



## FISH EAGLE SWIMMING CLUB CONSTITUTION

(Adopted by the Committee during June 2000  
Changed and accepted on AGM on 14 May 2011, 10 May 2016)

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### 1. INTRODUCTION

The Fish Eagle Swimming Club, herein referred to as **The Club**, was formed during May / June 2000 after the Empangeni and Richards Bay Swimming Clubs decided to amalgamate.

### 2. TITLE

- 2.1 The Club shall be known as the Fish Eagle Swimming Club, herein referred to as **The Club**. The colours of **The Club** shall be Turquoise and Black and the emblem shall be a Fish Eagle.
- 2.2 **The Club** will be affiliated to Uthungulu District Aquatics (UDA), KwaZulu Natal Aquatics (KZNA) and Swimming South Africa (SSA)

### 3. OBJECTIVES

The Objective of **The Club** shall be:

- 3.1 To promote and foster, in Richards Bay, Empangeni and Northern coastal region, the sports of swimming, diving, life saving, synchronized swimming and the game of water polo without discrimination on the grounds of race, religion or political affiliation.
- 3.2 To represent the swimmers of **The Club** at all meetings of UDA and KZNA.

### 4. LEGAL

- 4.1 **The Club** may sue or be sued under the name of the Fish Eagle Swimming Club.
- 4.2 **The Club** shall:
- 4.2.1 Exist in its own right, separately from its members.
  - 4.2.2 Be able to own property and other possessions.
  - 4.2.3 Be able to sue and be sued in its own name.
- 4.3 The Club will continue to exist even when its membership changes and there are different office bearers.

### 5. MEMBERSHIP

- 5.1 The following person(s) shall be eligible for membership:
- 5.1.1 Swimmers of the age of sixteen years (16) and over;
  - 5.1.2 Parents of registered swimmers and other interested registered adults and
  - 5.1.3 Swimmers under the age of sixteen (16) years.
- 5.2 The registration form prescribed by KZNA shall be completed by the applicant applying for membership and shall be forwarded to The Club Treasurer together with the current annual subscription. Applications for membership shall be considered by the Committee at its first meeting following the date of application and shall be deemed to be accepted unless otherwise so decided by the Committee and in that case written notice and return of the subscription shall be made by The Club Secretary.
- 5.3 Membership shall be deemed to run from the date the application is approved until selection at the next AGM following.

- 5.4 **Life Membership:** any member giving loyal and devoted service to the Club or the sport generally over a lengthy period of time, or any other deserving cause which may in the Committee's discretion be deserving of such award may, on recommendation of the committee, be elected at an annual general meeting to honorary life membership.
- 5.5 Suspension: Any member acting in an objectionable and unbecoming manner and / or contrary to the interests of The Club, or the sport or swimming generally, may be called upon by the Committee for an explanation of his/her conduct and if he / she fails to justify such conduct the Committee shall have the right to suspend such member forthwith subject to the members right of appeal to UDA whose decision shall be final.
- 5.6 Members or office bearers of the organisation do not have rights over things that belong to The Club.
- 5.7 The Club may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.

## **6. ADMINISTRATION AND POWER OF THE COMMITTEE**

- 6.1 The administration and management of The Club shall be vested in the Committee.
- 6.2 The Committee of The Club shall consist of:
- 6.2.1 The Chairperson:
  - 6.2.2 The Vice Chairperson;
  - 6.2.3 The Secretary;
  - 6.2.4 The Treasurer;
  - 6.2.5 The Public Relations Officer;
  - 6.2.6 The Records Officer;
  - 6.2.7 Two (2) Swimmers Representatives
- 6.3 All members of the Committee shall be elected at the Annual General Meeting by a show of hands or by a ballot and will serve for a period of one (1) year. In order to ensure continuity members may be re-elected to serve for a further period.
- 6.4 The two Swimmer's Representatives will be selected by the registered swimmers of The Club at the first age group gala of each new swimming season.
- 6.5 The Committee shall have the power to co-opt additional members or form Sub-Committees as and when required.
- 6.6 The Chairperson, Vice-Chairperson, Secretary and Treasurer shall together form the Executive Committee and shall be empowered to make emergency decisions as and when necessary provided that such urgent decisions shall be ratified at the next Committee meeting. The Executive Committee shall operate a banking account and any two (2) signatures shall be operative.
- 6.7 The Executive Committee shall also exercise disciplinary powers by warning, suspending, expelling or fining any member who is guilty of breach of contract as detailed in Paragraph 5.5 in the above.
- 6.8 The Committee shall meet at least once every calendar month during the swimming season and the Secretary shall keep accurate record of all decisions make at such meetings.
- 6.9 The Secretary shall keep accurate Minutes of all meetings and Minutes after confirmation at the following meeting will be signed by the Chairperson and the Secretary and kept on file for a period of at least two (2) years.
- 6.10 A quorum shall consist of five (5) members.
- 6.11 In the absence of the Chairperson or Vice Chairperson at a committee meeting any other member of the Committee may be nominated as the acting Chairperson.
- 6.12 Any member of the Committee failing to attend two (2) consecutive meetings or three (3) meetings in all without reasonable justification and explanation may be asked to resign at the discretion of the Committee.

