

CONSTITUTION OF THE WESTERN CAPE CYCLING ASSOCIATION

Duly adopted as such by the Members thereof at the _____ meeting
held at _____ on _____.



CONSTITUTION OF WESTERN CAPE CYCLING ASSOCIATION

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CONSTITUTION OF WESTERN CAPE CYCLING ASSOCIATION

1. NAME AND CORPORATE PERSONALITY

- 1.1. The name of the Association shall be **Western Cape Cycling**, herein after referred to as **WCC**.
- 1.2. WCC is a unified association representing all cycling disciplines as defined by Cycling South Africa (CSA) which will include, but not be limited to Road Cycling, Track Cycling, Para Cycling, Mountain Biking and Bicycle Moto-Cross on a competitive as well as a recreational level, in the region.
- 1.3. The WCC shall be a distinct and separate legal entity and body corporate with perpetual succession.
- 1.4. The WCC shall be an association not for gain.
- 1.5. The income and property of WCC shall be applied solely towards the promotion of the Association and Cycling as set out in the Constitution.

2. DEFINITIONS AND ABBREVIATIONS USED

- 2.1 **WCC** shall be a body as constituted under clause 5 of this Constitution.
- 2.2 **“National Body”** shall mean the unified elected National Federations of Cycling for the Republic of South Africa known as Cycling South Africa.
- 2.3 **“UCI”** shall mean “Union Cycliste Internationale”.
- 2.4 **“Rules and Regulations”** shall mean the Rules and Regulations of Western Cape Cycling, those of Cycling South Africa , Western Cape Sport Confederation, the Department of Sport and Recreation, the South African Sport Confederation and Olympic Committee and of the UCI.
- 2.5 “Act of Parliament” refers to the National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as “The Act”.
- 2.6 "AGM" means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 2.7 “Appeal Board” means a body of appeal, appointed by the WCC Board in terms of this Constitution.
- 2.8 “Associate Members" means all those associations or organisations having the same or similar objects to WCC and having their Office within the area of jurisdiction of WCC, which bodies have made application and have been accepted as Associate Members of WCC in terms of the provisions of this Constitution.
- 2.9 "Annual Financial Statements" means the annual audited balance sheet, income and expenditure account, Treasurer’s report and Auditor’s report.
- 2.10 “BMX” means Bicycle Moto-Cross and refers to, but is not limited to, two specialties named BMX Super Cross which forms part of the Olympic Program and BMX Freestyle.

- 2.11 "CAC" means the Confederation of African Cycling.
- 2.12 "Club" means any Cycling club which caters for any discipline of Cycling as contained in this Constitution.
- 2.13 "Compliance" means that the member club, province or individual has fulfilled the necessary provisions of this Constitution in regard to specific requirements as contained herein, and as such is regarded as being in good standing with Cycling South Africa.
- 2.14 "Constitution" means this Constitution.
- 2.15 "Cycling" means the sport of Cycling and includes the disciplines referred to in this Constitution and as defined by the International Cycling Union (UCI).
- 2.16 "Cycling SA" means the body recognised by SASCOG as the organisation responsible for cycling in the Republic of South Africa, and as referred to in this Constitution, and incorporates all rights that may have existed or exist in the entity formerly known as the South African Cycling Federation.
- 2.17 "Commissions" mean those disciplines as referred to in this Constitution.
- 2.18 "Day" means a calendar day. "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.19 "Event" means a cycling event held under the auspices of Cycling South Africa.
- 2.20 "Event Organizer" means a person duly authorised to manage an event on behalf of Cycling South Africa either directly or indirectly through its members.
- 2.21 "ExCo" means the Executive Committee of WCC, as constituted in terms of this Constitution.
- 2.22 "Head of Commissions" means the person elected to chair a specific discipline (Commission) as defined in this Constitution.
- 2.23 "High Performance Athlete" refers to a cyclist chosen to represent the sport of Cycling at any level, whether it be provincial, national or international.
- 2.24 "High Performance Committee" refers to those people appointed to manage any high Performance Athlete, or programme under the auspices of WCC.
- 2.25 "Honorary Life Members" means all those persons bestowed with this honour by the Council of WCC, and shall include any persons to whom this honour was bestowed prior to the acceptance of this Constitution.
- 2.26 "Levies" means the monies levied and due by the membership to WCC and as approved and agreed to by membership at each Annual General Meeting of WCC.
- 2.27 "Member" shall mean an Ordinary Member, a Special Member or an Associate Member.
- 2.28 "ManCo" means the Management Committee of WCC, as constituted in terms of this Constitution.
- 2.29 "Month" means a calendar month.

- 2.30 "MtB" means the discipline known as Mountain Biking and includes, but is not limited to Cross Country Mountain Bike Cycling.
- 2.31 "National Sport Federation" means the national governing body of the Sport in membership of SASCOC, and recognised by the Department of Sport and Recreation in the Republic of South Africa.
- 2.32 "Ordinary General Meeting" means a meeting convened in terms of this Constitution.
- 2.33 "Ordinary Members" means those members duly accepted as members in terms of the geopolitical demarcations as set out in this Constitution.
- 2.34 "Organisers" shall mean those persons who have been duly authorised by WCC directly or through their provincial membership to stage a cycling event inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- 2.35 "Para Cycling" means a form of cycling which is limited solely to handicapped Categories.
- 2.36 "Patrons" shall mean a person duly appointed as such in terms of this Constitution.
- 2.37 "Person" means a natural or legal person.
- 2.38 "President" means the President of Western Cape Cycling, duly elected in terms of this Constitution.
- 2.39 "Provincial Commission Heads" means those persons appointed to head the various commissions in the various cycling disciplines, of the Ordinary and Special Members in their defined geopolitical province as defined in this Constitution.
- 2.40 "Recreational Cycling" shall mean any form of social riding in any discipline referred to in this Constitution whether same is in the form of mass or individual participation in the Sport, and may include but not be limited to events where a rider will compete against a specific time, or over a specific distance, whether same be for leisure purposes, or not.
- 2.41 "Road Cycling" shall mean cycling on a public or private road (surface) and shall not be limited to the two sub categories, namely Road Race and Time Trial.
- 2.42 "Rules & Regulations" means the rules and regulations of Cycling South Africa.
- 2.43 "SAIDS" means the South African Institute for Drug-Free Sport.
- 2.44 "SASCOC" means the South African Sport Confederation and Olympic Committee duly recognized and approved by the Department of Sport and Recreation as the governing body of Sport in the Republic of South Africa.
- 2.45 "Special General Meeting" means a meeting convened in terms of this Constitution.
- 2.46 "Special Member" shall mean a body of persons representing current cyclists competing in any discipline of cycling under the auspices of WCC, irrespective of age category.
- 2.47 "SRSA", means the Department of Sport & Recreation in South Africa.
- 2.48 "Track Cycling" means a specific form of cycling which takes place in a specified venue, but not limited solely to track, sprinting, endurance and combination events.

