

**SOUTH AFRICAN POLO**  
**A S S O C I A T I O N**



**CONSTITUTION OF**  
**SOUTH AFRICAN POLO ASSOCIATION**

**(hereinafter referred to as "SAPA")**

**as amended and adopted on the 23<sup>rd</sup> June 2016**

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## **CHAPTER 1 – STATUTES & INTERPRETATION**

### **1. CONSTITUTION, NAME AND CORPORATE PERSONALITY**

- 1.1. This is the Constitution of the body known as "The South African Polo Association (hereinafter "SAPA").
- 1.2. SAPA is a voluntary association having a corporate identity separate from that of its Members and is entitled to own property, whether movable or immovable or otherwise, and is entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its Members from time to time, shall have perpetual succession.
- 1.3. The provisions of this Constitution are founded upon and shall be implemented and administered in the recognition of human dignity, equality and the advancement of human rights and freedoms, non-racialism, non-sexism and the right of freedom of association and the supremacy of the Constitution of the Republic of South Africa (1996), the rule of law and good corporate governance.  
  
This Constitution of SAPA is in no way in conflict with the Constitution of the South African Sports Confederation and Olympic Committee (SASCOC) and the Constitution of the Republic of South Africa, and to the extent that any such provisions of this Constitution are or may be interpreted to be so, the provisions of the SASCOC Constitution and or the Constitution of the Republic of South Africa shall prevail.
- 1.4. This Constitution shall be binding on all members of SAPA, all persons serving on any of its structures and sub-structures, all individuals or bodies registered with the SAPA, and the Equestrian Sport Community at large.
- 1.5. To the extent that the constitution of any member of SAPA and/or the Provincial or Regional Federation Members and committees of SAPA are in conflict with any of the provisions of this Constitution of SAPA, the provisions of SAPA's constitution shall prevail.

## 2. DEFINITIONS AND ABBREVIATIONS USED

For the purposes of this Constitution, the following words and expressions shall have the following meanings unless the subject or context indicates otherwise:

- 2.1. "Act of Parliament" refers to the National Sport and Recreation Act, (Act No 110 of 1998), as amended by the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as "The Act".
- 2.2. "Affiliated Member" means a Provincial Federation or an Associate Member
- 2.3. "A.G.M." means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 2.4. "Annual Financial Statements" means the annual audited balance sheet, income and expenditure statement, Treasurer's report and Auditor's report.
- 2.5. "Appeal Board" means a body of appeal appointed by the National Council in terms of this Constitution.
- 2.6. "Area of Jurisdiction" means the administration of SAPA shall be the Republic of South Africa.
- 2.7. "Associate Members" means all those associations or organisations having the same or similar objectives to SAPA and having their domicile within the area of jurisdiction of SAPA, which bodies have made application and have been accepted as Associate Members of SAPA in terms of the provisions of this Constitution.
- 2.8. "Athlete/participant" means a person competing in Equestrian Sport namely polo, within any Club, Regional or Provincial Structure of SAPA, who shall be subject to the authority of SAPA, irrespective of the gender or age category.
- 2.9. "Athletes/Participants Commission" shall mean a body of persons representing athletes/participants competing in any equestrian discipline, irrespective of gender or age
- 2.10. "Club" means any Equestrian club which caters for the discipline of polo in a local district or area and which is a member of the Regional Federation and or Provincial Federation or whose interests are represented by such Regional or Provincial Federation.
- 2.11. "Coach" shall for the purposes of this Constitution have the same meaning as

- “trainer” or “instructor”.
- 2.12. “Committee” means a committee established in terms of this constitution.
- 2.13. “Compliance” means that the Member, Provincial and or Regional Federation, Club or individual has fulfilled the necessary provisions of this Constitution in regard to specific requirements as contained herein, and as such is regarded as being in good standing with SAPA.
- 2.14. "Constitution" means this Constitution.
- 2.15. “Day” means a calendar day.
- 2.16. “Discipline” means a particular form of organised Equestrian sport.
- 2.17. “Discipline Associations” (“DA’s”) means all those associations or organisations which have been recognised and listed in Schedule 6 of this Constitution.
- 2.18. “Event” means a polo event held in South Africa under the auspices or with the permission of SAPA and its various Provincial Federations or the relevant international body to which SAPA is affiliated. No “Event” can take place without the prior sanction and approval of SAPA.
- 2.19. "Equestrian" means Equestrian Sport of “Equestrian,” whether played or participated in individually or in the presence of an opponent or opponents, involving horses, and includes the disciplines referred to in this Constitution and as defined by IF.
- 2.20. “Equestrian Community” means all Members, Athletes/participants, Provincial and or Regional Federations, Discipline Associations, coaches, event organiser and any other participant in Equestrian Sport under the auspices of SAPA.
- 2.21. “Event Organiser” means any person, organisation, group, society or body, which is recognised by SAPA, and which is held to be responsible for the hosting, managing, organising, planning and supervision of any equestrian event a person duly authorised to manage an event on behalf of SAPA either directly or indirectly through its members and includes an organising committee.
- 2.22. "Exco" means the Executive Board of THE FEDERATION, as constituted in terms of this Constitution.
- 2.23. “FEI” means *Federation Equestre Internationale*.

- 2.24. "Geo-political Member" means those Members (also known as Ordinary Members) duly accepted as members in terms of the geopolitical demarcations as set out in this Constitution.
- 2.25. "Head Coach" means the person appointed as such by the National Exco.
- 2.26. "Headquarters" means the Headquarters of SAPA, which shall be at the place decided upon by the Exco from time to time.
- 2.27. "Honorary Life Members" means all those persons bestowed with this honour by the National Council.
- 2.28. "Horse" includes a polo pony.
- 2.29. "IF" means the International Federation/s to which SAPA is affiliated.
- 2.30. "Levies" means the monies levied and due by the membership to SAPA as approved and agreed to by membership at each A.G.M. of SAPA.
- 2.31. "Management Committee" means the committee referred to in clause 28 and "Mancom" shall have the same meaning.
- 2.32. "Member" shall mean an Ordinary Member, the Special Member or an Associate Member.
- 2.33. "Month" means a calendar month.
- 2.34. "National Convention" means the meetings of all Members, Commissions and Committees at the same venue and dates to coincide with an Ordinary or Annual General Meeting of the membership of SAPA.
- 2.35. "National Council" means the membership of SAPA in general meeting.
- 2.36. "National Sport Federation" means the national governing body of the Sport in membership with the SAEF/SASCOC, and recognised by the Department of Sport and Recreation in the Republic of South Africa.
- 2.37. "NPC" means the National Provincial Championships.
- 2.38. "Ordinary General Meeting" means a meeting of Members other than an A.G.M. or Special General Meeting convened in terms of this Constitution.
- 2.39. "Ordinary Members" means those Members (also known as Geo- Political Members) duly accepted as members in terms of the geopolitical demarcations as set out in this Constitution.



- 2.40. "Patrons" shall mean a person duly appointed as such in terms of this Constitution.
- 2.41. "Person" means a natural or legal person.
- 2.42. "President" means the President of SAPA, duly elected in terms of this Constitution.
- 2.43. "Province" means one of the nine (9) geopolitical areas as defined in Section 103 of the Constitution of the Republic of South Africa 1996 (as amended).
- 2.44. "Provincial Federation or Association" means a body representing the various Regions and clubs within a Province, consisting of duly elected representatives, in line with the requirements of the Department of Sport and Recreation in that Province, which, within a Province, are associated with each other for the development and administration of equestrian sport in that Province, including the specific purpose of liaison and communication with Equestrian Sporting codes of that Province, and the Department of Sport and Recreation in that Province.
- 2.45. "Registered individuals" means the athletes/participants, officials, coaches, managers, administrators and friends / workers registered with SAPA as provided for in clause 19.
- 2.46. "Regional Representatives" means duly elected representatives of a Region within a Province from the body of the Clubs located in the Region nominated and elected by the Clubs to attend to the development and administration of SAPA within a demarcated region within a Province.
- 2.47. "Regional Federation Council" means the membership of a Regional Federation Body in general meeting.
- 2.48. "Rules" means the rules, regulations, procedures and by-laws in force from time to time in accordance with which the affairs of SAPA will be conducted.
- 2.49. "SAIDS" means the South African Institute for Drug-Free Sport.
- 2.50. "SASCOC" means the South African Sport Confederation and Olympic Committee duly recognized and approved by SRSA as the governing body of Sport in the Republic of South Africa.
- 2.51. "SCHOOLS" means Schools Sport South Africa.
- 2.52. "Managing Director" means the person either elected as such by the National Council or employed by the Executive.
- 2.53. "The South African Polo Association" (SAPA) means the body constituted in terms

of this Constitution, which is the recognised member of the SAEF/SASCOC as the organisation responsible for all forms of polo in the Republic of South Africa.

- 2.54. "Special General Meeting" means a meeting of Members other than an Ordinary or Annual General Meeting convened for a special purpose in terms of this Constitution.
- 2.55. "Special Member" means a body representative of active athletes/ participants known as the Athletes' Commission, and established from individual athletes participating in polo, as defined in this Constitution.
- 2.56. "SRSA", means the Department of Sport & Recreation in South Africa.
- 2.57. "Trainer" shall for the purposes of this Constitution have the same meaning as "coach" or "instructor".
- 2.58. "Treasurer" means the person elected by the National Council or employed by the National Executive in terms of the provisions of this Constitution.
- 2.59. "Veterinary Commission" means the association formed as the representative body of all Equine Veterinary Practitioners involved in Equine Sport, to provide the necessary guidelines to ensure the welfare of the horse, taking into account the unique requirements of each discipline, which shall be a Special Member.
- 2.60. "Vice-President" means the Vice-President of SAPA, duly elected in terms of this Constitution.
- 2.61. "WADA" means the World Anti-Doping Agency.
- 2.62. "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.63. "Year" means a calendar year.