## **7. ANNUAL GENERAL MEETING (AGM)**

- 7.1 The Annual General Meeting (AGM) shall be held on a date to be determined by the Committee but by no later than the 15th day of May.
- 7.2 Fourteen (14) days notice of the AGM must be given to all members by written notice (containing the agenda) and shall also be advertised in the local press.
- 7.3 Any member shall be entitled to lodge with the Secretary not later than the 2nd day of May in any year, particulars that he/she requires to be included in the agenda of the AGM.
- 7.4 At the AGM the Chairperson shall present the Chairperson's report for the year and the Treasurer shall present the financial statements of the Club. The majority of the members present may call for duly audited accounts.
- 7.5 Election of the office bearers: Office bearers, as required in term of the Constitution, shall be elected for the ensuing year either by ballot or a show of hands.
- 7.6 Voting: Any fully paid up member, as set out in paragraphs 5.1.1 and 5.1.2 shall have the right to vote and the Chairperson shall have a deliberate as well as a casting vote. Members as defined in paragraph 5.1.3 i.e. swimmers under the age of sixteen (16), shall have a voice but no vote. No voting by proxy will be permitted.
- 7.7 Quorum: Ten (10) members, as defined in paragraph 5.1.1, 5.1.2 and 5.1.3, shall constitute a quorum.
- 7.8 Minutes: The Secretary or a nominated acting Secretary shall keep record and produce accurate Minutes of the AGM.

## **8. SPECIAL GENERAL MEETINGS**

- 8.1 A special general meeting may be called by the Executive Committee. The Committee or by a requisition signed by not less than ten (10) paid up members as defined in paragraph 5.1.1, 5.1.2 and 5.1.3, clearly stating the business that they wish to be discussed as such meeting.
- 8.2 Notice of a special general meeting shall be given in writing to all members of The Club, fourteen (14) days before the meeting and shall contain the agenda for the meeting. Only the matters set out in the agenda shall be discussed at such special general meeting.
- 8.3 Quorum: Ten (10) members, as defined in paragraph 5.1.1, 5.1.2 and 5.1.3, shall constitute a quorum.
- 8.4 Voting: The provisions of paragraph 7.6 apply at a special general meeting.
- 8.5 Minutes: The Secretary or a nominated acting Secretary shall keep record and produce accurate minutes of the special general meeting.

## **9. SUBSCRIPTIONS AND FINANCES**

- 9.1 Subscriptions shall be determined from time to time by the Committee and shall be in addition to any levies imposed by UDA, KZNA and Swimming South Africa. The subscriptions for the forthcoming swimming season will be made known at the Annual General Meeting by either the Chairperson or the Treasurer.
- 9.2 The Club's Financial Year shall extend from the 1st day of May to April 30th of the following year.
- 9.3 The Treasurer of The Club shall open and maintain a set of financial books with provisions made to record all income and expenditure of The Club for the financial year.
- 9.4 The Treasurer shall produce an annual financial report, setting out the income and the expenditure of The Club. This report is to be presented by the Treasurer to the members at the AGM.
- 9.5 The Treasurer shall open a current account with a bank for The Club where money will be deposited. Other savings or investments accounts may be opened from time to time as to obtain maximum financial benefit for The Club.

9.6 The organisation may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation. The payment must be a reasonable amount for the work that has been done.

#### **10. AMENDMENTS TO THE CONSTITUTION**

10.1 No alterations, deletions or additions to this constitution shall be made except at an Annual General Meeting or Special General Meeting called for the purpose. No alterations, deletions or additions shall be effective unless with the sanctions of at least two thirds majority of those present and entitled to vote.

#### **11. WINDING UP OR DISSOLUTION**

11.1 If upon the winding up or dissolution of The Club there remains after satisfaction of all its debts and Liabilities any assets whatsoever same shall not be paid or distributed amongst its members but shall be paid to UDA.