- 2.49 "Treasurer" means the person either elected or employed in terms of the provisions of this Constitution.
- 2.50 "UCI" means the International Cycling Union.
- 2.51 "Vice-President" means the Vice-President of Western Province Cycling as defined in this Constitution.
- 2.52 "WADA" means the World Anti-Doping Agency.
- 2.53 "Year" means a calendar year.
- 2.54 Any words implying one gender include the other.

3. INTERPRETATIONS

- 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 In this constitution, unless inconsistent with the context, all words and expressions imparting the masculine shall include the feminine gender, and those signifying the singular shall include the plural and vice versa.
- 3.3 In the case of interpretations not specific, the constitution of Cycling South Africa will be the overriding constitution.

4. HEAD OFFICE

- 4.1. The Head Office of WCC shall be the address of the President of Western Cape Cycling or as the Executive Committee may determine from time to time.

5. JURISDICTION OF WESTERN CAPE CYCLING

- 5.1. The geographical area of jurisdiction of WCC shall be the Western Cape Province together with such other areas outside the afore mentioned as is included in the area of jurisdiction of its members

6. OBJECTIVES OF THE WESTERN CAPE CYCLING

- 6.1 To be and to function as the controlling and administrative body for the sport of Cycling within the area of jurisdiction in accordance with sound business principles.
- 6.2 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction in accordance with sound administrative principles.
- 6.3 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction in accordance with sound financial principles.
- 6.4 To encourage, organise and promote the development of high performance sport as well as sport for all in all forms of cycling including but not limited to:
 - 6.4.1 Bicycle Moto-Cross cycling including BMX Super-Cross and BMX Freestyle;
 - 6.4.2 Competitive and Recreational off-road Cycling including Cross Country, Marathon and Downhill mountain biking;

- 6.4.3 Para Cycling which is limited solely to handicapped categories including bicycles, tricycles, handcycles and tandems;
- 6.4.4 Competitive and Recreational Road Cycling and Time Trialing and the concept of Cycling for all;
- 6.4.5 Track cycling.
- 6.4.6 All disciplines shall present an annual championship and select teams.
- 6.5 To administer the sport of cycling within the area of jurisdiction with effective media releases and assistance to affiliated regions/organisations for the successful promotion of cycling.
- 6.6 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction to nurture a spirit of friendly, rivalry in competitions, to ensure safe cycling and delighted cyclist.
- 6.7 To encourage, promote, develop and administer the sport of cycling at Youth/School level within the area of jurisdiction to ensure effective youth cycling and a feeding system.
- 6.8 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction to enforces the rules of Cycling as prescribed by the World Cycling Federation (UCI) and encourages and promotes the highest standard of sporting behaviour.
- 6.9 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction to ensure transformation and development.
- 6.10 To ensure that the encouragement, promotion, development and administration of the sport of cycling, whether at National, Provincial, Regional or Local Level is done in accordance with the principles of non-racialism by which is meant that race, ethnicity and nationality shall not be a basis for discriminating against or of affording privileges to any person or group of persons, which principles are more fully set out in Schedule One hereto.
- 6.11 To ensure that the encouragement, promotion, development and administration of the sport of Cycling, whether at National, Provincial, Regional or Local Level is fairly carried out so that gender, religion or creed or disability shall not be a basis for discrimination against or of affording privileges to any person or group of persons.
- 6.12 To be a member of CSA and/or of any other national or provincial sports and other bodies as the Council, upon the recommendation of ExCo, may decide to represent cycling.
- 6.13 To uphold and enforce any code of conduct pertaining to the sport of Cycling approved by CSA and/or any other code of conduct decided upon by WCC to ensure discipline are maintained by the members and disputes are resolved within associations and regions.
- 6.14 To recognise and accept the jurisdiction, rules and regulations of the South African Institute for Drug-free Sport (SAIDS) as well as the code of the World Anti-Doping Agency (WADA).

7. POWERS TO CARRY OUT OBJECTIVES

- 7.1. WCC shall have all such powers and authorities as shall be necessary or desirable or conducive to achieving any and all of the objectives of WCC. These powers and

authorities shall be exercised by the Council and/or ExCo and/or by any duly constituted subcommittee in accordance with and subject to the provisions of this Constitution.

- 7.2. To acquire by purchase, exchange, hire, sub-lease, donation or otherwise movable and/or immovable property of any kind. The President and Secretary in their capacity as such shall be trustee of and for all intents and purposes legal holders of all moneys, trophies, cups and other property of WCC, and shall deal with assets as WCC council and/or ExCo may from time to time decide.
- 7.3. 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 WCC.
- 7.4. To enter into contracts of any and all kinds necessary to carry out, give effect to or secure the objectives of WCC.
- 7.5. From time to time, in accordance with sound business and financial principles to invest the funds of WCC in such property or assets or other security as may be deemed advisable.
- 7.6. To employ, suspend or dismiss and remunerate employees, professional assistants and experts.
- 7.7. To support or subscribe or make donations to any charities or other institutions, regions, clubs, societies and funds.
- 7.8. To regulate relations between its Members, and between its Members and WCC or its members or individual cyclists.
- 7.9. To insure against losses, damage, risk and liability of all kinds.
- 7.10. To draw, make, accept, endorse, execute, negotiate and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments.
- 7.11. To institute, conduct, defend, compound or abandon any legal proceedings by and against WCC or its officers or otherwise concerning the affairs of WCC, or the action of its Members, and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against WCC.
- 7.12. To raise money whether by subscription or levy from its Members and/or from any or all Cyclists, or any regions or clubs or associations or organisations concerned with the sport of Cycling or in any way or from any other source, and recover by legal process monies due by members or ex-members Cyclists or regions or clubs, associations or organisations.
- 7.13. To spend or otherwise apply monies to the advancement and/or development of WCC or its members, or individual Cyclists.
- 7.14. To contribute or subscribe to bodies with aims similar to the aims of WCC, and invest monies upon such security and in such manner as it may from time to time determine.
- 7.15. To make and pass rules, by-laws or regulations and to add to, repeal or alter such rules, by-laws or regulations, with or without penalties for the carrying out, administration and implementation of this Constitution and the attainment of the objectives of WCC.
- 7.16. To impose fines, to suspend for a period of time, to ban and/or implement any other disciplinary measures on its Members or former Members or on any Cyclist or region or

club or association or organisation connected or concerned with Cycling arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by ExCo, including those of SAIDS, SASCO and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from its Members or former Members. Without in any way limiting the generality of the afore mentioned, WCC shall have the power to suspend or ban any Cyclist, Member or club from participating in any event or championship.