### **3. INTERPRETATION**

- 3.1. The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.
- 3.2. Unless the context indicates a contrasting intention, the singular shall include the plural and vice versa.
- 3.3. Any words importing one gender include the other.

## **CHAPTER 2 – SAPA AS AN ORGANISATION**

### **4. DOMICILE**

The domicile and seat of management of SAPA shall be deemed to be situated in the area as determined by the membership, with the domicilium being the residential address of the President from time to time, as published on the SAPA website, provided that it shall always be at a place within the Republic of South Africa.

### **5. AREA OF JURISDICTION OF THE FEDERATION**

The geographical area of jurisdiction of SAPA shall be the Republic of South Africa.

### **6. AFFILIATION**

SAPA shall seek to be, and remain, a full member of the FIP and SAEF/SASCOC.

### **7. MAIN BUSINESS**

7.1. The main business of SAPA is to act as the national controlling body of all forms of Equestrian Polo in South Africa.

7.2. SAPA shall seek and hold membership of FIP as the recognised national federation and only controlling body for Equestrian Polo in South Africa and shall control and enforce the playing or participation rules of FIP for Equestrian Polo in South Africa.

7.3. No Member shall establish or maintain contact with FIP or any other international Federation body without the prior knowledge of SAPA.

7.4. SAPA shall seek and maintain membership of SAEF/SASCOC and any other bodies established by Government or sporting codes to govern sport in South Africa.

7.5. SAPA may affiliate with any other body or sporting code with compatible aims with a view to enhancing the interests and status of Equestrian Polo and SAPA within South Africa.

### **8. ORGANISATIONAL STRUCTURE OF SAPA**

8.1. SAPA is the National controlling body of all forms of Equestrian Polo in South Africa, governed by the National Council according to this Constitution.

8.2. The members of SAPA (save for the Special Member and Associate Members) are

the Provincial Federation Associations situated in the nine (9) designated geopolitical provinces (where applicable), each governed by its Provincial Council according to its own constitution.

- 8.3. Each of the Provincial Federations shall consist of:
  - 8.3.1. duly elected Representatives, representing the various Regions and/or Clubs within a Province;
- 8.4. Each of the Regional Representative shall be duly elected from the body of the Clubs located in the Region.
- 8.5. Clubs practicing equestrian polo within the geographical area of the Provincial Federations shall each be governed by its Management Committee according to its own constitution, the provisions of which must comply with the provisions of this Constitution. To the extent that the Constitutions of Clubs may be contradictory to those of SAPA's Constitution, SAPA's provisions shall prevail.
- 8.6. SAPA's athletes/participants shall have freedom of association to belong to a Polo Club of his or her choice, provided that he or she is eligible for membership of the provincial Polo Club concerned and  
  
with the understanding that any participation in the provincial and or regional levels will be determined by the geographic locality of the polo Club of which he or she is a member, in terms of the geopolitical boundaries as determined from time-to-time.

## **9. OBJECTIVES OF SAPA**

The objectives of SAPA are:

- 9.1. To be and to operate and function as the autonomous controlling and administrative body of Equestrian polo within the area of the jurisdiction of SAPA.
- 9.2. To direct, develop, and administer Equestrian polo within the area of its jurisdiction in accordance with the principles of good corporate governance and sound financial management.
- 9.3. To actively market and promote Equestrian polo as a sport, and a recreational activity in South Africa.
- 9.4. To foster a spirit of healthy competition, sportsmanship and fair play among

athletes of all races, gender and ages.

- 9.5. To protect the horse from all forms of cruelty or neglect or from any malpractice committed in the course of its training or use in Equestrian polo.
- 9.6. To uphold and enforce the rules of SAPA and the HPA as prescribed by IF from time to time and to encourage and promote the highest standard of sporting behaviour in connection with Equestrian Polo.
- 9.7. To assist at all levels with the organisation and administration of SAPA.
- 9.8. To organise or facilitate national championships for all athletes irrespective of age, gender or physical ability through the various equestrian bodies.
- 9.9. To facilitate the involvement of South African athletes and teams in international tournaments and championships and to promote the achievement of IF titles.
- 9.10. To develop South Africa as the foremost Equestrian Polo nation in Africa.
- 9.11. To create, build and maintain communities of SAPA's athletes/participants in the form of SAPA's Clubs, Provincial and or Regional Bodies and to encourage the active involvement of volunteers in the administration and management of the Equestrian Polo.
- 9.12. To increase the number of individuals registered within Equestrian Polo, particularly among schools and previously disadvantaged communities.
- 9.13. To actively develop Equestrian Polo and build human capacity in accordance with the Long Term Participant Development (LTPD) plan adopted by SASCOC.
- 9.14. To encourage the qualification of individuals as officials, coaches, and event organisers.
- 9.15. To encourage the appointment of coaches at all levels within the private and public spheres in South Africa.
- 9.16. To further SAPA's sport education in South Africa and, where possible, to make funds available for Equestrian Polo's literature and studies.
- 9.17. To represent its members and to promote and advance the interests of its members.

- 9.18. To uphold and enforce any code of conduct pertaining to Equestrian Polo as approved by FIP/HPA and/or any other code of conduct decided upon by SAPA.
- 9.19. To decide disciplinary matters and grievances and to resolve disputes between anyone involved in Equestrian Sport in South Africa.
- 9.20. To participate in the management activities of the IF and the African Confederation and to ensure that SAPA is represented at these levels.
- 9.21. To annually reapply to be a member of SAEF/SASCOC and to abide by their Constitution, Rules and Regulations, as well as to affiliate to IF and/or any other national or international sports body as the National Council upon the recommendation of the Exco may decide and to cooperate with SASCOC.
- 9.22. To ensure selection of athletes at all levels for participation in any tournaments whether same be local or international and in accordance with the memorandum and articles of association of SASCOC.
- 9.23. To award local and international colours in terms of the criteria laid down in the Rules and Regulations.
- 9.24. To advance the objectives of SAPA and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by Exco, whether within or without the area of jurisdiction of SAPA and irrespective of whether or not such other Associations or Organisations are connected with Equestrian Polo.
- 9.25. To recognise and accept the jurisdiction, rules and regulations of SAIDS, as well as the code of WADA relating to anti-doping and the promotion of drug-free sport.
- 9.26. To perform its functions in a non-discriminatory and democratic way, striving at all times to provide equal rights and fair opportunities to all SAPA's athletes/participants, administrators, managers, officials, coaches and event organisers throughout South Africa.
- 9.27. To seek ways to grow the access to and participation in Equestrian Polo.
- 9.28. To ensure that the encouragement, promotion, development and administration of Equestrian Polo, whether same be at National, Provincial, Regional or Club level, is carried out in accordance with the principles of non-racism, non-sexism, by which it is meant that race, ethnicity and nationality shall not be a basis for discriminating

against or of affording privileges to any one person or group of persons.

## **10. POWERS OF SAPA TO CARRY OUT ITS OBJECTS**

- 10.1. SAPA shall have all such powers and authorities as shall be deemed necessary or desirable or conducive of achieving any and all of the objectives of SAPA. These powers and authorities shall be exercised by the National Council and/or Exco in accordance with and subject to the provisions of this Constitution and the Act. Any of these powers and authorities may be delegated to an Exco member or committee, whether a sub-committee of Exco or a standing committee in terms of this Constitution, for a specific purpose. Without in any way limiting the generality of the foregoing, the powers and authorities of SAPA shall include those set out hereinafter.
- 10.2. To acquire by purchase, exchange, lease, sub-lease, donation or otherwise movable and/or immovable property of any kind.
- 10.3. To sell, let, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property or rights of Equestrian Polo.
- 10.4. To enter into lawful contracts of any and all kinds necessary to carry out, give effect to or secure the objects of Equestrian Polo.
- 10.5. From time to time, in accordance with sound business and financial principles to invest the funds of SAPA in such property or assets or other security as may be deemed advisable.
- 10.6. To employ, suspend or dismiss and remunerate employees, professional assistants and experts.
- 10.7. To establish and contribute to a pension, annuity, medical and/or other fund for the benefit of its employees and/or the dependants of such employees in accordance with the rules of such fund.
- 10.8. To arrange a pension and medical aid scheme for the benefit of and to grant pensions, allowances, gratuities and bonuses to employees or ex-employees of SAPA, or the dependants of such persons.
- 10.9. To support or subscribe or make donations to any charities or other institutions, clubs, societies and funds.

- 10.10. To pay all or any expenses incurred in connection with the promotion and functioning of SAPA.
- 10.11. To invite the patronage of any person or persons as it may consider advisable.
- 10.12. To insure against losses, damage, risk and liability of all kinds.
- 10.13. To draw, make, accept, endorse, execute, negotiate and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments and to make electronic funds transfers.
- 10.14. To promote and hold an interest in any trust, company or concern, for the purpose of acquiring all or any of the property and/or undertaking any of the liabilities of SAPA.
- 10.15. To institute, conduct, defend, compound or abandon any legal proceedings by and against SAPA or its officers or otherwise concerning the affairs of SAPA, or the action of its Members, including the employment of attorneys and/or advocates and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against SAPA.
- 10.16. To finance litigation and other legal costs, either in the name of SAPA or by way of the imposition of a special levy on its Members.
- 10.17. To lawfully raise money to fund its ordinary operations, whether by subscription or levies, which are to be paid to SAPA by the 1<sup>st</sup> day of January each year from its Members, inclusive of Clubs, tertiary institutions, and/or any other associations or organisations which are affiliated directly or indirectly to SAPA on behalf of its athletes/ participants who are members of the bodies referred to above, as well as to obtain lawful funding from any other source, and to recover by legal process monies due by any of the above.
- 10.18. To solicit and accept donations, bequests, grants, sponsorship and contributions for the benefit of SAPA from within as well as outside the borders of the Republic of South Africa.
- 10.19. To contribute or subscribe to bodies with aims similar to the aims of SAPA.
- 10.20. To borrow or raise money and guarantee or otherwise secure the repayment thereof, including by means of a pledge or lien of its assets, and to invest monies



upon security, both in such manner and upon such terms as it may think fit.

