

CONSTITUTION

OF

KWAZULU NATAL PROVINCIAL

EQUESTRIAN FEDERATION

(hereinafter referred to as “THE PROVINCIAL FEDERATION”)

as adopted on the _____ of _____ 2023

CONTENTS

Table of Contents

CHAPTER 1 – STATUS & INTERPRETATION	4
1. CONSTITUTION, NAME AND CORPORATE PERSONALITY	4
2. DEFINITIONS AND ABBREVIATIONS USED.....	5
3. INTERPRETATION	9
CHAPTER 2 – THE PROVINCIAL FEDERATION AS AN ORGANISATION.....	10
4. DOMICILE.....	10
5. AREA OF JURISDICTION OF THE PROVINCIAL FEDERATION.....	10
6. AFFILIATION	10
7. MAIN BUSINESS	10
8. ORGANISATIONAL STRUCTURE OF THE PROVINCIAL FEDERATION	11
9. OBJECTS OF THE PROVINCIAL FEDERATION	12
10. POWERS OF THE PROVINCIAL FEDERATION TO CARRY OUT ITS OBJECTS	14
CHAPTER 3 – MEMBERSHIP OF THE PROVINCIAL FEDERATION.....	19
11. CLASSIFICATION OF MEMBERSHIP	19
12. ORDINARY MEMBERS.....	20
13. THE ATHLETES COMMISSION	20
14. ASSOCIATE MEMBERS	21
15. PROVINCIAL HONORARY LIFE MEMBERS.....	21
16. PATRONS	21
17. LIMITATION OF LIABILITY AND INDEMNITY	21
18. SUSPENSION AND TERMINATION OF MEMBERSHIP.....	22
CHAPTER 4 - FEDERATION COUNCIL.....	23
19. THE PROVINCIAL FEDERATION COUNCIL	23
20. ANNUAL GENERAL MEETING (AGM).....	24
21. ORDINARY GENERAL MEETING (OGM)	25
22. REPRESENTATION AND VOTING RIGHTS.....	27
23. GENERAL PROVISIONS RELATING TO THE PROVINCIAL FEDERATION MEETINGS	28
CHAPTER 5 – EXECUTIVE COMMITTEE (EXCO).....	30
24. EXCO.....	30
25. POWERS OF EXCO	32

26. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER, AND THE OTHER MEMBERS OF EXCO.....	36
CHAPTER 6 – COMMITTEES	40
27. SUB COMMITTEES	40
28. JUDICIAL COMMISSION	41
CHAPTER 7 – GENERAL.....	43
29. COLOURS	43
30. EMBLEM	43
31. BADGE	43
32. AWARDED COLOURS.....	43
33. RULES, REGULATIONS, PROCEDURES AND BY-LAWS	43
34. FINANCE	44
35. CONFLICT OF INTEREST	45
36. DISPUTE RESOLUTION	47
37. NOTIFICATION.....	47
38. ADOPTION, ALTERATION OR VARIATION OF THIS CONSTITUTION.....	48
39. DISSOLUTION OR WINDING UP OF THE PROVINCIAL FEDERATION	48
40. PRIVACY, DIGNITY AND REPUTATION OF THE PROVINCIAL FEDERATION	49
SCHEDULE “A” – GEO-POLITICAL DEMARCATIONS	52
SCHEDULE “B” - NON-RACIALISM	53
SCHEDULE “C” - AFFILIATES TO THE PROVINCIAL FEDERATION.....	56
SCHEDULE “D” - ASSOCIATE MEMBERS TO DATE.....	57
SCHEDULE “E” - DISCIPLINE ASSOCIATION ORDINARY MEMBERS TO DATE	58
SCHEDULE “F” - ROLES AND RESPONSIBILITIES OF SUB COMMITTEES.....	59

CHAPTER 1 – STATUS & INTERPRETATION

1. CONSTITUTION, NAME AND CORPORATE PERSONALITY

- 1.1. This is the Constitution of the body known as the KwaZulu Natal Provincial Equestrian Federation (KZNPEF) (hereinafter referred to as KZNPEF or the Provincial Federation).
- 1.2. The Provincial Federation 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 Provincial Federation is in no way in conflict with the Constitution of the South African National 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 provisions of this Constitution are or may be interpreted to be so, the provisions of the 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 Registered Individuals, Registered Groups and Members of the Provincial Federation, as well as all persons serving on any of its structures and sub-structures, and the Equestrian Sport Community at large, within the geo-political borders of the KwaZulu Natal Province.
- 1.6. To the extent that the constitution of any Member of the Provincial Federation and/or the District Federation Members of the Provincial Federation are in conflict with any of the provisions of this Constitution, the provisions of the Provincial Federation'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:

- 1.7. "Act of Parliament" refers to the National Sport and Recreation Act, (Act No 110 of 1998), as amended, also referred to as "The Act".
- 1.8. "A.G.M." means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 1.9. "Annual Financial Statements" means the annual balance sheet, income and expenditure statement, and Treasurer's report, and auditor or accounting officers report.
- 1.10. "Area of Jurisdiction" means the area of administration of the Provincial Federation as geographically defined in Schedule A.
- 2.6 "Associate Members" shall be the relevant Provincial Schools Association (SANESA KZN), and any other member who complies fully with the provisions of this Constitution, and who is confirmed by SAEF as having fulfilled the criteria of *bona fide* Associate Member in terms of the SAEF Constitution.
- 2.7 "Athlete/Participant" means a person competing or participating in Equestrian Sport, in any Discipline, within any Club, (or as an individual), who shall be subject to the authority of THE FEDRATION, irrespective of the gender or age category.
- 2.8 "Athletes Commission" shall mean a body of persons representing Athletes/Participants competing in any form of equestrian sport, irrespective of gender or age.
- 2.9 "Club" means any Equestrian club which caters for any discipline of Equestrian sport, and which is a Registered Group of the South African Equestrian Federation.
- 2.10 "Coach" means a person who is knowledgeable and trained to train horses and riders in a holistic way, involving mental and physical fitness of both Rider and horse, has awareness of how people learn and knowledge of how to impart skills in a way that suits horse and riders.
- 2.11 "Committee" means a committee established in terms of this Constitution.

- 2.12 "Compliance" means that the Member, Registered Individual or Registered Group 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 Provincial Federation.
- 2.13 "Constitution" means this Constitution.
- 2.14 "Council" or "Provincial Council" means the Members of The Provincial Federation in a General Meeting and as more fully set out in Chapter 3.
- 2.15 "Day" means a calendar day.
- 2.16 "Disciplines" shall mean all the different equestrian disciplines approved by the National Council of the SAEF and for which separate types of Events and/or Competitions are established with Discipline specific rules, and which are formally represented in the Province.
- 2.17 "District" means the demarcated areas in the Province of KwaZulu Natal as is set out more fully in Schedule "A" hereto.
- 2.18 "District Federation" means a body representing the various Clubs within a demarcated District within the Provincial Federation, consisting of duly elected Representatives, in line with the requirements of the Department of Sport, Arts and Culture and the Provincial Sports Confederation, and associated with each other for the development and administration of equestrian sport in The Provincial Federation, including the specific purpose of liaison and communication with the equestrian disciplines of The Provincial Federation.
- 2.19 "DSAC" means the Department of Sports, Arts and Culture (previously SRSA)
- 2.20 "Event" means the complete show or meeting under the control of the Organising Committee. The period of an Event extends from either 1 hour before the first Horse Inspection or, if there is no Horse Inspection, the first Competition or the course inspection (whichever is earlier), until 30 minutes after the announcement of the final results, and all MCP testing has been finalised unless the Schedule provides otherwise.
- 2.21 "Exco" means the Executive Committee of The Provincial Federation, as constituted in terms of this Constitution.
- 2.22 "FEI" means *Federation Equestre Internationale*.

