development Officer ceasing to hold office for any reason whatsoever, the remaining members of the Executive shall appoint a replacement to hold office for the unexpired portion of the previous incumbent's period of office.
- 11.15.3.4 The National Public Relations Officer shall hold office for a period of one (1) year. Should the National Public Relations Officer cease to hold office for any reason whatsoever the remaining members of the Executive shall appoint a replacement to hold office for the unexpired portion of the previous incumbent's period of office.
- 11.15.3.5 The R&RC Chairman shall hold office for a period of three (3) years. Should the Chairman cease to hold office for any reason whatsoever the Executive shall appoint a replacement to hold office for the unexpired portion of the previous incumbent's period of office.
- 11.15.3.6 The **Chairman** of the R&RC, **SAFSCC** and **NJTC**, all of which hold **terms of** office for a period of three (3) years, must be elected in consecutive years and in the same order. **The order of the terms of office shall be as follows: (a) the R&RC Chairman, (b) the NJTC Chairman and lastly (c) the SAFSCC Chairman commencing from the AGM of the Council held in the 2016 calendar year.**

11.15.4 **Voting**

Voting at the Annual General Meeting of the Council shall be restricted to the Provincial Representatives of the Council (unless clause 11.4.2 applies) only. All matters shall be decided by a simple majority of those present and voting.

If several candidates obtain an equal number of votes there shall be a deciding ballot between them and if again there is a tie, a decision shall be reached by lot.

11.15.5 Meetings - Business to be transacted

At the Annual General Meeting, the following shall be transacted:

- 11.15.5.1 Read and confirm the minutes of the previous Annual General Meeting.
- 11.15.5.2 Receive the Report of the President.
- 11.15.5.3 Receive and consider the audited Financial Report.
- 11.15.5.4 Table the Vice-Presidents' Reports and the Financial Reports presented at the Annual General Meetings of members registered with the Provinces that are held in the current year.
- 11.15.5.5 Table the Chairmans' Reports of the NJTC, [SAFSCC](#), NTC and R&RC.
- 11.15.5.6 Appoint for the ensuing three (3) years the Executive of Council.
- 11.15.5.7 Appoint for the ensuing year an Auditor, who shall not be a member of SAFSA.
- 11.15.5.8 Appoint members, which must be Voting Members but need not be Council Members, to the following committees;
 - (a) International competitions.
 - (b) National Championships.
 - (c) Interprovincial Championships.
 - (d) Rules and Regulations Chairman for the ensuing three (3) years and three (3) further members elected annually, one (1) of whom shall be appointed by the NJTC and shall be a Senior National Judges.
 - (e) International Selections Committee in accordance with Section N of the Rules and Regulations and clause 11.15.6.
 - (f) Drafting.
- 11.15.5.9 Any other business as stated in the agenda.

11.15.6 Appointing members to the International Selections Committee

- 11.15.6.1 The International Selections Committee shall consist of the following three sub-committees:

- (a) Singles and Pairs;
 - (b) Ice Dancing; and
 - (c) Synchronised Skating.
- 11.15.6.2 The permanent members of the three sub-committees shall be:
- (a) The President, or his or her nominee, who shall act as Chairman of each of the sub-committees;
 - (b) The National Secretary who is responsible to draw up the agenda and minutes and maintaining and recording all correspondence relating to the International Selections Committee; and
 - (c) The Rules and Regulations or National Technical Committee Chairman who shall ensure that all applicable rules and regulations are adhered to and assist with the calculations of the rankings.
- 11.15.6.3 The non-permanent members of the three sub-committees shall be Senior National Judges drawn at the Annual General Meeting and whose period of membership shall commence subsequent to the end of the following National Championship and terminate prior to the commencement of the next following National Championship.
- 11.15.6.4 Senior National Judge(s) in the discipline concerned from each region of the country shall be nominated by each Provincial Committee to be a member of one or more of the sub-committees of the International Selections Committee. Such nomination must be accompanied by written confirmation from the Judge concerned that they are prepared and are willing to act as a member of one or more of the sub-committees of the International Selections Committee.
- 11.15.6.5 The regions of the country are: (a) Gauteng, (b) KwaZulu/Natal and (c) Western Province. There are thus three regional positions available on each sub-committee of the International Selections Committee.
- 11.15.6.6 A Senior National Judge may be nominated to be a member of more than one sub-committee at any one time as long as such Judge is a Judge who, at the time of nomination:

- 11.15.6.6.1 is qualified to judge the Senior section of the discipline concerned, and
- 11.15.6.6.2 has been actively judging in the discipline concerned in the past two (2) skating seasons.
- 11.15.6.7 The three members of each sub-committee shall each have one (1) vote and the President shall also have one (1) vote and a casting vote in the case of a tie in votes.
- 11.15.6.8 Should there be more than one (1) nominee for a region on one sub-committee, the nominees' names will be entered into a draw and one (1) nominee will be randomly drawn from the pool of nominees for that region.
- 11.15.6.9 Should a situation arise where there is no available nominee for a region on a sub-committee of the International Selections Committee, the Council shall by means of a vote decide which region shall have more than one Senior National Judge from that region on the sub-committee.

12

PROVINCIAL COMMITTEE

12.1 Formation

May only be established with the prior approval of the Council.

12.2 Interim Committee

When the Council has approved the formation of a Provincial committee the Executive shall appoint three full members of SAFSA as an interim committee to hold office as Chairman, Secretary and Treasurer to set up the administration of the Provincial body. The interim committee shall hold office until an inaugural general meeting is convened to elect a Provincial Committee. This inaugural meeting must be held within six (6) months of the appointment of the interim committee.

12.3 Appointment of Committee Members

At each Annual General Meeting of Association members registered with the Province, members present and entitled to vote shall elect at least five but not more than ten persons from amongst Voting Members of SAFSA over the age of eighteen (18) years to serve on the Provincial Committee for the ensuing year.