- 10.21. To make and pass rules, regulations and by-laws and to add to, repeal or alter such rules, regulations and by-laws, with or without penalties, for the carrying out, administration and implementation of this Constitution and the attainment of the objects of SAPA.
- 10.22. To impose fines, to suspend for a period of time, to expel and/or implement any other disciplinary measures on its present or former Members, or any Provincial or Regional body, or Club presently or formerly affiliated to SAPA, and any member of the Equestrian Community, including but not limited to athlete/participant, official, committee member, official, coach, team manager and event organiser connected or concerned with Equestrian Polo and arising out of any contravention or breach of the provisions of this Constitution or any rule, regulation or by-law, including the Code of Conduct of SAPA in force at the relevant time, and including those of SASCOC, SAIDS and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from the body or person concerned. Without in any way limiting the generality of the foregoing, SAPA shall have the power to suspend or ban any athlete/participant, Member or Club from participating in any championship or event.
- 10.23. To take all such action as may be required to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to SAPA by its Members, former Members or any other persons or body.
- 10.24. To associate with any State authority or any other foundation, institution, society, trust, entity or person having the same or similar objects to those of SAPA and to enter into any arrangements that may be conducive to the objects of SAPA.
- 10.25. Notwithstanding anything herein contained, it is recorded that:
  - 10.25.1. SAPA's income and property are not distributable to its Members or office bearers except as reasonable compensation for services rendered or upon dissolution in terms of this Constitution;
  - 10.25.2. Members or office bearers have no rights in the property or other assets of SAPA solely by virtue of their being members or office bearers;

- 10.25.3. SAPA is a non-profit and public benefit organisation and will not carry on any business, undertaking or trading activity, save to the extent permitted in terms of Section 30 the Income Tax Act, 1962 as amended, as provided for more fully in terms the Rules and Regulations of SAPA;
- 10.25.4. SAPA shall not have any authority to contract or bind on behalf of any Member or individual;
- 10.25.5. SAPA shall not be liable for any debts or other liabilities, whether of a contractual or edictal basis, incurred by any Member or individual.
- 10.25.6. SAPA's financial transactions shall be conducted by means of a banking account or banking accounts opened and maintained by the Treasurer at the direction of the National Council.

### **CHAPTER 3 – MEMBERSHIP OF SAPA**

#### **11. CLASSIFICATION OF MEMBERSHIP**

- 11.1. SAPA consists of three categories of members, namely:
  - 11.1.1. Ordinary Members, shall be those members as defined by their geo-political areas, i.e. the Provinces, and made up of their regional structures as set out in this Constitution, and as such they shall be obliged to promote, develop and participate in Equestrian Polo under the guidance and control of SAPA, as well to ensure the development of SAPA's administrators, athletes/participants and technical personnel through constructive coaching and capacity building.
  - 11.1.2. Associate Member(s) shall comprise those sport bodies with at least 25 members who have made application and been accepted as Associate Members of SAPA, and are recognised as bodies specifically catering for their respective membership within a confined organisation and/or area (which shall be nationally or at least provincially based), such as the Defence Force, Police Force, Tertiary Institutions and any other body duly accepted.
  - 11.1.3. "Special Member" means a body representative of active athletes/participants known as the Athletes' Commission, and established from

individual athletes participating in Equestrian Polo of SAPA, as defined in this Constitution.

- 11.2. The right of each existing and future Member or Equestrian body to have one or more representative teams participate in the various events and championships which are held or staged under the auspices of SAPA shall be determined by Exco, which may vary such rights from time to time.
- 11.3. In matters of mutual interest, SAPA and any Member or Members may, if the need arises, enter into a written agreement covering specific issues for the benefit of the Sport and its participants.
- 11.4. The National Council shall fix the subscriptions and levies payable by the Members of SAPA and registered individuals from time to time.

## **12. ORDINARY MEMBERS**

- 12.1. The current Ordinary Members (also known as Geo-political Members) shall be the Provincial bodies listed in Schedule "A".
- 12.2. The jurisdictions of Ordinary Members shall be limited by the boundaries of the Provinces they presently represent but shall, within a period of two years from adoption of this Constitution, be fully aligned within the geo-political Provinces/Regions reflected in Schedule "B"
- 12.3. The constitution of every Ordinary Member shall substantially comply with the requirements of the Rules and Regulations of SAPA and be otherwise acceptable to Exco.
- 12.4. Every Ordinary Member shall submit annually to the Managing Director upon request at any stage:
  - 12.4.1. proof of the democratic election of its own office bearers and the office bearers of the Regional Bodies falling within its area of jurisdiction; and
  - 12.4.2. proof of the number of active athletes/participants within the Province or within each Region falling within its area of jurisdiction.
  - 12.4.3. A list of members and their contact numbers and addresses.

### **13. THE SPECIAL MEMBER**

- 13.1. There shall be established an Athletes' Commission which will represent the interests of all active athletes/participants without the separate need for Equestrian Polo's athletes/participants to apply formally for membership.
- 13.2. The Athletes' Commission shall adopt its own constitution, rules and regulations which shall provide *inter alia* for the democratic election of the Athletes Commission's representative in the National Council.
- 13.3. The Athletes Commission shall enjoy the same voting strength in the National Council as an Ordinary Member, irrespective of the number of athletes/participants it represents.
- 13.4. Every Special Member shall submit annually to the Managing Director upon request at any stage:
  - 13.4.1. proof of the democratic election of its office bearers and the office bearers within its regional area of jurisdiction; and
  - 13.4.2. proof of the number of active athletes/participants within the Province or within each Region falling within its area of jurisdiction.
  - 13.4.3. A list of members and their contact numbers and addresses.
  - 13.4.4. Athletes representing each Equestrian discipline shall be represented on the Athletes' Commission.

### **14. ASSOCIATE MEMBERS**

- 14.1. Any association or organisation which wishes to become an Associate Member of SAPA shall apply in writing to the Managing Director to be admitted as such in the form determined by Exco from time to time, enclosing a copy of its duly adopted constitution, a declaration that it will adhere to the Constitutions of SASCOC and SAPA, an undertaking to pay on time the prescribed entrance fees, subscriptions and levies,  
  
a complete membership list, and such other information as Exco may require to decide upon its application.
- 14.2. The Managing Director shall submit applications for affiliation to the next Exco meeting for consideration and Exco shall in turn submit all such applications, with

a recommendation, to the next General Meeting of the National Council. The recommendation may be to refuse the application, or to admit the application on certain conditions, or to admit the application unconditionally.

- 14.3. In deciding whether or not to recommend a new association or organisation as an Associate Member, Exco shall have regard to such factors as it considers relevant, including the number of clubs and athletes/participants within the jurisdiction of the applicant, and whether or not the applicant and the clubs within its jurisdiction are committed to the scheme in terms of which subscriptions and levies are paid to SAPA.
- 14.4. No association or organisation shall be admitted to Associate Membership of SAPA unless Exco is satisfied that the constitution of such association or organisation substantially complies with the requirements contained in the Rules and Regulations of SAPA and is otherwise acceptable to Exco.
- 14.5. SAPA may, by a majority vote taken at a General Meeting of the National Council convened *inter alia* for this purpose, grant associate membership status to any other association operating on a national or provincial level; provided that no associate membership shall be granted to an association or organisation with the same aims and objectives as SAPA.
- 14.6. Notwithstanding anything else herein contained it shall be competent for Exco, with the ratification of the National Council, to create quasi- autonomous bodies or associations having their own constitutions and members for the purpose of better achieving any of the objects of SAPA. Such bodies or associations may be granted Associate Membership if they meet Exco's requirements for a successful application for Associate Membership. The constitution, by-laws and regulations of such bodies or associations shall at all times be subject to the approval and ratification of SAPA which shall at all times have the power to dissolve and/or withdraw recognition of any such body or association.
- 14.7. Associate Members shall agree upon and define their geographic areas of jurisdiction provided that in the event of dispute and failure to reach agreement such areas of jurisdiction shall be defined by Exco.
- 14.8. SAPA may, by at least a two-thirds majority vote taken solely for this purpose,

withdraw its recognition of any Associate Member contemplated in this Constitution, in which event the relevant association will cease, forthwith, to be an Associate Member of SAPA.

14.9. Every Associate Member shall submit annually to the Managing Director upon request at any stage:

14.9.1. proof of the democratic election of its own office bearers within its area of jurisdiction; and

14.9.2. proof of the number of active athletes/participants within the Province or within each Region falling within its area of jurisdiction.

14.9.3. A list of members and their contact numbers and addresses.

## **15. HONORARY LIFE MEMBERS**

15.1. Exco and Members of National Council shall, from time to time, nominate any individual who has rendered exceptionally meritorious service, or outstanding and notable service over a long period of time, to SAPA and/or in the promotion of Equestrian Polo and whom it wishes to recognise and honour as an Honorary Life Member.

15.2. Such nomination shall be presented to the National Council for adoption at the next A.G.M. and, if adopted by the National Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges namely to attend the A.G.M. with the right to speak in invited to do so by the President, but with no right of vote, and to be a special guest of SAPA or the organisers of any event or championship held under the auspices of SAPA.

15.3. Any past president of SAPA or its predecessor bodies may become an Honorary Life Member of SAPA if so nominated and such nomination is adopted at an A.G.M. of the National Council.

15.4. The names of all Honorary Life Members of SAPA shall be continuously displayed on the website of SAPA.

## **16. PATRONS**

16.1. Exco may from time to time nominate, for a period not exceeding four (4) years,

any person whom Exco considers to be fit and desirable to be a Patron of SAPA which nomination shall be presented for acceptance at the next A.G.M. and, if appointed by the National Council, such person shall become a Patron of SAPA for the time period nominated.

