	THE CONSTITUTION OF EAST CAPE CYCLING (ECC)	NO: 20130101
		Status: FINAL

Amendments made to Constitution

November 2016	Organogram changed to give Districts more independence and autonomy. All other changes made are related to this change.
November 2014	The following was added to comply with non-profit organisation requirements: Point 26.6, 27.7, 27.8, 27.9, 32.2 and Chapter K - Legal Matters
January 2013	Changes to quorum requirements from a percentage of clubs present to the clubs present forms a quorum
February 2012	Management structure changes to align with CSA requirements
December 2011	Accepted at ECC AGM as working document Changes made to structure and positions to incorporate new structure duplicating functions in Port Elizabeth and East London

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CHAPTER A – ABBREVIATIONS

AGM	Annual General Meeting
CSA	Cycling South Africa
ECC	East Cape Cycling. The body constituted under this constitution
EC or East Cape	The Province of Eastern Cape, as defined Province by the Constitution of the Republic of SA Act No. 108 of 1996 and also referred to as “the Province” AS understood by CSA. Province formed by the (8) eight regions: Alfred Nzo District, Amatole District, Buffalo City Metropolitan District, Cacadu District, Chris Hani District, Joe Gqabi District, Nelson Mandela Bay Metropolitan District, O R Tambo District.

CHAPTER B – IDENTITY AND OBJECTS

1. NAME

The name of the Association shall be “East Cape Cycling” or “ECC”

2. LEGAL PERSONALITY

ECC is a voluntary association at Common Law having a separate legal *persona* with perpetual succession and is the same legal *persona* as that known as the Eastern Province Cycling (“EPC”) and also known as Border Cycling Association (“BCA”). ECC shall be capable of owning property, investing excess funds and instituting or defending legal proceedings in its own name.

3. OBJECTS

ECC is a sporting association which has as its objects the promotion, development, regulation and control of cycling in all its forms, including but not limited to:-

- 3.1 road racing and time trials
- 3.2 track cycling
- 3.3 mountain biking, including cross-country mountain biking, downhill mountain biking, trials, slaloms and all other forms of off-road cycling
- 3.4 BMX cycling
- 3.5 Recreational cycling, commuting, touring and the UCI and concept of “Cycling for All”
- 3.6 Cycling development and advocacy
- 3.7 All forms of Para - Cycling

4. SPECIFIC POWERS

In order to further the afore stated objectives, ECC and its Districts are specifically empowered amongst other things to,

- 4.1 be recognised as the controlling body for cycling within the Province of Eastern Cape by the Government of the Republic of South Africa and the Province of Eastern Cape as well as by the bodies which control the sport of cycling nationally (CSA) and internationally (UCI);
- 4.2 become affiliated to the national body controlling cycling in South Africa and through it affiliated to the UCI, being the world body controlling cycling;
- 4.3 allow cycling clubs and associations within the Province of Eastern Cape to join as affiliates;
- 4.4 remain and be vested with the sole right to select individuals and teams to represent the Province of The Eastern Cape on national or international controlling bodies and in any form of cycling; and
- 4.5 sanction cycling events and authorise or prohibit participation therein by members.

5. HEADQUARTERS

The headquarters of ECC shall be the address of its sitting President.

6. COLOURS AND EMBLEM

- 6.1 Colours The provincial sport colours shall be green (grass) as a dominating colour with a combination of gold, red, and white.
The Provincial away Sport colours shall be dominated by white with other colours forming a combination.
- 6.2 Emblem The provincial emblem shall consist of an elephant (depicting strength), an aloe (symbolizing resilience), the rising sun (depicting the rising sport stars) as well as silhouette of a running Athlete.
An honours badge shall be as described but worked in gold wire and an official's badge shall be as described but bearing the word "OFFICIAL" underneath the word "BMX, MTB, PARA-CYCLING, ROAD or TRACK (as applicable) CYCLING".

7. APPAREL

The ECC racing jersey, shorts, uniform and apparel for each discipline shall be determined by the relevant discipline and agreed upon across Districts and must always be consistent with the Rules of Cycling.

8. AWARDS

Awards of provincial colours and other meritorious awards shall be made by the District upon their recommendation and in accordance to Provincial guidelines determined by the discipline as set out in the colours criteria document in which the award is made.

CHAPTER C – MEMBERSHIP

9. ELIGIBILITY

Any duly constituted and *bona fide* association based in The Eastern Cape which has the fostering of cycling as one of its objects and is willing to comply with the provisions of this Constitution may, upon payment of the Affiliation Fee, join ECC through the relevant District as an Affiliate.

