



CONSTITUTION

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1. **TITLE:**

- 1.1 The Association shall be called Northern Tigers Swimming (hereinafter referred to as "NTS") and shall be constituted under the laws of and affiliated to Swimming South Africa (hereinafter referred to as "SSA").
- 1.2 NTS is registered with the South African Revenue Services as a Public Benefit Organisation
- 1.3 NTS shall have perpetual succession and shall continue to exist notwithstanding changes in membership and office-bearers.
- 1.4 NTS shall own property and other possessions separate from its members
- 1.5 NTS shall be able to be sued in its own name.
- 1.6 NTS shall exist in its own right separate from its members.
- 1.7 In order for NTS to defend its status as a *Universitas*, no member shall carry on any business with the object of the acquisition of gain.

2. **HEADQUARTERS AND AREA:**

The Head Quarters of the Association shall be in Pretoria and it shall have jurisdiction over the area north of latitude 26 degrees in the province of what was previously known as Transvaal and now known as Gauteng North.

3. **DEFINITIONS:**

In this Constitution unless inconsistent with the context the following expressions shall have the following meanings:

- 3.1. "*Association*" means NTS
- 3.2. "*NTS*" means Northern Tigers Swimming
- 3.3. "*member*" means a club or association which is affiliated to NTS in terms of this Constitution
- 3.4. "*committee*" means a committee controlling one of the aquatic disciplines of swimming, diving, synchronised swimming, open water swimming and water polo or technical instructor's committee or administrative arms of NTS such as data, equipment and development
- 3.5. "*competitor*" means an active participant in swimming, diving, synchronised swimming, open water or water polo competitions / galas who is registered with a member and with NTS
- 3.6. "*FINA*" means the *Fédération Internationale de Natation*.
- 3.7. "*official*" means a registered official of NTS
- 3.8. "*SSA*" means Swimming South Africa
- 3.9. "*swimming year*" shall mean 1 May to 30 April of the following year
- 3.10. In this Constitution words importing the masculine shall include the feminine, words importing the singular shall include the plural and *vice versa*
- 3.11. "*Executive*" means the Executive Committee of NTS
- 3.12. "*AGM*" means the Annual General Meeting of NTS
- 3.13. "*SGM*" means Special General Meeting of NTS

4. AIMS AND OBJECTIVES:

The aims and objectives of NTS shall be:

- 4.1. to organise, promote, encourage and develop swimming, diving, synchronised swimming, open-water swimming, masters' aquatics, water polo and other related aquatic sports at all levels;
- 4.2. to ensure that NTS and its members do not practice discrimination on the grounds of race, religion, political association, disability, creed, colour or class;
- 4.3. to control, promote and encourage competition at Club, Provincial and National levels;
- 4.4. to stimulate public opinion and interest so as to influence private enterprise and public authorities to provide facilities, funds and sponsorships for the acquiring, practicing and promotion of those sports;
- 4.5. to make and promulgate rules and regulations for the control of all sports and for the appointment of officials;
- 4.6. to adjudicate on any matter above and referred to it by members, competitors or officials;
- 4.7. to do all things incidental to or conducive to the furthering of the above objectives;
- 4.8. to ensure a drug free sport.

5 MEMBERSHIP OF NTS:

The membership of NTS shall consist of:

Affiliate members: comprising competitors' club temporarily admitted to NTS by the Executive Committee and, thereafter, ratified by the Council at the first General Meeting of the Council following such admission: provided that clubs will comprise registered competitors in any of the aquatic disciplines.

Associate members: comprising other bodies which may be admitted as Associate members where such membership is, in the opinion of the Executive committee, in the interests of NTS and provided that such admission is ratified at the first Annual General Meeting of the Council of NTS following such admission;

Honorary Life Members: comprising individuals who have been prominently connected with one or more of the aquatic disciplines in NTS and who have qualified and been elected by the Council;

6. APPLICATION FOR MEMBERSHIP:

In the case of Affiliate or Associate membership, application shall be made to the General Secretary of NTS and shall be accompanied by:

- 6.1. two copies of the Constitution of the applicant member;
- 6.2. a list of the applicant member's officials and competitors;
- 6.3. the annual subscription for the class of membership sought, the proposed name and colours of the applicant member;
- 6.4. such other information as NTS may require;

- 6.5. the amount submitted under 6.3 shall be refunded if the application is not approved;
- 6.6. applications for membership shall be considered at the Annual General Meeting of the Council of NTS and approval of such application shall be subject to a simple majority of those present and eligible to vote: Provided that:
 - 6.6.1. the Executive Committee shall have the right subject to the proper observance of the Constitution by the applicant, to grant temporary approval of the applicant member's application, provided further that;
 - 6.6.2. the Executive Committee's grant of temporary approval shall be subject to confirmation at the next Annual General Meeting of the Council of NTS;
- 6.7. Prior to the presentation of any application to the Annual General Meeting, the Executive Committee shall have satisfied itself that the applicant is strong enough to ensure the proper management of the club:
 - 6.7.1. In the event of the Executive Committee rejecting an application for membership, the applicant shall have the right of a hearing with the Executive if an appeal is lodged with the General Secretary of NTS within 14 days of the rejection of the application;
 - 6.7.2. If the rejection of the application is confirmed at the appeal hearing, the applicant may lodge an appeal with the Council to be heard at the AGM. Such appeal must be lodged 14 days before the date of the AGM.