12.4 Executive Office Bearers

Each Provincial Committee so elected shall elect from amongst its members a Chairman, a Vice-Chairman, an Honorary Secretary, Honorary Treasurer or an Honorary Secretary/Treasurer and any other Executive office bearers that may be deemed necessary. Alternatively, if two-thirds of those members present and entitled to vote at the meeting agree that the persons who have already been duly nominated for election to the Provincial Committee under clauses 12.5.2 and/or 12.5.4 should be further nominated for certain specified Executive offices on the Provincial Committee, such nominations (duly proposed, seconded, and accepted by the nominees) shall take place immediately prior to the election of the Committee, which in all cases shall have an Executive of at least three (3) office bearers.

12.5 Nomination and Election of Provincial Committee

- 12.5.1 Nominations for the elective members of the Provincial Committee must be received by the Secretary of the Provincial Committee at least fourteen (14) days before the date of the Annual General Meeting. The notice convening the meeting shall draw attention to this clause. The subscriptions of the nominated person (who must have been a SAFSA member for a minimum period of six (6) months preceding the nomination), proposers and seconders may not be in arrears at the time of submitting the nominations for a provincial committee.
- 12.5.2 At the expiration of the term of office of members of the Provincial Committee, such members who have in writing expressed their willingness to serve a further term on the Committee (if elected) to the Secretary of the Provincial Committee, shall automatically be deemed to have been duly nominated for the Provincial Committee.
- 12.5.3 Committee members shall be elected by ballot, and if there are more than the required number of nominees willing to serve, if elected, the names of all nominees shall be submitted to secret ballot, and it shall be indicated which candidates are existing members of the Provincial Committee and the number of attendance's of each candidate at all meetings of the Provincial Committee.
- 12.5.4 Nominations for election to the Provincial Committee, duly proposed and seconded by voting members, shall be made on a prescribed form (Appendix No. 2) which shall contain provision for a signed statement by the nominee to the effect that if elected, he/she is prepared to serve on the Provincial Committee.
- 12.5.5 The result of the election shall be announced at the Annual General Meeting. A vacancy arising out of the death or resignation of any elected member may be filled by the Provincial Committee, and the person appointed to fill such a vacancy shall go out of office at the same time as the person in

whose place he/she was appointed would have gone out of office.

12.6 Council Representatives

The Chairman and one other member of the Provincial Committee, who are to be named in writing to the Secretary of the Council, shall be, respectively, the 1st and 2nd delegate to the Council of SAFSA. Both shall represent members of the Association registered with the Province on the Council. Advice to reach the Secretary of the Council within thirty (30) days of appointment of a new Provincial Committee. The 2nd delegate shall take up his/her position on Council at the discretion and expense of the Province in which the 2nd delegate is registered.

12.7 Committee's Autonomy

Each Provincial Committee shall manage the affairs of SAFSA for the Province in which it is resident and shall have autonomy with regard to domestic affairs defined within the framework of the Committee Constitution.

12.8 Committee Constitution

12.8.1 The constitution of a Committee and any amendments thereto from time to time must first have the prior approval of the Council and thereafter have been approved by not less than two-thirds of the total number of voting members registered with the Committee.

12.8.2 Any additions, amendments or deletions to a Provincial Constitution approved by the Council of SAFSA shall be binding and deemed to be automatically accepted and included in the Provincial Constitution.

12.9 Quorum

A quorum of a Provincial Committee shall be fixed at its first meeting but shall not be less than three (3) members.

12.10 Committee Member - Termination of Office

A person appointed as a member of a Provincial Committee shall, if he/she ceases to be a member of SAFSA, cease to be a member of such Provincial Committee, but shall otherwise hold office until he/she resigns or until the next election of such Provincial Committee.

12.11 Annual General Meetings - Provinces

The Annual General Meeting of the members registered with a Province shall be held not later than June 30th in each year.

12.12 Special or Extraordinary General Meetings

- 12.12.1 Special or Extraordinary General Meeting of the members registered with a Province may be convened at any time by the Provincial Committee.
- 12.12.2 If a Special or Extraordinary General Meeting is not convened by the Committee within four weeks after a requisition for that purpose, specifying in writing the object of the meeting, and has been sent to the Secretary of the Provincial Committee by 51% of the Voting Members of SAFSA registered with the Province, a Special or Extraordinary General Meeting may be convened by the members making such a requisition.

12.13 Notice Convening Meetings

An Annual, Special or Extraordinary General Meeting of members registered with a Province shall be convened by posting notice thereof, specifying the time and place of the Meeting, and the business to be transacted thereat, thirty (30) clear days before the Meeting to every Voting Member, Non-Voting Member, Honorary Member, Life Member, all Members with Restricted Rights and Affiliated Clubs as defined in clause 14.1. Registers shall be closed on the day prior to the issue of such notice and only voting members listed in these registers may exercise their right to vote at any of the above meetings. Any notice or letter, if served by post, shall be deemed to have been served if properly addressed and postage prepaid. Members shall be responsible for ensuring that the Provincial Committee concerned is in receipt of their latest contact particulars at all times.

12.14 Meetings - Business to be transacted

- 12.14.1 At the Annual General Meeting of members registered with a Province, the following business shall be transacted:
- 12.14.2 Read and confirm the minutes of the previous Annual General Meeting;
- 12.14.3 Receive the Report of the Chairman;
- 12.14.4 Receive the Audited Financial Statements and approve these Statements if deemed correct;
- 12.14.5 Elect from among the Voting Members of SAFSA registered with a Province, no less than five (5) and no more than ten (10) elective members to the Provincial Committee (in terms of Clause 12.3) for a term of one year;
- 12.14.6 Appoint an Auditor, who shall not be a member of SAFSA, for the ensuing year;
- 12.14.7 Any other business as stated in the agenda of which due notice of at least 14 days has been given.

12.15 Meetings - Members entitled to Vote or Attend

12.15.1 At a General, Special or Extraordinary General Meeting of members registered with a Province the following persons shall, subject to these Rules, be entitled to attend and vote:

12.15.1.1 Those Members defined in Clauses 14.1.1.1 and 14.1.1.2 whose subscription shall not be in arrears at the time of the meeting;

12.15.1.2 Those Members defined in Clause 14.1.1.3;

12.15.2 The persons as defined in Clauses 14.1.2 with the exception of those persons defined in Clause 14.1.2.7 shall be entitled to attend the Meeting as observers without vote. The affiliation fees, where applicable, of all members attending shall not be in arrears at the date of the meeting.