10. CLASSES OF AFFILIATION

A club shall enjoy the full privileges and rights of representation of an Affiliate in terms of this Constitution, and shall be entitled to have its Members obtain racing licenses or CSA Membership in accordance with the affiliation of ECC to the national and world cycling controlling bodies and the Rules of Cycling.

11. AFFILIATION AND FEES

- 11.1 An association wishing to become an Affiliate of ECC shall make formal application to the relevant District in a manner and form to be determined by the District from time to time.
- 11.2 Clubs shall pay an annual Affiliation Fee to the District in an amount which shall be set by ECC Annual General Meeting.
- 11.3 The District may reduce or waive the Affiliation Fee in instances where the District considers that it would be in the interests of cycling to do so.
- 11.4 Affiliation fees shall fall due in advance on 1 December each year. Affiliates shall not be entitled to exercise any voting or other rights unless their affiliation fees are up to date and shall automatically lose their status as Affiliates if their Affiliation Fees are not paid within one calendar month of being called upon to do so in writing by the District Secretary.

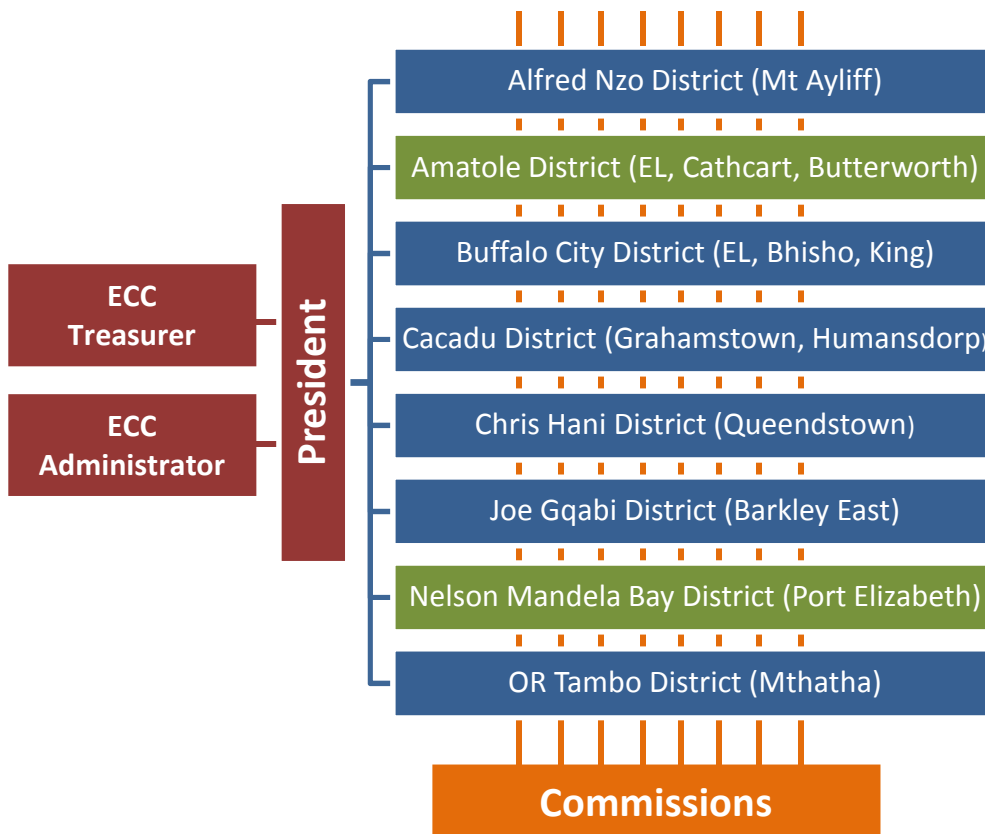
12. EXPULSION AND DEFUNCT AFFILIATES

If an Affiliate does not function in accordance with the objects and provisions of this Constitution and does not rectify the situation pursuant to a written demand from the District by a date fixed by the District, or if an Affiliate should become defunct or if there are other justified reasons, the District may expel the Affiliate.