7. FINANCE:

- 7.1. The financial year shall be from the 1st day of May to the 30th day of April of the following year.
- 7.2. Annual subscriptions levied by NTS shall be as follows:
 - 7.2.1. All Affiliate and Associate members shall pay an annual subscription as determined by the Executive of NTS;
 - 7.2.2. All competitors shall pay registration fees as determined by the Executive of NTS and SSA capitation fees.
 - 7.2.3. Officials shall pay SSA capitation fees plus an annual subscription as determined by the Executive of NTS;
 - 7.2.4. Any application for participation in any swimming, diving, synchronised swimming, open water swimming or water polo leagues and/or competitions, shall be accompanied by payment of the applicable fees.
 - 7.2.5. All LTS Instructors shall pay registration fees as determined by the Executive of NTS and SSA capitation fees.
- 7.3. The above subscriptions shall be payable in advance on or before the 30th day of July in each year. In the event that any subscription is unpaid on due date, all rights and privileges of the member or competitor may be suspended until the subscription is paid.
- 7.4. No profit or gain made by NTS will be distributed to any individual and

such funds as shall be accumulated by NTS shall be used solely in pursuit of its aims and objectives.

8. REGISTRATIONS:

- 8.1. Before any person may represent a member affiliated to NTS in any event whatsoever held under the auspices of rules of NTS, such person shall be registered with NTS.
- 8.2. Application for registration shall be made to NTS on the form provided for that purpose and lodged by the member applying for registration with the competitor's club which form shall be signed by the competitor indicating his membership of and consent to represent the member. If a competitor is registering for the first time such a competitor must attach a copy of his or her Birth Certificate/ID document to the registration form.
- 8.3. Registration of a competitor, once accepted, shall continue in force from season to season provided that the competitor remains in "good standing" with NTS and the member.
- 8.4. A competitor shall apply for re-registration as a first-claim competitor of another member from time to time, provided that a fresh application is made therefore to NTS on a new form lodged by the member to whom such competitor is transferring, together with a clearance certificate of good standing from the member from which the competitor is seceding. "Good standing" for the purpose of this clause shall mean a competitor that is fully paid-up with his or her club's coaching fees and have no disciplinary proceedings pending against such competitor.
- 8.5. A clearance fee as determined by the Executive of NTS is payable to NTS in respect of each clearance certificate issued for changing members within NTS.
- 8.6. Any request for clearance shall be accompanied by a copy of the proof of payment for the appropriate sum and such request must be approved by the member concerned failing which such request will not be considered by the Executive committee.
- 8.7. In the event of a member refusing without good reason to issue a clearance certificate then the Executive committee may approve of such clearance and re-registration provided it has satisfied itself that the competitor is in good standing.
- 8.8. A competitor shall only be entitled to represent a member in any event including championships held under the auspices of NTS if that competitor has been registered as above for a period of 14 days prior to the event (except in the case of a person who was not resident in the province and takes up residence, in which case the 14 day waiting period shall automatically be waived).
- 8.9. A fee as decided by the Executive Committee in terms of 17.1.20 shall be levied yearly on all competitors and officials of members of NTS which fees shall be due and payable in each swimming season as defined and the members shall be responsible for the collection thereof and the payment to NTS.

9. GENERAL:**9.1. Age Limit**

In all competitions where an age limit is fixed, the competitor shall be under age on the day of the race or competition, or, as expressly lay down by the Council in the case of junior water polo players, at the commencement of the competition date as defined.

9.2. Closing date for entries and Handbook information

With the exception of NTS swimming and diving championships and details of the water polo section, entries for all competitions and leagues as well as applications for permission to hold galas and the names of all club secretaries must be furnished to the General Secretary by not later than 15th July each year.

9.3 Injuries

9.3.1 Clubs may insure their members against accident during competitions and exhibitions, but such insurance must be effected with a recognised insurance company.

9.3.2 No liability whatsoever shall attach to NTS for any damages sustained as a result of injury or in any other manner by any persons whether a member, competitor or official or not whilst competing in a competition held by or on behalf of NTS participating in any of the affairs of NTS or whilst travelling to or from any competition whether such travel is part of a team or incommunicado.

9.4 Drug Testing

It shall be a requirement of every competitor registered with NTS that they make themselves available for drug testing at any time. Failure to comply with such a request, which request has previously been deemed to be reasonable by the Chairperson of the appropriate Committee, must result in disciplinary procedure being instituted against the registered participant.

