

CONSTITUTION AND RULES

OF THE

DURBAN RADIO BOAT CLUB

AS AMENDED 25-03-2018

1. NAME:

The name of the club shall be "DURBAN RADIO BOAT CLUB".

2. AIMS AND OBJECTIVES

The objectives of the club are

- (a) To foster, promote and stimulate the interest in model yachting, scale and power boating.
- (b) To promote good fellowship among members of the club and public alike.
- (c) To do every thing possible to promote good conduct between the above disciplines at all times.
- (d) To insure that all Members should familiarise themselves with the constitution and the rules and regulations of the club.

3. CONSTITUTION

The club shall consist of its present members and such others as may be duly elected from time to time in terms of the Rules provided that the membership of the club shall at all times be not less than ten (10) Ordinary members.

4. MEMBERSHIP AND PARTICIPATION

There shall be the following categories of Membership

- (a) ORDINARY MEMBERSHIP - which shall be open to Persons of or above the age of eighteen (18) years.
- (b) COUNTRY MEMBERSHIP - which shall be open to Persons whose normal permanent residence and place of business or employment is outside a radius of fifty (50) kilometres of Durban City Hall. These members shall have no power to vote at any meeting of the Club, or propose or second candidates for election.
- (c) HONORARY MEMBERS - Honorary membership may be conferred by the General Committee upon any person holding public office or who has conferred some benefit upon the Club or such other person as the Committee may decide, provided that such Honorary Membership may be terminated by the Committee at any time for reasons which it deems sufficient. No entrance Fee or Subscription shall be payable by an Honorary Member. Honorary Membership shall be conferred for a period of one (1) year only, but may be renewed from time to time by the General Committee. An Honorary Member shall enjoy all the amenities of the Club but shall not have the right to propose or second candidates for election; to take part in a ballot to attend General meetings to have any voice in the affairs of the Club or to incur any liability to the Club.

- (d) RETIRED MEMBERSHIP - An ordinary member who on retirement age of sixty-five (65) years, or above, will automatically be granted Retired Membership status, and shall retain the rights of an ordinary member.
- (e) LADY MEMBERSHIP - which shall be open to non-participating Ladies of or above the age of eighteen (18) years, and who shall have no power to vote at any meeting of the Club, or propose or second candidates for election.
- (f) JUNIOR MEMBERSHIP - Any person not more than sixteen (16) years of age shall be eligible as a Junior Member. They may be elected by the General Committee under such conditions as it may from time to time decide.

A Junior Member shall not have the right to propose or second candidates for election; to take part in a ballot or to incur any liability to the Club.

Junior Members under the age of sixteen (16) years shall in no circumstances be permitted to consume intoxicating liquor.

A Junior Member shall be entitled to take part in race meetings.

A Junior Member on attaining the age of sixteen (16) years may apply for transfer to intermediate Membership and may be elected thereto by the General Committee without payment of Entrance Fee.

- (g) HONORARY LIFE MEMBERSHIP -(Fifteen (15) years or more of ordinary membership) which may, on the recommendation of the General Committee, be conferred upon any Ordinary Member by a two thirds majority of those present and voting at a General Meeting, for services rendered to the Club.
- (h) FAMILY MEMBERSHIP - which may at the discretion of the General Committee be made available to any family consisting of parents and children who have been elected as Ordinary, Lady/Ordinary, Intermediate and Junior (s) members.
- (i) INTERMEDIATE MEMBERSHIP - which shall be open to any person between the ages of sixteen (16) but not exceeding eighteen (18) years of age. They may be elected to the General Committee and obtain voting rights.
- (j) TEMPORARY MEMBERSHIP - Visitors shall enjoy all amenities of the club but shall not have the right to propose or second candidates for an election, or to take part in a ballot or to have any voice in the affairs of the club, or to incur any liability to the club and should always be accompanied by an ordinary member.

#### 5. SUBSCRIPTIONS:

The subscriptions payable annually as amended at annual general meeting.

	New Membership fee	Annual Subscription fee
Ordinary Members	100.00	200.00
Country Members	100.00	100.00
Retired Members	0.00	200.00
Junior Members	80.00	45.00
Lady Members	80.00	45.00
Family Members	20% rebate on the total per ordinary membership.	
Temporary Members	20.00	

The subscription shall become due and payable in advance on 1st January each year. Members shall pay for their first Club Year a pro rata share of the Annual Subscription from their date of acceptance to the end of the Club year.

#### 6. AFFILIATION FEES

**NB** : All fees payable to the relevant or respective racing affiliations are to be paid by each participating member and will not be the responsibility of the club/committee.