CHAPTER D – ORGANISATION

13. EAST CAPE CYCLING ORANOGRAM





CHAPTER E – EXECUTIVE AND PRESIDENT

19. EXECUTIVE

- 19.1 The Executive comprises the Chairpersons of the Districts plus a President
- 19.2 The senior Office Bearer of the Executive is the President, who:-
- 19.2.1 Must be a member of a Club
 - 19.2.2 Must have previous experience as an office bearer at club level
 - 19.2.3 Must not be a current District chairperson
 - 19.2.4 Shall be elected at an Annual Meeting of East Cape Cycling by means of nominations from the Districts Annual General Meeting and voted on by the affiliated clubs of East Cape Cycling.
 - 19.2.5 Shall take office from after the voting process until the following period's voting process.
 - 19.2.6 Shall be elected for a period of 1 (one) year in office
 - 19.2.7 May be re-elected after the 1 (one) year period
- 19.3 The functions of the President shall be as follows:
- 19.3.1 Approves and signs off financial year end reports
 - 19.3.2 Represents the province at CSA
 - 19.3.3 Represents the province at any ceremonial function where provincial representation is required
 - 19.3.4 Interfaces with Government (National and/or Local), Local Authorities and

- Municipalities pertaining to cycling matters in the province in close co-operation with the relevant District Chairpersons
- 19.3.5 Networks with prospective and potential investors and / or sponsors to acquire funding for the province
- 19.3.6 Interfaces with NGO's and interested parties to facilitate the development of cycling in the province especially in rural underprivileged areas in close co-operation with the relevant District Chairpersons
- 19.3.7 Monitors matters within the districts by means of quarterly feedback given by Districts Chairpersons to the President so that President is up to date with current matters. This will take place in the form of written feedback reports.
- 19.4 The ECC Treasurer may be one of the District Treasurers fulfilling both roles of provincial and district finances.
- 19.5 The ECC Administrator may be one of the District Administrators / Secretaries
- 19.6 The main functions of the ECC Administrator shall be as follows:
- 19.6.1 Control and update the ECC Events Calendar
- 19.6.2 Liaise with CSA regarding all event sanctioning
- 19.7 No elected member of the Executive shall be entitled to any remuneration.
- 19.8 Executive Function and Meetings will be as follows:
- 19.8.1 The District Chairpersons will give written quarterly feedback to the President providing detailed information on cycling matters in the District.
- 19.8.2 Feedback from CSA via the President will be channelled through the District Chairpersons to the Districts.
- 19.8.3 The main purpose of the East Cape Cycling Annual General Meeting is to elect the President, ECC Treasurer, ECC Administrator, determine affiliation fees and to provide annual feedback to affiliates of the status of cycling in the province.
- 19.8.5 In the event of the President resigning or otherwise becoming unavailable within his / her period of office, the Executive shall elect an interim President from within their number, i.e. one of the District Chairpersons, until a Special Annual General Meeting can be held.

CHAPTER F – DISTRICTS AND COMMISSIONS

20. DISTRICTS

- 20.1 Each of the 8 (eight) districts within the Province of the Eastern Cape will be represented on the Executive by the elected Chairperson of the District.

- 20.2 Where a District is not active in cycling, this position on the Executive will remain vacant, and any cycling related matters within that District must be incorporated into a neighbouring district.
- 20.3 Each District shall determine its own procedure with regard to the functioning of the District, subject to what appears below.
- 20.4 The District shall be made up of the following minimum elected positions:
- Chairperson
 - District Administrator
 - District Treasurer
 - Road Commissioner
 - MTB Commissioner
- 20.5 The District can have the following elected positions as optional positions if there is a requirement for the position within the District:
- Vice Chairperson
 - Track Commissioner
 - BMX Commissioner
 - Para-Cycling Commissioner
 - Coaching Commissioner
 - Technical Commissioner
 - Recreational Commissioner
 - Youth and Development Commissioner
 - Safety and Security Commissioner
- 20.6 No elected member of the District shall be entitled to any remuneration save in respect of bookkeeping, secretarial or professional services.
- 20.7 The District Treasurer should be elected at a District General Meeting or, if not elected, may be appointed by the District in terms of a professional financial service from an external source.
- 20.8 The District shall meet formally, minimum 4 (four) times during a year and 1 (one) of these meetings must be the District AGM, and written minutes of such meetings shall be kept.
- 20.9 Written notice of formal meetings of the district shall be given to all the affiliated clubs in the district at least 7 (seven) days prior to such meetings taking place and any member of an affiliated club is entitled to attend and speak at such formal meetings.

- 20.10 A Quorum at District meetings shall be formed when the Chairperson and 2 (two) affiliated clubs are present
- 20.11 Only ECC affiliated clubs from within the District shall have voting rights at District Meetings.
- 20.12 Each affiliated club only has 1 (one) vote at such meetings.