- 16.2. A person may be considered fit and desirable if he or she is a person of distinction or high profile with undeniable integrity and one who may lend his or her influential support to protect the interests and champion the cause of Equestrian Polo.
- 16.3. Patrons shall enjoy the same rights and privileges as are enjoyed by Honorary Life Members together with such further rights and privileges as are decided upon by Exco from time to time.

## **17. LIMITATION OF LIABILITY AND INDEMNITY**

- 17.1. Every Member shall be jointly liable with all the other Members for all expenditure incurred in connection with SAPA, insofar as third parties are concerned, provided that such liability shall be limited to the sum of any monies then due and payable by such Member to SAPA, by way of subscription or otherwise, and any special levy imposed by the National Council from time to time.
- 17.2. The Patrons, the President, the Vice-President, the Treasurer, the Managing Director, all other members of Exco, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of SAPA, or on behalf of a Commission or Committee of SAPA or Sub-Committee of Exco, in terms of this Constitution and under original or delegated powers, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of SAPA, from whatever cause arising, provided such person/s acted in good faith.
- 17.3. The South African Polo Association, its employees and / or agents cannot be held liable for any injury to or death of any person or animal, or any damage to property howsoever caused, including without limitation where such injury, death or damage to property arises from participating in or attending a polo event.

## **18. SUSPENSION AND TERMINATION OF MEMBERSHIP**

- 18.1. Any Member of any classification which ceases to operate a viable structure as contemplated in this Constitution may be suspended from membership by Exco and

the National Council shall decide at its next meeting whether the membership of such member should be terminated, further suspended for a fixed or an indefinite period of time, or restored.

- 18.2. The National Council shall take its decision by at least a two-third majority of its Members, excluding the representatives of the Member concerned. The representatives of the Member concerned shall be entitled to make full representations to the National Council prior to the voting on the resolution.
- 18.3. A decision to suspend or terminate a Member's membership shall *inter alia* take into account whether the structures of the Member concerned are viable, whether it meets its obligations in terms of its own constitution and this Constitution, whether it has failed to pay its required fees, whether it refuses to comply with the decisions of the National Council, whether it has sufficient resolve for the development of Equestrian Polo in its area, whether its office bearers are individually registered with SAPA and whether the Member concerned works harmoniously with SAPA and other Members towards the expansion of Equestrian Polo in South Africa.
- 18.4. Any Member of any classification may, at any time, tender their resignation from SAPA. Such member must give notice by not later than 30 September of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to SAPA at the date of their resignation.

## **19. REGISTRATION OF ATHLETES / PARTICIPANTS AND OTHER INDIVIDUALS**

- 19.1. No athlete not registered with SAPA, may compete or otherwise participate in any equestrian polo at any event conducted under the auspices of SAPA.
- 19.2. Athletes/participants and other individuals interested in obtaining registration with SAPA, shall register by completing, signing and submitting the prescribed online registration form and paying the prescribed registration fee. In the case of e-mail submission, the typing of one's name in the space provided for one's signature will be deemed to be one's signature. In the event of a minor wishing to register with SAPA, the minor's guardian's signature shall be required, whether in writing or by electronic signature, for such registration to be effected.



- 19.3. By registering, the athlete or other individual, or the guardian on behalf of a minor, automatically agree to adhere to the Code of Conduct for athletes and other individuals, including the prescribed disciplinary procedure, as well as the policy, rules and procedures prescribed by SAPA from time to time.
- 19.4. It is the responsibility of registered athletes and other individuals to advise SAPA in writing (including e-mail) of any changes in their personal details, including contact particulars and Club, Regional or Provincial affiliation.
- 19.5. The right of school athletes, who is currently registered learners with a recognised school organisation, to participate in the Schools League and compete in Schools events, will, for the purposes of the Schools League, be recognised as properly registered for that purpose.

#### **CHAPTER 4 – NATIONAL COUNCIL**

##### **20. THE NATIONAL COUNCIL**

- 20.1. Subject to the terms of this Constitution, the National Council shall determine SAPA's policy and forward directives to Exco.
- 20.2. The National Council shall meet annually at the Annual General Meeting (unless it is deemed necessary to do otherwise) to be held not later than October of each year.
- 20.3. The O.G.M and the A.G.M. of the National Council and the National Convention shall be held on such date and time and at such place as Exco shall determine.
- 20.4. Without limiting the generality of the above, the National Council shall have the following specific functions and powers:
  - 20.4.1. To determine the policy of Equestrian Polo for the execution of which the Exco shall be responsible;
  - 20.4.2. To ratify the rules, by-laws and regulations formulated by Exco;
  - 20.4.3. To ratify conditions and fees for membership of SAPA as drawn up by Exco.
  - 20.4.4. To consider and approve or reject applications for membership of SAPA and to deal with the conduct of Members and registered

- individuals at all levels, including expulsion from membership and cancellation of registration;
- 20.4.5. To appoint a delegate to the General Assembly of FIP, this delegate to hold registration with SAPA, but he or she need not necessarily be an office bearer of SAPA or of one of its Member associations.
- 20.4.6. To elect for a maximum of four (4) years, the President and Members of the Executive Committee (“Exco”).
- 20.5. The following persons shall be eligible to attend and speak at meetings of the National Council, other than the AGM
- 20.5.1. All members of Exco;
- 20.5.2. Not more than 1 (one) representative of each of the Ordinary Members, 1 (one) representative of the Special Member and 1 (one) representative of each Associate Member;
- 20.5.3. The Patrons;
- 20.5.4. All Honorary Life Members;
- 20.5.5. A representative of any Committee, of SAPA if that Committee is invited for a specific purpose by the Executive to address the Council.
- 20.6. Notice of any O.G.M. of the National Council shall be sent to Ordinary, Special and Associate Members not less than 60 (sixty) days before the date of such meeting which notice shall be accompanied by a proposed agenda as recommended by Exco.
- 20.7. The text of any motion which any Member wishes to be put to and considered by any O.G.M. shall be received not less than 30 (thirty) days prior to the date of such meeting by the Managing Director who shall disseminate it by post and/or by hand, and/or by fax, and/or by electronic mail, together with the final agenda to all Ordinary Members, the Special Member and Associate Members, not less than 14 (fourteen) days prior to the date of such meeting.
- 20.8. The business to be transacted at the O.G.M. shall be:
- 20.8.1. To read the notice convening the meeting;
- 20.8.2. To read and confirm, with or without amendments, or to reject the minutes of the previous O.G.M., as well as the

minutes of any S.G.M. held in the interim, and to consider any matters arising therefrom;

20.8.3. To consider and to adopt, with or without modification, or to reject, any Resolution of which due notice has been given;

20.12 No resolution which has the effect of creating, amending or repealing a by-law, regulation or standing rule shall be binding unless the notice thereof has been given in terms of clause 20 hereof or such resolution has been ratified at the next National Council meeting.

## **21. ANNUAL GENERAL MEETING ("A.G.M.")**

21.1. An A.G.M. shall be held once in every year, the A.G.M. shall be held within 4 (four) months from the end of the financial year and not more than fifteen (15) months after the date of the previous A.G.M.

21.2. Exco shall decide the date, time and place on which each A.G.M. shall be held.

21.3. The following persons shall be entitled to attend and speak at the A.G.M.:

21.3.1. All members of Exco;

21.3.2. Not more than 3 (three) representatives of each of the Ordinary Members and the Special Member, and 1 (one) representative of each Associate Member;

21.3.3. The Patrons;

21.3.4. All Honorary Life Members;

21.3.5. A representative of any Committee of SAPA if that Committee is invited for a specific purpose by the Executive to address the Council;

21.3.6. The Chairperson of each of SAPA's Provincial Associations

21.3.7. Any other person who may be invited by Exco to do so;

21.4. The business to be transacted at an A.G.M. shall be:

21.4.1. To read the notice convening the Meeting;

21.4.2. To read and confirm the Minutes of the previous A.G.M., S.G.M. and General meetings and to consider any matters arising therefrom;

- 21.4.3. To receive and consider the Annual Report of the President, for the period since the date of the previous A.G.M.
- 21.4.4. To receive and consider the report of the Managing Director and to adopt with or without modification, the audited Annual Financial Statements for the period since the date of the previous A.G.M., provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, or rejection by the National Council at its following meeting or by the Exco in terms of the decision of the A.G.M.;
- 21.4.5. To appoint the auditors of SAPA to hold office until the next A.G.M.;
- 21.4.6. To receive and consider the reports of Committees regarding their activities for the year;
- 21.4.7. To consider and to adopt with or without modification, or to reject any recommendations of Exco;
- 21.4.8. To consider all nominations by Exco of persons to be Patrons or Honorary Life Members and to accept or to reject any such nomination;
- 21.4.9. To discuss and consider any further matters of which 30 (thirty) days written notice has been given.
- 21.5. Notice of each A.G.M. shall be sent to all the Members, Exco members, Patrons and Honorary Life Members not less than 60 (sixty) days prior to the date of the A.G.M.
- 21.6. Not less than 14 (fourteen) days prior to the date of any A.G.M., copies of the Agenda for that A.G.M. and the Annual Financial Statements for the financial year preceding the date of the A.G.M. shall be disseminated to all Members, Exco members, Patrons and Honorary Life Members by post, and/or by hand, and/or by fax, and/or by electronic mail.

## **22. SPECIAL GENERAL MEETINGS ("S.G.M.'s")**

- 22.1. An S.G.M. of Members shall be convened:
  - 22.1.1. By resolution of Exco, or
  - 22.1.2. Upon the written requisition of not less than 3 (three) Ordinary

Members, addressed and sent to the Managing Director, which written requisition shall state the exclusive purpose for which the S.G.M. is to be called and the text of the motion to be put to the meeting.

