

CONSTITUTION

OF

THE EDEN EQUESTRIAN

FEDERATION



(hereinafter referred to as “EEF”)
as amended and adopted on the 22nd of June 2017

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CHAPTER 1 – STATUS & INTERPRETATION

1. CONSTITUTION, NAME AND CORPORATE PERSONALITY

- 1.1. This is the Constitution of the body known as "The Eden Equestrian Federation" (EEF) (hereinafter referred to as "THE EEF")
 - 1.2. THE EEF 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 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.
 - 1.4. This Constitution of THE EEF is in no way in conflict with the Constitution of the Western Cape Equestrian Federation (WCEF), the Constitution of the South African Equestrian Federation (SAEF), 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 WCEF Constitution, SAEF Constitution, the SASCOC Constitution and or the Constitution of the Republic of South Africa shall prevail.
 - 1.5. This Constitution shall be binding on all individuals and members of THE EEF, as well as all persons serving on any of its structures and sub-structures, as well as all individuals or bodies registered with SAEF, and the Equestrian Sport Community at large, within the geographical borders of THE EEF.
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- 1.6. To the extent that the constitution of any member of THE EEF is in conflict with any of the provisions of this Constitution of THE EEF, the provisions of THE EEF'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. "A.G.M." means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
 - 2.3. "Annual Financial Statements" means the annual audited balance sheet, income and expenditure statement, Treasurer's report and Auditor's report.
 - 2.4. "Appeal Board" means a body of appeal appointed by the Regional Council in terms of this Constitution.
 - 2.5. "Area of Jurisdiction" means the area of administration of THE EEF shall be the region as geographically defined.
 - 2.6. "Associate Members" shall be the regional Schools Association (SANESA) body for THE EEF, and any other member who complies fully with the provisions of this Constitution, and who is confirmed by SASCOC as having fulfilled the criteria of *bona fide* Associate Members in terms of the SASCOC Constitution.
 - 2.7. "Athlete/participant" means a person competing in Equestrian Sport, in any Discipline, within any Club, (or as an individual) in a Development structure and/or a district Structure of THE EEF, who shall be subject to the authority of THE EEF, irrespective of the gender or age category.
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- 2.8 "Athletes Commission" shall mean a body of persons representing athletes/participants competing in any form of equestrian sport of THE EEF, as defined in this Constitution, irrespective of gender or age.
- 2.9 "Club" means any Equestrian club which caters for any discipline of Equestrian sport in a local district or area and which is a member of THE EEF.
- 2.10 "Coach" shall for the purposes of this Constitution have the same meaning as "trainer" or "instructor".
- 2.11 "Committee" means a committee established in terms of this constitution.
- 2.12 "Compliance" means that the Member, 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 THE EEF.
- 2.13 "Constitution" means this Constitution.
- 2.14 "Day" means a calendar day.
- 2.15 "Disciplinary Committee" means a judicial body duly appointed by the membership to administer any form of judicial process inclusive of investigations, hearings, and determinations.
- 2.16 "Disciplines" shall mean those individual sporting bodies as recognised by FEI and those individual bodies as referred to in clause 27.1.8 of the SAEF Constitution.
- 2.17 "Event" means an Equestrian event held in the district under the auspices or with the permission of THE EEF (save and except for a Development event.)
- 2.18 "Development Structure" means any structure in which a development rider participates without any form of award save and except for the award of rosettes.
- 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.
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- 2.20 "Equestrian Community" means all Members, Athletes/participants, coaches, event organisers and any other participant in Equestrian Sport under the auspices of THE EEF.
- 2.21 Exco" means the Executive Board of THE EEF, as constituted in terms of this Constitution.
- 2.22 "FEI" means *Federation Equestre Internationale*.
- 2.23 "WCEF" means the WESTERN CAPE EQUESTRIAN FEDERATION
- 2.24 "EEF" means the EDEN EQUESTRIAN FEDERATION
- 2.25 "Head Coach" means the person appointed as such by the EEF Council, on recommendation of Exco.
- 2.26 "Honorary Life Members" means all those persons bestowed with this honour by the EEF Council.
- 2.27 "Horse" includes all equines.
- 2.28 "IF" means the International Federation/s to which SAEF is affiliated.
- 2.29 "an individual" means any person who is not affiliated to any club or district by virtue of their circumstances, but who accepts and is bound by the provisions of this Constitution.
- 2.30 "Levies" means the monies levied and due by the membership to THE EEF as approved and agreed to by membership at each A.G.M. of THE EEF.
- 2.31 "Member" shall mean an Ordinary Member, Athletes Commission or an Associate Member.
- 2.32 "Month" means a calendar month.
- 2.33 "District 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 THE EEF.
- 2.34 "District Council" means the membership of THE EEF in general meeting.
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- 2.35 "National Sport Federation" means the national governing body of the Sport in membership with SASCO, and recognised by the Department of Sport and Recreation in the Republic of South Africa.
- 2.36 "Ordinary General Meeting" means a meeting of Members other than an A.G.M. or S.G.M. convened in terms of this Constitution.
- 2.37 "Ordinary Members" means Clubs within THE EEF.
- 2.38 "Patrons" shall mean a person duly appointed as such in terms of this Constitution.
- 2.39 "Person" means a natural or legal person.
- 2.40 "Chairperson" means the Chairperson of THE EEF, duly elected in terms of this Constitution.
- 2.41 "Province" means the Western Cape province, being one of the nine (9) geopolitical areas as defined in Section 103 of the Constitution of the Republic of South Africa 1996 (as amended).
- 2.42 "Provincial Federation" means a body representing the various Districts and equestrian disciplines 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 the Equestrian Sporting disciplines of that Province, and the Department of Sport and Recreation in that Province.
- 2.43 "Provincial Federation Council" means the membership of the Provincial Federation in general meeting.
- 2.44 "Registered individuals" mean the athletes/participants, officials, coaches, managers, administrators and friends / workers registered with THE EEF.
- 2.45 "Districts" means the demarcated areas in the Western Cape Province of WEST COAST, CAPE METRO (UNICITY), CAPE WINELANDS, CENTRAL KAROO, OVERBERG and EDEN, as is set out more fully in Schedule "A" hereto.
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- 2.46 “District Federation” means a body representing the various Clubs within Regions and equestrian disciplines 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 the Equestrian Sporting disciplines of that Province, and the Department of Sport and Recreation in that Province.
- 2.47 “EEF Federation Council” means the membership of a Regional Federation 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 THE EEF 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 South African National Equestrian Schools Association (“SANESA”)
- 2.52 “Secretary” means the person either elected as such by the EEF Council or employed by the Executive, provided that an elected secretary shall have a vote but an employed secretary shall not have a vote in any matter whatsoever.
- 2.53 “The South African Equestrian Federation” (SAEF) means the body constituted in terms of the SAEF Constitution, and which is the recognised member of SASCOC as the organisation responsible for Equestrian Sport 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.
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- 2.55 "SRSA", means the Department of Sport & Recreation in South Africa.
- 2.56 "Trainer" shall for the purposes of this Constitution have the same meaning as "coach" or "instructor".
- 2.57 "Treasurer" means the person elected or employed in terms of the provisions of this Constitution.
- 2.58 "Vice-Chairperson" means the Vice-Chairperson of THE EEF, duly elected in terms of this Constitution.
- 2.59 "WADA" means the World Anti-Doping Agency.
- 2.60 "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.61 "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.
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CHAPTER 2 – THE EEF AS AN ORGANISATION