- 7.17. To take all such action as may be required or necessary to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to WCC by its Members, former Members or any other persons or body.

8. FINANCE

- 8.1 Financial Year. WCC's financial year shall be from 1 January to 31 December of each year.
- 8.2 Banking Account. A Banking Account shall be opened in the name of WCC. WCC shall designate at least two (2) persons authorised to have signing powers on the WCC's banking account. Two (2) authorised persons must sign together.
- 8.3 Funding. WCC shall receive money from its members including but not limited to membership fees, affiliation fees, calendar fees, rider levies and day licenses. WCC shall also apply for grants and sponsorships to fund its objectives.
- 8.3.1 Membership Fees. Western Cape Province cyclist shall register with WCC as part of their CSA membership and pay an additional amount, that will be determined by the WCC ExCo from time to time, as part of their online registration as member of CSA.
- 8.3.2 Affiliation Fees. Ordinary and Associated Members shall pay affiliation fees, as determined by the ExCo from time to time, yearly before the AGM.
- 8.3.3 Calendar Fees. WCC will yearly in September/October coordinate the next years calendar. The regions/organisations will prior to this date coordinate the regional events, and apply at WCC for the date. Only paid-up events will be considered. Payment need to take place via WCC to CSA. Thereafter the approved events appear live on the CSA calendar. Members will pay calendar fees, as determined by CSA, for each event before or at the Calendar meeting.
- 8.3.4 Rider Levies. The main source of income of the WCC will be the amount per rider per event day paid over from the regions/organisers. The regions/organisers need to ensure that effective administration takes place at the Clubs/Events to ensure that the rider levies are obtained. Members shall pay over rider levies, as determined by CSA and WCC, within sixty (60) days after the event to WCC.
- 8.3.5 Day Licenses. The Ordinary and Associated Members, and/or WCC is responsible to collect day license fees for events in there area. Day License fee per rider per event day shall be paid over from the Members. The Members need to ensure that effective administration takes place at the Clubs/Events to ensure that the rider obtain day licenses. Members shall pay over day license fees, as determined by CSA and WCC, within sixty (60) days after the event to WCC.
- 8.3.6 WCC Championships. WCC Championships need to be presented yearly. Each championship need to fund all the expenses with the approved WCC budget for the Championship, entry fees, sponsorship and have money available to support

teams/riders. The cycling discipline Commissioners shall obtain sponsors for the WCC championships. WCC championships expenses shall be covered by the budget, championship income and sponsorship.

- 8.4 Expenses. All monies received shall be applied to the carrying out of the objectives of WCC.
- 8.4.1 Affiliation. WCC will affiliate to Cycling SA and other bodies as determined by the ExCo.
- 8.4.2 Stay and Travel Expenses. Council Members will be refunded for CSA-; Commission-and/or Indaba meetings, WCC meetings for stay and travel expenses such as fuel, air tickets, car hire, accommodation and meals. Tariffs for fuel, accommodation and meals will be determined by the ExCo from time to time. Payment will only take place if vehicles are used effectively (4 members per vehicle).
- 8.4.3 Rider Support. WCC shall support high performance and development riders and teams for participation in events.

9. MEMBERSHIP

- 9.1. Ordinary Membership to WCC consists of the six (6) Regions of the Western Cape Province being groups of cyclists who have formed clubs and who have agreed to be bound by the WCC Constitution and any rules and regulations made hereunder, and provided that such region has been accepted by WCC, with regions defined and represented by:
- 9.1.1. Cape Winelands District. Stellenbosch is the head office and the Region consists out of the following locals, namely Breede Valley local, Drakenstein local, Langeberg local, Stellenbosch local and Witzenberg local. The Cycling Region is known as Boland Cycling.
- 9.1.2. Cape Town Unicity. Cape Town is the head office of the Region. The Cycling Region is known as Western Province Cycling.
- 9.1.3. Eden District. George is the head office and the Region consists out of the following locals, namely Bitou local, George local, Hessequa local, Kannaland local, Knysna local, Mossel bay local and Oudtshoorn local. This Cycling Region is known as Eden Cycling.
- 9.1.4. Central Karoo District. Beaufort West is the head office and the Region consists out of the following locals, namely Beaufort West local, Laingsburg local and Prince Albert local. This Cycling Region is grouped with Eden Cycling.
- 9.1.5. Overberg District. Swellendam is the head office and the Region consists out of the following locals, namely Cape Agulhas local, Overstrand local, Swellendam local and Theewaterskloof local. This Cycling Region is grouped with Eden Cycling.
- 9.1.6. West Coast District. Malmesbury is the head office and the Region consists out of the following locals, namely Bergrivier local, Cederberg local, Matzikama local, Saldanha bay and Swartland local. The Cycling Region is known as West Coast Cycling.
- 9.2. All applications for Ordinary Membership by regions shall be in writing to the WCC Secretary and shall be accompanied by the prescribed affiliation fee and a constitution having as one of it's objectives the fostering of cycling and a willingness to comply with

the constitution, rules, regulations and by-laws of WCC and CSA. Application can be considered at any WCC meeting. The WCC reserves the right to accept or reject such application, but acceptance shall not be unreasonably withheld.

- 9.3. Any other class of WCC membership, is it temporary or permanent, as may be determined from time to time by the ExCo. A set of criteria should be drawn up by the ExCo for accepting members.
- 9.4. Any association or organisation which wishes to become an Associate Member of WCC shall apply in writing to the ExCo to be admitted as such and shall furnish a copy of its constitution/document and all such information as ExCo may require to decide upon its application.
- 9.5. ExCo may in its discretion admit any such association or organisation as an Associate Member upon such terms and conditions including terms and conditions as to the payment of subscriptions as the ExCo may consider fit.
- 9.6. Any decision by ExCo in respect of an application for Associate Membership shall be referred to the General Meeting of the Council for ratification and shall not be binding until so ratified.
- 9.7. Affiliated Regions or bodies shall forward a copy of the Minutes of their AGM, and a copy of their Financial Statements as soon as possible after the particular meeting but not later than thirty (30) days after such meeting.
- 9.8. ExCo and members of Council shall, from time to time, nominate any person who has rendered notable and meritorious service to WCC and/or in the promotion of the sport of cycling and whom it wishes to recognise and honour as an Honorary Life Member. Nominations shall be presented to the Council for ratification at the next AGM and, if ratified by the Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges namely to attend the AGM, to receive advance notice and to make preferential bookings in respect of any event or championship held under the auspices of WCC.