#### 7. ELECTION OF CLUB MEMBERS

(a) Each candidate for admission to Membership must be proposed by one and seconded by another Ordinary, Honorary Life or Retired Member, to each of whom he must be personally known. The application for Membership shall state the candidate's full name, residential address and the class of membership for which application is made.

The application form shall be signed by the proposer, seconded, a Committee member and by the candidate. No member of less than two (2) years standing shall propose or second a candidate for membership. The application must be accompanied by payment of the appropriate subscription and the entrance fee for the current financial year.

(b) Such application form duly completed shall then come before General Committee for consideration and the Committee shall have the power to accept or reject the candidate as a member of the Club, without assigning any reason therefore.

(c) The Committee's decision in terms of Rule 7(b) shall be final save that on receipt, within fourteen (14) days of its decision to reject a candidate, of a requisition signed by at least fifteen (15) Ordinary Honorary Life or Retired Members, the candidate's application shall be reviewed.

#### 8. LIABILITY OF MEMBERS:

The liability of each member shall be limited to his subscription, his Club account and any liability arising from the introduction by him of any person as a Temporary Member or as a visitor.

9. DEFAULT:

(a) Any Member who shall fail to pay his subscription or any other liability to the Club within thirty (30) days after written demand has been posted to the last address registered by him/her with the Club by the Secretary, shall be deemed to be in default. He may thereupon be posted as a defaulter and is posted shall ipso facto be struck off the Register of Members, the Club however reserving the right to proceed against him for recovery of such sums as may be owing by him.

(b) without prejudice to the foregoing, no member shall be permitted to enjoy the amenities of the Club if his subscription is three (3) months overdue. No member in default shall be entitled to take part in any meeting or ballot or to propose or second any candidate for election or to introduce a visitor or to incur any further liability to the Club.

10. RESIGNATION:

Any member may terminate his Membership of the Club by written resignation subject to payment by him of all his liabilities to the Club including any unpaid balance of his annual subscription. Such member may be eligible subsequently for re-election.

11. DISQUALIFICATION:

Any member convicted in any Court on a criminal charge or whose estate has been surrendered, sequestrated or assigned or who shall be declared a defaulter on the Stock Exchange or on the Turf, shall cease to be a member of the Club, unless the Committee, after due enquiry, be satisfied that his honour is not affected.

12. SUSPENSION AND EXPULSION:

(a) Any Member who shall wilfully break or disregard any Rule or Bye-Law or who shall refuse or neglect to conform to any Resolution passed by the General Committee, or who shall after due consideration be considered by two-thirds of the Committee to have been guilty of conduct ( whether in or out of the Club), unbecoming to a Lady or Gentleman, or which, in the opinion of the Committee is calculated to be injurious to the character and interests of the Club, may be suspended by the Committee for such period as they may determine or for an indefinite period or may be forthwith expelled from the Club.

(b) The Committee shall enquire into the conduct of any Member upon Complaint made in writing by any other Member.

(c) Notice of suspension or expulsion shall be sent by the Secretary to the Member concerned by Registered letter.

(d) A member expelled or suspended under this Rule shall forfeit any subscription he may have paid, notwithstanding that the period covered may not have expired.

13. APPEAL:

(a) Any Member suspended or expelled by the General Committee in terms of Rule 11 or disqualified in terms of Rule 10 shall have the right to appeal to a General Meeting of Members, subject to his giving written notice of such intention to the Secretary within ten (10) days of the notification of such suspension, expulsion or disqualification. The Secretary shall convene an Extraordinary General Meeting of Members to be

held within twenty one (21) days after receipt by him of such notice to appeal

- (a) A suspended, expelled or disqualified member shall be entitled to attend such meeting and to be heard in his defence.
- (b) The meeting shall be presided over by a Chairman to be appointed by the members present, but no member of the Committee shall act as Chairman nor take part in the voting.
- (c) A two-thirds majority of those present and voting may set aside the decision of the Committee and may thereby reinstate the member.

14. OFFICE BEARERS AND MANAGEMENT

- (a) The office Bearers of the Club shall be :

COMMODORE  
VICE COMMODORE

to be known as Flag Officers of the Club and to be elected as hereinafter provided.

- (b) The affairs of the Club shall be managed by a Committee consisting of the Flag Officers, Secretary, Treasurer, plus four (4) members who shall be elected as provided in Rule 14.

15. ELECTION OF OFFICE BEARERS AND GENERAL COMMITTEE

- (a) The day of the Annual General Meeting, the Members shall elect by secret ballot the members as required in 14(b).
- (b) No Members other than Ordinary, Retired or Honorary Life Members of not less than one (1) years standing shall be eligible for election to the General committee. No Member may be nominated for more than one office in the same election.
- (c) The retiring Commodore to be an ex-official member of the new Committee for the next year if he so wishes.
- (d) Not less than twenty eight (28) days before the date of the ballot, the Secretary shall post a Notice on the Club Notice board stating the number of vacancies and the terms of office involved, and calling for nominations to fill the same. Nominations signed by two (2) Ordinary, Honorary Life or Retired Members shall be in the hands of the-Secretary not less than sixteen (16) days prior to the date of the ballot.