- 2.23 "General Meeting" means a meeting of the Provincial Council called by either the Exco or the Members of the Provincial Federation.
- 2.24 "Horse" refers also to a pony or other members of the genus Equus unless the context requires otherwise. A Horse shall be born from a mare.
- 2.25 "IF" means the International Federation/s to which SAEF is affiliated.
- 2.26 "KZN PEF" means the KwaZulu Natal Provincial Equestrian Federation also referred to as the Provincial Federation in this Constitution.
- 2.27 "Levies" means the monies levied and due by the Members to the Provincial Federation as approved and agreed to by Membership at each AGM of the Provincial Federation.
- 2.28 "MCP" means Medication Control Programme which includes both human and equine anti-doping testing.
- 2.29 "Member" shall mean an Ordinary Member, Athletes Commission and Associate Member.
- 2.30 "Month" means a calendar month.
- 2.31 "Ordinary General Meeting" or "OGM" means a meeting of Members other than an AGM or Special General Meeting convened in terms of this Constitution.
- 2.32 "Ordinary Members" means the District Federations, Provincial Discipline Associations, Athletes Commission and Associate Members.
- 2.33 "Patrons" shall mean a person duly appointed as such in terms of this Constitution.
- 2.34 "President" means the President of the Provincial Federation, duly elected in terms of this Constitution.
- 2.35 "Provincial 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 Provincial Federation.
- 2.36 "Provincial Council" or "Council" means the Members of the Provincial Federation in a General Meeting.
- 2.37 "Provincial Federation" means the KZN PEF, a body representing the various Districts and equestrian Disciplines within the KwaZulu Natal Province,

consisting of duly elected Representatives, in line with the requirements of the Department of Sport and Recreation, SASCOC and the SAEF.

- 2.38 "Provincial Honorary Life Members" means all those persons bestowed with this honour by the Provincial Council, and validated by the SAEF.
- 2.39 "Registered Individuals" means any Athletes, Participants and or Supporter who is registered with the SAEF to compete and/or participate and/or officiate at any Recognised and/or Sanctioned Event, Activity of Competition and who is subject to this Constitution and the Rules and Regulations of the Provincial Federation and the SAEF.
- 2.40 "Registered Group" means any Clubs, Affiliates or Commercial groups (such as Show Holding Bodies or Organising Committees) registered with either the SAEF, the Provincial Discipline Association or the Provincial Federation and is subject to this Constitution and Rules and Regulations of the Provincial Federation and the SAEF.
- 2.41 "Rules" means the rules, regulations, procedures and by-laws in force and in accordance with which the affairs of the Provincial Federation will be conducted.
- 2.42 "SAIDS" means the South African Institute for Drug-Free Sport.
- 2.43 "SASCOC" means the South African Sport Confederation and Olympic Committee duly recognised and approved by DSAC as the governing body of Sport in the Republic of South Africa.
- 2.44 "SCHOOLS" or "SANESA" means the South African National Equestrian Schools Association, a recognised Associate Member of SAEF and the Provincial Federation.
- 2.45 "Secretary" means the person either elected as such by the Provincial Federation or employed by the Executive Committee, who shall not have a vote in any matter whatsoever if employed by the Provincial Federation.
- 2.46 "South African National Equestrian Federation" or "SAEF" means the National Sports Federation responsible for all equestrian sport in South Africa, which is constituted in terms of the SAEF Constitution, and which is the recognised member of SASCOC as the only national organisation responsible for Equestrian Sport in the Republic of South Africa.

- 2.47 "Special General Meeting" or "SGM" means a meeting of Members other than an Ordinary or Annual General Meeting convened for a special purpose in terms of this Constitution.
- 2.48 "Treasurer" means the person elected or employed in terms of the provisions of this Constitution and should have a minimum of five years' accounting experience.
- 2.49 "Veterinary Commission" means the association formed as the representative body of all Equine Veterinary Practitioners involved in Equine Sport in the Provincial Federation, to provide the necessary guidelines to ensure the welfare of the horse, taking into account the unique requirements of each Discipline.
- 2.50 "Vice-President" means the Vice-President of the Provincial Federation, duly elected in terms of this Constitution.
- 2.51 "WADA" means the World Anti-Doping Agency.
- 2.52 "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.53 "Year" means a calendar year.

3. INTERPRETATION

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

CHAPTER 2 – THE PROVINCIAL FEDERATION AS AN ORGANISATION

4. DOMICILE

The domicile and seat of management of the Provincial Federation shall be deemed to be situated at the residential address of the President from time to time, or any other physical address nominated by the Provincial Federation, provided that it shall always be at a place within the provincial boundaries of the Provincial Federation.

5. AREA OF JURISDICTION OF THE PROVINCIAL FEDERATION

The jurisdiction of the Provincial Federation shall be fully aligned within the geographical Districts for the KwaZulu Natal Province reflected in the SAEF Constitution, and the Constitution of the Republic of South Africa, and as reflected in Schedule A to this Constitution.

6. AFFILIATION

The Provincial Federation shall be a full member of SAEF and of the KwaZulu Natal Sports Confederation.

7. MAIN BUSINESS

- 7.1 The main business of the Provincial Federation is to act as the provincial controlling and administrative body of Equestrian Sport in its geographical area of jurisdiction, subject to the authority of the SAEF, and in conformity with the Constitution of the SAEF.
- 7.2 The Provincial Federation shall seek and hold membership of the SAEF as the recognised national federation and controlling body for Equestrian Sport in South Africa.
- 7.3 No Member shall be entitled to establish or maintain contact with the FEI or any other International Federation except through the SAEF or with the written permission of the SAEF.
- 7.4 The Provincial Federation 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 Provincial Federation may not become a member of or affiliate to any such other body or code without the prior written consent of the SAEF Council which consent shall not be unreasonably withheld.