10. TERMINATION OF MEMBERSHIP

- 10.1 The ExCo's decision to terminate any membership, whether an Ordinary, Associate or Honorary, shall be referred to the next meeting of the Council for ratification.
- 10.2 Any Member which ceases to operate a viable structure shall ipso facto be suspended from membership and the Council shall decide at its next ordinary meeting whether the membership of such member should be terminated.
- 10.3 Any member of any classification may, at any time, tender their resignation from WCC. Such member must give notice by not later than 30 September of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to WCC at the date of their resignation.

11. STRUCTURE OF WESTERN CAPE CYCLING

- 11.1. The Organisational Chart is attached as Appendix A to the Constitution.
- 11.2. Council. The Council shall be the highest authority of WCC and shall determine its policy, decide upon its budget and give directives to ExCo. The WCC Association Council consists of:

- 11.2.1. President.
 - 11.2.2. Vice-President.
 - 11.2.3. Secretary.
 - 11.2.4. Treasurer.
 - 11.2.5. BMX Commissioner.
 - 11.2.6. MtB Commissioner.
 - 11.2.7. Para-Cycling Commissioner.
 - 11.2.8. Road Commissioner.
 - 11.2.9. Track Commissioner.
 - 11.2.10. Technical Commissioner.
 - 11.2.11. Public Relations/Media Officer.
 - 11.2.12. Transformation & Development Officer.
 - 11.2.13. Rider Representative.
 - 11.2.14. Youth/Schools Representative.
 - 11.2.15. Ordinary Members (Boland, Eden, WC and WP).
 - 11.2.16. Associate Member's Representatives.
- 11.3. The Council shall meet bi-annually. The first such meeting each year shall be held at such venue as may be determined by ExCo, to coincide with the day which the AGM is held. The second meeting of the Council shall be held on such date and at such place as ExCo shall determine provided that unless there are good reasons to the contrary, this meeting shall be held in October each year and coincide with the Calendar meeting.
- 11.4. Executive Committee. The ExCo consists of the WCC President, Vice President, Secretary, Treasurer, the Commissioners, the Managers and Ordinary members.
- 11.4.1. The chairperson of any meeting of the ExCo shall be the President, or in his or her absence the Vice-President, or in his or 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.
 - 11.4.2. A quorum for ExCo shall consist of not less than seven (7) members with a minimum of 2 regions present at the appointed time and place for any meeting of the ExCo.
 - 11.4.3. ExCo shall meet not less than four (4) times per annum (January, March, July and October) provided that it shall not be necessary for ExCo to meet in those months in which one of the two bi-annual (March & October) Council meetings are held.

- 11.4.4. Each member of ExCo shall have one (1) vote, and the President of any meeting of ExCo shall have a second or casting vote, in the event of an equality of votes. Members of ExCo shall vote by ballot for positions (persons) and on all other resolutions by a show of hands. Members of ExCo shall decide on all matters by a simple majority vote.
- 11.4.5. The ExCo shall be vested generally with all such powers and authorities as are necessary to promote and attain the objectives of WCC.
- 11.4.6. The ExCo shall control all expenditure of the funds of the WCC and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of WCC.
- 11.4.7. No cheque or promissory note drawn on behalf of WCC shall be valid unless signed by any two (2) of either the President, the Vice-President, the Treasurer, the Secretary or any other council member of WCC who has been authorised by the ExCo to have signing powers.
- 11.4.8. ExCo shall draft a Code of Conduct, and be entitled to make any and all by-laws or regulations necessary to promote the aims and objectives of the WCC and such by-laws and/or regulations shall be binding upon members. Such regulations shall be ratified at the next Council Meeting.
- 11.4.9. ExCo shall appoint standing sub-committees as it considers fit and may delegate the exercise of any of its powers and functions to one of its Members or to a sub-committee of WCC.
- 11.5. Management Committee. The ManCo consists of the WCC President, Vice President, Secretary, Treasurer and the Commissioners.
 - 11.5.1. The business of the ManCo shall ordinarily be conducted at specially convened meetings, provided that in exceptional circumstances, if it is not practical to convene a meeting of the ManCo, decisions may be reached by means of written electronic communication and/or teleconferences.
 - 11.5.2. For a quorum at least five (5) members must be present.
 - 11.5.3. The ManCo shall deal with all matters requiring immediate decision between meetings of the ExCo.
 - 11.5.4. All decisions taken by the ManCo shall be implemented immediately but must be tabled for ratification by the ExCo at its next meeting.
 - 11.5.5. The ManCo, with the support of the Discipline Commissions, will function as the decision-making body around discipline affairs and is empowered to take decisions and to immediately undertake any action required.
 - 11.5.6. The President may call on any member of ExCo to attend a ManCo meeting, and any member of ExCo may attend any of the ManCo meetings.
 - 11.5.7. The minutes of the ManCo meetings must be distributed to all members of ExCo.
- 11.6. Sub-Committees. Sub-committees will exist to encourage, promote, develop and administer the sport of cycling in that specific field. The Sub-committee shall comprise of the specific council representative and members of the regions.

- 11.6.1. Sub-committees will exist for each of the cycling disciplines namely BMX, MtB, Para, Road and Track.
- 11.6.2. Sub-committees will also exist for Technical, Youth, Transformation and Development.
- 11.6.3. Sub-committees will meet to co-ordinate the activities and events for the cycling disciplines and development fields.
- 11.6.4. Selection Committee. The Selection Committee consists out of the Cycling Discipline Commissioner and a representative from each region. The Vice-President of WCC will be the convener for this Committee. This Committee will convene to select riders for Inter-provincial or National competitions where WCC will be represented. They also select riders who will receive WCC colours in accordance with the criteria as specified in Appendix B.
- 11.6.5. Calendar Committee. The Calendar Committee, consisting of one member from each affiliated Ordinary and Associated Members and the relevant Discipline Commissioners as well as the Secretary Calendar, who will be the convener, will meet as and when required (by October) to arrange WCC's Calendar List. The Calendar Committee shall compile all programs for events organised by WCC, its members and affiliated bodies, and ensure payment of calendar fees.

12. DUTIES OF OFFICE BEARERS

12.1. WCC President

- 12.1.1 The President will represent WCC during meetings of the National body.
- 12.1.2 The President will act as chairman for all AGM, ExCo and ManCo meetings.
- 12.1.3 The President has the power to act on any issue he/she deems necessary and in the interest of the affiliated WCC regions/organisers and their members, subject to the rules and regulations of this constitution.
- 12.1.4 The President shall enforce the observance of the Constitution of WCC and sign all approved minutes.
- 12.1.5 The President shall also perform such other duties as by usage or custom pertaining to his/her office.