12.16 Quorum

The quorum shall be 15% of the voting members registered with a Province (inclusive of the Provincial Committee members). In the event of there not being a quorum, the Meeting shall stand postponed to the same place (provided still available) and time seven (7) days hence. If the postponed meeting is to convene at a different venue than originally selected then all Members as listed in Clause 12.13 must receive notice of the new venue at least five (5) days prior to the meeting commencing. Members then attending shall constitute a quorum.

12.17 Ballots

At a General Meeting of members registered with a Province, every question or motion relating to Provincial affairs, in accordance with powers delegated to Provincial Committees, shall be decided by a show of hands, and every person present and entitled to vote shall have one vote, unless prior to such vote being taken, or immediately thereafter a ballot is;

Directed by the Chairman, or

Demanded by not less than 25% of the persons present and entitled to vote.

In the case of an equality of votes, the Chairman shall have a second or casting vote.

A voting member shall not be permitted to submit a proxy or special vote to any person to vote on his or her behalf if he/she is unable to attend an Annual, Special or Extraordinary General Meeting.

12.18 Appointment of an Auditor

At the Annual General Meeting of members registered with a Province an Auditor, who is not a member of SAFSA, shall be appointed by the members present and entitled to vote.

13**LAWS AND REGULATIONS**

The Constitution and Laws and Regulations of SAFSA shall be binding on all Provincial Committees, Affiliated Clubs, Members and other bodies or committee's who are members of SAFSA and shall be bound by this constitution and regulations and procedures. Any contravention thereof shall be dealt with by SAFSA under its powers specified in this constitution and rules and regulations.

14**MEMBERSHIP****14.1 Categories****14.1.1 Members eligible to vote****14.1.1.1 Voting members**

Members who have attained the age of 18 years and are eligible persons.

14.1.1.2 Longstanding members

Members who conform with clause 14.1.1.1 and who have paid a membership fee equal to ten (10) times the annual subscription fee in force in the year in which payment is made or who have been paid up members for a minimum of ten (10) consecutive years.

14.1.1.3 Honorary members

Members who, for some special services rendered to Figure Skating have been nominated by the Executive or a Provincial Committee for such membership and such honorary membership has been awarded by the Council.

14.1.2 Members not eligible to vote**14.1.2.1 Non-voting members**

Members who have not attained the age of 18 years and are eligible persons.

14.1.2.2 Members with restricted rights

Members whose rights are restricted as specified in Clauses 15.4.2 or 15.4.3.

14.1.2.3 Longstanding members with restricted rights

Members who conform with clause 14.1.1.1 and who have paid a membership fee equal to ten (10) times the annual subscription fee in force in the year in which payment is made or who have been paid up members for a minimum of ten (10) consecutive

years and whose rights are restricted as specified in Clauses 15.4.2 or 15.4.3.

- 14.1.2.4 Honorary members with restricted rights
Persons, other than current SAFSA members who, for some special services rendered to Figure Skating have been nominated by the Executive or a Provincial Committee for such membership and such honorary membership has been awarded by the Council and whose rights are restricted as specified in Clauses 15.4.2 or 15.4.3.
- 14.1.2.5 Limited members
Members of affiliated clubs with restricted rights as specified in Clause 15.4.1.
- 14.1.2.6 Affiliated Clubs;
Organisations, Associations or Institutions that have been allowed to affiliate to SAFSA.
- 14.1.2.7 Ineligible members
Members who are not eligible persons as defined in Clause 15.

14.2 **Eligibility to be a member of the Council, Executive, any Provincial Committee and all Standing and Subcommittees of the Council**

Only that class of Members (*natural persons*) referred to in Clause 14.1.1 and who are not members of the SAFSCC can be appointed as a Council, Executive, Provincial, Standing or Subcommittee member with the following exceptions:

- 14.2.1 the Chairman of the SAFSCC who is a member with voting rights at all general meetings of the Council with the exception of the Annual General Meeting of the Council;
- 14.2.2 the members of the SAFSCC during all meetings of the SAFSCC, all of whom have voting rights;
- 14.2.3 the three (3) members of the SAFSCC who are members of the NTC with voting rights.

With the prior approval of the President, an adhoc committee, forum, commission or similar type of body established for a specific purpose and specific duration may include a Member of the SAFSCC with or without voting rights.

14.3 **Applications for Membership**

- 14.3.1 Any person or club wishing to become a member of SAFSA shall apply for membership (Appendix No. 3) to a Provincial Committee of their choice and if such application is accepted, shall be registered as a member of SAFSA. A copy of the

applicant's birth certificate or identity document shall accompany all membership applications.

- 14.3.2 An application for membership in any of the categories listed in Clause 14.1 shall be accompanied by an annual subscription determined by the Council from time to time, which fees shall be refunded if such application is not accepted.

14.4 **Resignation of Members**

A member may, by written notice to the secretary of the Provincial Committee with whom he/she is registered, resign from SAFSA.

14.5 **Forfeiture of Membership**

Any person or club who by reason of failure to pay the annual subscription on or before the date specified in Clause 14.6.2 ceases to be a member of SAFSA, and shall, if they again wish to become a member, submit a new application in terms of Clause 14.3.2.

14.6 **Renewal/Transfer of Annual Membership**

- 14.6.1 Renewal subscriptions shall be due on the first day of April in every year.

- 14.6.2 If any such subscription is not paid on or before the 1st day of April in any year, the secretary of the provincial committee concerned shall notify the member in writing that his/her subscription is unpaid, and if such payment is not paid on or before the 30th day of April, he/she shall cease to be entitled to the rights and privileges of membership to SAFSA.

- 14.6.3 Only members of good standing shall be permitted to vote or partake in any SAFSA business and/or event.

- 14.6.4 No member whose subscription has not been paid shall be entitled to take part in any Championship, Competition or Medal Test.