16. CASUAL VACANCIES

- (a) Any casual vacancy occurring may be filled by the unanimous resolution of a meeting of the Committee and without resort to a ballot of members. Any member appointed in terms hereof shall hold office only until the next Annual General Meeting.
- (b) Any Member of the Committee absenting himself or herself without leave from two (2) consecutive or with leave, any Four (4) regular meetings in any one year, shall ipso facto cease to be a member of the Committee.

17. GENERAL COMMITTEE MEETINGS:

- (a) The Committee shall meet at least one a month to transact business and to pass the accounts for the previous month. Due notice of all Committee Meetings shall be given. Proper Minutes of all meetings shall be kept.
- (b) Four (4) Members of the Committee personally present shall constitute a quorum. In the event of a tie in voting, the Chairman shall have a casting as well as deliberative vote.
- (c) Pending the filling of any casual vacancy or vacancies on the Committee, the quorum referred to in sub(b) may be reduced by a number equivalent to the number of vacancies. In the event through resignation or other causes of there being no remaining elected Members of the Committee, the Commodore with the Secretary shall continue to administer the finances of the Club pending the election of a new Committee.

18. POWERS OF THE COMMITTEE:

The Committee shall have the full and entire control and management of the Club and its affairs. without prejudice to such general powers, however, the Committee is specially empowered to do all or any of the following:-

- (a) To make and repeal such Regulations and Bye-Laws not inconsistent with these rules as they may deem necessary or expedient.
- (b) To regulate the admission of visitors
- (c) To enter into, renew and/or terminate Reciprocity Agreements with other Clubs.
- (d) In the name of the Secretary for the time being to institute or defend proceedings at law when deemed necessary or expedient.
- (e) To appoint Sub-Committees and to delegate authority to them and to cancel such authority at will.
- (f) To determine in case of doubt the class of membership to which a Member shall belong and where necessary to transfer a Member from one class to another on such terms as may be deemed expedient.
- (g) To waive or reduce Entrance Fees in individual cases as may be deemed expedient.
- (h) To control, conduct and organise Radio Control Boating of all disciplines and all matters relating thereto.
- (i) To issue and regulate official racing programmes and calendars for all disciplines.
- (j) To appoint the necessary officials for races and matches
- (k) To determine how the prizes and/or other awards of the Club are to be and /or competed for.
- (l) To make, add to, amend or annul any Rules for the Durban Radio Boat Club not inconsistent with all Racing Associations, raced under the control of the club, and such rules, new rules, addition, amendment or annulment shall immediately come into force on being posted to all individuals and posted on the Notice board of the Club, and shall remain in force until amended, or annulled by the Committee, at the Annual or a Special General Meeting of Members, for all disciplines.

19. The Committee shall have the power, but only with the sanction of a two thirds majority at a General Meeting :

(a) To enter into or terminate a lease upon premises for the use of the Club.

(b) To purchase, and in the names of the Commodore and Secretary of

the Club for the time being, to hold, use and occupy all such houses, premises and lands as may be necessary for the carrying out of the objects of the Club, with power also to mortgage such houses, premises and lands as security for the due payment of any balance of the purchase money thereof, or as security for any loans of money from time to time made to the Club, whether upon Debentures or otherwise and as occasion shall require.

(c) To raise money on the security of the Club property for Club purposes, but without creating thereby any right of recourse on the part of the creditors to any part, present or future member of the Club and if necessary, to pass a Notarial Bond or Bonds over the movable assets of the Club.

(d) To make such call or calls as may be necessary to carry on the management of the Club, and to pledge the credit of the Club to the extent of such calls when authorised and to raise money for the purposes of the Club on the security of such calls when authorised.

Twenty one (21) days notice shall be given to the Committee of the intention of any Member to introduce a motion dealing with any of the foregoing matters.

20. CLUB YEAR:

The financial year of the Club shall commence on 1st of January in each year, from which date the subscriptions shall be reckoned.

21. GENERAL MEETINGS:

(a) The Annual General Meeting of the Members of the Club shall be held not later than 30 January in each year, after not less than fourteen (14) days notice shall have been given to Members, for the purpose of:

1) Receiving the Report of the Committee and the Balance Sheet or Income and Expenditure Accounts for the preceding financial year.

2) Receiving the result of the ballot for the election of Office Bearers.

3) Any special business of which due notice shall have been given.