21 COMMISSIONS

- 21.1 Discipline Commissioners are nominated and elected at District level
- 21.2 The District Commissioners collectively make up the Commission for the specific discipline
- 21.3 No District Commissioner will have a higher status within the Commission to any other District Commissioner from another District
- 21.4 The purposes of the Commission is to manage and administer their respective discipline
- 21.5 Each commission will mutually agree to one of the District elected commissioners to be the provincial representative in provincial matters

CHAPTER G – GENERAL MEETINGS

22 GENERAL MEETINGS

General Meetings are the supreme authority of ECC and its Districts. An Annual General Meeting per District shall take place every year in November. ECC Annual General Meeting shall take place after Districts Annual General Meetings but before the calendar year end. Special General Meetings may be called from time to time in accordance with the provisions stipulated below.

Quarter 1			Quarter 2			Quarter 3			Quarter 4		
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		District Meeting		District Meeting			District Meeting			District AGM ECC AGM	
Financial Year end for Districts and ECC											

23 REPRESENTATION AND VOTING AT GENERAL MEETINGS

- 23.1 All elected members of the District, Delegates of Clubs, Race Organisers and members of affiliated clubs shall be entitled to be present and to speak at any District or ECC General Meeting.
- 23.2 Only affiliated Clubs shall have voting rights at District or ECC General Meetings and votes shall be cast through Delegates of Clubs who hold written authority as such.
- 23.2.1 Each club gets 1 (one) vote regardless of number of members.
- 23.2.2 Race Organisers do not have voting rights.

24 PROPOSALS

- 24.1 Any Affiliate or Member shall be entitled to submit proposals to District or ECC General Meetings, provided that the proposals are submitted in writing to the Secretary not later than the final date for the submission of proposals stipulated in the notice of the District or ECC General Meeting.
- 24.2 Submitted proposals to the ECC General Meeting will be vetted by the President and District Chairpersons to see if ECC level applicable. If not i.e. a matter for District level, it will be returned to the submitter to be tabled at District General Meeting.

25 CONVENING, NOTICE AND AGENDA

- 25.1 District and ECC Annual General Meeting shall be convened by the Secretary so that it takes place within thirteen months of the previous District / ECC Annual General Meeting and on one calendar months' notice to each Affiliate.
- 25.2 District or ECC Special General Meeting must be convened by the Secretary on no less than 14 (fourteen) calendar days' notice to each Affiliate, which notice must be issued within 7 (seven) calendar days of the Secretary receiving a written request from any Affiliate to convene a District or ECC Special General Meeting, and provided that short notice may be condoned by unanimous vote at any District or ECC Special General Meeting;
- 25.3 The Agenda for any District and ECC General Meeting shall be prepared by the Secretary and communicated to each Affiliate, along with a copy of each proposal, no less than 2 (two) weeks before any District / ECC Annual General Meeting and 2 (two) working days before any District / ECC Special General Meeting;
- 25.4 Each Affiliate must supply the Secretary with written details of the name of the person whom communication pertaining to District and ECC General Meetings must be given and with details of a telefax number, e-mail address or other method of

giving such communication. A District or ECC General Meeting shall be deemed to be properly convened even if notice has not been given to any Affiliate which fails to supply such details, and a District or ECC General Meeting shall be deemed to be properly convened if notice has been sent by the Secretary to the Affiliate in accordance with such details.

26 PROCEDURE AT GENERAL MEETINGS

- 26.1 The incumbent Chairperson / President shall chair any District / ECC General Meeting unless absent, alternatively the Vice Chairperson shall chair the meeting unless this post is vacant or the person is absent, in which case the Affiliates shall elect a chair from the Affiliate Members present.
- 26.2 Delegates authorised to vote and are present at any District or ECC General Meeting shall constitute a quorum.
- 26.3 The adoption of proposals, election of office bearers and all other business of a general nature, excluding constitutional amendments, shall be decided in accordance with a simple majority.
- 26.4 The chair shall have a casting vote in the event of there being no majority on any matter voted upon.
- 26.5 Amendments to this Constitution shall only be made at an ECC General Meeting if the proposal for the amendment is adopted by a two-third majority of votes cast at the meeting.
- 26.6 The Secretary shall keep minutes, which shall consist of a proper record of all proceedings and discussions at such meetings, and such minutes shall be available at every meeting.

CHAPTER H – GENERAL PROVISIONS

27 FINANCIAL MATTERS

- 27.1 The province will open one main banking account for provincial finances and a district account for each active District. The provincial account will be the parent account with each district account being a child account linked to the parent account.
- 27.2 Each District will be able to transact on their account only but the ECC Treasurer will have access to all the accounts. Relevant security profiles must be setup with the banking institution for the different accounts.