8. ORGANISATIONAL STRUCTURE OF THE PROVINCIAL FEDERATION

- 8.1 The Provincial Federation is the provincial controlling body of Equestrian Sport within the KwaZulu Natal Province, governed by the Provincial Federation according to this Constitution.
- 8.2 The Members of the Provincial Federation shall be the Athletes Commission, Associate Members and Ordinary Members within the Geopolitical area of the Provincial Federation.
- 8.3 Each of the District Federations shall consist of duly elected Representatives, representing the various Clubs within the Provincial Federation.
- 8.4 Each of the District Representatives shall be duly elected from the body of the Clubs in the District.
- 8.5 Clubs practicing equestrian sport within the geographical area of the District Federations shall each be governed by its District Federation according to its own constitution, the provisions of which must comply with the provisions of this Constitution. To the extent that the Constitution of any Club may be contradictory to that of the Provincial Federation and/or District Federation Constitution, the Provincial Federation Constitution shall prevail.
- 8.6 The Provincial Federation's Athletes/Participants shall have freedom of association to belong to any Club within the district in which he/she is resident, provided that he or she is eligible for membership of the Club concerned and with the understanding that any participation in the Provincial 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 federation, in which case such Athlete/Participant shall still only be permitted to represent the district and the Provincial Federation they are resident in, and to be awarded colours accordingly.

9. OBJECTS OF THE PROVINCIAL FEDERATION

The objects of the Provincial Federation 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 Provincial Federation.
- 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 Provincial Federation.
- 9.4 To foster a spirit of healthy competition, sportsmanship and fair play among Athletes of all races, genders 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 the SAEF (including, but not limited to, the Veterinary Regulations of the SAEF) and to encourage and promote the highest standard of sporting behaviour in connection with Equestrian Sport.
- 9.8 To organise or facilitate provincial championships for all Athletes irrespective of age, gender or physical ability through the various equestrian bodies.
- 9.9 To facilitate the involvement of KwaZulu Natal Athletes and teams in national tournaments and championships, and to promote the achievement of national 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 Provincial Federation Athletes/Participants in the form of the Provincial Federation's Clubs or District Bodies and to encourage the active involvement of volunteers in the administration and management of Equestrian Sport.
- 9.12 To increase the number of Registered Individuals 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 SASCOC Long-Term Participant Development Plan (LTPD).
- 9.14 To encourage the qualification of Officials, Coaches, and Event Organisers.
- 9.15 To encourage the appointment of Coaches at all levels in the Provincial Federation.
- 9.16 To further SAEF'S sport education in the Provincial Federation 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 approved by the Provincial Federation and approved, in writing, by the SAEF.
- 9.19 To refer all relevant disciplinary matters and grievances to its Judicial Commission and to resolve disputes between anyone involved in Equestrian Sport in the Provincial Federation. To the extent that there is not a Provincial Judicial Commission the disciplinary matter and grievance will be referred to the National Judicial Commission.
- 9.20 To participate in the management activities of the Provincial Sports Confederation, SAEF and SASCOC and to ensure that the Provincial Federation is represented at these levels.
- 9.21 To annually respond to the request from the SAEF that the Province reapply to be a member of the SAEF and to abide by its Constitution, Rules and Regulations, and to cooperate with the Provincial Confederation and SASCOC, 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 qualifying Athletes at all levels for participation in any tournaments or championships and in accordance with the constitution of SASCOC and/or the District/Provincial Sports Confederation.
- 9.23 To award provincial colours in terms of the criteria laid down in the SAEF Rules and Regulations, and in terms of SASCOC's Colours Policy.

- 9.24 To advance the objectives of the Provincial Federation and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by Exco, whether within or outside of the area of jurisdiction of the Provincial Federation 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 Provincial Federation's Athletes/Participants, Administrators, Managers, Officials, Coaches and Event Organisers throughout the Provincial Federation.
- 9.27 To seek ways to grow the access to and participation in Equestrian Sport in the KwaZulu Natal Province.

10. POWERS OF THE PROVINCIAL FEDERATION TO CARRY OUT ITS OBJECTS

- 10.1 The Provincial Federation 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 Provincial Federation. These powers and authorities shall be exercised by the Provincial Federation and/or Exco in accordance with and subject to the provisions of this Constitution and the Act. Any of these powers and authorities may be delegated to an Exco member or committee, whether a sub-committee of Exco or a standing committee in terms of this Constitution, for a specific purpose. Without in any way limiting the generality of the foregoing, the powers and authorities of the Provincial Federation 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 Provincial Federation 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 Provincial Federation, 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 Provincial Federation.
- 10.11 To invite the patronage of any person or persons as it may consider advisable.
- 10.12 To insure against losses, damage, risk and liability of all kinds.
- 10.13 To draw, make, accept, endorse, execute, negotiate and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments and to make electronic funds transfers.
- 10.14 To promote and hold an interest in any trust, company or concern, for the purpose of acquiring all or any of the property and/or undertaking any of the liabilities of the Provincial Federation.
- 10.15 To institute, conduct, defend, compound or abandon any legal proceedings by and against the Provincial Federation or its officers or otherwise concerning the affairs of the Provincial Federation, 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 Provincial Federation.

- 10.16 To finance litigation and other legal costs, either in the name of the Provincial Federation 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 Provincial Federation by the 1st day of March 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 Provincial Federation on behalf of the Provincial Federation'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 district 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 Provincial Federation 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 Provincial Federation, with the written consent of SAEF.
- 10.20 To borrow or raise money and guarantee or otherwise secure the repayment thereof, including by means of a pledge or lien of its assets, and to invest monies upon security, both in such manner and upon such terms as it may think fit.
- 10.21 To make and pass rules, regulations and by-laws and to add to, repeal or alter such rules, regulations and by-laws, with or without penalties, for the carrying out, administration and implementation of this Constitution and the attainment of the objects of the Provincial Federation.
- 10.22 To impose fines, to suspend for a period of time, to expel and/or implement any other disciplinary measures on its present or former Members, or any District Federation, or Club presently or formerly affiliated to the Provincial Federation, and any Registered Individual registered with the SAEF 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 Provincial Federation shall have the power to suspend or ban any Registered Individual, Registered Group or Member from participating in any championship or event in the KwaZulu Natal Province. Notice of any action taken in terms of clause 10.22 must be provided to the Secretary General of the SAEF.

- 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 Provincial Federation by its Members, former Members, Registered Individuals or Registered Groups.
- 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 Provincial Federation and to enter into any arrangements that may be conducive to the objects of the Provincial Federation with the written consent of the SAEF.
- 10.25 Notwithstanding anything herein contained, it is recorded that:
 - 10.25.1 The Provincial Federation'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 Provincial Federation solely by virtue of their being members or office bearers;
 - 10.25.3 The Provincial Federation 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;
 - 10.25.4 The Provincial Federation shall not have any authority to contract or bind on behalf of any Member, Registered Individuals or Registered Groups;

- 10.25.5 The Provincial Federation shall not be liable for any debts or other liabilities, whether of a contractual or edictal basis, incurred by any Member, Registered Individual or Registered Group.
- 10.25.6 The Provincial Federation's financial transactions shall be conducted by means of a banking account or banking accounts opened and maintained by the Treasurer or bookkeeper at the direction of the Provincial Federation.