12.2. WCC Vice-President

- 12.1.1 The Vice-President will assume all powers of the President in case the President is not present or available during meetings.
- 12.1.2 Together with the President the Vice-President is responsible for the effective management of all cycling related business in the interest of the affiliated WCC regions/organisers and members.
- 12.1.3 The Vice-President will control the inventory of WCC.
- 12.1.4 The Vice-President will chair the Selection Committee.
- 12.1.6 The Vice-President shall also perform such other duties as by usage or custom pertaining to his/her office.

12.3. WCC Secretary

- 12.3.1 The Secretary shall conduct all correspondence, make and preserve correct minutes of all proceedings of WCC and shall produce them when required to do so by WCC. Every record created, when approved by the Board, must be recorded in the minutes. He/she shall in co-operation with the President, draw up the Annual Report for submission at the Annual General Meeting.
- 12.3.2 The Secretary shall be responsible for the processing of all applications for membership of regions or organisers.
- 12.3.3 The Secretary shall co-ordinate arrangements for all ExCo, ManCo, General- and Special meetings, functions and other events. The Secretary shall also be responsible for communicating these arrangements to all members of WCC.
- 12.3.4 The Secretary shall also perform such other duties as by usage or custom pertaining to his/her office.

12.4. WCC Treasurer

- 12.4.1 The Treasurer shall co-sign all cheques for payments authorized by WCC Council, ExCo or ManCo. Payment will only take place if a "Request for Expense" was drafted.
- 12.4.2 The Treasurer shall invoices regions/organisers for all moneys payable to WCC.
- 12.4.3 The Treasurer shall issue a receipt for all monies received.
- 12.4.4 The Treasurer shall not handle any cash of WCC.
- 12.4.5 The Treasurer shall keep a complete and readily comprehensible record of the financial transactions of WCC. These transactions shall be available for inspection as and when requested by Executive Committee together with the bills and supporting documents.
- 12.4.6 The Treasurer shall submit the financial statement, duly audited by the Auditor, at every annual General Meeting.
- 12.4.7 The Treasurer shall also perform such other duties as by usage or custom pertaining to his/her office

12.5. WCC Commissioners (BMX, MtB, Para, Road and Track)

- 12.5.1 The Commissioners will act in the interest of the disciplines for which they have been elected as well as in the broader interest of all aspects of cycling in WCC.
- 12.5.2 The Commissioners will be responsible for conducting commission meetings and reporting the actions, activities or recommendations of the commissions to WCC for ratification or further action.
- 12.5.3 The Commissioners will co-ordinate the yearly calendar with the regions and affiliated members. They will support the regions/organisers with the administration of the calendar process, and control the events to ensure effective feedback on participation and fees payable.

- 12.5.4 The Commissioners shall be responsible for the organisation of WCC Championship events in their respective disciplines, for the completion and circulation of race notices and the keeping of a register of all recognised records created by their discipline within WCC.
 - 12.5.5 In the event that a discipline is not currently represented in the Region a person will be elected to monitor the discipline and to further the interests of the specific discipline.
 - 12.5.6 The Discipline Commissioners shall also perform such other duties as by usage or custom pertaining to his/her office.
- 12.6. WCC Technical Commissioner
- 12.6.1 The Technical Commissioner will managed the cycling officials in the WC Province.
 - 12.6.2 The Technical Commissioner will arrange training opportunities for cycling officials in all disciplines.
 - 12.6.3 The Technical Commissioner is responsible for the appointment of Commissaires in terms of the Rules and Regulations of Cycling South Africa for all competitions by Western Cape Cycling.
 - 12.6.4 The Technical Commissioner shall also perform such other duties as by usage or custom pertaining to his/her office.
- 12.7. WCC Public Relations Officer
- 12.7.1. The Public Relations/Media Officer shall be responsible for the effective communication within WCC with all members, and with the National Bodies.
 - 12.7.2. The Public Relations/Media Officer shall arrange yearly a Award Ceremony to honor athletes.
 - 12.7.3. The Public Relations/Media Officer shall also perform such other duties as by usage or custom pertaining to his/her office.
- 12.8. WCC Transformation & Development Officer
- 12.8.1. The Transformation and Development Officer shall ensure WCC transform and develop according to the national guidelines.
 - 12.8.2. The Transformation and Development Officer shall also perform such other duties as by usage or custom pertaining to his/her office.
- 12.9. WCC Rider Representative
- 12.9.1. The Rider Representative will ensure the registered cyclist in the WC Province are delighted.
 - 12.9.2. The Rider Representative will act as a mouth piece for all cyclists, especially women, at WCC.
 - 12.9.3. The Rider Representative shall also perform such other duties as by usage or custom pertaining to his/her office.

- 12.10. WCC Youth/Schools Representative. The Youth/Schools Representative shall ensure WCC youth are developed and included in WCC; and perform such other duties as by usage or custom pertaining to his/her office.
- 12.11. WCC Ordinary Members (Boland, EDEN, WC and WP). The Ordinary Members will ensure that cycling are managed effective in their region, be a mouth piece for their region and ensure effective administration and finance of their region's events.
- 12.12. WCC Associated Members. The Associated Members will ensure that events are managed effective in their area, be a mouth piece for their organisation and ensure effective administration and finance of their events.

13. VOTING RIGHTS

- 13.1. The voting rights set out in this clause shall apply in respect of any and all meetings of the Council. Only persons with at least a Cycling SA membership will be allowed to vote.
- 13.2. Each member of ExCo shall have one (1) vote and the Chairperson of any general meeting shall have one (1) vote, in that capacity, and a second or casting vote in the event of an equality of votes.
- 13.3. Ordinary Members of the General Meeting of WCC has voting powers proportional to the number of riders they represent in their regions, namely:
 - 13.3.1. If a Region has less than 50 members, they have no vote.
 - 13.3.2. If a Region represents more than 50 members, but less than 250 members, they have one (1) vote.
 - 13.3.3. If a Region represents more than 250 members, but less than 500 members, they have two (2) votes.
 - 13.3.4. If a Region represents more than 500 members, but less than 1500 members, they have three (3) votes.
 - 13.3.5. If a Region represents more than 1500 members, they have the maximum of four (4) votes.
- 13.4. Ordinary Members shall be entitled to nominate representatives according to their voting powers to attend and to vote at any general meeting. Only Ordinary Members whose representatives are personally present at the meeting concerned, shall have the right to vote. Such nomination shall be in writing addressed to the Secretary and must be received by the Office not less than 24 (twenty four) hours prior to the time for the commencement of that meeting.
- 13.5. Associate Members shall each have one (1) vote.
- 13.6. Honorary Life Members may only vote in connection with any motion to terminate the Membership of any Honorary Life Member.

14. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER AND THE OTHER MEMBERS OF ExCo

- 14.1. Each Ordinary Member shall be entitled to nominate one (1) person for election as President, one (1) person for election as Vice-President, one (1) person for election as Treasurer.
- 14.2. Any member, Ordinary or Associated, shall be entitled to nominate one (1) person for Secretary, one (1) person for each of the five (5) cycling discipline Commissioners; and one (1) person each as Manager for Technical, Public Relations/Media, Transformation & Development, Youth/Schools and Rider Representative.
- 14.3. Each Member shall appoint one representative to serve its respective structure on the WCC board. These representatives may be nominated and elected as ExCo member.
- 14.4. Each nomination shall be in writing, shall be accorded by an Ordinary Member and shall be signed by the nominee to indicate his or her acceptance of the nomination. All such written nominations shall be received by the WCC Office not less than ten (10) working days prior to the date of the next AGM.
- 14.5. It shall be permissible for the same person to be nominated for more than one office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.
- 14.6. If there is more than one nomination for any of the posts of President, Vice- President and Treasurer then such posts shall be elected separately by ballot, such elections to be held in the sequence aforesaid.
- 14.7. The retiring President, the retiring Vice-President and the retiring Treasurer shall be eligible for re-election without nomination, provided the Secretary shall have received written notification from such persons of their willingness to continue in office, if re-elected.
- 14.8. Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 14.9. With the election of the council, the Transformation and Gender policy shall be taken into account, subject to the availability and willingness of such a nominated person. The ExCo should ideally include at least two (2) men and two (2) women.
- 14.10. The President, Vice-President and Treasurer are to be elected by majority vote of affiliated cycling regions/ordinary members whose principal place of business is situated in the Western Cape.
- 14.11. The remaining members of the board of WCC are to be nominated by individual cyclists who are CSA members and who permanently reside in the Western Cape. They will be elected by majority vote of affiliated cycling regions/ordinary members whose principal place of business is situated in the Western Cape.
- 14.12. Period of Office. The President, Vice-President, Secretary and Treasurer will hold office for three (3) years and all other members of ExCo shall hold office for two (2) years until the AGM.

15. ANNUAL GENERAL MEETING (AGM)

- 15.1. An AGM shall be held once in every year provided that not more than fifteen (15) months shall elapse between one AGM and the next.
- 15.2. ExCo shall decide the date, time and place on which each AGM shall be held, provided that unless there is good reason to the contrary, it shall be held at a venue to be determined by the ExCo or at such other place as ExCo may determine and that the AGM is held in within three (3) months from the end of the financial year.
- 15.3. The following persons shall be entitled to attend and speak at the AGM:
 - 15.3.1. All members of ExCo.
 - 15.3.2. Representatives proportional to the number of riders in the region will represent Ordinary Members; and one (1) representative of each of the Associate Members.
 - 15.3.3. All Honorary Life Members.
 - 15.3.4. Any other person who may be invited by ExCo to do so.
- 15.4. The business to be transacted at an AGM shall be:
 - 15.4.1. Receive delegates' credentials in writing and determine the voting strength.
 - 15.4.2. To read the notice convening the Meeting.
 - 15.4.3. To read and confirm the Minutes of the previous AGM, and to consider any matters arising there from.
 - 15.4.4. To receive and consider the Annual Report of the President, for the period since the date of the previous AGM.
 - 15.4.5. To adopt with or without modification, the audited Annual Financial Statements for the previous financial year, provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, by the ExCo as per the decision of the AGM.
 - 15.4.6. To appoint the auditors of WCC to hold office until the next AGM.
 - 15.4.7. To consider and to adopt with or without modification, or to reject any recommendations of ExCo.
 - 15.4.8. To consider all nominations by ExCo of persons to be Honorary Life Members and to accept or to reject any such recommendation or nomination.
 - 15.4.9. To elect the ExCo.
 - 15.4.10. To discuss and consider any matter of which seven (7) days written notice has been given.
- 15.5. Notice of each AGM shall be sent to all the Members, Members of ExCo, and Honorary Life Members not less than twenty-one (21) days prior to the date of the AGM.

- 15.6. Copies of the Agenda for that AGM shall be disseminated to all the Ordinary Members, Associate Members and Honorary Life Members by post, and/or by hand, and /or by fax, and/or by electronic means not less than fourteen (14) days prior to the date of any AGM.

16. SPECIAL GENERAL MEETING (SGM)

- 16.1. A SGM of Members shall be convened:

16.1.1. By resolution of ExCo, or

16.1.2. Upon the written requisition of not less than two (2) Ordinary Members, addressed to the ExCo, provided that such 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.

- 16.2. The Secretary shall send written notification, within fourteen (14) days after receipt of the resolution or requisition, to all Ordinary Members and Associate Members, which notice shall specify the time, date and place of the SGM together with written notification of the purpose of and measures to be transacted at the SGM and the text of motions to be put to and considered by the meeting.

- 16.3. The date shall not be less than seven (7) days and not more than twenty-one (21) days after the date of posting dissemination of the notification.

- 16.4. The business to be transacted at a SGM shall be:

16.4.1. Receive delegates' credentials in writing and determine the voting strength.

16.4.2. To read the notice convening the Meeting.

16.4.3. No business other than that stated in the notification referred to shall be transacted at the SGM.

- 16.5. Only the persons entitled to attend an AGM shall be entitled to attend and speak at the SGM's.

17. GENERAL PROVISIONS RELATING TO AGM'S & SGM'S

- 17.1. AGM's and SGM's shall, subject to the terms of this constitution, be held at such time and place as shall be decided by ExCo.

- 17.2. The chairperson of any AGM or SGM shall be the President or in his or her absence the Vice-President, or in his or 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.

- 17.3. A quorum shall consist of fifty percent (50%) plus one (1) of the Ordinary Members in good standing.