4) Any other business which in terms of the Rules may competently be transacted at the Annual General Meeting.

(b) An Extraordinary General Meeting of the Members of the Club may be called by the Committee on not less than seven (7) days notice specifying the object or objects for which such meeting is called.

- (c) An Extraordinary General Meeting shall be called by the Committee on the written requisition of not less than fifteen (15) Members, specifying the object or objects for which they require such meeting. Such meeting shall be held within twenty one (21) days after receipt of such requisition provided that not less than fourteen (14) days notice shall be given to Members and that such notice shall specify the special business to be transacted at the meeting.
- (d) At all General Meetings, 20% of all paid up members from the Ordinary, Honorary Life and Retired Members shall form a quorum. If fifteen (15) minutes after the appointed time no quorum be present, the meeting shall stand adjourned until the same day and hour in the following week, and if at such adjourned meeting no quorum be available, the Members present shall carry on the business of the meeting.
- (e) No business other than that specified in the notice calling the meeting shall be discussed at any Extraordinary General Meeting.
- (f) The Commodore (failing him the Vice Commodore) shall preside at all General Meetings other than Appeals under Rule 12. In the absence of both the Commodore and the Vice Commodore, another Member of the Committee shall preside, unless by a majority of those present the meeting shall decide otherwise.
- (g) At all General Meetings, the Chairman of the meeting shall have a casting as well as a deliberative vote. All voting unless otherwise provided in these Rules shall be by show of hands: five (5) or more Members may, however, demand a ballot, in which case the voting shall be by ballot.

## 22. BANKERS

The Bankers of the club shall be such Bankers or Building Society as the Committee may, from time to time decide, and banking accounts shall be operated upon by the Commodore or Secretary jointly with the Treasurer, or by such other persons as shall be appointed from time to time by the Committee.

23. The Flag Officers, Members of all Committees, the Secretary, Treasurer and other offices for the time being of the Club, and each of them and each of their heirs, executors and administration shall be indemnified and held harmless out of the funds of the Club and property of the Club from and against all actions, costs, charges, losses, damages and expenses which they or any of them, their or any of their heirs, executors or administrators shall or may incur or sustain by or by reason of any act done, concurred in or omitted in or about the execution of their duty in their respective offices, except such, if any, as they shall incur or sustain by or through their own wilful neglect or default respectively and none of them shall be answerable for the acts or defaults of the others of them, or for joining in receipts for the sake of conformity, or for any Bankers or other persons with whom any monies be lodged or deposited for safe custody, or for the insufficiency or deficiency or any security upon which any monies of or belonging to the Club shall be placed out or invested, or for any loss misfortune or damage which may happen in the execution of their respective offices or in relation thereto, except the same shall happen by or through their own wilful neglect or default respectively.



24. NOTICES

All notices posted on the Notice board in the Clubhouse shall be considered due notice to every member.

25. TRUSTEES:

The property, estate and effects of the Club shall vest at law in the Commodore, Secretary and Treasurer for the time being as Trustees for the Members of the Club for the time being. Whenever any person ceases by death or otherwise to be a Member of the Club, neither he nor his representatives shall have any claim or be entitled to participate in any of the property, effects, interests of funds of the Club.

26. AMENDMENT OF RULES:

No new Rule, or alteration or amendment of, or addition to these rules shall be made without the sanction of a two-thirds majority of Members present and voting at a General Meeting, nor until a copy of such Rule, alteration, amendment or addition shall have been posted on the Notice board for inspection for at least fourteen (14) days prior to such meeting.

27. INTERPRETATION:

In the case of doubt or dispute, the Committee shall have power to decide any question of interpretation of these rules, or any matter affecting the Club and not provided for herein, subject always to the right of appeal to a General Meeting. In these Rules the term two-thirds majority shall mean an affirmative vote by two-thirds of those present and voting at a meeting.

28. GENERAL

As the payment of his subscription entitles a Member to the amenities of the Club, such payment by him shall be a distinct acknowledgement on his part that he is bound by these Rules and the Regulations and Bye-Laws passed from time to time hereunder, and no member shall be absolved from the effects of these Rules, or any of them, on any allegation of not having received a copy thereof.

29. The assets, funds, profits and gains of the Club shall be used solely for investment or for the objects of the Club as set out in this Constitution and shall in no circumstances be distributed to or among any person or persons

30. Upon the winding up of the Club, if, after payment of its debts and satisfaction of its liabilities, any assets of whatsoever nature, remain, the same shall be given or transferred to a social, recreational or charitable association.

31. The Club, "Durban Radio Boat Club" shall be under no liability to any Member or visitor in respect of any injury to person, or loss or damage to property, occurring on or about the Club premises from any cause whatsoever.