4 DOMICILE

The domicile and seat of management of THE EEF shall be deemed to be situated at the residential address of the Chairperson from time to time, or any other physical address nominated by Council, provided that it shall always be at a place within the regional boundaries of THE EEF.

5 AREA OF JURISDICTION OF THE EEF

The jurisdiction of THE EEF shall be fully aligned within the geo-political Regions for the Eden Region reflected in the WCEF and SAEF Constitutions, and the Constitution of the Republic of South Africa.

6 AFFILIATION

THE EEF shall be a full member of the WCEF and of the Eden Sport Council.

7 MAIN BUSINESS

7.1 The main business of THE EEF is to act as the regional controlling and administrative body of Equestrian in its geographical area of jurisdiction, subject to the authority of WCEF, and in conformity with the Constitution of WCEF.

7.2 THE EEF shall seek and hold membership of WCEF as the recognised provincial federation and controlling body for Equestrian Sport in Western Cape Province.

7.3 No Member shall be entitled to establish or maintain contact with IF or any other international FEDERATION body except SAEF.

7.4 THE EEF may affiliate with any other body or sporting code with compatible aims with a view to enhancing the interests and status of Equestrian Sport within its area of jurisdiction provided that THE EEF may not become a member of or affiliate to any such other body or code without the prior written consent of the WCEF Council.

8 ORGANISATIONAL STRUCTURE OF THE EEF

- 8.1 THE EEF is the regional controlling body of Equestrian Sport within its district, governed by the EEF Council according to this Constitution.
 - 8.2 The members of THE EEF shall be the Athletes Commission, Associate Members and the Clubs.
 - 8.3 Each of the district Federations shall consist of duly elected Representatives, representing the various Clubs within a district and district Associate Members
 - 8.4 Each of the EEF Representatives shall be duly elected from the body of the Clubs affiliated to the EEF
 - 8.5 Clubs practicing equestrian sport within the geographical area of THE EEF shall each be governed by its CLUB 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 THE EEF's Constitution, THE EEF's Constitution shall prevail.
 - 8.6 THE EEF's athletes/participants shall have freedom of association to belong to any Club within the district in which he is resident, provided that he or she is eligible for membership of the Club concerned and with the understanding that any participation in the Federation's provincial and or district levels will be determined by the geographic locality of the Club of which he or she is a member, in terms of the geopolitical boundaries as determined from time-to-time; provided further that SAEF may in exceptional circumstances and on good cause shown, give written consent for an athlete/participant to belong to a Club in another district or province, in which case such athlete/participant shall still only be permitted to represent the district and the province they are resident in, and to be awarded colours accordingly.
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9 OBJECTS OF THE EEF

The objects of THE EEF are:

- 9.1 To be and to operate and function as the autonomous controlling and administrative body of Equestrian sport within the area of the jurisdiction of THE EEF.
 - 9.2 To direct, develop, and administer Equestrian sport within its 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 as a sport, and a recreational activity in the district.
 - 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 Sport.
 - 9.6 To uphold and enforce the rules of SAEF as prescribed by IF from time to time and to encourage and promote the highest standard of sporting behaviour in connection with Equestrian Sport.
 - 9.7 To assist at all levels with the organisation and administration of THE EEF.
 - 9.8 To organise or facilitate district championships for all athletes irrespective of age, gender or physical ability through the various equestrian bodies.
 - 9.9 To facilitate the involvement of THE EEF'S athletes and teams in district tournaments and championships, and to promote the achievement of district and provincial titles.
 - 9.10 To contribute to the development of South Africa as the foremost Equestrian nation in Africa.
 - 9.11 To create, build and maintain communities of THE EEF's athletes/participants in the form of THE EEF's Clubs and to encourage the active involvement of volunteers in the administration and management of the Equestrian Sport.
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- 9.12 To increase the number of individuals registered within Equestrian Sport, particularly among schools and previously disadvantaged communities.
 - 9.13 To actively develop Equestrian Sport and build human capacity in accordance with the Long Term Participant Development (LTPD) plan adopted by SAEF.
 - 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 THE EEF.
 - 9.16 To further SAEF'S sport education in THE EEF and, where possible, to make funds available for Equestrian Sport'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 Sport as approved by SAEF and/or any other code of conduct decided upon by THE EEF and approved in writing by WCEF.
 - 9.19 To refer all disciplinary matters and grievances to its disciplinary committee and to resolve disputes between anyone involved in Equestrian Sport in THE EEF.
 - 9.20 To participate in the management activities of WCEF and SAEF and to ensure that THE EEF is represented at these levels.
 - 9.21 To annually reapply to be a member of WCEF and to abide by its Constitution, Rules and Regulations, and to cooperate with SAEF, in particular as regards the participation of Equestrian Sport's athletes/participants in all Multi-Code Games and Events.
 - 9.22 To ensure selection of athletes at all levels for participation in any tournaments or championships and in accordance with the constitution of SASCOG.
 - 9.23 To award district colours in terms of the criteria laid down in the SAEF and WCEF Rules and Regulations, and in terms of the
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Western Cape Provincial Sport Confederation's (WCPSC) and Sports Council Colours Policy.