- 22.2. Within 14 (fourteen) days after receipt of the resolution or requisition, the Managing Director shall send written notification to all Members, which notice shall specify the date, time and place of the S.G.M., (which date, time and place shall have been determined by Exco) provided that the date shall not be more than 21 (twenty- one) days and not less than 7 (seven) days after the date of posting the notice, together with written notification of the purpose of and measures to be transacted at the S.G.M. and the text of the motions to be put to and considered by the meeting.
- 22.3. No business other than that stated in the notification shall be transacted at the S.G.M.
- 22.4. Only the persons referred to in clause 21.3.1 – 21.3.4 shall be entitled to attend and speak at S.G.M.'s.

### **23. REPRESENTATION AND VOTING RIGHTS**

- 23.1. Each Ordinary Member shall be entitled to nominate a maximum of 3 (three) representatives and the Special Member shall be entitled to nominate a maximum of 2 (two) representatives, whilst an Associate Member will be entitled to nominate 1 (one) representative, to attend and to vote at any general meeting of the National Council.
- 23.2. Such nominations shall be in writing, addressed to the Managing Director and must be received by him or her not less than 24 (twenty-four) hours prior to the time for the commencement of that meeting.
- 23.3. Members shall have the following voting rights in respect of any and all meetings of the National Council:
  - 23.3.1. Ordinary Members shall each have 2 (two) votes.
  - 23.3.2. The Special Member shall have 2 (two) votes.
  - 23.3.3. Associate Members shall each have 1(one) vote.
  - 23.3.4. Honorary Life Members may only vote in connection with any motion to grant or terminate the Membership of any Honorary Life Member, and

shall each have 1 (one) vote.

- 23.4. Only representatives of Members who are personally present at the meeting concerned shall be allowed to exercise the right to vote.
- 23.5. Each member of Exco present shall have 1 (one) vote and the Chairperson of any general meeting shall have a second or casting vote in the event of an equality of votes, save for and except at an Elective A.G.M. where the Exco shall have no vote in the election of the new Exco members.
- 23.6. No proxy votes will be allowed.

#### **24. GENERAL PROVISIONS RELATING TO COUNCIL MEETINGS**

- 24.1. A.G.M.'s, O.G.M.'s and S.G.M.'s shall, subject to the terms of this Constitution, be held at such date, time and place as shall be decided by Exco.
- 24.2. The chairperson of any A.G.M., O.G.M. or S.G.M. shall be the President, or in his or her absence the Vice-President, or in his/her absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote.
- 24.3. A quorum shall consist of 50% (fifty per centum) plus 1 (one) of the total votes available to Ordinary Members and the Special Member, provided they are in good standing.
- 24.4. If a quorum shall not be present at the place of the meeting within 30 (thirty) minutes after the time set for commencement of the meeting, or if sufficient representatives of Members do not remain present to constitute a quorum until the proceedings have been duly declared to have been concluded by the President, the meeting if convened upon the requisition of Ordinary Members, shall be dissolved; in any other case, it shall stand adjourned to a date not earlier than 5 (five) working days and not later than 15 (fifteen) working days after the date of that meeting, and, at such adjourned meeting the representatives of Ordinary, Special and Associate Members present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.
- 24.5. Where a meeting has been adjourned as aforesaid, the Managing Director shall, upon a date not later than 3 (three) working days after the adjournment,

disseminate a written notice to each Member, which notice shall have been settled by the President, stating:

- 24.5.1. the date, time and place to which the meeting is adjourned;
  - 24.5.2. the matter before the meeting, when it was adjourned;
  - 24.5.3. the ground for the adjournment.
- 24.6. Voting shall be by poll which shall be conducted in such manner as the Chairperson of the meeting shall decide.

## **CHAPTER 5 – EXECUTIVE BOARD**

### **25. EXCO**

- 25.1. The Executive Board of SAPA ("Exco") shall consist of the following persons:
- 25.1.1. The President;
  - 25.1.2. The Vice-President;
  - 25.1.3. The Treasurer;
  - 25.1.4. The Managing Director who may be employed and if so shall have no vote;
  - 25.1.5. The Presidents of each of the 9 Provinces (ordinary members).
  - 25.1.6. Not more than 1 (one) representative of the Special Member i.e. Athletes Commission
  - 25.1.7. A person responsible for ladies polo.
  - 25.1.8. A representative of any Committee of SAPA if that Committee is invited for a specific purpose by the Executive Committee.
  - 25.1.9. All co-opted members who will have no vote.
- 25.2. No person may serve for more than 8 (eight) consecutive years as President nor may any person serve for more than 8 (eight) consecutive years as Vice-President.
- 25.3. Exco may co-opt other individuals as members for short-term and project-orientated appointments in order to discharge specific functions provided that no co-opted member shall have a vote.
- 25.4. Exco shall perform *inter alia* the following functions:

- 25.4.1. The administrative functions of SAPA shall be the responsibility of Exco. In addition, Exco shall deal with any matters referred to it by the National Council and shall report to the National Council;
- 25.4.2. Exco shall decide on the executive structures and administrative procedures of SAPA as may be required from time to time.
- 25.4.3. Exco controls and oversees the work of its own management committee, as well as the work of all Commissions and Technical Committees and has to ratify all their decisions of a major nature.
- 25.5. Members of Exco shall vote on all resolutions by a show of hands.
- 25.6. Members of Exco shall decide on all matters by a simple majority vote.
- 25.7. Each member of Exco shall have 1 (one) vote, save and except for elective matters, and the Chairperson of any meeting of Exco shall have a second or casting vote, in the event of an equality of votes.
- 25.8. The chairperson of any meeting of Exco shall be the President, or in his or her absence the Vice President, or in his/her absence such other Member of Exco as shall have been appointed at that meeting by the Members of Exco present and entitled to vote.
- 25.9. Exco shall meet not less than 2 (two) times per annum in addition to the annual general meetings of the National Council.
- 25.10. A quorum of members of Exco shall consist of not less than 5 (Five) such members including a minimum of 4 provincial representatives being present, and if there is not a quorum present at the appointed time and place for any meeting of Exco or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded and declared by the chairperson of that meeting to have been concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of Exco who are present at that meeting provided that such date shall not be more than 10 working days after such meeting; and at such adjourned meeting those members of Exco present and entitled to vote shall constitute a quorum and may transact the



business of that meeting.

- 25.11. The Managing Director shall, by such means as is most expedient and by such means as appears most appropriate in the circumstances, inform those members of Exco who were not present at the meeting of the date, time and place to which the meeting has been adjourned.
- 25.12. Any member of Exco who, without having first obtained leave of absence from Exco, shall otherwise than in circumstances beyond his or her control, not attend 3 (three) consecutive meetings of Exco, of which meetings due notice has been given, shall be deemed to have resigned from Exco.
- 25.13. No member of Exco shall be entitled to any remuneration, but all members of Exco shall be entitled to be refunded any disbursement incurred by any such member in fulfilling any duties or functions as shall be approved by Exco.
- 25.14. The Managing Director shall:
  - 25.14.1. Send to all Members, and to all members of Exco:
    - 25.14.1.1. Written notification of all meetings of Exco and the proposed Agenda within the stipulated time period prior to the date of the proposed meeting.
    - 25.14.1.2. Copies of the minutes and resolutions of all meetings of Exco, within 15 (fifteen) working days after the date of the relevant meeting.
  - 25.14.2. Send to all Members, and to all members of Exco:
    - 25.14.2.1. Written notification of all meetings of the National Council and the proposed Agenda, in the stipulated time period prior to the date of the proposed meeting.
    - 25.14.2.2. Copies of the minutes and resolutions of all meetings of the National Council, within 15 (fifteen) working days after the date of the relevant meeting.
- 25.15. Any Member, of any classification, shall be entitled to have a representative attend and speak, but not vote, at any meeting of Exco; provided such Member shall have submitted written notification to the Managing Director of such intention and the

full details of any matter such member is desirous of raising at such Meeting, not less than 5 (five) working days prior to the date of such meeting.

## **26. POWERS OF EXCO**

- 26.1. Except where otherwise stated herein and subject to the provisions of this Constitution, Exco shall be vested generally with all such powers and authorities as are necessary to perform its functions as stated herein and to promote and attain the objects of SAPA and, without in any way limiting the generality of the foregoing, Exco shall have all such powers and authorities specifically mentioned hereunder.
- 26.2. Exco shall control all expenditure of the funds of SAPA and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of SAPA.
- 26.3. No cheque or promissory note drawn on behalf of SAPA shall be valid unless signed by any 2 (two) of the President, the Vice-Presidents, the Treasurer, the Managing Director, or any other official of SAPA who has been authorised by Exco to have signing powers. The same restriction applies *mutatis mutandis* to electronic (Internet) payments.
- 26.4. Exco shall be entitled to make any and all by-laws or regulations necessary to promote the aims and objects of SAPA and such by-laws and/or regulations shall be binding upon members. Such regulations shall be ratified at the next General Meeting of the National Council.
- 26.5. Exco may delegate the exercise of any of its powers and functions to one of its members, or a Committee established in terms of this Constitution, or to a sub-committee of Exco.
- 26.6. In addition to the foregoing, Exco shall:
  - 26.6.1. undertake and perform all such duties and functions as shall be decided by the National Council;
  - 26.6.2. subject to the provisions of this Constitution, make, amend, vary, repeal and enforce rules, by-laws and regulations for SAPA in consultation with the national Council;
  - 26.6.3. consider and, if thought fit, approve the separate constitutions, by-laws, rules and regulations of each Member, and any amendments or

