



# ZULULAND SWIMMING

## CONSTITUTION

(As adopted at the annual general meeting held in Empangeni on 5 April 1996)

### PREAMBLE:

Whenever in these laws the letters Z.S. and the word Association appear, they shall mean Zululand Swimming. Words importing the masculine gender shall include the feminine. Words of plural shall include the singular and words of singular shall include the plural.

### RULES:

#### TITLE AND COLOURS

- 1.** The association shall be called ZULULAND SWIMMING (hereinafter referred to as the Association) and shall be affiliated to Northern Natal Swimming.
- 2.** The colours of the Association shall be Black and White and the badge shall be a Rhinoceros Head enclosed in a circle. The wording on the Badge representing Zululand shall be as the committee may approve from time to time.

#### OBJECTS

- 3.** The objects of the Association shall be:
  1. To promote and encourage swimming, diving, water polo and synchronised swimming in the area of it's jurisdiction and to ensure that the Association and it's affiliates do not participate discrimination on the grounds of Race, Religion of Political Affiliation.
  2. To promote the formation of clubs in connection therewith.
  3. To promote and control, within it's jurisdiction, championships and competitions in swimming, diving, water polo and synchronised swimming.
  4. To act as a board of appeal and tribunal in all matters concerning swimming, diving, water polo and synchronised swimming and to this end to adjudicate upon any matter referred to it by affiliated Clubs or their members concerning:
    - 1: The meaning of or interpretation of the laws connected therewith;
    - 2: Any matter or practice or procedure;
    - 3: Any Rule, Bye-law, Regulation or condition; and
    - 4: Any matters or practice, policy, misconduct or complaint which it may hold to be within the jurisdiction of the Association.
  5. To act as a board of control for all clubs and bodies under it's jurisdiction and to make Byelaws as may be considered necessary.
  6. To represent the swimmers, divers, water polo players and synchronised swimmers of Zululand at all meetings of Northern Natal Swimming.

7. To stimulate public opinion, by all possible means, so as to influence public authorities to provide swimming pools, diving, water polo and synchronised swimming facilities in accordance with the standards as laid down from time to time by Swimming South Africa and F.I.N.A.

## **JURISDICTION**

4. The portion of Kwa-Zulu Natal comprising the Magisterial Districts of: Mtunzini, Lower Umfolozi, Hlabisa (Mtubatuba, Hluhluwe), Ubombo (Mkuze), Ingwavuma, Eshowe, Mtonjanene (Melmoth), Mahlabatini, Nongoma, Nkandla and Babanango.

## **MEMBERSHIP**

- 5.1 (a) The membership of the Association shall consist of all Clubs in it's jurisdiction.

### **(b) ASSOCIATE MEMBERS**

Zululand Swimming in General Meeting may admit other swimming organisations as associate members. Associate members shall be entitled to ONE (1) Representative who may attend meetings of the Association and enter into discussions of matters relevant to the affairs of such Associate members, but shall have no vote at such meetings.

### **5.2 APPLICATION FOR MEMBERSHIP**

1. All clubs having as one of their principle aims the fostering of the whole or any of the arts mentioned in Object 3 (a) within the Zululand area shall be eligible;
2. All applications for ordinary and associated membership of the Association shall be made in writing and must be accompanied by a fee of one year's subscription and an entrance fee of R20-00 (which shall be refunded if the application is not approved), together with a copy of the constitution and rules of the applicant and any other information that the Association may require;
3. Such application shall be considered at an annual or special General meeting of the Association and may be accepted only if passed by a two-thirds majority of those present and entitled to vote.

6. Clubs shall fix their own area of jurisdiction.

7. Every Club applying for affiliation to the Association shall furnish the Association with a copy of its constitution and/or rules and afford such information as the Association may require. The amount of one year's subscription as hereinafter set out shall accompany any application for affiliation, which shall be returned if the application is not successful. The Association may at its sole discretion, and without giving any reasons, refuse any application for affiliation.

8. All swimming, diving, water polo, synchronised swimming and lifesaving clubs, and any branches of the South African Life Saving Society and any branch of the armed services are eligible for affiliation.

9. The Annual Membership shall be as follows:

1. Each Affiliated Club shall pay a subscription of NOT LESS THAN ten Rand (R10-00) per 100 members or part thereof and not less than one Rand (R1-00) for each Surf Lifesaving Club;
2. Each Associate Member shall pay a subscription of NOT LESS THAN ten Rand (10-00)

10. The above subscriptions shall be payable in advance on or before 30 November in each year, and in the event of the subscription being unpaid, all rights and privileges may be suspended until the subscription is paid.

## **REGISTRATION OF MEMBERS**

- 11.(a) Registration of all club members and officials shall be effected by all Clubs, excluding Universities, Surf Lifesaving Clubs, Schools Associations and Armed Services, with the SECRETARY and the AGE GROUP OFFICER of N.N.S. for such season and such registrations shall be on the forms approved by the committee from time to time. The season shall commence on the 1ST DAY OF SEPTEMBER in each year and terminate on the 31ST DAY OF AUGUST the following year. Club affiliation fees must accompany the registration of swimmers. Water polo team entries are to be paid prior to the teams being permitted to play in leagues.