DRAFT

CHAPTER 3 – MEMBERSHIP OF THE PROVINCIAL FEDERATION

11. CLASSIFICATION OF MEMBERSHIP

11.1 The Provincial Federation 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 active District Federations within KwaZulu Natal Province and the active Provincial Discipline Associations in the KwaZulu Natal Province. They shall be obliged to promote, develop and participate in Equestrian Sport under the guidance and control of the Provincial Federation as well to ensure the development of the Provincial Federation's Administrators, Athletes/Participants and technical personnel through constructive coaching and capacity building.

11.1.2 Associate Member(s) shall be the Provincial 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 representatives of active Athletes/Participants known as the Athletes' Commission, and established from Registered Individual Athletes participating in Equestrian Sport in KwaZulu Natal, 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 Provincial Federation 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 Provincial Federation's Constitution.

11.3 In matters of mutual interest, the Provincial Federation 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 SAEF.

11.4 The Provincial Federation shall fix any provincial fees.

12. ORDINARY MEMBERS

- 12.1 The current Ordinary Members shall be the active District Federations and active Provincial Discipline Associations in the Province of KwaZulu Natal.
- 12.2 The jurisdiction of Ordinary Members shall be limited to the boundaries of the Districts and Disciplines they presently represent.
- 12.3 There shall be a separate District Federation with its constitution established in each District as currently set out in schedule "A" which may change from time to time in terms of an Act of Parliament, fully aligned with the geo-political boundaries of such District.
- 12.4 The constitution of every Ordinary Member shall substantially comply with the Rules and Regulations of the Provincial Federation.
- 12.5 Every Ordinary Member shall upon request, submit:
 - 12.5.1 proof of the democratic election of its own office bearers and the office bearers of the Clubs, Districts and Disciplines falling within its area of jurisdiction;
 - 12.5.2 proof of the number of active Athletes/Participants within the District falling within its area of jurisdiction; and
 - 12.5.3 a list of Members and their contact numbers and addresses.

13. THE ATHLETES COMMISSION

- 13.1 Shall consist of any duly elected Registered Individuals representing all current Athletes from every active Provincial Discipline Association under the auspices of the Provincial Federation, whether same be from a Provincial or District level. The elected representative from each active Provincial Discipline Association shall make up the Athletes' Commission for the Provincial Federation.
- 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 Provincial Schools Association (SANESA) within KwaZulu Natal and, with the written consent of SAEF, any other member who complies fully with the provisions of this Constitution, and who is confirmed by SAEF as having fulfilled the criteria of *bona fide* Associate Members in terms of the SAEF Constitution. See Annexure E.

15. PROVINCIAL HONORARY LIFE MEMBERS

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

16. PATRONS

A Patron 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 Provincial Federation, 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 Provincial Federation, by way of subscription or otherwise, and any special levy imposed by the Provincial Federation from time to time.
- 17.2 The Patrons, the President, the Vice-President, the Treasurer, the Secretary, all other members of Exco, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of the Provincial Federation, or on behalf of a Commission or Committee of the Provincial Federation 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 Provincial Federation, 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 Provincial Federation, 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 Provincial Federation shall take its decision at a General Meeting by at least a two-third majority of all its Members, whether such a Member is represented at such a Meeting or not, excluding the representatives of the Member concerned. The representatives of the Member concerned shall be entitled to make full representations to the Provincial Federation prior to the voting on the resolution.
- 18.3 A decision to suspend or terminate a Member's membership shall *inter alia* take into account whether the structures of the Member concerned are viable, whether it meets its obligations in terms of its own constitution and this Constitution, whether it has failed to pay its required fees, whether it refuses to comply with the decisions of the Provincial Federation, whether it has sufficient resolve for the development of Equestrian Sport in its area, whether its office bearers are individually registered with the Provincial Federation and whether the Member concerned works harmoniously with the Provincial Federation and other Members towards the expansion of Equestrian Sport in the Province.
- 18.4 Any Member of any classification may, at any time, tender its resignation from the Provincial Federation. Such Member must give notice by not later than 30 September. Any Member so resigning shall continue to be liable for any monies due and owing by such Member, to the Provincial Federation at the date of their resignation.

CHAPTER 4 - FEDERATION COUNCIL

19. THE PROVINCIAL FEDERATION COUNCIL

- 19.1 Subject to the terms of this Constitution, the Provincial Council shall be the highest authority of the Provincial Federation and shall determine its policy, decide upon its budget and give directives to Exco.
- 19.2 There shall be a minimum of 25 percent females amongst the members of Provincial Council.
- 19.3 The Provincial Council shall meet at least twice annually.
- 19.4 The AGM and OGM of the Provincial Council shall be held on such date and time and at such place as Exco shall determine.
- 19.5 Subject to the express provisions of this Constitution and the Policies, Rules and procedures in force from time to time, the Provincial Council shall have full powers in the management and direction of the business affairs of the Provincial Federation and, save as may be expressly provided in this Constitution, may exercise all such powers of the Provincial Federation and do all such acts on behalf of the Provincial Federation, as may be exercised and done by the Provincial Federation itself.
- 19.6 Without limiting the generality of the above, the Provincial Federation shall have the following specific functions and powers:
- 19.6.1 to determine the policy of Equestrian Sport, the execution of which shall be the responsibility of the Exco;
 - 19.6.2 to ratify the rules, by-laws and regulations formulated by Exco;
 - 19.6.3 to fix conditions and fees for membership of the Provincial Federation;
 - 19.6.4 to consider and approve or reject applications for membership of the Provincial Federation and to deal with the conduct of Members, Registered Groups and Registered Individuals at all levels within the Province, including expulsion from membership and cancellation of registration;
 - 19.6.5 to elect on a four (4) year term, the President and all other members of the Exco.

20. ANNUAL GENERAL MEETING (AGM)

- 20.1 An AGM shall be held once in every year and 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 AGM.
- 20.2 Exco shall decide the date, time and place on which each AGM shall be held.
- 20.3 The following persons shall be entitled to attend and speak at the AGM:
- 20.3.1 all members of Exco;
 - 20.3.2 not more than 1 (one) representatives of each of the Ordinary Members, the Athletes' Representative (elected or appointed); and 1 (one) representative of each of the Associate Members;
 - 20.3.3 the Patrons;
 - 20.3.4 all Provincial Honorary Life Members;
 - 20.3.5 invited individuals, which may include the Auditor or Accounting Officer of the Provincial Federation where relevant);
 - 20.3.6 a representative of any Committee of the Provincial Federation that Committee is invited for a specific purpose by the Exco to address the Provincial Federation;
 - 20.3.7 the Chairperson of each of the Provincial Federation's Committees; and
 - 20.3.8 a representative of the Provincial Sports Confederation and the SAEF.
- 20.4 The business to be transacted at an AGM shall be:
- 20.4.1 to read the notice convening the Meeting;
 - 20.4.2 to read and confirm the Minutes of the previous AGM, OGM, SGM and any other General Meetings, and to consider any matters arising therefrom;
 - 20.4.3 to receive and consider the Annual Report of the President, for the period since the date of the previous AGM;
 - 20.4.4 to receive and consider the report of the Treasurer and to adopt with or without modification, the audited or independently prepared and reviewed Annual Financial Statements (where relevant) for the period since the date of the previous AGM, provided that if not so adopted the