- 9.24 To advance the objectives of THE EEF 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 THE EEF and irrespective of whether or not such other Associations or Organisations are connected with Equestrian Sport.
- 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 THE EEF's athletes/participants, administrators, managers, officials, coaches and event organisers throughout the district.
- 9.27 To seek ways to grow the access to and participation in Equestrian Sport.
- 9.28 To ensure that the encouragement, promotion, development and administration of Equestrian Sport, whether same be at National, Provincial, district or Local 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. Such principles are more fully set out in Schedule "B" hereto.

10 **POWERS OF THE EEF TO CARRY OUT ITS OBJECTS**

- 10.1 THE EEF shall have all such powers and authorities as shall be deemed necessary or desirable or conducive of achieving any and all of the objects of THE EEF. These powers and authorities shall be exercised by the EEF 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
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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 THE EEF 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 Sport.
 - 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 Sport.
 - 10.5 From time to time, in accordance with sound business and financial principles to invest the funds of THE EEF 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 THE EEF, 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 THE EEF.
 - 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
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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 THE EEF.
 - 10.15 To institute, conduct, defend, compound or abandon any legal proceedings by and against THE EEF or its officers or otherwise concerning the affairs of THE EEF, 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 THE EEF.
 - 10.16 To finance litigation and other legal costs, either in the name of THE EEF or by way of the imposition of a special levy on its Members when approved by the Membership.
 - 10.17 To lawfully raise money to fund its ordinary operations, whether by subscription or levies, which are to be paid to THE EEF by the 31st 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 THE EEF on behalf of the districts's 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. It is specifically recorded that annual fees will be determined by the membership and will be paid by means of the athlete effecting payment to the club who in turn would contribute to the EEF who would in turn contribute to the provincial body who in turn would contribute to the national body.
 - 10.18 To solicit and accept donations, bequests, grants and contributions for the benefit of THE EEF 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 THE EEF with the written consent of WCEF.
 - 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
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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 THE EEF.
- 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 Club presently or formerly affiliated to THE EEF, and any member of the Equestrian Community, including but not limited to athlete/participant, official, committee member, coach, team manager and event organiser connected or concerned with Equestrian Sport and arising out of such party having been found guilty by the relevant judicial structure of any contravention or breach of the provisions of this Constitution or any rule, regulation or by-law, including the Code of Conduct of SAEF 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, THE EEF 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 THE EEF by its Members, former Members or any other person/s 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 THE EEF and to enter into any arrangements that may be conducive to the objects of THE EEF with the written consent of WCEF.
- 10.25 Notwithstanding anything herein contained, it is recorded that:
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- 10.25.1 THE EEF's income and property shall not be 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 shall have no rights in the property or other assets of THE EEF solely by virtue of their being members or office bearers;
- 10.25.3 THE EEF 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 of Schedule "D" hereto.
- 10.25.4 THE EEF shall not have any authority to contract or bind on behalf of any Member or individual;
- 10.25.5 THE EEF 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 THE EEF'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 EEF Council.

CHAPTER 3 – MEMBERSHIP OF THE EEF

11 CLASSIFICATION OF MEMBERSHIP

11.1 THE EEF 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 Equestrian Clubs within the district and as such they shall be obliged to promote, develop and participate in Equestrian Sport under the guidance and control of THE EEF, as well to ensure the development of THE EEF's

administrators, athletes/participants and technical personnel through constructive coaching and capacity building.

11.1.2 Associate Member(s) shall be the EEF Schools Sports Association and any other Member that may qualify in terms of the definition of Associate Members.

11.1.3 Athletes Commission means a body of representative of active athletes/ participants known as the Athletes Commission, and established from individual athletes participating in Equestrian Sport of THE EEF, 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 THE EEF as determined by Exco, which may vary such rights from time to time. It is specifically recorded that the functions and duties of the Associate Members will be governed by the Constitution of such Members, and same shall not be in conflict with THE EEF's Constitution.

11.3 In matters of mutual interest, THE EEF 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, with the written approval of WCEF.

11.4 The EEF Council shall fix any EEF fees.

12 **ORDINARY MEMBERS**

12.1 The current Ordinary Members shall be the SAEF registered Clubs in THE EEF.

12.2 The jurisdictions of Ordinary Members shall be limited to the boundaries of THE EEF within which they are registered.

12.3 The constitution of every Ordinary Member shall substantially comply with the constitution of THE EEF.

12.4 Every Ordinary Member shall upon request, submit:

12.4.1 proof of the democratic election of its own office bearers;
and

12.4.2 proof of the number of active athletes/participants registered
with that club; and

12.4.3 a list of members and their contact numbers and addresses.

13 **ATHLETES COMMISSION**

13.1 Shall be any duly elected person representing all current athletes participating in any form of Equestrian Sport under the auspices of THE EEF, whether same be from a Provincial or EEF level.

13.2 Such commission shall be bound by the terms of this Constitution specifically but not limited to due regard of the elective provisions of this Constitution,

14 **ASSOCIATE MEMBERS**

Shall be the Schools Association (SANESA) and, with the written consent of WCEF, any other member who complies fully with the provisions of this Constitution, and who is confirmed by SASCOC as having fulfilled the criteria of *bona fide* Associate Members in terms of the SASCOC Constitution.

15 **HONORARY LIFE MEMBERS**

Honorary Life Members may be nominated and appointed in accordance with Clause 15 of the SAEF Constitution, with the necessary modifications.

16 **PATRONS**

Patrons may be nominated and appointed in accordance with Clause 16 of the SAEF Constitution, with the necessary modifications.

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 THE EEF, 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 THE EEF, by way of subscription or otherwise, and any special levy imposed by the EEF Council from time to time.
- 17.2 The Patrons, the Chairperson, the Vice-Chairperson, the Treasurer, the Secretary, all other members of Exco, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of THE EEF, or on behalf of a Commission or Committee of THE EEF 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 THE EEF, from whatever cause arising, provided such person/s acted in good faith.