- alterations thereto;
- 26.6.4. formulate recommendations and resolutions for the consideration of the National Council and prepare the agenda for National Council meetings;
- 26.6.5. refer matters to the Disciplinary Committee for investigation and/or the conduct of disciplinary proceedings in respect of any infringement of this Constitution or the by-laws, rules or regulations, including the Code of Conduct of SAPA in force from time to time, or the breach of any agreement between SAPA and another contracting party falling under the jurisdiction of SAPA, or the violation of the Rules of the Game and to enforce the sanctions imposed by the Disciplinary Committee whether by way of fines, or suspension or banning/ exclusion from participating in any championships or event or the activities of SAPA or by way of withdrawing monies for which any person would otherwise be eligible. For the purposes of this Constitution, all events and championships of whatsoever nature organised and sanctioned and/or run by Members of SAPA shall be deemed to be under the auspices of SAPA;
- 26.6.6. impose and collect levies, subscriptions, dues and imposts;
- 26.6.7. ensure that polo clubs, provincial Associations and the Community that arrange, control, regulate and promote events, championships and any other forms of competition do so properly and in line with the expectations of SAPA;
- 26.6.8. employ any person upon such terms and conditions as shall be decided and, when considered necessary or desirable, terminate the employment of any such person.
- 26.6.9. decide upon and resolve any dispute between any Members, bodies and or clubs or persons who are members of such Clubs;
- 26.6.10. subject to the provisions of this Constitution, determine the areas or jurisdiction of Members and Bodies and vary or alter such areas from time to time when necessary;
- 26.6.11. co-opt any person to Exco as may be required to achieve the objects

- of SAPA or fulfil any purpose incidental thereto;
- 26.6.12. form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of SAPA and, subject to this Constitution, by-laws, rules and regulations, delegate such of its powers to such sub- committees as may be required;
- 26.6.13. appoint special advisers and consultants, for any purposes, and terminate such appointment/s;
- 26.6.14. consider and make a recommendation to the National Council in regard to any application for membership of SAPA.
- 26.6.15. open accounts with any recognised commercial banking or other financial institution, and invest any funds of SAPA and pay any such funds to any person (natural, corporate or otherwise) who has a valid claim for payment against SAPA;
- 26.6.16. ratify the criteria for the award of National Colours and the appointment of National Selectors for the selecting of teams to whom Colours may be awarded as done by the various bodies responsible for national colours;
- 26.6.17. ensure that full and proper books of accounts are kept in accordance with sound accounting principles;
- 26.6.18. ensure that the said books of account and all records of SAPA's finances and assets are duly audited each year as soon as is practicable after the financial year end of SAPA which shall be 31 March of each year and that annual financial statements are prepared for approval at the A.G.M.;
- 26.6.19. deal with any question or issue arising out of or relating to or incidental to non-racialism as described in the Rules and Regulations of SAPA;
- 26.6.20. deal with any question or issue arising out of or relating to or incidental to non-sexism or discrimination on any grounds as referred to in this Constitution.
- 26.6.21. address any question or issue or matter concerning or incidental to development including budgeting for and expenditure on

- development;
- 26.6.22. approve the employment and termination of employment of staff by SAPA including all matters incidental thereto and the review from time to time of all existing contracts of employment of staff and all matters incidental thereto;
- 26.6.23. decide any question, issue or matter relating to emblems and colours for SAPA;
- 26.6.24. make recommendations on any question or issue relating to the affiliation to or disaffiliation from any macro or other body;
- 26.6.25. decide any question or issue relating to the use of SAPA's facilities and/or other facilities incidental thereto and/or the standard thereof.
- 26.7. Exco's jurisdiction shall not be limited to dealing with such matters as are referred to it but shall include the power and capacity to be pro- active and initiate such enquiries and/or take such steps as Exco seems fit.
- 26.8. It is recognised that it is desirable for all member Provincial Associations themselves to negotiate and achieve unified provincial bodies with regional sub-structures. Notwithstanding this, Exco shall have the right and power to be pro-active and to take such steps as it may to facilitate unity as may seem fit to ensure that any difficulties or problems in the way of unity in any Province shall be overcome.

**27. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER (WHERE APPLICABLE), AND THE OTHER MEMBERS OF EXCO**

- 27.1. There shall be elections for the elected positions on Exco for a term of one (1) year to be held annually at the AGM of the National Council. The elections shall be conducted by the Electoral Officer who shall be appointed at the elective AGM by the membership.
- 27.2. Each Member shall be entitled to nominate 1 (one) individual for election as President, 1 (one) individuals for election as Vice- President, 1 (one) individual for election as Treasurer.
- 27.3. The two representatives of the Special Member shall be elected at the AGM as well.

- 27.4. The Exco member responsible for Public Relations & Marketing shall be appointed by elected members of the new Exco at its first meeting to be held within a period of 3 (three) months after the date of the Elective A.G.M. at which the other members of the new Exco were elected.
- 27.5. Each nomination by a Member shall be in writing, shall be seconded on behalf of any other Member and shall be signed by the nominee to indicate his or her acceptance of the nomination.
- 27.6. It shall be permissible for the same individual to be nominated for more than one office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.
- 27.7. No less than 90 (ninety) days before the election date, the Managing Director shall send notification to every Member and Exco member:
- 27.7.1 informing them that the elections for Exco are to take place at the AGM of the National Council and of the date and place of this meeting;
  - 27.7.2 advising them of the name of the appointed Election Officer;
  - 27.7.3 providing them with an extract of those provisions of the Constitution which are relevant to the elections; and
  - 27.7.4 calling for nominations for each position on the Exco to be filled by election.
- 27.8. All such written nominations, shall be received by the Election Officer in line with the notification sent out by the Managing Director not less than 45 (forty-five) days prior to the date of elections.
- 27.9. No less than 30 (thirty) days before the election date, the Managing Director shall send to every Member and every Exco member a list of the nominations received with their *curricula vitae*.
- 27.10. If no nominations are received for the election of the President, the current President shall continue in office until the first meeting of the new Exco after that A.G.M., at which the elected members of the new Exco shall elect from their ranks an individual as the President and shall further fill the vacant position on Exco so occurring by the election of an individual from the ranks of the unsuccessful nominees at the elections held by the National Council. The same shall apply

*mutatis mutandis* in the event of there being no nominations for the positions of Vice-President, Treasurer or if any position could not be filled at the elections for reasons of gender requirements.

- 27.11. If there is more than one nomination for any of the posts of President, Vice-President and Treasurer then such posts shall be elected separately by secret ballot, such elections to be held in the sequence aforesaid.
- 27.12. The nominee who is successful by commanding a majority vote shall be appointed to the position. The unsuccessful nominee shall not be passed to other positions unless he was properly nominated for those positions.
- 27.13. Election will be by an outright majority of those voting i.e. the successful candidate must win at least 50% (fifty per centum) of the total votes casted, regardless of the number of candidates for the particular position. If the first round of voting does not produce an outright winner, the candidate with the least number of votes will drop out (if two candidates tie for last place, they both drop out) and further rounds of voting will take place in similar fashion until one candidate emerges as the outright winner.
- 27.14. Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 27.15. Any elected member of Exco shall hold office for a period of one year until the date of the following elections, unless he or she resigns, or is removed from office by virtue of a vote of no confidence adopted by the National Council with at least a two-thirds majority, or dies, or becomes permanently incapacitated before the expiry of his or her term.
- 27.16. Exco may terminate the appointments of the Exco member responsible for Public Relations & Marketing upon approval by at least a two-thirds majority of the members of Exco. These appointees shall be afforded a reasonable opportunity to make representations to Exco before Exco makes its decision.
- 27.17. If sufficient cause exists, decided by Exco by at least a two-thirds majority vote, a formal request for the replacement of the representatives of the Special Member and Associate Members may be directed to the Special Member and Associate Member's structures, as the case may be.
- 27.18. No member of Exco shall represent any Member of any classification, at any

meeting of the National Council or Exco.

## **CHAPTER 6 - COMMITTEES**

### **28. DISCIPLINARY COMMITTEE**

- 28.1. Disciplinary Committee will be appointed by SAPA from time to time and shall be a Disciplinary Advisory Committee to SAPA.
- 28.2. The Chairperson/President of the Disciplinary Committee may be called to appear before the Executive Committee or National Council from time to time as required.
- 28.3. The Disciplinary Committee shall have rules and regulations in accordance with and rules and regulations consistent with those of FIP, the HPA and SAPA.
- 28.4. The Disciplinary Committee shall ensure the implementation, communication of and adherence to international requirements in respect of all polo specific technical issues relating to the Rules and Regulations of the HPA, FIP and SAPA.
- 28.5. The duties of the Discipline Advisory Committees shall include, but not be limited to:
  - All matters relating to Disciplinary incidents of misconduct both on and off the polo field.

### **29. TECHNICAL COMMITTEES**

- 29.1. In recognition thereof that various aspects of the duties performed by SAPA require specific expertise or experience for the most effective discharge of those duties, the following standing committees are hereby established:
  - 29.1.1. Transformation and Development Committee;
  - 29.1.2. National Selection committee;
  - 29.1.3. Veterinary and Horse Welfare committee;
  - 29.1.4. Handicapping Committee;
  - 29.1.5. Coaches, High performance and Talent Identification Committee;
  - 29.1.6. Umpiring and Rules Committee
  - 29.1.7. Finance Committee



- 29.2. The convenors and membership of each Committee shall be decided by Exco and ratified by the National Council. Exco shall have due regard to the consideration that the Committees should be well- represented by representatives from each of the equestrian provincial associations and maintain a balance between male and female Committee members.
- 29.3. The Committees report to the Executive Board.
- 29.4. The Committees may formulate their own rules and procedures subject to approval by Exco.
- 29.5. Each Ordinary Member and the Special Member shall nominate individuals to serve on the various Technical Committees.
- 29.6. The roles and responsibilities of Committee Members will be defined in Part 2 of the Rules and Regulations of SAPA.
- 29.7. Each Committee shall, subject to the provisions of this Constitution and to the by-laws, rules and regulations of SAPA, perform such duties and functions as are delegated to it by Exco.
- 29.8. The powers and authority of each standing Committee shall be as set out in the by-laws, rules and regulations of SAPA, provided that Exco may by resolution add to or subtract therefrom.