- Annual Financial Statements shall stand for consideration and adoption, with or without modification, or rejection by the Provincial Federation at its following meeting or by the Exco in terms of the decision of the AGM;
- 20.4.5 to appoint the auditors, accounting officer or accountant of the Provincial Federation (where relevant) to hold office until the next AGM;
 - 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; and
 - 20.4.9 to discuss and consider any further matters of which 30 (thirty) days written notice has been given.
- 20.5 Notice of each AGM shall be sent to all the Members, members of Exco, Patrons and Honorary Life Members not less than 60 (sixty) days prior to the date of the AGM.
- 20.6 Not less than 14 (fourteen) days prior to the date of any AGM, copies of the Agenda for that AGM and the Annual Financial Statements for the financial year preceding the date of the AGM shall be disseminated to all Members, members of Exco, Patrons and Honorary Life Members by post, and/or by hand, and/or by fax, and/or by electronic mail.

21. ORDINARY GENERAL MEETING (OGM)

- 21.1 The following persons shall be eligible to attend and speak at an Ordinary General Meeting:
- 21.1.1 all members of Exco;
 - 21.1.2 not more than 1 (one) representatives of each of the Ordinary Members, 1 (one) representative of the Athletes Commission, and 1 (one) representative of each of the Associate Members;
 - 21.1.3 all Provincial Honorary Life Members;

- 21.1.4 invited individuals, who may include the Auditor/Accounting officer/accountant and a representative of the Provincial Sport Confederation and/or the SAEF.
- 21.2 Notice of any OGM of the Provincial Federation shall be sent to all Members not less than 30 (thirty) days before the date of such meeting which notice shall be accompanied by a proposed agenda as recommended by Exco.
- 21.3 The full motion which any Member wishes to be put to and considered by any OGM shall be received not less than 14 (fourteen) 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, not less than 10 (ten) days prior to the date of such meeting.
- 21.4 The business to be transacted at the OGM shall be:
- 21.4.1 to read the notice convening the Meeting;
 - 21.4.2 to read and confirm, with or without amendments, or to reject the minutes of the previous OGM, as well as the minutes of any SGM held in the interim, and to consider any matters arising therefrom;
 - 21.4.3 to consider and to adopt, with or without modification, or to reject, any Resolution of which due notice has been given;
 - 21.4.4 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.
- 21.5 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 21.1 hereof or such resolution has been ratified at the next the Provincial Federation meeting

22 SPECIAL GENERAL MEETINGS (SGM)

- 21.1 A SGM 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% plus 1 of Members, addressed and sent to the Secretary, which written requisition shall state the exclusive purpose for which the SGM 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 SGM (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 SGM 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 SGM.
- 21.4 Only the persons referred to in clause 20.3. shall be entitled to attend and speak at SGM.

22. REPRESENTATION AND VOTING RIGHTS

- 22.1 Each Ordinary Member shall be entitled to nominate a maximum of 1 representative and the Athletes Commission shall be entitled to nominate a maximum of 1 representative, whilst an Associate Member will be entitled to nominate 1 (one) representative, to attend and to vote at any General Meeting of the Provincial 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 Provincial Federation:
 - 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. For the purposes of

this clause, it will be sufficient that the Member is present on a virtual platform.

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 AGM where the Exco shall have no vote in the election of the new Exco members. Exco shall also not have a vote where the Clause specifically provides that only the Provincial Federation shall have a vote.

22.6 No proxy votes shall be allowed.

23. GENERAL PROVISIONS RELATING TO THE PROVINCIAL FEDERATION MEETINGS

23.1 All General Meetings 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 General Meeting shall be the President, or in his/her absence the Vice-President, or in his/her absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote.

23.3 A quorum shall consist of 50% (fifty per centum) plus one of the total votes available to all Members, 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 President, the Meeting if convened upon the requisition of Ordinary Members, shall be dissolved; in any other case, it shall stand adjourned to a date not earlier than 5 (five) working days and not later than 15 (fifteen) working days after the date of that Meeting, and, at such adjourned Meeting the representatives of the membership present and entitled to vote, shall constitute a quorum and may transact the business of that Meeting, save for the provisions in Clause 38 relating to the amendment or variation of this Constitution.

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 President, 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 COMMITTEE (EXCO)

24. EXCO

- 24.1 The Executive Committee (Exco) of the Provincial Federation shall consist of the following persons:
- 24.1.1 The President;
 - 24.1.2 The Vice-President;
 - 24.1.3 The Treasurer (who, if employed, shall have not vote);
 - 24.1.4 The Secretary, who may have been elected or employed, and who shall have not vote if employed by the Provincial Federation;
 - 24.1.5 Two Representatives of the District Federations;
 - 24.1.6 Two Representatives of the Discipline Associations (one representing the FEI Disciplines and the other representing the non-FEI Disciplines);
 - 24.1.7 One Representative of the Athletes' Commission;
 - 24.1.8 One Representative of the Associate Members.
- 24.2 There shall be minimum 25 percent females amongst the members of Exco.
- 24.3 No person may serve for more than 8 (eight) consecutive years as President nor may any person serve for more than 8 (eight) consecutive years as Vice-President.
- 24.4 Exco may co-opt other individuals as members for short-term and/or 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.
- 24.5 Exco shall perform inter alia the following functions:
- 24.5.1 the administrative functions of the Provincial Federation shall be the responsibility of Exco. In addition, Exco shall deal with any matters referred to it by the Provincial Federation and shall report to the Provincial Federation;
 - 24.5.2 Exco shall decide on the executive structures and administrative procedures of the Provincial Federation as may be required from time to time;

- 24.5.3 Exco controls and oversees the work of its own management committee, as well as the work of all Commissions and Committees and has to ratify all their decisions;
- 24.5.4 members of Exco shall vote on all resolutions by a show of hands;
- 24.5.5 members of Exco shall decide on all matters by a simple majority vote;
- 24.5.6 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:
 - 24.5.6.1 an elective General Meeting where the executive shall not be entitled to vote on electoral matters;
 - 24.5.6.2 a vote of no confidence as provided for in clause 26.15;
 - 24.5.6.3 vote in respect of the alteration and/or variation of this Constitution.
- 24.6 The chairperson of any meeting of Exco shall be the President, or in his or her absence the Vice President or in his /her absence such other Member of Exco as shall have been appointed at that meeting by the Members of Exco present and entitled to vote.
- 24.7 Exco shall meet not less than 8 (eight) times per annum in addition to meeting at the time of each of the General Meetings of the Provincial Federation.
- 24.8 A quorum of members of Exco shall consist of a minimum of 50% PLUS 1 representatives being present, and if there is not a quorum present at the appointed time and place for any meeting of Exco or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded and declared by the chairperson of that meeting to have been concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of Exco who are present at that meeting provided that such date shall not be more than 10 working days after such meeting; and at such adjourned meeting those members of Exco present and entitled to vote shall constitute a quorum and may transact the business of that meeting.
- 24.9 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.