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 recommendation of the Exco to the EEF Council (general membership) who shall decide at its next meeting whether the membership of such member should be terminated (for a period of time), further suspended for a fixed or an indefinite period of time, or restored.
- 18.2 The EEF 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 EEF 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
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required fees, whether it refuses to comply with the decisions of the EEF Council, whether it has sufficient resolve for the development of Equestrian Sport in its area, whether its office bearers are individually registered with THE EEF and whether the Member concerned works harmoniously with THE EEF and other Members towards the expansion of Equestrian Sport in South Africa.

- 18.4 Any Member of any classification may, at any time, tender their resignation from THE EEF. Such member must give notice by not later than 31 December of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to THE EEF at the date of their resignation.

CHAPTER 4 – EEF COUNCIL

19 THE EEF COUNCIL

- 19.1 Subject to the terms of this Constitution, the EEF Council shall be the highest authority of THE EEF and shall determine its policy, decide upon its budget and give directives to Exco.
 - 19.2 There shall be a minimum of 40 percent females amongst the members of Council.
 - 19.3 The EEF Council shall meet annually. The first such meeting shall be an Ordinary General Meeting (O.G.M.) of the EEF Council, and the second meeting shall be the Annual General Meeting (A.G.M.).
 - 19.4 The first meeting of the EEF Council in each even-numbered year, following the elections of Exco and Commission members and the appointment of Committee members at or pursuant to the second meeting of each odd-numbered year, shall coincide with the holding of a EEF Convention at which separate meetings of all member Clubs, as well as the Committees of THE EEF shall be held.
 - 19.5 The O.G.M and the A.G.M. of the EEF Council and the EEF Convention shall be held on such date and time and at such place as Exco shall determine.
 - 19.6 Subject to the express provisions of this Constitution and its policy, rules and procedures in force from time to time, the EEF Council shall have full powers in the management and direction of the business affairs of THE EEF and, save as may be expressly provided in this Constitution, may exercise all such powers of THE EEF and do all such acts on behalf of THE EEF, as may be exercised and done by THE EEF itself.
 - 19.7 Without limiting the generality of the above, the EEF Council shall have the following specific functions and powers:
 - 19.7.1 to determine the policy of Equestrian Sport for the execution of which the Exco shall be responsible;
 - 19.7.2 to ratify the rules, by-laws and regulations formulated by Exco;
 - 19.7.3 to fix conditions and fees for membership of THE EEF.
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- 19.7.4 to consider and approve or reject applications for membership of THE EEF and to deal with the conduct of Members and registered individuals at all levels, including expulsion from membership and cancellation of registration;
- 19.7.5 to elect on a four (4) year term, the Chairperson and Members of the Executive Committee (“Exco”).
- 19.8 The following persons shall be eligible to attend and speak at meetings of the EEF Council, other than the A.G.M. and a S.G.M.:
- 19.8.1 All members of Exco;
- 19.8.2 Not more than 2 (two) representatives of each of the Ordinary Members, 1 (one) representative of the Athletes Commission, and 1 (one) representative of SANESA’s district body.
- 19.8.3 All Honorary Life Members;
- 19.8.4 Invited individuals shall include the Auditor and a representative of District Sports Council;
- 19.9 Notice of any O.G.M. of the EEF Council shall be sent to all 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.
- 19.10 The full 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 Secretary 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 Members, the Athletes Commission and Associate Members, not less than 14 (fourteen) days prior to the date of such meeting.
- 19.11 The business to be transacted at the O.G.M. shall be:
- 19.11.1 to read the notice convening the meeting;
- 19.11.2 to read and confirm, with or without amendments, or to reject the minutes of the previous O.G.M., as well
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- as the minutes of any S.G.M. held in the interim, and to consider any matters arising therefrom;
- 19.11.3 to consider and to adopt, with or without modification, or to reject, any Resolution of which due notice has been given;
- 19.11.4 to consider and to adopt, with or without modification, or to reject, the budget for the ensuing year which shall have been prepared by the Treasurer and considered and recommended by Exco.
- 19.12 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 EEF Council meeting.

20 **ANNUAL GENERAL MEETING ("A.G.M.")**

- 20.1 An A.G.M. shall be held once in every year, the A.G.M. shall be held within 3 (three) months from the end of the financial year and not more than fifteen (15) months after the date of the previous A.G.M.
- 20.2 Exco shall decide the date, time and place on which each A.G.M. shall be held.
- 20.3 The following persons shall be entitled to attend and speak at the A.G.M:
- 20.3.1 All members of Exco;
- 20.3.2 Not more than 2 (two) representatives of each of the Ordinary Members and the Athletes Committee, and 1 (one) representative of each of the Associate Member;
- 20.3.3 The Patrons;
- 20.3.4 All Honorary Life Members;
- 20.3.5 Invited individuals shall include the Auditor of THE EEF;
- 20.3.6 A representative of any Committee of THE EEF if that Committee is invited for a specific purpose by the Executive to address the Council;
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- 20.3.7 The Chairperson of each of THE EEF'S Technical Committees.
 - 20.3.8 A representative of the District Sports Council.
 - 20.4 The business to be transacted at an A.G.M. shall be:
 - 20.4.1 to read the notice convening the Meeting;
 - 20.4.2 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;
 - 20.4.3 to receive and consider the Annual Report of the Chairperson, for the period since the date of the previous A.G.M.
 - 20.4.4 to receive and consider the report of the Treasurer 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 EEF Council at its following meeting or by the Exco in terms of the decision of the A.G.M.;
 - 20.4.5 to appoint the auditors of THE EEF to hold office until the next A.G.M.;
 - 20.4.6 to receive and consider the reports of Committees regarding their activities for the year;
 - 20.4.7 to consider and to adopt with or without modification, or to reject any recommendations of Exco;
 - 20.4.8 to consider all nominations by Exco of persons to be Patrons or Honorary Life Members and to accept or to reject any such nomination;
 - 20.4.9 to discuss and consider any further matters of which 30 (thirty) days written notice has been given.
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- 20.5 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.
- 20.6 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.