10 ADMINISTRATION OF NTS:

The affairs of the NTS shall be conducted by:

10.1 A Council consisting of:

10.1.1 two (2) delegates from each affiliated member (club) for the first 50 or less registered competitors and for every additional 50 registered competitors or part thereof a further one (1) delegate with a maximum of 7 delegates from one affiliate member;

10.1.2 the President;

10.1.3 the Vice-President;

10.1.4 The Treasurer;

10.1.5 Honorary Life members;

10.2 An Executive Committee consisting of:

10.2.1 the President;

10.2.2 a Vice President;

10.2.3 the Treasurer

10.2.4 the Chairman of each of the Committees for the control of the disciplines of

- swimming
 - diving
 - synchronised swimming
 - open water swimming
 - water polo
 - technical instructor's committee
- 10.3 The Committees of Diving, Swimming, Synchronised Swimming, Open Water Swimming and Water Polo shall consist of:
- 10.3.1 a Chairman;
 - 10.3.2 a Secretary;
 - 10.3.3 an Executive Member;
 - 10.3.4 a representative for every 50 members [or part of 50] of an affiliated member involved in the discipline with a maximum of 7 representatives from one affiliate member; provided that a quorum for the committee shall be 5 members
- 10.4 The Technical Instructor's Committee shall consist of:
- 10.4.1 a Chairman
 - 10.4.2 a Secretary
 - 10.4.3 Five members who will each be responsible for a portfolio to be decided upon at the first meeting of the committee.
- 10.5 The President of NTS shall act as Chairperson at all meetings of the Council and the Executive of NTS. The Vice-President of NTS shall, in the President's absence, act as Chairperson at all meetings of the Council and the Executive of NTS and if so required as Acting President of NTS.
- 10.6 The President, Vice-President and Treasurer shall serve for a four year term and all other elected members shall serve for a two year term. Should a position become vacant before the end of office, elections to fill those vacancies must take place at the first AGM following the occurrence of the vacancies. These elected persons will only for the remaining part of the term of four or two years.

11. VOTING RIGHTS AT NTS:

- 11.1 At meetings of the Council each of the following persons shall have one vote:
- 11.1.1 the President;
 - 11.1.2 the Vice President;
 - 11.1.3 the Treasurer;
 - 11.1.4 the Chairman of each aquatic discipline and Technical Instructor's Committee;
 - 11.1.5 each delegate;
 - 11.1.6 Associate members will have the right to send delegates to meetings and to speak on any motion but shall have no vote.
- 11.2 The following provisos shall apply to voting at Council:
- 11.2.1 In respect of diving matters, only delegates from clubs with registered divers shall be entitled to vote.

- 11.2.2 In respect of swimming matters and open water swimming only delegates from clubs with registered swimmers shall be entitled to vote.
- 11.2.3 In respect of synchronised swimming matters only authorised delegates from clubs with registered synchronised swimmers shall be entitled to vote.
- 11.2.4 In respect of water polo matters only authorised delegates from clubs with registered water polo players shall be entitled to vote.
- 11.2.5 In respect of Technical Instructor's matters only registered Instructors shall be entitled to vote.

12 **THE COUNCIL OF NTS:**

Delegates appointed to the Council shall be in good standing with affiliated or associated members, with NTS. Notice in writing of the names of delegates must be given to the General Secretary by each affiliated or associated member at least 48 hour before the date of the Annual General Meeting or Special General Meeting, failing which such delegates shall not have the right to take part in such meeting.

13 **DUTIES AND POWERS OF THE COUNCIL:**

The Council shall have the duty to meet at least once a year, shall run the affairs of the Association and shall exercise any or all of the following powers:

- 13.1 to maintain a banking account in the name of the Association which account shall be conducted by the signatures of any two of:
 - 13.1.1 the President; and
 - 13.1.2 the Treasurer or
 - 13.1.3 any Executive Committee member specifically authorised thereto by the Executive.
- 13.2 to elect Honorary Life Members upon recommendation of the Executive;
- 13.3 to consider all applications for affiliation or association on the recommendation of the Executive;
- 13.4 to award Meritorious Service Badges on the recommendation of the Executive;
- 13.5 at any general meeting amend the Constitution and alter, amend or revoke any rules of the Association made by the Executive Committee:
 - 13.5.1 provided that the Executive Committee and/or an affiliate and/or associated member gives notice by way of a motion, in writing, setting out such alteration, amendment or revocation. Such motions shall be circulated by the General Secretary to all members of the Council not less than 21 days prior to such general meeting; and
 - 13.5.2 provided further that, in the case of amendments to the constitution, no such resolution shall be effective unless approved and passed by a two-thirds majority of those present and eligible to vote;
 - 13.5.3 and provided further that such notice of motion shall have been in the hands of the secretary on or before 12 noon on the 1st