- 24.10 Any member of Exco who, without having first obtained leave of absence from Exco, shall otherwise than in circumstances beyond his or her control, not attend 3 (three) consecutive meetings of Exco, of which meetings due notice has been given, shall be liable to suspension.
- 24.11 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.
- 24.12 The Secretary shall:
- 24.12.1 Send to all Members, and to all members of Exco:
- 24.12.1.1 Written notification of all meetings of Exco and the proposed Agenda within the stipulated time period prior to the date of the proposed meeting.
- 24.12.1.2 Copies of the minutes and resolutions of all meetings of Exco, within 15 (fifteen) working days after the date of the relevant meeting.
- 24.12.2 Send to all Members, and to all members of Exco:
- 24.12.2.1 Written notification of all meetings of the Provincial Federation and the proposed Agenda, in the stipulated time period prior to the date of the proposed meeting.
- 24.12.2.2 Copies of the minutes and resolutions of all meetings of the Provincial Federation, within 15 (fifteen) working days after the date of the relevant meeting.
- 24.13 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. POWERS OF EXCO

- 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 Provincial Federation 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 Provincial Federation and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of the Provincial Federation.
- 25.3 No cheque or electronic payment on behalf of the Provincial Federation shall be valid unless signed or authorised by any 2 (two) of the President, the Vice-Presidents, the Treasurer, the Secretary, or any other official of the Provincial Federation who has been authorised by Exco to have signing powers in terms of an Exco Resolution.
- 25.4 Exco shall be entitled to make any and all by-laws or regulations necessary to promote the aims and objects of the Provincial Federation and such by-laws and/or regulations shall be binding upon Members. Such regulations shall be ratified at the next General Meeting of the Provincial Federation.
- 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. Any such delegation must be in writing and approved by the Provincial Federation at a General Meeting. Any decision made by such a member or Committee must be ratified by the 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 Provincial Federation;
 - 25.6.2 subject to the provisions of this Constitution, make, amend, vary, repeal and enforce rules, by-laws and regulations for the Provincial Federation;
 - 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;
 - 25.6.4 formulate recommendations and resolutions for the consideration of the Provincial Federation and prepare the agenda for the Provincial Federation meetings;
 - 25.6.5 refer matters to the Provincial or National Judicial Commission 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 SAEF in force from time to time, or the breach of any agreement between the Provincial Federation and another contracting party falling under the jurisdiction of the Provincial Federation, or the violation of the Rules of the Game and to enforce the sanctions imposed by the Judicial Commission whether by way of fines, or suspension or banning / exclusion from participating in any championships or event or the activities of the Provincial Federation 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 Provincial Federation shall be deemed to be under the auspices of the Provincial Federation;

- 25.6.6 impose and collect levies, subscriptions, dues and imposts as determined by the membership at its AGM;
- 25.6.7 ensure that Registered Groups 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 Provincial Federation and the Discipline specific Rules;
- 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, and dispute between any Members, Registered Groups and/or Registered Individuals;
- 25.6.10 subject to the provisions of this Constitution, determine the areas or jurisdiction of Members and vary or alter such areas from time to time when necessary, save and except for district 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 Provincial Federation or fulfil any purpose incidental thereto, subject to Clause 24.4 above;
- 25.6.12 form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of the Provincial Federation 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 Provincial Federation in regard to any application for membership of the Provincial Federation, subject to such an application being approved by the SAEF;
- 25.6.15 open accounts with any recognised commercial banking or other financial institution, and invest any funds of the Provincial Federation and pay any such funds to any person (natural, corporate or otherwise) who has a valid claim for payment against the Provincial Federation;
- 25.6.16 ratify the criteria for the application for the awarding of Provincial Colours submitted by the various Members 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 Provincial Federation's finances and assets are duly audited or independently reviewed and compiled each year as soon as is practicable after the financial year end of the Provincial Federation which shall be 31 December of each year and that annual financial statements are prepared for approval at the subsequent AGM;
- 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 addresses 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 Provincial Federation 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 Provincial Federation;
 - 25.6.24 makes recommendations on any question or issue relating to the affiliation to or disaffiliation from any macro or other body; and
 - 25.6.25 decide any question or issue relating to the use of the Provincial Federation'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 pro-active and initiate such enquiries and/or take such steps as Exco seems fit as duly authorised by the SAEF EXCO.

26. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, 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 General Meeting of the Provincial Federation. The elections shall be observed and monitored by the Electoral Officer who shall be appointed by the Secretary General of the SAEF on a meeting by meeting basis.
- 26.2 Each Member shall be entitled to nominate 1 (one) individual for election as President, 1 (one) individual for election as Vice-President, 1 (one) individual for election as Treasurer, and 1 (one) individual for election as Secretary.
- 26.3 The Athlete's Representative of the Athletes' Commission shall be nominated and elected at the elective General Meeting by the members of the Athletes' Commission. See Clause 13 in this regard.
- 26.4 The Representatives for the FEI and non-FEI Disciplines will be nominated and elected by the representatives of the active Discipline Associations in the Provincial Federation.
- 26.5 The Representatives for the District Federations will be nominated and elected by the representatives of the active District Federations in the Provincial Federation. To the extent that there are no District Federations, the representatives of the registered Clubs within the Province will nominate and elect two Representatives for the Provincial Federation's Exco.

- 26.6 The Associate Representative will be nominated and elected by the active Associate Members in the Provincial Federation.
- 26.4 Each nomination by a Member shall be in writing, and shall comply with the relevant Election Directive published by SAEF from time to time and in force at the date of the notice of the meeting.
- 26.5 It shall be permissible for the same individual to be nominated for more than one available position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.
- 26.6 A valid nomination for any of the available positions on Exco 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 60 (sixty) days before the election date, the Secretary shall send an election notification to every Member and Exco member of the Provincial Federation:
- 26.7.1 informing them that the elections for Exco are to take place at the next General Meeting of the Provincial Federation 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 the provisions of the Constitution which are relevant to the elections (including the relevant SAEF Election Directive); and
 - 26.7.4 calling for nominations for each available 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 Secretary and the Electoral Officer in line with the notification sent out by the Secretary not less than 30 (thirty) days prior to the date of elections.
- 26.9 No less than 25 (twenty-five) days before the election date, the Secretary shall send to every Member and every Exco member, and to the Electoral Officer a list of the nominations received.