- 14.6.5 Members wishing to transfer to another Province may only do so in the following circumstances;

14.6.5.1 At any time during a SAFSA financial year by reason of change of permanent residence involving a distance of more than 100 kilometres;
or

14.6.5.2 In April annually (unless the provisions of Clause 14.6.5.1 apply) when the member shall do so by paying his membership fee to the Province to which the member wishes to transfer; and

- 14.6.5.3 When the provision of clauses 14.6.5.1 and 14.6.5.2 apply the Provincial Committee to which the member (natural person) wishes to transfer shall complete a Transfer and Release Certificate (Appendix 4) and forward such certificate to the Provincial Committee in which the member (natural person) was a member. No Provincial Committee may accept a member (natural person) from another Provincial Committee unless that Provincial Committee has agreed to such transfer by signing the Transfer and Release Certificate. A Provincial Committee may only refuse to release a member to another Provincial Committee if fees of the member (natural person) to the Provincial Committee are outstanding at the time of such request.

14.7 Termination of Membership

- 14.7.1 If a Provincial Committee is of the opinion that in the interests of SAFSA any member should cease to be a member, the Provincial Committee shall at least 14 days before its next meeting advise the member, by registered post, of the reasons for its opinion and, after giving such member the opportunity of being heard at such meeting, shall, if it is still of the same opinion, request the member to resign within 14 days, failing which, the Provincial Committee shall expel such member.
- 14.7.2 The Council may on the written application by a member who has been expelled from SAFSA in terms of Clause 14.7.1 and after reference to the Provincial Committee concerned within a period of twenty-one days from date of expulsion confirm or set aside the expulsion. If the expulsion is set aside the member concerned may be reinstated with effect from the date he/she was expelled.
- 14.7.3 For the purposes of Clause 14.7.2 the fact that a Provincial Committee concerned has not furnished any comments or made any representations within a period of twenty-one days (21) from the date of receipt by such Provincial Committee of a copy of the said application shall not preclude the Council from acting in terms of Clause 14.7.2.
- 14.7.4 Every Provincial Committee shall notify the Council within seven (7) days of the expulsion of any member in terms of Clause 14.7.1 and the said Council shall unless such expulsion is set aside in terms of Clause 14.7.2 notify every other Provincial Committee of such expulsion.

- 14.7.5 A person who has been expelled from SAFSA in terms of Clause 14.7.1 shall thereafter not become a member of SAFSA except with the prior written approval of the Council.

14.8 Discipline of Members

- 14.8.1 Any Member of the SAFSA may be disciplined in the manner provided for in this Clause for deliberately or otherwise:
- 14.8.1.1 failing to comply with any provision of this Constitution or any regulation, or
 - 14.8.1.2 for conducting himself, herself or itself, by act or omission, in a way unbecoming a Member, or which is actually or potentially harmful to the interests of the association, or
 - 14.8.1.3 brings or may bring the sport of Figure Skating into disrepute.
- 14.8.2 The power to initiate and prosecute disciplinary proceedings vests in the Council which power can, should the Council so decide, be delegated to the Chairman of the Rules and Regulations Committee and shall be exercised, in the manner prescribed in the Disciplinary Regulations.
- 14.8.3 The Chairman of the Rules and Regulations Committee and any two other members of that Committee may temporarily suspend any person who has been informed of a charge in terms of the Disciplinary Regulations from participating in any competition, test or event held in South Africa under the auspices of the SAFSA or any of its Provincial Committee's, Standing Committee's, affiliated Clubs or other affiliated bodies as well as from any competition or event held elsewhere under the auspices of any association or body to which the SAFSA is affiliated or with which it is registered, and from any office he may hold in the SAFSA or any of its committees, until the disciplinary proceedings have been finally concluded.

14.9 Member Grievances

- 14.9.1 Any Member who feels aggrieved by a decision of the Council or by any act or omission by any of its Provincial Committee, or by a decision of any other committee or hearing or any act or omission on the part of any member of such a committee, may submit his grievance in writing to the National Secretary who shall promptly forward it to the Executive who in turn shall attempt to resolve the complaint.
- 14.9.2 If the President and/or Executive decide not to do so, or if s/he or the Executive is unable to resolve the complaint, s/he or the

Executive shall send a copy of the complaint to all members of the Council for their consideration.

- 14.9.3 If a Council meeting is scheduled to be held within one (1) month of receipt of the complaint, the matter shall be placed on the agenda for that meeting. If a Council meeting is not scheduled to be held within one (1) month of receipt of the complaint but the complainant agrees to its consideration at the first ensuing Council meeting, the complaint shall be placed on the agenda for that Council meeting.
- 14.9.4 In both cases envisaged in Clause 14.9.3 the complainant shall be invited to attend the Council meeting at his/her own costs.
- 14.9.5 If the complainant does not agree to the consideration of the complaint in terms of Clause 14.9.3, it shall be resolved by telephonic discussion or e-mail.
- 14.9.6 After discussion and consideration in terms of Clauses 14.9.3 and 14.9.5 the complainant shall be informed in writing of the decision of the Council.
- 14.9.7 In the event of a Member concerned being dissatisfied with his/her conviction or sentence under the Disciplinary Regulations, or with any action taken by the Council, Executive, a Provincial Committee, a Standing Committee, affiliated Club or any other affiliated body, and once the provisions of clause 14.9.1 have been met, the matter shall be finally resolved by arbitration by an arbiter appointed by the Arbitration Foundation of Southern Africa which appointment and whose procedural determination for the conduct of the arbitration proceedings shall be binding on the SAFSA and the Member concerned.
- 14.9.8 Protests against evaluations by Referees, Judges and the Technical Panel (Technical Controller, Technical Specialists, Data and Replay Operator (colloquially termed "Field of Play Calls") at any competition, championship or test held under the auspices of the SAFSA or a Provincial Committee are not permitted. Protests against results are permitted, subject to rule Q.12, only in the case of an incorrect mathematical calculation of the result. The incorrect identification of an element or a level of difficulty, although it results in a lower or higher score, is a human error and not an incorrect mathematical calculation.

The eligibility rules of SAFSA are based upon the principle that a person has the privilege to take part in the activities and competitions under the jurisdiction of SAFSA only if such person respects the principles and policies of SAFSA as expressed in the SAFSA Constitution and Rules and Regulations, and fulfils those obligations on the basis of which SAFSA functions and governs all its activities.