- Thursday of May in respect of the Annual General Meeting.
- 13.6 to hire or to purchase movable or immovable property in the name of NTS, upon such terms as may be considered expedient and to borrow money on mortgage or otherwise for such purpose;
 - 13.7 to hear any appeal and to either uphold or dismiss same;
 - 13.8 to deal with all matters arising out of or incidental to the proper management or control of NTS or of the sport itself, not specifically provided for in the Constitution;
 - 13.9 to delegate all or any of its powers to the Executive Committee;
 - 13.10 to institute or defend any legal proceedings on behalf of NTS;
 - 13.11 to ensure that the accounts of the Association shall be audited by auditors appointed by the Council at the Annual General Meeting;
 - 13.12 to ensure at the Annual General Meeting that the following office-bearers are elected:
 - 13.12.1 the President; Vice President; Treasurer;
 - 13.12.2 the chairpersons, secretaries and executive members of the committees for each discipline and the additional members of their committees;
 - 13.12.3 the convenor and two members of the selection committee for each discipline.
 - 13.13 The Council's decision on any matter relating to this Constitution shall be binding on all members, competitors and officials;
 - 13.14 The nominations for the members to be elected shall be in the hands of the General Secretary on or before 12 noon on the first Thursday in May of each year;
 - 13.15 No person may hold the office of President of NTS for more than 2 terms unless, the nomination for a subsequent term of office, is approved by 50% of those present at the Annual General Meeting and eligible to vote.
- 14 **ANNUAL GENERAL MEETING OF THE COUNCIL (AGM):**
- 14.1 A preliminary notice of the Annual General Meeting shall be issued by the General Secretary during the last week in April to all members and shall request nominations for all officers and for any notices of motion. Such nominations and notices of motion must be received by 12 noon on the first Thursday in May of each year.
 - 14.2 An Annual General Meeting of which 21 days notice in writing shall have been given by the General Secretary to all members shall be held before the end of May each year. Such notice shall include venue, date, time and agenda. The following business shall be transacted:
 - 14.2.1 to confirm the Minutes of the previous Annual General Meeting;
 - 14.2.2 to receive and adopt the annual report of the President;
 - 14.2.3 to receive and adopt the audited accounts of NTS;
 - 14.2.4 to consider applications for affiliated or associated membership;
 - 14.2.5 to receive and adopt the reports of the Committees;
 - 14.2.6 to receive the reports from the managers of teams to the

- important championships or galas;
- 14.2.7 to consider and deal with notices of motion;
- 14.2.8 to elect the office bearers;
- 14.2.9 to appoint Honorary Auditors and to fix an honorarium;
- 14.2.10 to consider and elect [on the recommendations submitted by the Executive] Honorary Life Members and to award of meritorious service badges;
- 14.2.11 to consider and deal with any matter of which due notice has been given by the Executive or any member in good standing;
- 14.2.12 General;
- 14.2.13 the AGM shall strictly adhere to the sequence of the agenda as set out above and shall only deviate from this sequence if the majority of the meeting agrees.

15 SPECIAL GENERAL MEETING OF THE COUNCIL (SGM):

- 15.1 A special general meeting of the Council may be called by the President or the Executive or on a requisition of not less than three (3) members of the Council. The General Secretary shall give at least 14 days written notice of such a meeting which shall be held within 21 days of receipt of the requisition and at such meeting no business shall be conducted other than that specified in the notice of the meeting.

16 CONDUCT OF AGM OR SGM OF COUNCIL:

- 16.1 A quorum at all council meetings shall consist of delegates representing not less than one quarter of the number of members affiliated to NTS and in good standing.
- 16.2 If within 15 minutes of the advised time of such meeting a quorum is not present the meeting shall stand adjourned to the same day in the next week and at the same time and venue. Members shall be notified of such adjournment and at such adjourned meeting those present shall constitute a quorum; provided that if the date of the adjourned meeting is on a public holiday the meeting shall be held on the next succeeding business day.
- 16.3 The Chairperson at all meetings shall be the President and in his absence the Vice-President. If both of the above are absent, the meeting shall elect a Chairperson. The Chairperson shall have authority on every point of order and shall be the sole interpreter of the rules of NTS for the purpose of the meeting. The Chairperson shall have a casting as well as a deliberative vote.
- 16.4 The President shall, if he is standing for re-election, step down as Chairperson of the meeting while the voting for his office takes place. The new President elect will take the chair unless he otherwise requests;
- 16.5 The General Secretary shall keep a full record of minutes of proceedings of the Council and all its committees and unless otherwise agreed upon shall forward copies of the minutes to each member. The minutes of the Annual General Meeting or Special General Meeting shall be presented at the Executive meeting thereafter and shall be

read and ratified at the next Annual General Meeting. The Chairperson and General Secretary of that meeting shall thereafter sign the minutes where after such minutes shall be regarded as correctly reflecting the proceedings and resolutions of the meeting.

- 16.6 Voting shall be by a show of hands, except in the election of office bearers where voting shall be by ballot. Unless otherwise provided herein, all motions require a simple majority of the votes recorded except those matters where a two thirds majority is specifically required elsewhere in this constitution.
- 16.7 The Chairperson may adjourn any meeting with the consent of the Council and at such adjourned meeting only such business as remained unfinished shall be transacted.