### **30. DISCIPLINARY AND NATIONAL SELECTION COMMITTEES**

- 30.1. The National Executive Committee shall appoint the members of the Disciplinary and National Selection committees and delegate such powers to include, but not be limited by the following:
  - 30.1.1. To assist SAPA with legal advice;
  - 30.1.2. To set up in accordance with HPA Regulations and continuously update a Code of Conduct for both participants and management, adopted by National Council;
  - 30.1.3. To set up in accordance with HPA Regulations and continuously update the Grievances Procedures, adopted by National Council;

- 30.1.4. To hear internal appeals against any decision of any member, Provincial Association or committee of SAPA;
- 30.1.5. To hear internal appeals against any decision of the National Selection Committee;
- 30.1.6. To adjudicate, mediate and arbitrate upon other legal matters.
- 30.2. Every member of the Disciplinary and National Selection committees shall have one vote each at their meetings and hearings.
- 30.3. Any party aggrieved by a decision of the Disciplinary and National Selection committee may refer the matter to SASCOC via the SAEF office for its final determination provided the leave of the Disciplinary and National Selection committees is first sought and obtained within a period of 21 (twenty-one) days. The Disciplinary and National Selection committees shall grant the necessary discretionary leave if  
  
the matter is of great importance to the parties concerned and the referral sought is not judged frivolous or vexatious.
- 30.4. In the absence of a referral to SASCOC, the decision of the Disciplinary and National Selection committees shall be final and binding.

## **CHAPTER 7 – GENERAL**

### **31. COLOURS**

The colours of SAPA shall be green and white.

### **32. EMBLEM**

The emblem shall be in accordance with the registered design, namely the letters and SAPA's logo as per figure below.



**33. BADGE**

The badge shall have the emblem with the words SOUTH AFRICAN POLO ASSOCIATION and the year embroidered in white at the bottom.

**34. AWARD OF COLOURS**

Guidelines and criteria for the awarding of colours shall be as per those stipulated in the bylaws of SASCOG.

**35. RULES, REGULATIONS, PROCEDURES AND BY-LAWS**

35.1. Exco shall formulate and publish the rules, regulations, procedures and by-laws ("the Rules") based on those of the HPA in accordance with which the affairs of SAPA will be conducted. A copy of the Rules in force at any time shall be kept by the Managing Director and made available, upon request, to any Member, Body, athlete/participant, Committee or other individual registered with SAPA.

35.2. The Rules shall include, but not be limited to, the following:

35.2.1. SAPA's selection criteria;

35.2.2. SAPA's code of conduct for office bearers (including a disciplinary procedure);

35.2.3. SAPA's code of conduct for athletes and other registered individuals (including a disciplinary procedure);

35.2.4. SAPA's grievance procedure.

35.3. Substitution and amendment of the Rules will be effected by Exco upon approval by at least a two-thirds majority of the members of the Exco based on updates from the HPA.

## **36. FINANCE**

- 36.1. The financial year of THE FEDERATION is the 12 (twelve) month period commencing on 1 April in one year and ending on 31 March of the ensuing year.
- 36.2. The Finance Committee shall be chaired by the Managing Director.
- 36.3. The Managing Director shall cause to prepare an annual budget for the ensuing year to be presented and approved at the first general meeting of the National Executive Committee each year.
- 36.4. It shall be a requirement of membership for all Ordinary and Associate Members to submit to the Finance Committee a copy of their financial statements within 3 (three) months from the end of their respective year-ends and the Managing Director shall report to the National Council on compliance with this requirement and such matters pursuant thereto that may be relevant to the Members of the National Council.
- 36.5. Exco shall be responsible for monitoring the financial accounts of events organised by Member bodies. This shall not imply any restriction in the right of such bodies to control their own affairs or the affairs of their constituent bodies.

## **37. DISPUTE RESOLUTION**

- 37.1 Any dispute arising out of, or in connection with, the enforceability of this Constitution, or the application and interpretation of the provisions thereof, or any dispute between SAPA and another national sports federation, or any dispute between Members of SAPA, or any dispute between members of Exco, or between Exco and a Member, or between Exco or an Exco member and an individual (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to SASCOC via the SAEF or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration in terms of the procedure for the resolution of disputes in sport.
- 37.2 In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.
- 37.3 In recognition of the desire to resolve all disputes in Equestrian Polo fraternity as amicably and effectively as possible, it is required of all Members of SAPA to

incorporate in their constitutions (and to include in any agreements they may enter into) a dispute resolution clause in terms substantially the same as the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided for.

37.4 Recourse to the High Courts or Magistrates Courts by a party to any Associations or Club or Member related dispute shall be limited to instances of an alleged violation of the provisions of this Constitution or an alleged disregard for the principles of natural justice or for purposes of obtaining urgent interdictory relief. In all other instances any disputes fall to be decided according to the dispute resolution processes provided for in this Constitution.

### **38. NOTIFICATION**

For the purposes of this Constitution, all notifications by SAPA to any person or any Member, Honorary Life Member or Patron shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by hand, and/or by fax, and/or by electronic mail to the last known postal or fax or e-mail address, as the case may be, of the addressee, by any official of SAPA, but all notifications to SAPA by any person (natural, corporate or otherwise) or any Member, Honorary Life Member or Patron shall only be effective from the date of receipt thereof by the Managing Director. In no respects shall any postal authority be, or be deemed to be, the agent of SAPA.

### **39. ALTERATION OR VARIATION OF THIS CONSTITUTION**

This Constitution may be altered or varied, at any time, by the Members in General Meeting, upon a majority vote of not less than two-thirds of the total votes available to all Members at that time, regardless if the Members are represented at such Meeting or not, provided that not less than 30 (thirty) days written notification of such Meeting, together with a copy of a proposed resolution/s shall have been given to all Members.

### **40. DISSOLUTION OR WINDING UP OF THE FEDERATION**

40.1. SAPA may be dissolved or wound-up, at any time, by the Members in General Meeting, upon a majority vote of not less than 75% (seventy five per centum) of the total votes available to all Members at that time, regardless if the Members are represented at such Meeting or not, provided that not less than 10 (ten) working

days written notification of such Meeting and of any resolution aimed at dissolving or winding-up SAPA shall have been given to all Members.

- 40.2. Upon dissolution or winding up of SAPA, all the property and assets of SAPA, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organisation/s having objects similar to SAPA, at the discretion of the Members.

#### **41. PRIVACY, DIGNITY AND REPUTATION OF THE FEDERATION**

- 41.1. With reference to the Constitution of the Republic of South Africa, 1996, SAPA acknowledges, respects and supports the rights of freedom of thought, belief, opinion and expression, without however derogating from SAPA's own entrenched rights to privacy (which includes its dignity and reputation) and to freedom of association. SAPA is aware of the reasonable and justifiable limitation on all the aforesaid rights in terms of section 36 of said national Constitution and what is to follow, is to be read in the context of the said national Constitution.
- 41.2. No person bound by SAPA's Constitution may perform any act that brings Equestrian Polo, SAPA, or any of its members, officials or office bearers into disrepute or which injures them in their dignity; or which has the potential of doing so; or which has the effect or is calculated to have the effect of doing do.
- 41.3. In particular, but without affecting the generality of the foregoing, such acts include the uttering, authoring or publishing of statements, articles or comments, verbally or in writing, or by way of social media or any other medium or method of communication whatsoever, and which are threatening, derogatory, obscene, indecent, seditious, offensive, pornographic, abusive, disparaging, racist, discriminatory, menacing, inflammatory, blasphemous, or defamatory.
- 41.4. "Social media" includes but is not restricted to Facebook, LinkedIn, Twitter, Wikipedia, Flickr, MySpace, Tumblr, Pinterest, Google+ and YouTube, internet postings, blogs and wikis, or any other like medium which may be created in the future.
- 41.5. Persons bound by this Constitution who author or publish statements, articles or comments, must make it clear that they are speaking on their own behalf and not on behalf of SAPA, and that their views do not represent those of the aforesaid

bodies.

- 41.6. Persons bound by this Constitution may not use any of SAPA's logos, brand names, slogans or other trademarks.
- 41.7. Persons bound by this Constitution may not divulge any of SAPA's confidential or proprietary information without the prior written permission of SAPA.
- 41.8. SAPA may require any person bound by this Constitution to remove postings, comments or any other submissions made using social media that are deemed to constitute a breach of the above provisions. Failure to comply with such a request may in itself result in disciplinary action.
- 41.9. Failure to comply with the above provisions will render such persons liable to disciplinary action by SAPA, in addition to any other civil rights SAPA may have such as claiming damages for defamation.
- 41.10. SAPA's right not to associate with any person, which includes banning any person, is expressly reserved.

This Constitution was unanimously adopted by the Membership present at the Annual General Meeting held at Karkloof Polo Club, Howick on the 24<sup>th</sup> day of June 2016.

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**PRESIDENT**

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**MANAGING DIRECTOR**

## **SCHEDULE “A” – PROVINCIAL STRUCTURES**

1. The Provincial Association known as “Eastern Cape Polo Association” or East Griqualand Polo Association;
2. The Provincial Association known as “Free State Polo Association”;
3. The Provincial Association known as “Highveld Polo Association”;
4. The Provincial Association known as “KwaZulu-Natal Polo Association”;
5. The Provincial Association known as “Mpumalanga Polo Association”;
6. The Provincial Federation Association known as “Western Cape Equestrian Federation”.