15.1 Definition of Eligibility Status

An eligible person is one who elects to take part only in National Championships, Competitions or Tests and International Competitions that are:

15.1.1 Sanctioned by SAFSA;

15.1.2 Conducted by SAFSA or ISU recognised and approved officials, including Referees, Judges and others; and

15.1.3 Conducted under SAFSA or the ISU regulations.

15.2 Payments for Appearances, Endorsements and Exhibitions

A skater wishing to take part in SAFSA activities should not be placed at a disadvantage by reason of the necessity to prepare for and participate in SAFSA Events and all international competitions, exhibitions and tours properly sanctioned by SAFSA or another ISU member. Accordingly, a skater may receive payments for appearances, endorsements and exhibition performances and still remain eligible, provided:

15.2.1 Such skater complies with conditions established by SAFSA concerning such appearances, endorsements and exhibition performances, including all financial arrangements;

15.2.2 Payments or other benefits to be received by such skater for any skating appearances are made through SAFSA or at least with full information on such payments or benefits given to such skater to SAFSA;

15.2.3 Such skater complies with all other provisions of this rule.

It is the responsibility of SAFSA to establish the basis for the receipt of payments by such skater for appearances, endorsements and exhibition performances. SAFSA may share such payments in consideration of past and present support of such persons, but with not more than ten percent (10%). The individual provinces of SAFSA shall monitor its skaters to ensure that they do not participate in competitions that would render them ineligible.

15.3 Loss of Eligibility Status

A person becomes ineligible to participate in SAFSA and ISU activities and competitions by:

15.3.1 Participating, without the prior express authorisation of SAFSA, in any capacity in a skating competition, exhibition or tour and test in any of the sport disciplines of SAFSA or the ISU;

- 15.3.2 Participating in a competition conducted by officials (Referees, Judges, etc.) not on the SAFSA or ISU approved list;
- 15.3.3 Participating in a competition, exhibition or test not held in accordance with the constitution, the Regulations or Rules of SAFSA, the ISU or any member of the ISU;
- 15.3.4 Participating in an event not sanctioned by SAFSA;
- 15.3.5 For pecuniary gain or reward pledges or otherwise disposes of any prize, trophy, medal or other award held by virtue of any achievement or in connection with Figure Skating;
- 15.3.6 Without the permission of SAFSA any person displays or participates or is otherwise involved or concerned in the display of any form of advertising relating to any connected product, service or undertaking other than any form of advertising or sponsorship contemplated by Clause 11.3.13; and
- 15.3.7 Otherwise violating this rule.

Only eligible persons, including skaters, are permitted to take part in SAFSA Events and other national and international competitions. Eligible persons may take part in exhibitions and tours that may include ineligible skaters, only if SAFSA, the ISU and another ISU Member (if applicable) sanction such exhibitions and tours. Eligible persons may participate in SAFSA and ISU approved Open International Competitions that include invited ineligible skaters as approved by SAFSA and the ISU.

15.4 **Restriction of Eligibility Rights**

- 15.4.1 Every member of an Affiliated Club who is not a member of SAFSA in his or her own right shall be deemed to be a limited member of SAFSA and may not hold office under this Constitution, vote at any meeting of the Council or of a Provincial Committee or take part whether as a candidate, competitor or official, in any test, competition or championship.
- 15.4.2 A person (although not otherwise ineligible under other provisions of Clause 15) who receives remuneration from partial or full ownership or management, direct or indirect, of an ice show or skating exhibition tour or is a paid employee of an ice rink where the duties applicable to the position held could be used to place any member of SAFSA at a material disadvantage in the pursuance of the sport vis-à-vis any other member of SAFSA may not:
 - 15.4.2.1 be a Referee, Assistant Referee or Judge in SAFSA Events or any other national and/or international competitions or Medal Tests sanctioned by SAFSA or a Provincial Committee or the ISU;

15.4.2.2 be a delegate to a SAFSA and/or ISU congress;

15.4.2.3 serve on or be present at a meeting of the SAFSA Council or any committee or sub-committee thereof, a Provincial Committee or any sub-committee thereof or the committee or governing body or sub-committee of an Affiliated Club, save by invitation and then without voting rights; and

15.4.2.4 be a competitor at any competition, Championship or exhibition held under the control or management of SAFSA or a Provincial Committee provided prior permission has been obtained through a Provincial Committee from the Executive.

15.4.3 A remunerated coach and paid employees of SAFSA (although not otherwise ineligible under other provisions of Clause 15) may not:

15.4.3.1 be a Referee, Assistant Referee or Judge in SAFSA Events or any other national and/or international competitions or Medal Tests sanctioned by SAFSA or a Provincial Committee or the ISU;

15.4.3.2 serve on or be present at a meeting of the SAFSA Council with the exception of the [SAFSCC](#) Chairman who has voting rights and one (1) further delegate, or any committee or sub-committee thereof with the exception of the [SAFSCC](#) Chairman and two (2) further delegates and who are all members with voting rights of the NTC, a Provincial Committee or any sub-committee thereof or the committee or governing body or sub-committee of an Affiliated Club, or a delegate of SAFSA at an ISU congress, save by invitation and then without voting rights.

15.4.3.3 be a competitor in any SAFSA Event or any other national competitions sanctioned by SAFSA.

15.5 School or College Teachers

The provisions of Clause 15.4.3 shall not apply in the case of a teacher in a school or college who without being specially remunerated therefore, practices or teaches any athletic activity or Figure Skating as part of and in the performance of his/her duties as a teacher in such school or college.

15.6 Teaching Assistant Program

The provisions of Clause 15.4.3 shall not apply in the case of figure skaters, with the exception of all Judges, Probationary Judges, Evaluators

and Probationary Evaluators, who teach or coach figure skating and are specially remunerated therefore with the proviso that all remuneration shall be deposited into a trust fund administrated by the Provincial Committee to which the skaters are affiliated and all funds so accumulated by the figure skater shall be used only for figure skating purposes (coaching fees, costumes, ice hire, equipment and travel expenses).

15.7 **Subsistence and Travelling Expenses**

The provisions of Clause 15.4.3 shall not preclude the total or partial payment or repayment by the Council or a Provincial Committee of the subsistence and travelling expenses necessarily incurred by or the loss of salary or wages suffered by any eligible person in taking part or being otherwise involved or concerned in any Championship, Competition, Exhibition or Test wherever held.