17 THE EXECUTIVE COMMITTEE AND ITS POWERS AND DUTIES:

- 17.1 The Executive Committee shall have powers and duties in respect of the following:
 - 17.1.1 to deal with matters of a routine nature during the periods between the general meetings of NTS which are not required to be dealt with by the Council; to dispose of matters specifically delegated to it by the Council and matters entrusted to it by this Constitution;
 - 17.1.2 to grant or withhold permits for galas, competitions and championship events and to fix the fees thereof;
 - 17.1.3 to approve programmes and rules for events staged by the disciplines of diving, swimming, synchronised swimming, water polo and open water swimming;
 - 17.1.4 to confirm all claims to swimming records in the area covering:
 - 17.1.4.1 NTS age group records
 - 17.1.4.2 NTS open and under 16
 - 17.1.4.3 National age group records
 - 17.1.4.4 National open records
 - 17.1.4.5 and such other records as determined by the Executive from time to time;
 - 17.1.4.6 Provided that the national records shall be verified and submitted to SSA.
 - 17.1.5 to control all moneys of NTS as delegated by Council and to approve accounts for payment and receive and consider the chairperson of the Finance Committee's monthly financial reports;
 - 17.1.6 to receive and pass accounts for payment including accounts for refund of expenses incurred by persons engaged in the work of NTS provided prior authority had been granted by the Executive committee for such expenses to be incurred on behalf of NTS;
 - 17.1.7 to call upon any member to submit for inspection such documents, books or statements as may be required for any investigation considered necessary;
 - 17.1.8 to call upon any member to submit for inspection such

- documents, books or statements as may be required for any investigation considered necessary;
- 17.1.9 to act as holders in trust for all trophies, moneys and other property of NTS and to deal with the same as it deems fit;
 - 17.1.10 to give and grant honoraria and/or to make presentations to such persons as may be deemed advisable but only in accordance with the rules governing sport;
 - 17.1.11 to introduce such new rules or conditions relating to the rules and laws of diving, swimming, synchronised swimming, water polo and open water swimming as may be necessary to bring such laws into conformity with the appropriate laws introduced by SSA and/or FINA.
 - 17.1.12 To appoint a disciplinary committee and to approve the appointment of managers, coaches and chaperones to accompany officially selected teams and to approve the appointment of senior officials for National and Provincial Championship events.
 - 17.1.13 To approve transport and accommodation requirements of NTS teams, representing and/or attending any championships or any other galas or related functions;
 - 17.1.14 To amend any of the Schedules to this constitution;
 - 17.1.15 To control the disciplinary reference book;
 - 17.1.16 To consider and confirm all matters of policy dealt with and decisions taken by the various committees as in terms of the committees' minutes;
 - 17.1.17 To grant certificates of competence to persons who have qualified to officiate at NTS events, subject to such conditions as may be laid down from time to time;
 - 17.1.18 To appoint NTS's General Secretary and to fix the remuneration
 - 17.1.19 To delegate any or all of its powers, duties or functions to the committees of the respective disciplines provided that the decisions of the committees shall be reported and confirmed at the next meeting of the Executive Committee; In the event of an unresolved dispute between the Executive and a committee such dispute must be settled by the calling of a Special General Meeting. A final and binding decision will be by simple majority of those at the Special General Meeting.
 - 17.1.20 To decide on the subscription and capitation fees payable by members, supporters, officials and competitors respectively for the ensuing year;
 - 17.1.21 To co-opt any person who, in the opinion of the Executive Committee, can assist them in any of the committee's functions.
 - 17.1.22 To enforce the observance of the provisions of this Constitution and rules of NTS and of SSA and to deal with any infringement thereof
 - 17.1.23 To approve and confirm all the rules made by the Executive

- and other Committees in respect of the various disciplines;
- 17.1.24 To decide all cases of disputes not definitely provided for in this Constitution;
 - 17.1.25 To refer to the Disciplinary Committee any matter requiring Disciplinary action. to ratify all findings and amend and/or vary the recommendations of the Disciplinary Committee
 - 17.1.26 To review investigations and proposals of the Disciplinary Committee and accept, revoke or amend such proposals so as to ensure that the proposed disciplinary action has no adverse effect on the sport. The decision of the Executive shall be implemented by the appropriate Committee.
 - 17.1.27 To act as an investigating or disciplinary committee in respect of matters of misconduct that it is specifically requested to refer to the disciplinary committee by any of its members, delegates, competitors or officials. It may uphold, approve, amend or revoke any proposed disciplinary action: provided that a member, delegate, competitor or official that can substantiate to the President and 2 other members of the Executive Committee that the Executive's decision was not impartial shall have the right within 21 days of the posting to him by the General Secretary to his registered address of the decision of the Executive Committee to appeal to the Council;
 - 17.1.28 to deal with any appeal by any member, competitor or official who has been penalised by the disciplinary committee of a member club or associated body to which such individual may belong;
 - 17.1.29 to refer to the Council any appeal against the decision of the Executive Committee based on any disciplinary findings and recommendations;
 - 17.1.30 all fundraising may be carried out by a professional person or organisation, provided that such appointment be approved and ratified by the Executive Committee after due investigation. The Executive Committee have the powers to negotiate and contract with such professional person and/or organisation the terms of such mandate and payment of commission.
 - 17.1.31 to ensure that NTS and its members, competitors and officials do not practise discrimination on the grounds of race, colour, creed, gender, sexual orientation, political opinion or disability.