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

- 21.1 An S.G.M. of Members shall be convened:
- 21.1.1 by resolution of Exco, or
 - 21.1.2 upon the written requisition of not less than 50% (fifty per centum) plus 1 (one) Members, addressed and sent to the Secretary, 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.
- 21.2 Within 14 (fourteen) days after receipt of the resolution or requisition, the Secretary 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.
- 21.3 No business other than that stated in the notification shall be transacted at the S.G.M.
- 21.4 Only the persons referred to in clause 20.3. shall be entitled to attend and speak at S.G.M.'s.

22 **REPRESENTATION AND VOTING RIGHTS**

- 22.1 Each Ordinary Member shall be entitled to nominate a maximum of 2 (two) representatives and the Athletes Commission representative shall be entitled to nominate a maximum of 1 (one) representative, whilst an Associate Member will be entitled to nominate 1 (one) representative, to attend and to vote at any general meeting of the EEF Council.
- 22.2 Such nominations shall be in writing, addressed to the Secretary and must be received by him or her not less than 72 (seventy-two) hours prior to the time for the commencement of that meeting.
- 22.3 Members shall have the following voting rights in respect of any and all meetings of the EEF Council:
- 22.3.1 Ordinary Members shall each have 2 (two) votes.
- 22.3.2 The Athletes Commission shall have 1 (one) vote.
- 22.3.3 Associate Members shall each have 1(one) vote.
- 22.4 Only representatives of Members who are personally present at the meeting concerned shall be allowed to exercise the right to vote.
- 22.5 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.
- 22.6 No proxy votes shall be allowed.

23 GENERAL PROVISIONS RELATING TO COUNCIL MEETINGS

- 23.1 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.
- 23.2 The chairperson of any A.G.M., O.G.M. or S.G.M. shall be the Chairperson, or in his/her absence the Vice-Chairperson, 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.
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- 23.3 A quorum shall consist of 50% (fifty per centum) plus 1 (one) of the total votes available to all Members and the Athletes Commission, provided they are in good standing.
- 23.4 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 Chairperson, 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 the membership present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.
- 23.5 Where a meeting has been adjourned as aforesaid, the Secretary 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 Chairperson, stating:
- 23.5.1 the date, time and place to which the meeting is adjourned;
- 23.5.2 the matter before the meeting, when it was adjourned;
- 23.5.3 the ground for the adjournment.
- 23.6 Voting shall be on a show of hands unless a secret ballot (poll) be demanded by representatives of not less than 40% (forty per centum) of the membership entitled to vote, and in such event, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.

CHAPTER 5 – EXECUTIVE BOARD

24 EXCO

- 24.1 The Executive Board of THE EEF ("Exco") shall consist of the following persons:
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- 24.1.1 The Chairperson;
 - 24.1.2 The Vice-Chairperson;
 - 24.1.3 The Treasurer;
 - 24.1.4 The Secretary who may have been elected or employed, and who shall have a vote if he/she had been duly elected as secretary;
 - 24.1.5 The Chairpersons of each of the Clubs (ordinary members).
 - 24.1.6 1 (one) representative of the Athletes Commission
- 24.2 There shall be minimum 40 percent females amongst the members of Exco.
- 24.3 Exco committee shall be deemed to be validly constituted when the provisions of 24.2 above have been complied with.
- 24.4 No person may serve for more than 8 (eight) consecutive years as Chairperson nor may any person serve for more than 8 (eight) consecutive years as Vice-Chairperson.
- 24.5 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 and provided further that although the predominant criterion for co-option shall always be merit, Exco shall, as far as possible, seek to preserve a balance of men and women members.
- 24.6 Exco shall perform inter alia the following functions:
- 24.6.1 The administrative functions of THE EEF shall be the responsibility of Exco. In addition, Exco shall deal with any matters referred to it by the EEF Council and shall report to the EEF Council;
 - 24.6.2 Exco shall decide on the executive structures and administrative procedures of THE EEF as may be required from time to time.
 - 24.6.3 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.
- 24.7 Members of Exco shall vote on all resolutions by a show of hands.
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- 24.8 Members of Exco shall decide on all matters by a simple majority vote.
- 24.9 Each member of Exco shall have 1 (one) vote and the Chairperson of any meeting of Exco shall have a second or casting vote, save and except at an elective annual general meeting where the executive shall not be entitled to vote on electoral matters, in the event of an equality of votes.
- 24.10 The chairperson of any meeting of Exco shall be the Chairperson, or in his/her absence the Vice Chairperson 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.
- 24.11 Exco shall meet not less than 2 (two) times per annum in addition to meeting at the time of each of the two bi-annual general meetings of the EEF Council.
- 24.12 A quorum of members of Exco shall consist of a minimum of 50% (fifty per centum) plus 1 (one) Club 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 (ten) 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.
- 24.13 The Secretary 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.
- 24.14 Any member of Exco who, without having first obtained leave of absence from Exco, shall otherwise than in circumstances beyond his/her control, not attend 3 (three) consecutive meetings of Exco, of
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which meetings due notice has been given, shall be liable to suspension.

24.15 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.

24.16 The Secretary shall:

24.16.1 Send to all Members, and to all members of Exco:

24.16.1.1 Written notification of all meetings of Exco and the proposed Agenda within the stipulated time period prior to the date of the proposed meeting.

24.16.1.2 Copies of the minutes and resolutions of all meetings of Exco, within 15 (fifteen) working days after the date of the relevant meeting.

24.16.2 Send to all Members, and to all members of Exco:

24.16.2.1 Written notification of all meetings of the EEF Council and the proposed Agenda, in the stipulated time period prior to the date of the proposed meeting.

24.16.2.2 Copies of the minutes and resolutions of all meetings of the EEF Council, within 15 (fifteen) working days after the date of the relevant meeting.

24.17 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 Secretary 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.