- 17.4. If a quorum shall not be present at the place of that meeting within thirty (30) minutes after the time set for commencement of that meeting, or shall not remain present during the whole of that meeting until proceedings have been duly declared to have been concluded so 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 seven (7) days and not later than fourteen (14) working days after the date of that meeting, and at such adjourned meeting the representatives of Ordinary Members

- present and entitled to vote shall constitute a quorum and may transact the business of that meeting.
- 17.5. Where a meeting has been adjourned as aforesaid, the Secretary shall, upon a date not later than three (3) days after the adjournment disseminate a written notice to each Ordinary Member stating:
- 17.5.1. The date, time place to which the meeting is adjourned;
- 17.5.2. The matter before the meeting, when it was adjourned;
- 17.5.3. The ground for the adjournment; which notice shall have been settled by the President.
- 17.6. Voting shall be on a show of hands unless a poll be demanded by representative of not less than forty percent (40%) of Members represented and entitled to vote, and in such event, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.
- 17.7. Minutes. The Secretary shall take minutes of all meetings.
- 17.7.1. The proceeding of meetings shall be preserved in the form of typewritten minutes authenticated after confirmation by the next meeting and by signature of the Chairman.
- 17.7.2. The minutes of each meeting shall contain a résumé of the subject of the matters dealt with and such motions and amendments have been proposed and adopted or rejected.
- 17.7.3. Minutes signed by the Chairman of any meeting to which such minutes related, or by the Chairman of any succeeding meeting of the same body, shall be sufficient evidence of the fact herein stated.
- 17.7.4. The Secretary shall send to each affiliated member, and members of the ExCo a copy of the minutes of all the meetings as soon as practicable after such meeting.

18. LIMITATION OF LIABILITY OF MEMBERS AND INDEMNITY

- 18.1. The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to WCC., by way of subscription or otherwise howsoever.
- 18.2. The President, the Vice-President, the Treasurer, all members of ExCo, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of WCC, in terms of this Constitution and under delegated powers from Ordinary Members in General Meeting or from ExCo, 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 WCC, from whatever cause arising, provided such person/s acted in good faith.
- 18.3. WCC shall not be liable to compensate any competitor or official for any injury suffered by him or for any financial loss occasioned by him as a result of such injury whilst training for or competing in any event under its jurisdiction or whilst representing WCC in any event or any cycle meeting under the jurisdiction of any other body.

- 18.4. WCC shall not be liable to compensate any competitor for any damage caused to his equipment or any part thereof whilst training for or competing in any like cycle meeting aforementioned.

19. ENFORCEMENT, ALTERATION OR VARIATION OF THIS CONSTITUTION

- 19.1. Every affiliated member, association or body, their members and competitors shall at all times be subject to this Constitution and rules of WCC.
- 19.2. The Constitution may only be added to, varied, altered, amended or modified at an AGM or SGM of WCC, if the alterations are accepted by two thirds of the eligible votes present at such a meeting, provided a written notification of such Meeting, together with a copy of a proposed resolution was disseminate not less than thirty (30) days prior to the meeting.

20. NOTIFICATION

- 20.1. For the purposes of this Constitution, all notifications by WCC to any person or any Ordinary Member, Associate Member, Honorary Life Member shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by fax, and/or by electronic means to the last known postal address of such Member/s; but all notifications to WCC by any person(natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the Secretary. In no respects shall any postal authority be, or be deemed to be, the agent of WCC.

21. ARBITRATION CLAUSE

- 21.1. Any disputes 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 WCC and another sports federation, or between a members of the ExCo or between ExCo and an Ordinary Member shall be referred to CSA and/or the Arbitration Forum of the Western Cape Provincial Government, for resolution through mediation or expedited arbitration. In the event of arbitration in terms of the afore mentioned, such resolution shall be final and binding on the parties to the dispute.
- 21.2. The provision of Arbitration Act of 1965 shall apply to such arbitration proceedings, save to an extent modified by the Arbitration Forum rules.

22. DISSOLUTION OR WINDING UP OF WESTERN CAPE CYCLING

- 22.1. WCC may be dissolved or wound-up, at any time, by Ordinary Members in General Meeting, upon a majority vote of not less than seventy five percent(75%) of the total votes of Ordinary Members and Associate Members, whose representatives are present and entitled to vote, and of Honorary Life Members who are present in person at such general meeting, provided that not less than sixty (60) days written notification of such meeting and of any resolution aimed at dissolving or winding-up WCC shall have been given to all Members.
- 22.2. Upon dissolution or winding up of WCC, all the property and assets of WCC, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organisation/s having objects similar to WCC at the discretion of Ordinary Members.

23. APPEAL BOARD

- 23.1. The Council shall appoint the members of the Appeal Board and delegate such powers to the Appeal Board to include, but not be limited by the following:

- 23.1.1. To assist WCC with legal advice.
- 23.1.2. Set up and continuously update a disciplinary code for both members and their members, adopted by Council.
- 23.1.3. Chair disciplinary hearings when requested, and adjudicate, mediate and arbitrate upon legal and disciplinary matters.
- 23.2. The Appeal Board shall comprise of three members of which at least one must have a legal background.
- 23.3. Every member of the Appeal Board shall have one vote each at their meetings and hearings.

24. APPROVAL OF CONSTITUTION

APPROVED AT _____ **ON** _____
by

BOLAND CYCLING

Witness: _____ **Signature:** _____

EDEN CYCLING

Witness: _____ **Signature:** _____

WEST COAST CYCLING

Witness: _____ **Signature:** _____

WESTERN PROVINCE CYCLING

Witness: _____ **Signature:** _____

SCHEDULE ONE

NON - RACIALISM

1. The principle of non-racialism is recognised and accepted. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no club, province or other affiliated body may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which though not worded in racial terms none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of 2.
4. The principle of non-racialism also demands that all clubs, provinces and other affiliated bodies shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity of nationality of such persons; eg. 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.
 - 7.2 A constitution may limit its membership to persons who fulfill certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups, provided that those criteria are not racist in their terms or in their intended effect e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though de facto its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.
8. Under no circumstances will an infringement of 4., above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.
9. The existence of the so called "ethnic" clubs are perceived to be problematical and require deeper analysis.

- 9.1 Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.
- 9.2 What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the bona fide 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 necessary 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 (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 persons religious beliefs.

SCHEDULE TWO

APPLICATION OF THE PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962.

1. The following provisions contained in section 30 (1) of the Act shall at all times apply and be adhered to while this constitution is in operation:
 - 1.2 The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18 A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
 - 1.2 At least 85% of the Association's activities shall be carried out in the Republic of South Africa
 - 1.3 At least 3 members who will accept fiduciary responsibilities and shall also not be connected persons to each other: and no single person directly or indirectly controls the decision making powers relating to the Association
 - 1.4 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity.)
 - 1.5 The Association's funds will be used solely for the objects for which it was established, or shall be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, (act no.39 of 1984) or in securities listed on a stock exchange as defined in the Stock Exchanges Control.
 - 1.6 The Association will not carry on any business undertaking or trading activities other than to the extent that:

The gross income derived from such business undertaking or trading activity does not exceed the greater of R25000 or 15% of the gross receipts of the constitution:

The undertaking or activity is:

- a) integral and directly related to the sole object of the Association : and
- b) carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost: and
- c) which would not result in unfair competition in relation to taxable entities:

The undertaking or activity, if not integral and directly related to the sole object of such Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation, or

The undertaking or activity is approved by the Minister by notice in the Gazette, having regard to:

- a) the scope and benevolent nature of the undertaking or activity
- b) the direct connection and inter-relationship of the undertaking or activity with the sole purpose of the Association
- c) the profitability of the undertaking or activity: and
- d) the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or activity. any business undertaking or trading activities, or assets used in such undertaking or activity, acquired by the Association

before 1 January 2001, will be retained or continued as the case may be, in the form so acquired for a period of five years.