1. In respect of all registered club members there shall be paid a registration fee of NOT LESS THAN five Rand (R5-00) in respect of all members, excluding Officials, and these amounts shall be paid to the treasurer when registration forms are sent in to Northern Natal Swimming.
2. Supplementary registrations and levies in terms of clauses (a) and (b) hereof for members joining after 30 November in any season shall be submitted within thirty (30) days of such members joining.
3. The committee may increase the levy in respect of any class of member as required.

**12.** In any open Gala, Match or Competition held under S.S.A or N.N.S rules no unregistered swimmer, diver, water polo player or synchronised swimmer may compete. (Affiliated Clubs may hold races in which unregistered swimmers take part, provided that such races are confined to Inter-school, Inter-varsity, armed services and Lifesaving Clubs.)

**13** Clubs may organise unofficial galas at which unregistered members may be allowed to take part, provided the committee has approved such galas.

**14.** Clauses 12 and 13 shall not apply to the Armed services, University students, scholars, Scouts, Guides or members of the Surf Lifesaving Clubs who participate solely in service, University, School Scout, Guide of Surf Lifesaving events.

## **15.ADMINISTRATION**

**15.1** The Management of the Association shall be vested in a committee consisting of:-

1. The Chairman, Vice chairman, Secretary, Treasurer, Age Group Officer, and two representative members from each Club provided that the Chairman shall be from one Club and the Vice chairman shall be from another; and
2. One delegate representing clubs affiliated direct;
3. One delegate from the Schools Association;
4. One representative from the Officials Association

(The aforesaid officials shall constitute a body known as the committee and referred to in this constitution as such)

**15.2** It shall not be lawful for the same person to hold more than one post

**16.** The members of the committee shall hold office and act until the completion of the Annual General Meeting following that at which they were elected. The committee shall, however, have the power to fill any vacancy in the committee membership.

**17.** The committee shall meet regularly at least once a quarter to transact the business of the Association. At all committee meetings, five members shall form a quorum and the chairman shall have a casting vote as well as a deliberative one. Ten (10) days notice, in writing, of such meeting shall be given to the committee members unless all members shall waive such notice.

**18.** The executive of the Association shall consist of the President, Vice President, Secretary, and Treasurer. At meetings of the executive three shall form a quorum and the chairman shall have a casting as well as a deliberative vote.

**19.** In all cases of emergency the executive shall have the power to act, reporting the business to the first meeting of the committee held thereafter, provided that the executive shall not be empowered to settle matters that are in the nature of appeal to the Association in terms of rule 3(d) hereof or take any disciplinary action except suspension pending investigation.

**20.** The committee shall have the powers to deal with all cases of misconduct and is empowered to expel, suspend or fine any member or Club of the Association for misconduct. Misconduct shall include;

1. Any press, radio or television statement by a member of a selected Zululand Team, or a Zululand Selector criticising any Zululand team selected, the selection of any member thereof, the policy of such selection or the policy of any selection committee.

2. Any unauthorised press, radio or television statement.

**21.** Meeting of the committee shall be convened on a requisition signed by four members of the committee. Such requisition shall state the motion/s that the meeting is required to discuss and these will become the sole agenda for the meeting.

**22.1** The committee shall at all times be empowered to appoint Sub-committees to carry out any specific duties.

**22.2** The Executive together with the Senior Gala Officials shall form the Tournament Committee for any gala being held in the district.

## **OFFICIALS, COMMITTEES AND BOARDS**

**23.** The following Officials, Committees and Boards shall be elected at the Annual General Meeting hereinafter referred to;

1. President
2. Vice President
3. Treasurer
4. Secretary
5. Age Group Officer
6. Auditor
7. Officials Association - 1 member

The Annual General Meeting may elect Honorary Patrons of the Association.

Zululand Swimming shall submit a rota of competent and recognised Senior Officials for approval to the Annual General Meeting of Northern Natal Swimming. A minimum of three of these approved officials shall act at all Association Galas.

The President shall be ex officio a member of all Sub-committees. If the President is unable to attend a Sub-committee meeting, he may delegate a member of the committee to attend such a meeting. The President or his delegate has the power to vote at such Sub-committee meeting.

**24.** The nominations of Officials to be appointed at the Annual General Meeting as set out in clause 23 hereof shall be submitted to the Secretary, in writing, at least FOURTEEN (14) days prior to the Annual General Meeting, which nomination shall be circulated to the affiliate Clubs at least SEVEN (7) days prior to the Annual General Meeting. The person so nominated shall sign the letter of nomination indicating his acceptance of such nomination. Should insufficient nominations be received in writing the chairman of the meeting may permit nominations to be moved from the floor.

## **ANNUAL AND SPECIAL GENERAL MEETINGS**

**25.** The Association's Financial Year shall extend from the 1st day of May to the 30th day of April the following year.