15.8 **Procedure for Depriving a Member of Eligibility Status**

15.8.1 The Council may, after the succeeding provisions of this Clause have been complied with and if it is of the opinion that an eligible person has ceased to be an eligible person, deprive such person of eligibility status.

15.8.2 Any allegations or complaint that the eligible person concerned has ceased to be an eligible person shall be made by way of affidavit or sworn declaration to the Council.

15.8.3 The Council shall on receipt of any allegation or complaint contemplated by Clause 15.8.2 cause a copy of the affidavit or sworn declaration to be sent by registered mail to the eligible person concerned at the address recorded by the Provincial Committee with whom the eligible person is registered. Where such allegation or complaint has been made by a Provincial Committee other than that with whom the eligible person is registered, a copy thereof shall also be sent to the latter Provincial Committee.

15.8.4 Not less than sixty (60) days after compliance with the provision of Clause 15.8.3 the Council shall consider the allegation or complaint made by the eligible person concerned and the comments (if any) of the Provincial Committee concerned and after consideration thereof determine whether or not such eligible person should be deprived of his/her eligibility status.

15.8.5 The failure of the eligible person or Provincial Committee concerned to furnish any explanation or comments within the period of sixty (60) days referred to in Clause 15.8.4 shall not preclude the Council from thereafter making any determination.

- 15.8.6 The Council shall in writing inform the eligible person and the Provincial Committee concerned of the determination made by it in terms of Clause 15.8.5.

15.9 Reinstatement of Eligibility Status

- 15.9.1 The Council may, on the application of any person who has been deprived of his/her eligibility status and after consultation with the Provincial Committee concerned, re-instate such person as an eligible person subject to such conditions as such Council may impose.
- 15.9.2 The Council shall not reinstate any person as an eligible person -
- 15.9.2.1 unless the reason for such person having been deprived of eligibility status has ceased to exist for at least one (1) year or such lesser period as the Council may in exceptional circumstances approve;
- 15.9.2.2 unless the application for reinstatement is accompanied by a fee of R50-00 (Fifty Rands) which is not refundable if the application is declined;
- 15.9.2.3 if such person has previously been deprived of eligibility status, subsequently reinstated and thereafter again deprived of eligibility status unless a period of at least three (3) years has elapsed since the last occasion on which such person was deprived of eligibility status.

16

AFFILIATED CLUBS

- 16.1 A club formed for the promotion of Figure Skating may apply through a Provincial Committee to be affiliated to SAFSA.
- 16.2 The Committee of every Affiliated Club shall be entirely comprised of eligible persons defined in Clauses 14.1.1 or 14.1.2.5. In addition, the Chairman of the Affiliated Club shall be a SAFSA member as defined in Clause 14.1.1.
- 16.3 Any application for affiliation shall not be considered until the Constitution, Rules or Regulations of the club concerned have been approved and accepted by the Provincial Committee.
- 16.4 Any alteration in the Constitution, Rules or Regulations of an Affiliated Club shall be submitted to the Provincial Committee concerned for approval before such alteration may come into force.

- 16.5 Every Affiliated Club shall pay to the Provincial Committee an annual affiliation fee that shall be determined by the Council. Payment of such fee shall be due on the first (1st) of April annually and none of the right and privileges of an affiliated club or of the members of such club shall be enjoyed, if and for so long as any payment due by such club remains unpaid.
- 16.6 If the affiliation fee referred to on Clause 16.5 remains unpaid after the expiry of a period of thirty (30) days from due date then the club shall cease to be an affiliated member of SAFSA.
- 16.7 Every member of an Affiliated Club shall be entitled while such club is affiliated to all privileges of membership of SAFSA on payment of an annual subscription as determined by the Council.
- 16.8 The Secretary of every Affiliated Club shall maintain a current record of members and the names and addresses of all officials and committee members. Such records shall be available to the Provincial Committee on request.
- 16.9 Every Affiliated Club shall be entitled to submit written proposals to a Provincial Committee for consideration. Should any discussion be required thereafter in relation to the decision reached, a representative of the Affiliated Club shall be permitted to arrange a suitable meeting with the Executive of the Provincial Committee.
- 16.10 A Provincial Committee may, after giving an Affiliated Club an opportunity of being heard and if it considers it desirable and in the interests of SAFSA, to resolve that such club should cease to be affiliated to SAFSA. Notice of such resolution shall be served by registered mail upon the Secretary of such Club which may within twenty-one (21) days on receipt of such notice, appeal to the Council whose decision shall be final.
- 16.11 In the event of a club affiliated to SAFSA being wound up and dissolved then, after satisfying all liabilities the remaining assets of such club, if any, shall be handed over to the Provincial Branch of SAFSA to which the club is affiliated.
- 16.12 With the exception of the collection of membership fees from its registered members an Affiliated Club may not in its own name raise funds as defined in the Non-profit Organisations Act No. 71 of 1997 as amended. Any fund raising must be carried out under the control and supervision of the Provincial Committee of the association registered in terms of the Non-profit Organisation Act with whom the club is affiliated who must issue to the Affiliated Club the required form. All funds so collected must be paid over to the Provincial Committee who shall be responsible for the distribution of such funds.

17.1 Financial Records

The National Treasurer and the Provincial Treasurers shall keep adequate records and books recording the financial affairs of SAFSA.

17.2 Receipts

All sums received on behalf of the Council or any Provincial Committee by the National Secretary or Treasurer or the Provincial Secretary or Treasurer shall as soon as practicable be paid into the Council or the Provincial Committee banking account.

17.3 Payments

All payments on behalf of SAFSA shall be made out of a SAFSA banking account; and the Treasurer shall arrange that such accounts shall not be drawn upon, save by cheque signed and countersigned in such manner and by such persons as the Council or the Provincial Committee may from time to time direct. In addition, immediate family cannot be co-signatories of SAFSA cheques.

17.4 Financial Year

The Association's financial year will end on March 31st. As soon as practicable, the National Treasurer and the Provincial Treasurers shall submit books together with all relevant vouchers and documents to their appointed auditors.