- 26.10 If no nominations are received for the President, the current President shall continue in office until the first meeting of the new Exco after that AGM, at which the elected members of the new Exco shall elect from their ranks an individual as the President and shall further fill the vacant position on Exco so occurring by the election of an individual from the ranks of the unsuccessful nominees at the elections held by the Provincial Federation. The same shall apply *mutatis mutandis* in the event of there being no nominations for the Vice-President, Treasurer and Secretary or if any position could not be filled at the elections.
- 26.11 If there is more than one nomination for any of the available positions on Exco 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/she was properly nominated for such positions.
- 26.13 Election will be by a majority of those voting i.e. 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 Provincial Federation with at least a two-thirds majority, or dies, or becomes permanently incapacitated before the expiry of his or her term.
- 26.16 If sufficient cause exists, decided by the Provincial Federation at a General Meeting, by at least a two-thirds majority vote, a formal request for the replacement of the Representative of the Associate Members may be directed to the Associate Member's structures, as the case may be.
- 26.17 No member of Exco shall hold a voting position with any Member of the Provincial Federation, save for the Discipline, District and Associate

Representatives on Exco who are elected to represent all Disciplines, Districts and Associate Members respectively.

DRAFT

CHAPTER 6 – COMMITTEES

27. SUB COMMITTEES

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

- 27.1.1 Development and Transformation Committee;
- 27.1.2 Review 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 Marketing Committee; and
- 27.1.7 Colours Committee.

27.2 The convenors and membership of each Sub Committee referred to above in clause 27.1 shall be decided by the Provincial Federation. The Sub Committees shall have due regard to the consideration that these Committees should be well-represented by representatives from each of its Members and shall maintain a balance between male and female Committee members. The Sub Committees report to Exco.

27.3 The Chairperson of each of these sub committees will form part of the equivalent National Sub Committees.

27.4 The roles and responsibilities of Committee members in respect of each Sub Committee will be defined in the respective Sub Committee's Terms of Reference, which shall be in accordance with SAEF's Constitution, Rules, Regulations and by-laws and shall be available to each of The Provincial Federation's Members, Registered Groups and Registered Individuals.

28. JUDICIAL COMMISSION

- 28.1 The Exco shall appoint the members of the Provincial Judicial Commission and delegate such powers to the Provincial Judicial Commission to include, but not be limited by the following:
- 28.1.1 to assist the Provincial Federation 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 all Registered Individuals and Registered Groups, which Code of Conduct must be in line with the SAEF Code of Conduct and must be approved by the SAEF and the Provincial Federation;
 - 28.1.3 to apply the Internal Regulations for the Judicial Commission in respect of all Complaints, Disputes and Disciplinary matters;
 - 28.1.4 to hear internal appeals where it has jurisdiction;
 - 28.1.5 to adjudicate any reviews against any decision of the Provincial Selection Committee; and
 - 28.1.6 to adjudicate, mediate and arbitrate upon other legal matters under its jurisdiction.
- 28.2 Any matter referred to the Judicial Commission by a Sub-Committee / District Federation, Registered Group or Registered Individual will require a deposit as determined in the Internal Regulations of the Judicial Commission.
- 28.3 The Judicial Commission shall comprise of at least three members of which at least one member must have a legal background.
- 28.4 Every member of the Judicial Commission shall have one vote each at their meetings.
- 28.5 Any party aggrieved by a decision of the Provincial Judicial Commission may refer the matter to National Judicial Commission for its final determination provided the leave of the Provincial Judicial Commission is first sought and obtained within a period of 21 (twenty-one) days after the Decision of the Provincial Judicial Commission. The Provincial Judicial Commission 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 National Judicial Commission, the Decision of the Provincial Judicial Commission shall be final and binding.
- 28.7 The Chair of the Provincial Judicial Commission shall be a member of the *Ad hoc* National Judicial Commission Panel.

DRAFT

CHAPTER 7 – GENERAL

29. COLOURS

The colours of the Provincial Federation shall be in accordance with standards and norms approved by the Provincial Sports Confederation.

30. EMBLEM

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



31. BADGE

The badge shall have the emblem with the words KwaZulu Natal Equestrian

32. AWARDING COLOURS

Guidelines and criteria for the awarding of colours shall be stipulated in the bylaws of the Provincial Federation (as per KwaZulu Natal Confederation criteria and applicable Discipline applying for Provincial colours).

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 Provincial Federation 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, Registered Individual, Registered Group or Committee.

- 33.2 The First Edition Rules, Regulations, Procedures and By-laws shall be provided to all Members of the Provincial Federation for consideration (at least 30 (thirty) days' notice) and such Rules, Regulations, Procedures and By-laws must be approved by the Provincial Federation.
- 33.3 The Rules shall include, but not be limited to, the following:
 - 33.3.1 The Provincial Federation's general selection criteria, taking into consideration that each Discipline has its own specific selection criteria;
 - 33.3.2 The Provincial Federation's Code of Conduct for Office Bearers (including a disciplinary procedure). This Code of Conduct must be in line with the SAEF's Code of Conduct and must be approved by the SAEF Exco; and
 - 33.3.3 The Provincial Federation's Code of Conduct for Registered Individuals and Registered Groups, which Code of Conduct must be in line with the SAEF's Code of Conduct and must be approved by the SAEF Exco.
- 33.4 Any amendments of the Rules, Regulations, Procedures and By-laws will be affected by Exco upon approval by at least a two-thirds majority of the members of the Exco and presented to the Provincial Federation for ratification. Any amendments to the Provincial Federation's Rules, Regulations, Procedures and By-laws must be approved by the SAEF Exco.
- 33.5 It is specifically provided that any party bound by 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 and the SAEF Constitution.

34. FINANCE

- 34.1 The financial year of the Provincial Federation 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 financial statements within 3 (three) months from the end of their respective year-ends and the Treasurer shall report to the Provincial Federation on compliance with this requirement and such matters pursuant thereto that may be relevant to the Members of the Provincial Federation.
- 34.3 Exco shall be responsible for monitoring the financial accounts of Events organised by the Provincial Federation 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 Provincial Federation or its Members or other persons or bodies over which the Provincial Federation enjoys jurisdiction, or that detracts from their ability to perform their duties with integrity, and in an independent and purposeful manner.
- 35.2 In the context of the provisions of this Constitution, a distinction is made between the situation of a "*Potential Conflict of Interest*" and the case of a "*Conflict of Interest*". Only Conflicts of Interest are prohibited.
- 35.3 A situation of a "*Potential Conflict of interest*" arises when the opinion or decision of a person, acting alone or within an organisation, in the framework of the relevant activities, may be reasonably be considered as liable to be influenced by relations that the aforementioned person has, has had or is on the point of having with another person or organisation that would be affected by the person's opinion or decision.
- 35.4 A case of "*Conflict of Interest*" is constituted when any person who, having abstained from declaring a situation of a potential conflict of interests, expresses an opinion or takes a decision in the circumstances. This conduct is prohibited.