- 27.3 Each District shall be responsible and accountable for financial aspects of their own District.
- 27.4 Each District will run its own accounting system in PASTEL. Uniformity of different PASTEL accounts, methods and reports shall be used so that consolidated financial reports can be produced for financial year end and audit purposes.
- 27.5 The District Treasurer shall disclose the financial affairs and status to the District at all District meetings.
- 27.6 The District Treasurer must prepare quarterly financial reports for the District Chairperson for submission to the President on quarterly feedback sessions.
- 27.7 The District Treasurer shall prepare a financial report for submission to each District Annual General Meeting
- 27.8 The ECC Treasurer shall prepare a consolidated financial report for the ECC Annual General Meeting.
- 27.9 The primary source of funding for the administration and operation of the District shall be by way of affiliation fees, by way of raising levies and hosting cycling events to generate income provided that any organ may raise funds through other mechanisms.
- 27.10 No organs of ECC and its Districts and no Affiliate, member or any other person may bind the credit of ECC or any District thereof in any way whatsoever without the prior recommendation by the District Chairperson and approval of the President, which approval shall be confirmed by certificate of the Treasurer.
- 27.11 The financial year of the organisation including its Districts ends on 31 August each year.
- 27.12 The District Treasurer shall hold such amount of petty cash as authorised by the District from time to time.
- 27.13. The District Treasurer shall deposit all monies received by the District not later than 7 (seven) days following the date of receipt thereof.

28 DISCIPLINARY PROVISIONS

- 28.1 Each District shall be responsible for establishing and enforcing disciplinary provisions in respect of each District.
- 28.2 The District shall, where requested to do so in writing by any member, establish a board of appeal consisting of no less than three persons who are or have been cyclists within the discipline in question for no less than three years (or who the District deems similarly qualified in the case of disciplines in respect of which no

specific cycling experience) in order to hear appeals against any disciplinary provision instituted by any District, and the manner of proceeding of such Appeal Board shall be determined by the Board itself.

34 ARBITRATION

Subject to any person's constitutional rights of review, all disputes arising out of or in connection with this constitution or its application or interpretation shall be resolved by domestic remedies and be referred to the Arbitration Foundation of South Africa, referring it to Arbitration in terms of the Arbitration Act No 42 of 1965 for resolution through Mediation or Arbitration in terms of the Rules and procedures for the resolution of disputes in sports prevailing at the time that such a dispute is so referred. To this extent all Affiliates, Districts, constituent structures and office bearers, officials and individuals waive their rights to the jurisdiction of any Courts of Law and agree that Resolution in terms of the a foregoing shall be final and binding. No Affiliate, Office Bearer, Commissioner or Constituent Structure shall be liable to ECC or District or to any member of any Affiliate or any other party whatsoever or any Act or Omission done in good faith and without gross negligence.

CHAPTER I – MATTERS NOT OTHERWISE COVERED

30 EXTRANEIOUS MATTERS

All matters not specifically covered by this Constitution shall be decided by the District which administers the region and / or discipline to which of the matter pertains, but subject to ratification by the District.

CHAPTER J – ADOPTION AND DISSOLUTION

31 ADOPTION

Any previous constitutions of EPC, BCA as well as ECCA and any other branch of organised cycling within the Province of the Eastern Cape are replaced by this Constitution which is accepted and approved by Affiliates and Members at an Annual General Meeting of ECC held on the 13th November 2010 at, Port Elizabeth. And be referred to as Constitution 20101010

32 DISSOLUTION

32.1 ECC may be dissolved or merged with another association with similar purposes and objects only by proposal at a General Meeting which is carried with a (75%) seventy five majority.

32.2 When the organisation is dissolved it has to pay off all its debts. After doing this, if there is property or money left over it should not be paid or given to members of the organisation. It should be given in some way to another non-profit organisation that has similar objectives. The organisation's general meeting can decide what organisation this should be.

CHAPTER K – LEGAL MATTERS

33 PROPERTY AND INCOME

The organisation may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation. The payment must be a reasonable amount for the work that has been done and approved by the relevant District prior to the work being undertaken..

34 BODY CORPORATE

The organisation shall:

- 34.1 Exist in its own right, separately from its members.
- 34.2 Be able to own property and other possessions.
- 34.3 Be able to sue and be sued in its own name

35 CONTINUED EXISTANCE

The organisation shall continue to exist even when its membership changes and there are different office bearers.

36 RIGHTS IN THE PROPERTY OR OTHER ASSETS OF THE ORGANISATION

Members or office bearers of the organisation do not have rights over things that belong to the organisation.

CHAPTER L – ANNEXURES

Annexures to this constitution are Policy and Regulations documents that supplement this constitution. These documents may be amended and approved by the commissions as operational requirements change and consensus must be gained from the relevant authorised person in the Districts.