- 25.1 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 THE EEF and, without in any way limiting the generality of the foregoing, Exco shall have all such powers and authorities specifically mentioned hereunder.
- 25.2 Exco shall control all expenditure of the funds of THE EEF and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of THE EEF.
- 25.3 No cheque or promissory note drawn on behalf of THE EEF shall be valid unless signed by any 2 (two) of the Chairperson, the Vice-Chairpersons, the Treasurer, the Secretary, or any other official of THE EEF who has been authorised by Exco to have signing powers in terms of an Exco Resolution. The same restriction applies *mutatis mutandis* to electronic (Internet) payments.
- 25.4 Exco shall be entitled to make any and all by-laws or regulations necessary to promote the aims and objects of THE EEF and such by-laws and/or regulations shall be binding upon members. Such regulations shall be ratified at the next General Meeting of the EEF Council.
- 25.5 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.
- 25.6 In addition to the foregoing, Exco shall:
- 25.6.1 undertake and perform all such duties and functions as shall be decided by the EEF Council;
 - 25.6.2 subject to the provisions of this Constitution, make, amend, vary, repeal and enforce rules, by-laws and regulations for THE EEF.
 - 25.6.3 consider and, if thought fit, approve the separate constitutions, by-laws, rules and regulations of each Member, and any amendments or alterations thereto.
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- 25.6.4 formulate recommendations and resolutions for the consideration of the EEF Council and prepare the agenda for EEF Council meetings;
- 25.6.5 refer matters to the Legal, Disciplinary, Appeals and Ethics 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 THE EEF in force from time to time, or the breach of any agreement between THE EEF and another contracting party falling under the jurisdiction of THE EEF, or the violation of the Rules of the Game and to enforce the sanctions imposed by the Legal, Disciplinary, Appeals and Ethics Committee whether by way of fines, or suspension or banning/ exclusion from participating in any championships or event or the activities of THE EEF 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/or run by Members of THE EEF shall be deemed to be under the auspices of THE EEF;
- 25.6.6 impose and collect levies, subscriptions, dues and imposts as determined by the membership at its AGM;
- 25.6.7 ensure that Equestrian bodies and 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 THE EEF.
- 25.6.8 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.
- 25.6.9 refer to the relevant judicial bodies, any dispute between any Members, bodies and or clubs or persons who are members of such Clubs;
- 25.6.10 subject to the provisions of this Constitution, determine the areas or jurisdiction of Members and Bodies and vary or alter
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such areas from time to time when necessary save and except for EEF or provincial boundaries as defined by this Constitution;

- 25.6.11 co-opt any person to Exco as may be required to achieve the objects of THE EEF or fulfil any purpose incidental thereto;
 - 25.6.12 form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of THE EEF and, subject to this Constitution, by-laws, rules and regulations, delegate such of its powers to such sub- committees as may be required;
 - 25.6.13 appoint special advisers and consultants, for any purposes, and terminate such appointment/s;
 - 25.6.14 consider and make recommendation to the EEF Council in regard to any application for membership of THE EEF.
 - 25.6.15 open accounts with any recognised commercial banking or other financial institution, and invest any funds of THE EEF and pay any such funds to any person (natural, corporate or otherwise) who has a valid claim for payment against THE EEF.
 - 25.6.16 ratify the criteria for the award of EEF Colours and the appointment of EEF Selectors for the selecting of teams to whom Colours may be awarded as done by the various bodies responsible for a specific equestrian discipline;
 - 25.6.17 ensure that full and proper books of accounts are kept in accordance with sound accounting principles;
 - 25.6.18 ensure that the said books of account and all records of THE EEF's finances and assets are duly audited each year as soon as is practicable after the financial year end of THE EEF which shall be 31 December of each year and that annual financial statements are prepared for approval at the A.G.M.;
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- 25.6.19 refer to the relevant judicial body, any question or issue arising out of or relating to or incidental to non-racialism.
- 25.6.20 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.
- 25.6.21 address any question or issue or matter concerning or incidental to development including budgeting for and expenditure on development;
- 25.6.22 approve the employment and termination of employment of staff by THE EEF 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;
- 25.6.23 decide any question, issue or matter relating to emblems, colours, or anthems for THE EEF;
- 25.6.24 make recommendations on any question or issue relating to the affiliation to or disaffiliation from any macro or other body;
- 25.6.25 decide any question or issue relating to the use of THE EEF's facilities and/or other facilities incidental thereto and/or the standard thereof.
- 25.7 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 proactive and initiate such enquiries and/or take such steps as Exco seems fit.

26 ELECTION OF THE CHAIRPERSON, VICE-CHAIRPERSON, TREASURER, AND THE OTHER MEMBERS OF EXCO

- 26.1 There shall be elections for the elected positions on Exco for a term of four (4) years to be held at a meeting of the EEF Council. The elections shall be conducted by the Electoral Officer who shall be appointed at the elective AGM by the membership.
- 26.2 Each Member shall be entitled to nominate 1 (one) individual for election as Chairperson, 1 (one) individual for election as Vice- Chairperson, 1 (one) individual for election as Treasurer, and 1 (one)
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individual for election as Secretary, if a Secretary is not to be employed.

- 26.3 Athletes Commission elected at the AGM *via* the Clubs.
- 26.4 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.
- 26.5 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/she is nominated.
- 26.6 A valid nomination for any of the posts referred to in clause 26.2 shall, in the event of the nominee being defeated in an election for the post concerned, be deemed to be a valid nomination for election as a member without portfolio.
- 26.7 No less than 90 (ninety) days before the election date, the Secretary shall send notification to every Member and Exco member:
- 26.7.1 informing them that the elections for Exco are to take place at the next meeting of the EEF Council and of the date and place of this meeting;
 - 26.7.2 advising them of the name of the appointed Electoral Officer;
 - 26.7.3 providing them with an extract of those provisions of the Constitution which are relevant to the elections; and
 - 26.7.4 calling for nominations for each position on the Exco to be filled by election.
- 26.8 All such written nominations, together with a copy of a brief *curriculum vitae* of the nominee, shall be received by the Electoral Officer in line with the notification sent out by the Secretary not less than 45 (forty-five) days prior to the date of elections.
- 26.9 No less than 30 (thirty) days before the election date, the Secretary shall send to every Member and every Exco member a list of the nominations received.
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- 26.10 If no nominations are received for the election of the Chairperson, the current Chairperson 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 Chairperson 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 EEF Council. The same shall apply *mutatis mutandis* in the event of there being no nominations for the positions of Vice-Chairperson, Treasurer and Secretary or if any position could not be filled at the elections for reasons of the gender requirements.
- 26.11 If there is more than one nomination for any of the posts of Chairperson, Vice-Chairperson, Treasurer or Secretary, then such posts shall be elected separately by secret ballot, such elections to be held in the sequence aforesaid.
- 26.12 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.
- 26.13 Election will be by an outright majority of those voting i.e. the successful candidate must win at least 51% (fifty one 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.
- 26.14 Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 26.15 Any elected member of Exco shall hold office for a period of four years 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 EEF Council with at least a two-thirds majority, or
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dies, or becomes permanently incapacitated before the expiry of his/her term.