18 CONDUCT OF EXECUTIVE MEETINGS:

- 18.1 Meetings shall be convened by the General Secretary and held on the 1st Monday of every month at 19:00 or as may be determined by the Executive.
- 18.2 The quorum for any meeting shall consist of not less than 50% + 1 person eligible to vote. Should a meeting not have a quorum, the meeting shall stand adjourned for one week to the same venue and same time, at which adjourned meeting the persons present shall constitute a quorum. Due notice shall be given of the adjourned

meeting.

- 18.3 The General Secretary shall record the proceedings of Executive meetings in the minute book and copies of such minutes shall be circulated to all members of the Executive and council within 14 days.
- 18.4 Unless otherwise provided for in this Constitution, the rules for conduct at Council meetings shall also apply for meetings of the Executive.
- 18.5 Matters to be discussed at the above meetings shall include actions notified to the General Secretary in writing not less than 3 days prior to the meeting and the General Secretary shall prepare an agenda."
- 18.6 The Executive shall only deal with matters placed on the agenda unless the President, in his capacity as chairperson declares a matter to be one of urgency in which case such matter may be dealt with by the Executive;
- 18.7 Should the 1st Monday of the month be a public holiday the President will decide on an appropriate date for such meeting.
- 18.8 Any person of the Executive, who absents himself from 3 consecutive meetings not having applied for leave of absence, shall be deemed as having resigned from the Executive Committee.
- 18.9 The Executive committee may continue to act notwithstanding any vacancy. Such vacancy shall be filled by the Executive at its first meeting following the occurrence of the vacancy; provided that the executive shall be entitled to fill such vacancy with such person as in good standing with NTS.

19 COMMITTEES (SWIMMING, DIVING, WATER POLO, SYNCHRONISED SWIMMING, OPEN WATER):

- 19.1 The committees of the various disciplines shall consist of the chairman, secretary and executive member and representatives of affiliated members who have competitors in the particular discipline as set out above
- 19.2 A quorum at all meetings of the committees shall be 5 (five).

20 TECHNICAL INSTRUCTOR's COMMITTEE

- 20.1 This committee shall consist of the chairman, secretary and 5 (five) other members.
- 20.2 A quorum at all meeting of this committee shall be 4 (four)

21 POWERS AND DUTIES OF THE COMMITTEES:

- 21.1 Each committee shall carry out the function which may be specifically delegated to it by the Executive Committee.
- 21.2 Each committee shall meet at least once a month and shall keep suitable minutes and proceedings of meetings; such minutes to be submitted to the Executive committee for ratification at the next Executive committee meeting not later than 14 days after each meeting.
- 21.3 The General Secretary is to file the aforesaid minutes separately per committee;
- 21.4 Committees shall:

- 21.4.1 decide on all competitions, galas, championship events and development programmes within their sphere of activity and shall produce a diary of such events for approval of the Executive committee;
- 21.4.2 make nominations to the Executive for the appointment of:
 - 21.4.2.1 senior officials at national, provincial and championship events for diving, swimming, synchronised swimming, water polo and open water swimming;
 - 21.4.2.2 not less than 3 and not more than 5 members of each selection committee in respect of diving, swimming, synchronised swimming, water polo and open water swimming;
 - 21.4.2.3 team managers, chaperones and coaches as and when necessary;
 - 21.4.2.4 shall formulate a long term strategic plan relating to the acquisition of funds and the requirements necessary to attain such goals. These requirements shall, amongst others, include: the performance of the Association's swimmers at galas and in particular, National events, in order to justify would-be sponsors' investment;
- 21.5 Consider and submit to the Executive Committee claims to swimming records in the areas covering
 - 21.5.1 NTS Age Group
 - 21.5.2 NTS Open and Under 16
 - 21.5.3 and such other records as determined by the Executive from time to time;
 - 21.5.4 National Age Group
 - 21.5.5 National Open
- 21.6 Develop an annual budget to cover income and expenses involved in the administration of the committee and its activities. Such budget to be submitted to the Executive for approval at the commencement of each season.
- 21.7 Consider rules relating to the various disciplines and make recommendations to the Executive to bring these into line with laws introduced by SSA.
- 21.8 Make appropriate arrangements for the transport and accommodation of NTS teams.
- 21.9 Ensure the adequate training and development of officials.
- 21.10 Appoint officials for all competitions and galas.
- 21.11 All decisions of the committee shall be subject to appeal to the Executive Committee by the member, competitor or official concerned.
- 21.12 Unless otherwise provided for in this constitution, the rules for the conduct at Council meeting shall also apply to meetings of the committee.
- 21.13 To keep record of all galas and records;