The President or Provincial Chairman responsible must ensure that the above paragraph is adhered to. Failure to do so will result in a disciplinary hearing and possible expulsion and/or any other such actions as the Council may deem necessary.

17.5 Auditing

The auditors shall complete the audit of such accounts as soon as practicable and the duly audited accounts shall be presented at the ensuing Annual General Meetings.

17.6 Audited Statements of Provinces

A copy of the audited statement of the Provincial Committee account must be submitted to the National Secretary.

17.7 Loans or Overdrafts

A Provincial Committee must not raise any loans or overdraft facilities in excess of R200.00 without first obtaining the written consent of the Executive Committee.

17.8 Fund Raising

The Executive shall be responsible for the observance of the provisions of the Non-profit Organisation Act No. 71 of 1997 as amended from time to time and shall furnish the Director of Non- Profit Organisations with all such particulars as he may require in terms of the afore-going Act or regulations thereunder.

17.9 Records, Accounts and Documents

- 17.9.1 The Executive must ensure that a handbook and/or manual be established and be continuously updated that contains all information pertaining to SAFSA affiliations, annual fees due to other bodies and their latest contact information, due dates for payment of all affiliation fees, membership lists detailing all the latest Member information and a list of all SAFSA assets.
- 17.9.2 The records, accounts, books and documents of or pertaining to the affairs of Provincial Committees and Affiliated Clubs shall be open to inspection -
- 17.9.2.1 by the members of the respective Provinces in which the members are registered at each Annual General Meeting;
- 17.9.2.2 by a member of the Council specially authorised thereto by such Council;
- 17.9.2.3 at such time, on such date and at such place as the Council may determine and in writing inform such Provincial Committee or Affiliated Club, and such Provincial Committee or Affiliated Club shall take all such steps as may be necessary to ensure that all records, accounts books and documents are rendered available to the member or the Council.
- 17.9.3 All the records, accounts, books and documents held by an office bearer of the Executive during his/her period of office must immediately be handed to the current Executive once he/she no longer holds office for any reason or is no longer a member of the Executive. The Executive must ensure that it is in possession of all records, accounts, books and documents that pertain to SAFSA, commencing from the initial establishment of SAFSA.

18

AMENDMENT OF CONSTITUTION OR REGULATIONS

- 18.1 This Constitution and any Regulations in force thereunder (except where otherwise noted) may only be amended at a meeting of the Council or through the acceptance of a resolution approved by means of electronic correspondence (electronic mail) and vote and subject to the following provisions:

- 18.1.1 That such amendments are agreed to by not less than two-thirds of the total number of voting members of the Council whether or not such members are present at such meeting less the number of voting members who have indicated they wish to abstain from the vote.
- 18.1.2 That proposed amendments to the Constitution will only be considered providing they have been submitted to the Executive, in writing and in the correct format, not less than six (6) weeks prior to the next Council meeting and the Executive, has on receipt of any proposals forwarded a copy to each Provincial Committee and to the Chairman of the R&RC, NJTC and SAFSCC at least four (4) weeks prior to the Council meeting.
- 18.1.3 That proposed amendments to Regulations and recommendations for awarding Protea, National or Provincial Colours, the Max Staub Star or any other award that SAFSA may introduce will only be considered providing they are submitted on the same basis as amendments to the Constitution (see 18.1.2 above) subject to the proviso that a copy of each proposal, excluding those relating to National, or Provincial Colours, and the Max Staub Star shall also be sent to the Chairman of the R&RC, NJTC and SAFSCC for comments.
- 18.1.4 That such amendments, which have been approved by the Council, shall be notified by the R&RC by means of a separate numbered communication or updated version of the Constitution or Regulations to each Provincial and Standing Committee and shall come into force on the date determined by the R&RC, unless a date was determined at the Council meeting when the amendment was approved.
- 18.2 All amendments to Figure Skating regulations specified by the ISU shall be automatically accepted and applied without reservation and shall come into force with effect from the date specified by the ISU unless, due to exceptional reasons, otherwise decided by the Council.
- 18.3 It shall be the responsibility of the Executive, in terms of the national body, and a provincial committee, in terms of provincial bodies, to ensure that the most recent Constitution and Rules and Regulations thereof are issued to all organisations to which the national body or a provincial committee has affiliated, and that such organisations are in receipt of the latest version at all times.

All arrangements for television coverage of ISU Championships in Figure Skating, as well, as for any other ISU Events held in South Africa, shall be made solely by the ISU with the television authorities concerned, except for the television rights for the broadcasting in South Africa of the individual event which remains with SAFSA.

19.2 Television Coverage, Arrangements and Rights for SAFSA Events

All arrangements for television coverage of SAFSA Championships in Figure Skating, as well, as for any other SAFSA Events, shall be made solely by SAFSA with the television authorities concerned, subject to Clauses 19.5 and 19.6, except for the television rights for the broadcasting in the Provincial jurisdiction as defined in Clause 7 of the Provincial Committees' Constitution which remains with the Provincial Committee concerned organising the Event.

19.3 Description of Television Coverage

Television coverage includes television exhibition rights of every kind and description, including, without limitation, live and re-broadcast exhibitions in all forms of television now known or hereafter devised, video cassettes, compact discs and computers. Such television exhibition rights shall include the incidental right to authorise the use of footage from such ISU or SAFSA Events by the ISU or SAFSA, respectively, for the promotion of other ISU/SAFSA Events and activities, and for the general advancement of the image and popularity of figure Skating sports.

19.4 Ice Rinks Hosting Events

SAFSA and the organisers of any ISU Event held in South Africa shall be responsible that the ice rink where the Event is held will be free of any television or film cameras (except those licensed and authorised by the ISU for ISU Events and SAFSA for SAFSA Events) and free of any advertisements within the view of the spectators watching the Event.

19.5 Negotiations for Television Coverage

The SAFSA Council may delegate the responsibility for the actual negotiations for television coverage to a Provincial Committee, person or company, as its agent, but shall retain the right of final approval of the arrangements made.

19.6 Co-operation with Provincial Committees

Arrangements for television coverage made after the allocation of a SAFSA Championship or other event to a Provincial Committee shall be made in co-operation with such Provincial Committee.