- 26.16 If sufficient cause exists, decided by the EEF assembly by at least a two-thirds majority vote, a formal request for the replacement of the representatives of the Athletes Commission and Associate Members may be directed to the Athletes Commission and Associate Member's structures, as the case may be.
- 26.17 No member of Exco shall represent any Member of any classification, at any meeting of the EEF Council or Exco.

CHAPTER 6 – COMMITTEES

27 SUB COMMITTEES

27.1 In recognition thereof that various aspects of the duties performed by THE EEF require specific expertise or experience for the most effective discharge of those duties, the following standing sub committees are hereby established:

- 27.1.1 Transformation
 - 27.1.2 Legal, Disciplinary, Appeals and Ethics Committee;
 - 27.1.3 Veterinary and Horse Welfare Committee;
 - 27.1.4 Finance Committee;
 - 27.1.5 Coaches, High Performance and Talent Identification Committee;
 - 27.1.6 International affairs;
 - 27.1.7 Marketing committee
 - 27.1.8 Carriage Driving
 - 27.1.9 Dressage
 - 27.1.10 Endurance
 - 27.1.11 Equitation
 - 27.1.12 Eventing
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- 27.1.13 Polocrosse
 - 27.1.14 Polo
 - 27.1.15 Reining and Western Performance/Dressage
 - 27.1.16 Saddle Seat
 - 27.1.17 Showing
 - 27.1.18 Show Jumping
 - 27.1.19 Tent pegging
 - 27.1.20 Vaulting
 - 27.1.21 Western Mounted Games
- 27.2 The convenors and membership of each Sub Committee referred to above in clause 27.1 shall be decided by the Council. The Sub Committees shall have due regard to the consideration that these Committees should be well-represented by representatives from each of the equestrian bodies referred to above, and shall maintain a balance between male and female Committee members. The Sub Committees report to the Executive Committee
- 27.3 The roles and responsibilities of Committee Members in respect of each Sub Committee will be defined in the respective Sub Committee's by-laws, which shall be in accordance with WCEF and SAEF's Rules, Regulations and by-laws.

28 LEGAL, DISCIPLINARY, APPEALS AND ETHICS COMMITTEE

- 28.1 The EEF Council shall appoint the members of the Legal, Disciplinary, Appeals and Ethics Committee and delegate such powers to the Appeal Board to include, but not be limited by the following:
- 28.1.1 To assist THE EEF with legal matters in all forms inclusive of investigations and hearings;
 - 28.1.2 To set up and continuously update a Code of Conduct for both participants and management, adopted by EEF Council;
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- 28.1.3 To set up and continuously update the Grievances Procedures, adopted by EEF Council;
 - 28.1.4 To hear internal appeals against any decision of any member, or committee of THE EEF.
 - 28.1.5 To hear internal appeals against any decision of the EEF Selection Committee;
 - 28.1.6 To adjudicate, mediate and arbitrate upon other legal matters.
 - 28.2 Any matter referred to the Legal, Disciplinary, Appeals and Ethics Committee by a Sub-Committee, Club or individual will require a deposit of which the amount will be determined by the Legal, Disciplinary, Appeals and Ethics Committee from time to time of which the amount must be ratified by the Executive Committee.
 - 28.3 The Legal, Disciplinary, Appeals and Ethics Committee shall comprise of three members of which at least one must have a legal background.
 - 28.4 Every member of the Legal, Disciplinary, Appeals and Ethics Committee shall have one vote each at their meetings and hearings.
 - 28.5 Any party aggrieved by a decision of the Legal, Disciplinary, Appeals and Ethics Committee may refer the matter to WCEF for its final determination provided the leave of the Legal, Disciplinary, Appeals and Ethics Committee is first sought and obtained within a period of 21 (twenty-one) days. The Legal, Disciplinary, Appeals and Ethics Committee 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.
 - 28.6 In the absence of a referral to WCEF, the decision of the Legal, Disciplinary, Appeals and Ethics Committee shall be final and binding.
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CHAPTER 7 – GENERAL

29 COLOURS

The colours of THE EEF shall be Green, White and Blue

30 EMBLEM

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

31 BADGE

The badge shall have the emblem with the words Eden Equestrian Federation and the year embroidered in white at the bottom.

32 AWARDING COLOURS

Guidelines and criteria for the awarding of colours shall be as per Western Cape Provincial Sport Confederation and the Sports Council criteria.

33 RULES, REGULATIONS, PROCEDURES AND BY-LAWS

33.1 Exco shall formulate and publish the rules, regulations, procedures and by-laws ("the Rules") in force from time to time in accordance with which the affairs of THE EEF will be conducted. A copy of the Rules in force at any time shall be kept by the Secretary and made available, upon request, to any Member, individual, Body, athlete/participant, Committee or other individual registered with THE EEF.

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

33.2.1 THE EEF's selection criteria which may be specific to each Equestrian Code;

33.2.2 THE EEF's code of conduct for office bearers (including a disciplinary procedure);

33.2.3 THE EEF's code of conduct for athletes and other registered individuals (including a disciplinary procedure);

33.2.4 THE EEF's grievance procedure.

33.3 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.

33.4 It is specifically provided that any party referred to in this Constitution shall not be entitled to approach any court of law on any matter whatsoever, until such party has exhausted all internal remedies within this Constitution.

34 FINANCE

34.1 The financial year of THE EEF is the 12 (twelve) month period commencing on 1 January in one year and ending on 31 December of the same year.

34.2 It shall be a requirement of membership for all Ordinary and Associate Members to submit to the Treasurer a copy of their audited financial statements within 3 (three) months from the end of their respective year-ends and the Treasurer shall report to the EEF Council on compliance with this requirement and such matters pursuant thereto that may be relevant to the Members of the EEF Council.