- 21.14 To keep proper records of the competitors and officials registration;
- 21.15 To recommend to the Executive who the candidates for colours and the various trophies and prizes are;
- 21.16 To ensure that a proper development program is followed;
- 21.17 To ensure that the equipment of NTS is kept safe and in good order and made available when necessary;

22 SELECTION COMMITTEES:

- 22.1 Each selection committee shall select the teams and appoint the respective captains to represent NTS at the various branches of the sport for any Provincial or National event.
- 22.2 The selected members of the team shall be handed to the President for information prior to the release by the President to the media and the clubs.
- 22.3 The criteria for selection shall be decided upon by each committee each year and approved by the Executive Committee.

23 COLOURS OF NTS:

- 23.1 The colours for the Association shall be dark blue, light blue and red.
- 23.2 The blazer shall be of dark-blue material and single-breasted.
- 23.3 The association's logo will consist of the following elements: a design resembling a 'fish', a Barbeton daisy' the letters N T S, in the colour scheme above.
- 22.4 The Executive Committee shall also, in addition to the above, be authorised to sanction the use of additional advertising material on tracksuits and other swimming apparel as required by the Association's sponsors. This authority shall not cover the blazer.

24 AWARD OF THE ASSOCIATION'S COLOURS:

The association may award its Colours subject to rules approved by the Council on recommendation of the Executive Committee from time to time.

25 WITHDRAWAL OF COLOURS:

The NTS may on the recommendation of the Executive and after due investigation by the Disciplinary Committee, and with a two-thirds majority, deprive any person who has been found guilty of misconduct, of his colours and badge.

26 DISCIPLINARY MATTERS:

- 26.1 Disciplinary Committee, its appointment and how constituted:
 - 26.1.1 This committee shall, when its function is required, be appointed by the Executive;
 - 26.1.2 This committee shall consist of four members. One of the members shall be the General Secretary and the other three, appointees made by the Executive. The Executive shall appoint

a Chairperson from one of these appointees. The Executive shall adhere to the following principles when making appointments in terms of this clause;

- 26.1.2.1 The Disciplinary Committee, shall when required, be appointed *ad hoc* for a any particular case;
- 26.1.2.2 The members of this committee need not all be associated with aquatics,
- 26.1.2.3 One or more of this committee's members should preferably be either an advocate or attorney of the Supreme Court of South Africa,
- 26.1.2.4 Should the investigation, to be referred to this committee, be of such a nature that in order to secure the appointment of a legal member the Executive is required to pay such member professional fees, then the Executive is authorised to make such a payment;
- 26.1.2.5 The General Secretary's function on this committee is purely secretarial only. The General Secretary shall not have a vote on this committee;

26.2 Function of the Disciplinary Committee:

The primary function of the Disciplinary Committee is to investigate all matters referred to them impartially and thereafter refer their proposals for the resolution of the dispute or matter to the Executive.

26.3 Rules of the Disciplinary Committee:

- 26.3.1 All matters requiring disciplinary action shall first be referred to the Executive Committee which, if the case warrants disciplinary action, shall then refer it the Disciplinary Committee;
- 26.3.2 The Disciplinary Committee shall investigate disciplinary matters referred to them and will make their proposals for the resolution of the disputes to the Executive;
- 26.3.3 The Disciplinary Committee shall carry out their investigation jointly and informally but shall at all times afford the committee member, member, competitor, delegate and or official the right to be heard;
- 26.3.4 The rules of natural justice shall apply to the proceedings of the committee.
- 26.3.5 The General Secretary shall be responsible to keep minutes of all disciplinary hearings as well as the "reference book" referred to hereunder.
- 26.3.6 The General Secretary shall control and keep the NTS "reference book" which book shall contain the names of such members, committee members, competitors, delegates or officials who violated any of NTS constitution or rules or who are found to have acted dishonourably towards any member, committee member, competitor, delegate or official and to ensure that a suspended member, committee member,