**26.** The Annual General Meeting shall be held on a date to be determined by the committee, but not later than the 31st day of May, and Twenty one (21) days notice of the meeting shall be given to each Club and affiliate Association.

**27.** At the Annual General Meeting the Chairman's report and Financial Statement for the previous year, duly audited by auditors shall be submitted, and officers set out in Rule 24 shall be elected for the ensuing year, and notices of motion shall be considered. All notices of motion must be delivered in writing to the Secretary of the Association at least fourteen (14) days before the Annual General Meeting.

**28.** A Special General Meeting may be summoned at any time by the committee, or shall be summoned by the Secretary on receipt of a requisition signed by two or more clubs or committee members. In the latter case the meeting must be held within twenty eight (28) days of receipt of the requisition, and fourteen (14) days notice in writing of the meeting shall be given. The requisition must state the object of the meeting that shall become the Agenda of the meeting.

**29.** At the Annual and at any Special General Meeting each Club shall be represented by two (2) delegates. Such delegates shall be members of such Club. All delegates and members of the committee shall be entitled to vote. The Chairman shall have a casting as well as a deliberative vote. The quorum at a General Meeting shall be eight (8) members present and entitled to vote.

Notwithstanding anything contained in this clause, a delegate or committee member may be represented at a General Meeting by proxy who shall be authorised in writing and who shall be a registered member of the Association. Each proxy shall carry the same number of votes as the principal granting the same would be entitled to cast if personally represented.

### **APPEALS AND COMMUNICATION WITH THE ASSOCIATION:**

**30.** The Court of appeal shall consist of the committee of the Association provided that if any member of the committee having a direct interest in the appeal shall not be entitled to vote on the question of the issue.

**31.** Any Club affiliated to the District Association or any member of such Club may appeal to the Northern Natal Board of Appeal only after the case has been determined by the District Association. The appeal shall be lodged with the Secretary of the District Association within fourteen (14) days of the determination of the case by the District Association who shall forthwith transmit such appeal to the Secretary of the Northern Natal Board of Appeal.

The Appellant shall deposit the sum of R50-00 when lodging his appeal with the Secretary of the District Association which deposit shall be forwarded to the secretary of the Northern Natal Board of Appeal and which deposit may be forfeited at the sole discretion of the Northern Natal Board of Appeal. The Northern Natal Board of Appeal shall not be required to give reasons for its decision.

### **LAWS GOVERNING THE SPORT:**

**32.** The laws governing the sport as laid down by F.I.N.A. as adopted and/or amended by S.S.A. shall govern all aspects of Swimming, Diving, Water Polo and Synchronised Swimming under jurisdiction of the Association.

### **GENERAL**

**33.** Only members of affiliated Clubs shall be eligible for inclusion in an Association team.

**34.** Visiting competitors and teams may take part in competitions, matches and tournaments with the approval of the tournament committee.

**35.** a) No member of a Club or an affiliated Club shall be entitled to take part in any invitation event or other event outside the jurisdiction of Northern Natal Swimming without having first obtained the consent of the Northern Natal Council. (It shall be accepted that the consent of Council has been given in respect of any event published as part of the swimming programme in the official handbook of Northern Natal Swimming.)  
b) No member or Club under the jurisdiction of the Association shall invite individual members of Clubs from outside the province to compete in the area of jurisdiction of the Association without first obtaining the consent of the committee. The provision of this rule shall not apply to the Natal School's Association.

**36.** No members of an affiliated Club of the same branch of the sport, other than an Official, shall be allowed to join other Clubs unless he produces a Certificate from his previous Club to the effect that he is in good financial standing.

### **RULES AND ALTERATIONS**

**37.** No alteration, deletion or addition to the constitution shall be made except at a Special General Meeting called for this purpose provided that no such alterations, deletion or addition shall be effective unless with the sanction of at least two-thirds of those present and entitled to vote.

**38.** Notice, in writing, shall be given to the Secretary of any proposed amendment to the constitution, setting forth, in full, such amendment/s. The proposed amendment/s shall become the only item on the agenda of the meeting. The meeting shall be called within twenty eight (28) days of receipt of the Notice and all Clubs, and committee Members shall be notified, in writing, at least fourteen days before the date set down for the meeting.

39. Bye-Laws promulgated by the Association may be rescinded, altered or amended by the committee provided such amendment is included in the notice of meeting at which such amendments are proposed.

### **FIRST CLAIM MEMBERS**

40. A member, other than an Official, may not belong to more than one Club in respect of each branch of the sport. A member may, however, belong to different clubs in respect of the different branches of the sport. This rule shall not apply to a member of a University Swimming Club. The branches of the sport referred to are Swimming, Diving, Water Polo and Synchronised Swimming.

### **LEGAL PROCEEDINGS**

41. The Association is a Universitas and may sue and/or be sued in it's own name. Any Power of Attorney required and any legal proceedings shall be signed by any two (2) members of the Executive.

### **WINDING UP**

42. If upon winding up or dissolution of the Association there remain, after satisfaction of all debts and liabilities, any assets whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be donated or transferred to Northern Natal Swimming.