## **SCHEDULE “B” – GEO-POLITICAL DEMARCATIONS**

<b>PROVINCE</b>	<b>REGION</b>	<b>PRINCIPAL CITY / TOWN</b>
<b>Western Cape</b>	Cape Town Unicity	Cape Town
(Cape Town)	West Coast	Malmesbury
	Boland	Stellenbosch
	Overberg	Swellendam
	Eden	George
	Central Karoo	Beaufort West
<b>Northern Cape</b>	Frances Baard	Kimberley
(Kimberley)	Namakwa	Springbok
	Pixley-ka-Seme	De Aar
	Siyanda	Upington
	Kgalagadi	Kathu
<b>Eastern Cape</b>		
(Bisho)	Cacadu	Grahamstown
	Amathole	East London
	Chris Hani	Queenstown
	Ukhahlamba	Aliwal North
	O R Tambo	Umtata



	Alfred Nzo	Mount Ayliff
	Nelson Mandela	Port Elizabeth
<b>Free State</b>	Motheo	Bloemfontein
(Bloemfontein)	Xhariep	Trompsberg
	Lejweleputswa	Welkom
	Thabo Mofutsanyana	Phuthaditjhaba

	Fezile Dabi	Kroonstad
<b>Kwazulu-Natal</b>	Umgungundlovu	Pietermaritzburg
(Pietermaritzburg)	Ethekwini	Durban
	Ugu	Port Shepstone
	Uthukela	Ladysmith
	Umzinyathi	Dundee
	Amajuba	Newcastle
	Zululand	Ulundi
	Umkhanyakude	Mtubatuba
	UThungulu	Richards Bay
	iLembe	Kwa Dukuza
	Sisonke	Ixopo

<b>Mpumalanga</b>	Ehlanzeni	Nelspruit
(Nelspruit)	Gert Sibande	Standerton
	Nkangala	Witbank
<b>Limpopo</b>	Capricorn	Polokwane
(Polokwane)	Mopani	Giyani
	Vhembe	Thohoyandou
	Waterberg	Bela-bela

	Sekhukhune	Groblersdal
<b>North West</b>	Central	Mafikeng
(Mafikeng)	Bojanala	Rustenberg
	Bophirima	Vryburg
	Southern	Klerksdorp
<b>Gauteng</b>	Johannesburg Metro	Johannesburg
(Johannesburg)	Sedibeng	Vereeniging
	Ekurhuleni	Germiston
	Metsweding	Bronkhorspruit
	Tshwane	Pretoria
	West Rand	Krugersdorp

## THE SOUTH AFRICAN POLO ASSOCIATION RULES & REGULATIONS

### PART ONE

#### SCHEDULE ONE - NON-RACIALISM

1. The principle of non-racialism is recognised and accepted. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no club, province or other affiliated body may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which though not worded in racial terms none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of 2.
4. The principle of non-racialism also demands that all clubs, provinces and other affiliated bodies shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity of nationality of such persons; e.g. when hosting an event and such non-members are legitimately at the premises of the club or other body in connection therewith.
5. The fundamental rights of freedom of association and freedom of disassociation are recognised. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in 5., and the principle of non-racialism referred to in 1., and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:
  - 7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation (Cf. para 2 above).
  - 7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of

one or more racial groups, provided that those criteria are not racist in their terms or in their intended effect e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though *de facto* its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.

8. Under no circumstances will an infringement of 4., above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.

9. The existence of the so-called "ethnic" clubs are perceived to be problematical and require deeper analysis:

9.1 Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well-established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.

9.2 What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the *bona IF* purpose of catering for the cultural needs or aspirations or interests of the particular ethnic group which it serves. There does not appear to be any ulterior racial motive.

9.3 If the constitution of such a club were to restrict its membership to persons of a particular ethnic group (or race or nationality), it would by implication, be excluding persons from all other ethnic groups/races/nationalities from membership.

*Prima facie* this would be an infringement of paragraph 2 above. The question which has to be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of 2, above (Cf also 7.1 above). It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the proposed new unified

national body or any provincial body.

- 9.4 By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership.
10. The principles and guidelines set out above with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious beliefs.

## **SCHEDULE TWO - AFFILIATES TO THE FEDERATION**

### Eligibility requirements for Provincial Federations as Ordinary Members and Associated Members

1. The objects clause of the constitution of a Provincial Association seeking Ordinary Membership and each body seeking Associate Membership must include provisions that are identical to or substantially the same as clauses 9.14, 8.22 and 8.24 of the Constitution of SAPA and shall provide that such Association and Associate Member shall encourage, promote, develop and administer Equestrian Polo within the area of its jurisdiction in accordance with sound business principles.
2. There must be provisions in the constitution of each Provincial Association seeking membership as an Ordinary Member and of each body seeking Associate Membership, stipulating that it:
  - 2.1 recognises and adopts Schedule One – Non-racialism;
  - 2.2 may not become a member or affiliate to any other body without the prior written consent of Exco of SAPA;
  - 2.3 may not authorise, send or sanction any team to go on a tour outside the boundaries of the Republic of South Africa without having first obtained the written consent of Exco of SAPA.
3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Disciplinary and National Selection Committees whose decision shall be final and binding.

**SCHEDULE THREE - APPLICATION OF THE PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962 (“the Act”)**

- 1. The following provisions contained in section 30 (1) of the Act shall at all times apply and be adhered to while this Constitution is in operation.
  - 1.1. The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
  - 1.2. At least 85% of the Association’s activities shall be carried out in the Republic of South Africa.
  - 1.3. At least 3 members who will accept fiduciary responsibilities and shall also not be connected persons to each other and no single person directly or indirectly controls the decision making powers relating to the Association.
  - 1.4. No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
  - 1.5. The Association’s funds will be used solely for the objects for which it was established, or shall be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, (Act no.39 of 1984) or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act.
  - 1.6. The Association will not carry on any business undertaking or trading activities other than to the extent that:
    - 1.6.1. The gross income derived from such business undertaking or trading activity does not exceed the greater of R25,000 or 15% of the gross receipts of the Association;
    - 1.6.2. The undertaking or activity is -
      - 1.6.2.1. integral and directly related to the sole object of the Association; and
      - 1.6.2.2. carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost; and

- 1.6.2.3. which would not result in unfair competition in relation to taxable entities;
  - 1.6.3. the undertaking or activity, if not integral and directly related to the sole object of the Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation; or;
  - 1.6.4. the undertaking or activity is approved by the Minister by notice in the Gazette, having regard to -
    - 1.6.4.1. the scope and benevolent nature of the undertaking or activity;
    - 1.6.4.2. the direct connection and inter-relationship of the undertaking or activity with the sole purpose of the Association;
    - 1.6.4.3. the profitability of the undertaking or activity: and
    - 1.6.4.4. the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or activity.
  - 1.6.5 any business undertaking or trading activities, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, will be retained or continued as the case may be, in the form so acquired for a period of five years.
- 1.7. On the dissolution of the Association, the remaining assets will be transferred to any similar public benefit organization, within the Republic of South Africa which has been approved in terms of Section 30 of the Act for the purposes of Section 18A of the Act:
- 1.8. No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in term of Section 18A; Provided that a donor (other than a donor which is an approved public benefit organization or an institution board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose

any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation;

- 1.9. A copy of all amendments to the Constitution will be submitted to the Commissioner for the South African Revenue Service;
- 1.10. No remuneration will be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;
- 1.11. The Association will submit the required Income Tax Returns annually together with the relevant supporting documents;
- 1.12. The Association will, within such period as the Commissioner may determine, register in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of the Act;
- 1.13. The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

#### **SCHEDULE FOUR – CONFLICT OF INTEREST**

1. A Conflict of Interest is defined as any personal, professional or financial relationship, including relationships of family members that could influence or be perceived to influence objectivity when representing or conducting business or other dealings for or on behalf of SAPA or its members or other persons or bodies over which SAPA enjoys jurisdiction, or that detracts from their ability to perform their duties with integrity, and in an independent and purposeful manner.
2. In the context of the provisions of this Constitution, a distinction is made between the situation of a “*Potential Conflict of Interest*” and the case of a “*Conflict of Interest*”. Only Conflicts of Interest are prohibited.
3. A situation of a “*Potential Conflict of interest*” arises when the opinion or decision of a person, acting alone or within an organisation, in the framework of the relevant activities, may be reasonably be considered as liable to be influenced by relations that the



aforementioned person has, has had or is on the point of having with another person or organisation that would be affected by the person's opinion or decision.

4. A case of "*Conflict of Interest*" is constituted when any person who, having abstained from declaring a situation of a potential conflict of interests, expresses an opinion or takes a decision in the circumstances described in 1. This conduct is prohibited.
5. In assessing the situations described in 1 above, direct as well as indirect interests must be taken into account. This also includes the interests of a third person (for instance a parent, spouse, relation or dependent).
6. It is accepted that all persons involved in Equestrian Polo may have a personal interest incidental to Equestrian Polo such as themselves being athletes/participants, officials, coaches, horse owners, or parents or guardians of minor athletes, or members of event organisers, or owners of or directly involved in stabling or equestrian centre establishments.
7. It is further accepted that the vast majority of persons who are prepared to serve on equestrian structures would hold such interests, which may give rise to a Conflict of Interest.
8. As such an appropriate balance needs to be maintained to avoid any unfair or improper advantage, directly or indirectly, to such persons and third persons.
9. When performing an activity for SAPA or being elected or appointed, persons bound by this Constitution shall disclose any personal interest that could be linked to their prospective activities.
10. A Conflict of Interest may be deemed so severe by the majority of the members of the Executive that such a person shall be deemed not eligible to be elected or appointed to serve on any structure of SAPA.
11. Persons bound by this Constitution shall avoid any situation that could lead to Conflict of Interest.

12. Faced with a situation of a potential conflict of interests, the person concerned must refrain from expressing an opinion, from making or participating in making a decision, or accepting any form of benefit whatsoever.
13. Should such person fail to disclose such a personal interest; or in the case of a potential conflict of interest fail to recuse himself from any related proceedings and or accept any benefit as aforesaid;; or should there be a dispute or objection concerning any Conflict of Interest, this shall immediately be disclosed or reported to the responsible individual at the organisation for which the person performs his or her duties, for appropriate measures.