- competitor, delegate or official does not participate in any of the disciplines of the sport carry out any function as a committee member, delegate or official for the duration of such suspension or if a fine is levied until such fine is paid;
- 26.3.7 The General Secretary shall also undertake to the Executive and the Chairperson of the Disciplinary Committee that he will not under any circumstances relate and or discuss any information with anyone outside of the Disciplinary Committee, failure to observe the undertaking shall constitute misconduct on the part of the General Secretary;
- 26.3.8 At any disciplinary enquiry, a member, official, delegate or competitor named in the charge or report shall not be represented by a member of the legal profession, unless the representative is the bona fide chairperson, Vice-Chairperson or secretary of the member and was elected as such at a properly constituted general meeting of the member at least 30 days prior to the enquiry.
- 26.3.9 If a member, competitor or official has rendered itself unworthy of membership of NTS, NTS may at a Special General Meeting after due investigation and after 14 days notice has been given of the motion, terminate the membership: provided that the motion has been passed and approved by a two-thirds majority of those present and eligible to vote.
- 26.4 Penalties emanating from disciplinary enquiries:
The Disciplinary Committee shall have the right to recommend to the Executive Committee that any committee member, member, delegate, competitor or official who after due and proper investigation was found to have contravened any of the provisions of NTS's, SSA's and or FINA's constitution be warned, fined, reprimanded, suspended or expelled. Any penalty which the Disciplinary recommends to the Executive shall be confined to the following:
- 26.4.1 a warning;
- 26.4.2 a fine, provided that such fine shall not exceed R1000,00;
- 26.4.3 Suspension:
- 26.4.3.1 In the case of a competitor, to a maximum suspension of twelve (12) months provided that if such a competitor was guilty of misconduct involving the abuse of banned substances (both drugs and doping) as determined by SSA or FINA, no maximum shall apply and the Disciplinary Committee shall be guided by the SSA or FINA rules and guidelines in this regard;
- 26.4.3.2 In the case of a member, delegate, committee member or official, to a maximum of one (1) year;

- 26.4.3.3 The suspension may include preclusion from participation in further competition for the duration of the suspension;
- 26.4.3.4 The suspension may either preclude such person or member from administrative or officiating duties.
- 26.4.4 Expulsion: No competitor, member, delegate, committee member or official shall be expelled unless a previous conviction exists for the same or similar misconduct. In the event of a previous conviction existing as aforesaid, the Disciplinary Committee shall none the less apply this penalty with caution, the intention being that it be applied only in cases of extreme severity. Due observance shall also be given to 20.3.8;
- 26.4.5 The suspensions may in themselves be further suspended for such a period as deemed appropriate in the circumstances provided, however, that such period not exceed two (2) years.
- 26.5 Appeals:
 - 26.5.1 Appeals regarding the findings of the Disciplinary Committee shall first and foremost be to the Executive Committee. Thereafter, if so required, there may be an appeal to the Council. However, an appeal may only be lodged to the Council if no satisfaction was obtained from the appeal to the Executive;
 - 26.5.2 Appeals regarding the imposition of any penalty shall be made to the Council;
 - 26.5.3 The council's decision shall be regarded as final;
 - 26.5.4 All appeals shall be made within 14 days of the confirmation by the Executive Committee of the Disciplinary Committees findings and recommendations. In the case of a further appeal to the Council, within 21 days after having been notified of the outcome of the first appeal.
 - 26.5.5 An amount of R300-00 shall be deposited by all applicants to cover all costs of the appeal: provided that such deposit shall be returned to the applicant in the event of his appeal proving successful but if the appeal fails, the money so deposited shall be retained and forfeited to NTS.

27 ABSENCE, DISQUALIFICATION, VACANCIES, ETC:

- 27.1 A delegate shall not be allowed to take part in any meeting if any fees of NTS or of the member whom he represents be more than 3 months in arrears.
- 27.2 A member club 3 months in arrears with fees due to the NTS shall automatically become suspended and such suspension shall not be removed until the arrears are paid.
- 27.3 While under suspension, no member, competitor or official shall be allowed to take any part whatsoever in the affairs of NTS nor shall a competitor be permitted to take part or compete in any competitions,

galas, championships or any other event of NTS or its members: provided that should any member, competitor or official be engaged in any of the aforementioned fixtures prior to suspension then upon suspension such member, competitor or official shall be debarred from continuing so to be engaged.

- 27.4 Members wishing to withdraw from NTS shall give notice in writing to that effect before the date of the AGM, failing which they will be held liable for the subscription for the ensuing year.
- 27.5 Any member, competitor or official may appeal to the Executive committee against any matter in which it feels it has been prejudiced and if satisfaction is not obtained may appeal to the Council on any matter within its jurisdiction.
- 27.6 Where a dispute affecting any matter within the jurisdiction of NTS exists, it shall be dealt with in terms of this Constitution and any attempt to take the matter outside the sphere of NTS jurisdiction including resorting to the press or other news media shall constitute mis-conduct on the part of the member concerned

28 APPLICATION OF SSA AND FINA LAWS:

Where no provision is made in this constitution regarding the conduct of the sport in all its facets, the Association shall be guided by the laws and rulings of the SSA and FINA.

29 INTERPRETATION OF LAWS:

The interpretation of this constitution shall rest with the Executive Committee subject to any appeal in this regard.

30 DISSOLUTION:

- 30.1 In the event of the dissolution of NTS the accumulated funds, after settlement of all accounts and debts, will be given to NTS's successors in title or assignees provided that such Association has similar aims and objectives to that of NTS.
- 30.2 This body to which the remaining assets of NTS are given or transferred shall itself be exempt from income tax.
- 30.3 This body will be decided upon at such meeting at which the dissolution of NTS takes place.