19.7 Authorised Television and Media Coverage

Only television and media coverage as authorised by Clause 19 shall be allowed. Any other television, video or film coverage is strictly prohibited except with express written permission of SAFSA for any SAFSA Event and the ISU for all ISU Events.

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GENERAL

20.1 Indemnity of Officers

The Council, including office bearers, Provincial Committee Members and any Officials of SAFSA are hereby indemnified out of and from the funds and property of SAFSA from and against all losses, charges, costs, damages and other expenses and liabilities they may incur or be put to concerning or in or about the execution of their respective duties as officers of SAFSA.

None of them shall be held answerable for any act or default of one or the other of them, or for deficiency or insufficiency of any title or security, nor shall they be liable for any loss occasioned or misfortune or damage which may happen or take place in the execution of their respective offices, or as a result thereof, provided however, that any such loss, misfortune, or damage was not occasioned by the male fide acts of such officer or through his wilful default.

20.2 Winding up or Dissolution

SAFSA may only be wound up or dissolved if at least two-thirds of all council members present and voting at a meeting convened for the purpose of considering such a matter are in favour of closing down. Each voting council member in favour of closing down must receive this mandate from his/her Provincial or Standing Committee (NJTC and [SAFSCC](#)) members, who must also have at least a two-thirds majority of all Provincial or Standing Committee members present and voting at a meeting convened for the purpose of considering such a matter in favour of closing down.

If upon winding up, or dissolution of SAFSA there remains, after the satisfaction of all debts and liabilities any property whatsoever, the same shall not be paid or distributed among the members of SAFSA, but shall be given or transferred to such other Association, Club, Society, or Institution preferably with similar objectives as may be nominated by the Council and which are authorised to collect contributions in terms of the Non-profit Organisations Act No.71 of 1997 or in default of such decision as may be decided by the Director of Non-profit Organisations.

20.3 Construction and Application

The construction and application of these clauses shall, in cases of doubt, be settled by the Council, whose decision shall be final.

DISPUTES, ARBITRATION, NEGOTIATION AND MEDIATION

- 21.1 In the event of a dispute between Provincial Committee's, or between a Provincial Committee or Provincial Committee's and SAFSA, arising from or in connection with:"
- 21.1.1 this constitution, any of SAFSA's rules, regulations or decisions, or by-laws, rules or regulations of the ISU, or any other body of persons or organisation to which SAFSA is affiliated or associated with in terms of a joint venture; agreement or other agreement; or otherwise;
- 21.1.2 any decisions taken, any resolutions adopted or any rulings made by the Council, the Executive, Standing Committee's, affiliated bodies, the ISU or any other body of persons or organisation to which SAFSA is affiliated or associated with in terms of a joint venture agreement or other agreement, or otherwise;
- 21.1.3 any contract entered into or succeeded to by SAFSA, and
- 21.1.4 the laws of the game; the parties concerned may refer any dispute to be resolved by:
- 21.1.4.1 negotiation; failing which
- 21.1.4.2 mediation; failing which
- 21.1.4.3 arbitration.
- 21.2 Such a dispute exists once a party or parties notifies the others in writing of the nature of the dispute and requires it to be resolved under this clause. Within ten (10) days of notification, the parties must seek an amicable resolution to the dispute by referring it to designated and authorised representatives of each of the parties to negotiate and resolve it by the parties signing an agreement resolving it within thirty-one (31) days.
- 21.3 Should the parties concerned not be able to resolve the dispute, the President shall in accordance with the following procedures attempt to resolve any disputes arising out of or in connection with the enforceability of this Constitution, the rules and regulations, decisions taken by the Council, the Executive or a Standing Committee or the application and interpretation of its provisions, or any dispute between any of the Provincial Committee's, Standing Committee's, affiliated Clubs, other affiliated bodies or Members.
- 21.4 Written notification of the dispute must be referred to the National Secretary from any Member, who is a party to the dispute, or by any office holder of SAFSA itself.
- 21.5 Such notice must:

- 21.5.1 Be marked for the attention of the National Secretary;
- 21.5.2 Be transmitted by facsimile or e-mail to SAFSA's facsimile number of e-mail address;
- 21.5.3 Be copied to all parties to the dispute, and
- 21.5.4 Briefly set out the nature of the dispute so submitted.
- 21.6 The President shall take such steps as s/he deems necessary to satisfy him- or herself regarding the circumstances and the nature of the dispute so notified, including consultation with all parties to the dispute and if necessary with members of the Executive and/or Council.
- 21.7 The President shall, in consultation with the parties and by way of facilitation or mediation, attempt to resolve the dispute as expeditiously as possible.
- 21.8 If negotiation fails, the parties must refer the dispute for resolution by mediation under the rules of the Arbitration Foundation of Southern Africa (or its successor or body nominated in writing by it in its stead) ("AFSA").
- 21.9 If mediation fails, the parties must refer the dispute within ten (10) days for resolution by arbitration (including any appeal against the arbitrator's decision) by one arbitrator (appointed by agreement between the parties) as an expedited arbitration under the then current rules for expedited arbitration of AFSA. If the parties cannot agree on any arbitrator within a period of ten (10) days after the referral, the arbitrator will be appointed by the Secretariat of AFSA. The periods for negotiation or mediation may be shortened or lengthened by written agreement between the parties.
- 21.10 The decision of the Arbiter shall be final and binding on both parties.
- 21.11 Any costs relating to arbitration shall be for the account of the party requesting arbitration unless the Arbiter upholds the appeal in its entirety, in which case the costs shall be for the account of the defending party.
- 21.12 This clause will not preclude any party from access to an appropriate court of law for interim relief in respect of urgent matters only by way of an interdict, or *mandamus* pending finalisation of this dispute resolution process, for which purpose the parties irrevocably submit the jurisdiction of a decision of the High Court of the Republic of South Africa.
- 21.13 Any deviation from the procedure provided for in clause 14.9, or any actual or implied threat of legal action without utilizing the procedure provided for in clause 21, shall be regarded as conduct unbecoming a Member of the SAFSA for which he/she may be disciplined under clause 14.8.1.

This Constitution supersedes all previous Constitutions and came into force with effect from 21st of May 2016.