34.3 Exco shall be responsible for monitoring the financial accounts of events organised by THE EEF, and shall further be entitled to inquire into events organised by its Members. This shall not imply any restriction in the right of such bodies to control their own affairs or the affairs of their constituent bodies.

35. CONFLICT OF INTEREST

35.1 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 THE EEF or its members or other persons or bodies over which THE EEF enjoys jurisdiction, or that detracts from their ability to perform their duties with integrity, and in an independent and purposeful manner.

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.

- 35.2 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 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.
- 35.3 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. This conduct is prohibited.
- 35.4 In assessing the situations, direct or indirect interests must be taken into account. This also includes the interests of a third person (for instance a parent, spouse, relation or dependent).
- 35.5 It is accepted that all persons involved in Equestrian Sport may have a personal interest incidental to Equestrian Sport 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.
- 35.6 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.
- 35.7 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.
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- 35.8 When performing an activity for THE EEF or being elected or appointed, persons bound by this Constitution shall disclose any personal interest that could be linked to their prospective activities.
- 35.9 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 THE EEF.
- 35.10 Persons bound by this Constitution shall avoid any situation that could lead to Conflict of Interest.
- 35.11 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.
- 35.12 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.

36 **DISPUTE RESOLUTION**

- 36.1 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 THE EEF and another district sports federation, or any dispute between Members of THE EEF, 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 WCEF and then SAEF or the Arbitration Forum of the Western Cape Provincial Government, to be dealt with in accordance with the Rules of that Forum. The provision of Arbitration Act of 1965 shall apply to such
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arbitration proceedings, save to an extent modified by the Arbitration Forum rules.

- 36.2 In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.
- 36.3 In recognition of the desire to resolve all disputes in Equestrian Sporting fraternity as amicably and effectively as possible, it is required of all Members of THE EEF 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.
- 36.4 Recourse to the High Courts or Magistrates Courts by a party to any Federations-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.

37 **NOTIFICATION**

For the purposes of this Constitution, all notifications by THE EEF 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 THE EEF, but all notifications to THE EEF 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 Secretary. In no respects shall any postal authority be, or be deemed to be, the agent of THE EEF.

38 **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.

39 **DISSOLUTION OR WINDING UP OF THE EEF**

39.1 THE EEF 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 THE EEF shall have been given to all Members.

39.2 Upon dissolution or winding up of THE EEF, all the property and assets of THE EEF, 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 THE EEF, at the discretion of the Members.

40 **PRIVACY, DIGNITY AND REPUTATION OF THE EEF**

40.1 With reference to the Constitution of the Republic of South Africa, 1996, THE EEF acknowledges, respects and supports the rights of freedom of thought, belief, opinion and expression, without however derogating from THE EEF's own entrenched rights to privacy (which includes its dignity and reputation) and to freedom of association. THE EEF 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.

40.2 No person bound by THE EEF's Constitution may perform any act that brings Equestrian Sport, THE EEF, WCEF, SAEF, 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.

- 40.3 In particular, but without affecting the generality of the a 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.
- 40.4 “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.
- 40.5 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 THE EEF, and that their views do not represent those of the aforesaid bodies.
- 40.6 No person may use any of THE EEF’s logos, brand names, slogans or other trademarks without written permission from the Exco.
- 40.7 Persons bound by this Constitution may not divulge any of THE EEF’s confidential or proprietary information without the prior written permission of THE EEF.
- 40.8 SAEF, WCEF or THE EEF 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.
- 40.9 Failure to comply with the above provisions will render such persons liable to disciplinary action by THE EEF, in addition to any other civil rights THE EEF may have such as claiming damages for defamation.
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40.10 THE EEF'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 Extraordinary General Meeting held at George on 22 June 2017.

MICHELLE BEHRENS CHAIR

LOUIS BOTHA VICE CHAIR

SAMANTHA BOSHOFF SECRETARY

SCHEDULE "A" – GEO-POLITICAL DEMARCATIONS

| PROVINCE | DISTRICT | PRINCIPAL CITY / TOWN |
|---------------------|-------------------|------------------------------|
| Western Cape | Cape Town Unicity | Cape Town |
| (Cape Town) | West Coast | Malmesbury |
| | Winelands | Stellenbosch |
| | Central Karoo | Beaufort West |
| | Overberg | Swellendam |
| | Eden | George |

SCHEDULE "B" - 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, district, 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, districts, 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 or 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, provincial or district 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
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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 is 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
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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 or district 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.
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SCHEDULE “C” - AFFILIATES TO THE EEF

Eligibility requirements for Ordinary Members and Associated Members

1. The objects clause of the constitution of a Club seeking Ordinary Membership and each body seeking Associate Membership must include provisions that are identical to or substantially the same as the Constitution of THE EEF and shall provide that such body or Associate Member shall be compelled to encourage, promote, develop and administer Equestrian Sport within the area of its jurisdiction in accordance with sound business principles.
 2. There must be provisions in the constitution of each Club seeking membership as an Ordinary Member and of each body seeking Associate Membership, stipulating that it:
 - 2.1 recognises and adopts Schedule “B” – Non-racialism;
 - 2.2 may not become a member or affiliate to any other body without the prior written consent of Exco of THE EEF;
 - 2.3 may not authorise, send or sanction any team to go on a tour outside the boundaries of the district without having first obtained the written consent of Exco of THE EEF.
 3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Legal, Disciplinary, Appeals and Ethics Committee whose decision shall be final and binding.
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SCHEDULE “D” - 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 EEF 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 EEF’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 THE EEF.
 - 1.4. No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
 - 1.5. THE EEF’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 EEF 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 EEF;
 - 1.6.2. The undertaking or activity is -
 - 1.6.2.1. integral and directly related to the sole object of THE EEF; and
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- 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 EEF, 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 EEF;
 - 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 EEF 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 EEF 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 EEF, 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
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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 EEF will submit the required Income Tax Returns annually together with the relevant supporting documents;
 - 1.12. THE EEF 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 EEF has not and will not use its resources directly or indirectly to support, advance or oppose any political party.
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SCHEDULE "E" - ASSOCIATE MEMBERS TO DATE

1. South African National Equestrian Schools Association ("SANESA").