1.7 On the dissolution of the Association, the remaining assets will be transferred to any similar public benefit organization, within the Republic of South Africa which has been approved in terms of Section 30 of the Act for the purposes of Section 18A of the Act:

1.8 No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in term of Section 18A: provided that a donor (other than a donor which is an approved public benefit organization or an institution board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation:

1.9 A copy of all amendments to the Constitution, trust deed, will be submitted to the Commissioner for the South African Revenue Service;

1.10 No remuneration will be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;

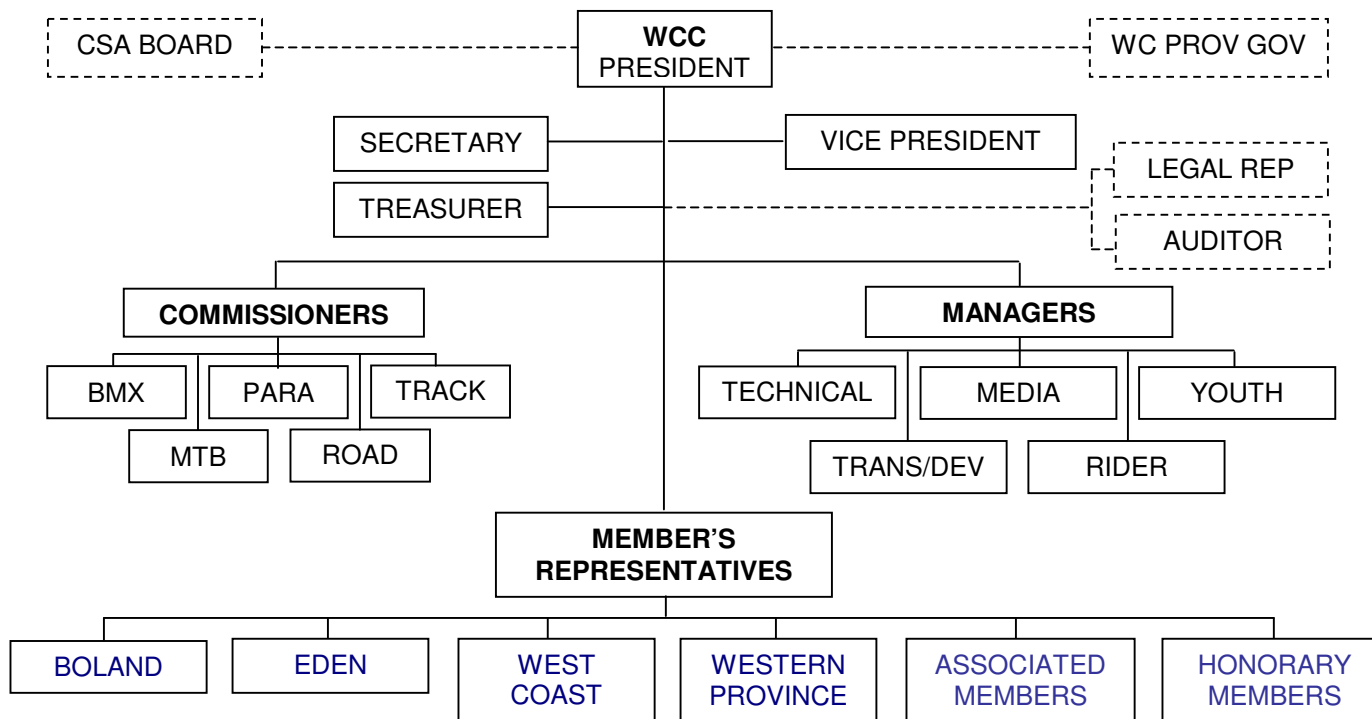
1.11 The Association will submit the required Income Tax Returns annually together with the relevant supporting documents;

1.12 The Association will, within such period as the Commissioner may determine, register in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of the Act;

1.13 The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

**APPENDIX A
TO WCC CONSTITUTION**

ORGANISATIONAL CHART OF WESTERN CAPE CYCLING COUNCIL



**APPENDIX B
TO WCC CONSTITUTION**

WCC COLOURS CRITERIA

1. WCC Colours is awarded to deserving cyclists' who have performed exceptionally during a one (1) year period since the previous award ceremony. This period is normally from 1 January to 31 December, but it is not exact.
2. The criteria as described below, is only a guideline to provide the Selection Committee with information they need to decide whether to award colours to an individual or not.
3. Criteria
 - 3.1 It is the responsibility of the Members to recommend their riders for colours to the Selection Committee.
 - 3.2 This recommendation must be accompanied with relevant proof of the riders' performance in local and national races.
 - 3.3 Any additional information which the club or rider feel might improve his/her chances to be awarded colours, must be supplied in writing to the Selection Committee.
 - 3.4 All this information must reach the Selection Committee on or before the date specified for the Selection Committee to review the applications.
 - 3.5 The Selectors meeting will be open to anybody who feels that he or she might be able to contribute something in the selection process.
 - 3.6 If a club or individual is not happy with the decisions reached by the Selection Committee, an appeal can be lodged with the ExCo within 14 days of the awards being announced in public. The appeal must be heard by the ExCo within 14 days of it being lodged. The decision reached by the ExCo is final.
 - 3.7 It is not the responsibility of the Selection Committee to collect data to prove that a rider has performed sufficiently to deserve WCC Colours.
4. WCC can award Full-Colours, Half-Colours or Merit Certificates. The form that these awards will take, will annually be decided on by the Selection Committee.
5. Guidelines. All cyclists will qualify for Western Cape Cycling Colours if any of them should:
 - 5.1 Representing South Africa in any Cycling event.
 - 5.2 Be placed in the first three (3) in his/her age group at the South African Championships or National Youth Cycling event. Track Riders must be placed in the first three (3) in an Individual race or Madison.
 - 5.3 Representing the WCC for three (3) times at an event such as an Inter-Provincial or National event.