- 35.5 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).
- 35.6 It is accepted that all persons involved in Equestrian Sport may have a personal interest incidental to Equestrian Sport such as themselves being a Registered Individual or the parents or guardians of minor Athletes, or members of Event Organisers, or Owners of or directly involved in stabling, Show Holding Bodies or equestrian centre establishments.
- 35.7 It is further accepted that the vast majority of persons who are prepared to serve on equestrian structures would hold such interests, which may give rise to a Conflict of Interest. 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.
- 35.8 When performing an activity for the Provincial Federation 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 Provincial Federation.
- 35.10 Persons bound by this Constitution shall avoid any situation that could lead to a 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 a person fail to disclose such a personal interest; or in the case of a potential conflict of interest fail to recuse himself or herself 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 organization 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 Provincial Federation and another provincial equestrian federation, or any dispute between Members of the Provincial Federation, or any dispute between members of Exco, or between Exco and a Member, or between Exco or an Exco member and a Registered Individual or Registered Group (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to SAEF or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration in terms of the procedure for the resolution of disputes in sport.
- 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 the Equestrian Sporting fraternity as amicably and effectively as possible, it is required of all Members of the Provincial Federation 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 bound by this Constitution 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 Provincial Federation to any person or any Member, Honorary Life Member or Patron shall, unless delivered by hand, be effective from the date it was delivered by

hand, and/or by fax, and/or by electronic mail to the last known physical address, fax or e-mail address, as the case may be, of the addressee, by any official of the Provincial Federation, but all notifications to the Provincial Federation 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 of the Provincial Federation. In no respects shall any postal authority be, or be deemed to be, the agent of the Provincial Federation.

38.ADOPTION, ALTERATION OR VARIATION OF THIS CONSTITUTION

- 38.1 This Constitution was adopted at the Inaugural Meeting upon a majority vote of not less than two-thirds of all the Members of the Provincial Federation (which Members were validly constituted on the date of adoption of this Constitution).
- 38.2 This Constitution may be altered or varied, at any time, by the Members in a 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:
 - 38.2.1 that not less than 30 (thirty) days written notification of such Meeting is given to all Members;
 - 38.2.2 together with a copy of the proposed amendments (where the proposed amendments are clearly indicated);
 - 38.2.3 and written approval of the amended Constitution by the SAEF is attached to the notice.

39.DISSOLUTION OR WINDING UP OF THE PROVINCIAL FEDERATION

- 39.1 The Provincial Federation 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 Provincial Federation shall have been given to all Members.

- 39.2 Upon dissolution or winding up of the Provincial Federation all the property and assets of the Provincial Federation, after payment of all monies owing to any third parties, shall be transferred free of compensation to the SAEF, to be held in trust by the SAEF until a replacement provincial federation has been established.

~~40.~~ PRIVACY, DIGNITY AND REPUTATION OF THE PROVINCIAL FEDERATION

- 40.1 With reference to the Constitution of the Republic of South Africa, 1996, the Provincial Federation acknowledges, respects and supports the rights of freedom of thought, belief, opinion and expression, without however derogating from the Provincial Federation own entrenched rights to privacy (which includes its dignity and reputation) and to freedom of association. The Provincial Federation 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 Provincial Federation's Constitution may perform any act that brings Equestrian Sport, the Provincial Federation, 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 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 Provincial Federation, and that their views do not represent those of the aforesaid bodies.

- 40.6 No person may use any of the Provincial Federation'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 Provincial Federation confidential or proprietary information without the prior written permission of the Provincial Federation.
- 40.8 SAEF or the Provincial Federation 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 Provincial Federation in addition to any other civil rights the Provincial Federation may have such as claiming damages for defamation.
- 40.10 The Provincial Federation's right not to associate with any person, which includes banning any person, is expressly reserved.

This Constitution was adopted by the following Members present at the Inaugural Meeting held at _____ on the ___ day of _____ 2023:

Dressage KZN		Reining and Performance Riding KZN	
Endurance KZN		Showing KZN	
Equitation KZN		Show Jumping KZN	
Eventing KZN		Tentpegging KZN	
Mounted Archery KZN		Vaulting KZN	

Polo KZN		Western Mounted Games KZN	
Polocrosse KZN		Pony Club KZN	
		SANESA KZN	

DRAFT

SCHEDULE “A” – GEO-POLITICAL DEMARCATIONS

Kwazulu-Natal	Umgungundlovu	Pietermaritzburg
(Pietermaritzburg)	Ethekwini	Durban
	Ugu	Port Shepstone
	Uthukela	Ladysmith
	Umzinyathi	Dundee
	Amajuba	Newcastle
	Zululand	Ulundi
	Umkhanyakude	Mtubatuba
	uThungulu	Richards Bay
	iLembe	Kwa Dukuza
	Sisonke	Ixopo

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, federation 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, federations 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 or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in 5., and the principle of non-racialism referred to in 1., and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:
 - 7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as

a valid exercise of the rights of freedom of association/disassociation (Cf. para 2 above).

- 7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups, provided that those criteria are not racist in their terms or in their intended effect e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though *de facto* its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.
8. Under no circumstances will an infringement of 4, above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.
9. The existence of the so-called "ethnic" clubs 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

by implication, be excluding persons from all other ethnic groups/races/nationalities from membership.

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

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

SCHEDULE “C” - AFFILIATES TO THE PROVINCIAL FEDERATION

Eligibility requirements for District Federations and Discipline Associations as Ordinary Members and Associated Members

1. The objects clause of the constitution of a District Federation (As per Schedule “A”) or Discipline Association (As per Schedule “F”) 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 Provincial Federation 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 District Federation and Discipline Association 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 Provincial Federation;
 - 2.3 may not authorise, send or sanction any Provincial team to go on a tour outside the boundaries of the Provincial Federation without having first obtained the written consent of Exco of the Provincial Federation.
3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Provincial Judicial Commission whose decision shall be final and binding.

SCHEDULE “D” - ASSOCIATE MEMBERS TO DATE

1. South African National Equestrian Schools Association (“SANESA”), KZN.
2. Pony Club of South Africa. KZN

DRAFT

SCHEDULE “E” - DISCIPLINE ASSOCIATION ORDINARY MEMBERS TO DATE

1. KZN Dressage
2. Endurance Ride Association of KwaZulu Natal
3. Equitation Association of KwaZulu Natal
4. Eventing KZN
5. Mounted Archery Association KZN
6. Polocrosse Association of KZN
7. Reining and Western Performance Horse, KZN
8. Showing Association of KZN
9. KZN Polo Association
10. KZN Show Jumping
11. KZN Equestrian Tentpegging Association
12. KZN Vaulting
13. Western Mounted Games Association of KZN

SCHEDULE “F” - ROLES AND RESPONSIBILITIES OF SUB COMMITTEES

Colours Committee Description

Manage all KZNPF colour application in line with the Discipline and Provincial Sports Confederation requirements.

Duties

- ☐ to introduce a standard for the awarding of provincial colours in line with the Discipline specific requirements and in consultation with the KwaZulu Natal Sports Confederation;
- ☐ to discourage any misuse or abuse of provincial colours;
- ☐ to make provision for the resolution of disputes related to awards of provincial colours by referring such matters to the National Colours Committee;
- ☐ generally, to promote sport in KwaZulu Natal, through the usage and effective control of the provincial colours;
- ☐ to co-operate and liaise closely with persons, bodies, local authorities and Government departments concerned with the advancement of sport on a provincial level;
- ☐ to monitor and maintain records of all awards of provincial colours; and
- ☐ and marketing efforts of the Provincial Federation;