



LINDEN BOWLING CLUB

CONSTITUTION

As at 2021-09-21

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1. NAME AND HEADQUARTERS

- 1.1. The name of the club shall be “**The Linden Bowling Club**” and in Afrikaans “**Die Linden Rolbalklub**”, (hereinafter referred to as “the Club”).
- 1.2. The Club shall be located at Emma Park, Linden, Johannesburg or such other place as may be determined by the Members in a General Meeting from time to time.

2. CLUB COLOURS

- 2.1. The colours and the badge of the Club shall be as follows:
- 2.2. **Colours:** Emerald green, white and black or those colours as registered with Johannesburg Bowling Association (“JBA”) by the Committee from time to time by the Committee;
- 2.3. **Badge:** A crest containing an Emerald green Linden Tree on a white background over a scroll reading: “**Linden Bowling Club/Rolbalklub**” (“the Badge”).

3. OBJECTIVES AND MISSION OF THE CLUB

The objectives and mission of the Club shall be:

- 3.1. to offer the Linden and surrounding community members access to and use of its recreational and bowling facilities on an affordable basis
- 3.2. to manage and maintain the club facilities to the highest possible standards in an efficient and cost-effective manner
- 3.3. to the promotion of the sport of bowls.
- 3.4. to engender a spirit of companionship, sportsmanship and pleasure for all its members that either make use of its recreational facilities or while participating in the sport of bowls.
- 3.5. to at all times ensure that members participating in bowls is done in according to the Laws of the Sport of Bowls (South African Edition) as determined by World Bowls and Bowls SA from time to time and for the promotion of recreational and social functions generally in connection therewith and to at all times to comply with the laws of the Republic of South Africa.

4. GOVERNING CONDITIONS AND MANAGEMENT OF THE CLUB

- 4.1. It is a governing and fundamental condition that the Committee and the Executive of the Club ensures that the Club shall at all times comply with the Constitution of the Republic of South Africa, the provisions of the agreement of lease entered into between the Club on the one hand, and the City of Johannesburg Metropolitan Municipality (“the Council”) and the City of Johannesburg Property Company (Pty) Limited (“JPC”) (“the Lease”) on the other hand, and in particular with the conditions prescribed in the Lease, which have been incorporated in this Constitution and By-laws of the Club, the Liquor Act and all relevant laws of the Republic of South Africa.
- 4.2. The governance of the Club shall be vested in a committee composed of a minimum of 7 (seven) and a maximum of 9 (nine) Members, comprising:
- 4.2.1. the President;
 - 4.2.2. a vice President;
 - 4.2.3. Immediate Past President (who shall serve on the Committee as such for only one year);
 - 4.2.4. Club Secretary;
 - 4.2.5. Club Treasurer and,
 - 4.2.6. a maximum of 4 (four), if the Immediate Past President is in office or 5 (five) ordinary Members comprising, if possible, an equal number of men and lady ordinary Members (hereinafter referred to as the “Committee”).
- 4.3. Notwithstanding that the following shall be nominated and appointed to their respective positions, they shall not be members of the Committee and shall not have any voting rights on the Committee but shall report to the Committee in their capacities as such at each meeting of the Committee or as required by the Committee from time to time. Any such Manager cannot also be appointed as a member of the Committee::
- 4.3.1. Club Manager;
 - 4.3.2. Social/catering Manager;
 - 4.3.3. Bar Manager;
 - 4.3.4. Competition Secretary/ies,

4.3.5. Greens Manager (as appointed by the committee)
(hereinafter referred to as the “the Managers”).

- 4.4. The President, Vice President, Club Secretary and Club Treasurer shall constitute the “the Executive”. The Executive is empowered to act for the Club in urgent matters. In all such matters the vote of the Executive must be unanimous before a decision is taken. Any and all decisions taken by the Executive shall be noted during the next meeting of the Committee.
- 4.5. Any Member of the Committee absenting him/herself from 3 consecutive ordinary meetings of the Committee, without leave or condonation, shall be deemed to have vacated their position and the Committee shall thereupon fill the vacancy.
- 4.6. Any Member of the Committee and/or any of the Managers may resign from office at any time by giving notice thereof, in writing to the Honorary Secretary.
- 4.7. In the event of a vacancy occurring on the Committee, or any sub-committee thereof, or in the position of any Manager, the Committee shall fill such vacancy within 2 (two) calendar months.
- 4.8. All Members of the Committee and of the Managers shall retire from office at every Annual General Meeting, but shall be eligible for re-election, subject to proper nomination.
- 4.9. The President and the Vice President shall be Chairperson and Vice-Chairperson of the Committee. Should the President not be present at any meeting of the Committee, then the Vice-President shall chair the meeting. If neither the President nor the Vice-President is present at any meeting, then the Members present at such meeting shall elect the Chairperson for the meeting from those Members present at the meeting.
- 4.10. The Committee shall have full power and authority to do any act, matter or thing which could be done by the Club, excepting such matters as are in this Constitution specifically reserved to be dealt with at a General Meeting of all Club Members.

- 4.11. The property of the Club, control of labour relations and security shall vest in the Executive, who shall have the power to defend and/or institute any action at law in the name of the Club.
- 4.12. The Committee shall adequately insure the property of the Club against potential claims by Members and/or visitors and procure such other insurance it deems advisable against fire, theft, cash and legal liabilities of the Club.
- 4.13. The Committee shall have full power and authority and may delegate any of its powers, except those of electing or expelling Members, or to make alterations in or revoking any By-Laws from time to time.
- 4.14. The President shall, ex officio, have the right to attend all meetings of any sub-committees.
- 4.15. Each Committee Member shall, if possible, serve on at least one sub-committee.
- 4.16. The Committee may nominate and appoint any Member/s of the Club to be the Club's representative or delegate to any and all associations, such as Bowls South Africa and/or Johannesburg Bowls Association to which the Club is affiliated from time to time
- 4.17. The Committee may meet for the despatch of business and/or adjourn or otherwise regulate meetings of the Committee as it thinks fit, but shall hold regular meetings which shall not be held less than once in every calendar month. Five Members of the Committee present at any meeting thereof shall constitute a quorum.
- 4.18. The Honorary Secretary, on the instructions of the President, or on written request of at least 3 (three) Members of the Committee, stating the purpose of their request, shall convene every Committee meeting. Further, the Club Secretary shall attend to and answer all correspondence, of which copies shall be kept. He/she shall also keep a Register of Members and shall be particularly responsible for the issue of all notices and the keeping of proper Minutes of proceedings in respect of Annual General Meetings and Special Meetings of the Club and of all meetings of the Committee.

- 4.19. Questions arising at any meeting of the Committee, except where voting by ballot is provided for, shall be decided by a majority of votes on a show of hands and, in the case of equality of votes, the chairperson of the relevant meeting shall not have a casting vote in addition to his or her deliberate vote.

5. THE CLUB BAR

- 5.1. The Honorary Bar Manager (“Bar Manager”) shall carry out all such duties and requirements as are specified by the Liquor Act and as laid down by the Committee and this Constitution and By-Laws.
- 5.2. The Executive shall appoint any Club Member who is not a member of the Executive or of the Committee, to count the Bar stock every month and it is essential that this person signs the Stock Sheets and ensures that they are given to the Honorary Treasurer.
- 5.3. The Bar Manager shall have the sole jurisdiction over the Bar and conduct of persons using the Bar as more fully set out in the By-Laws from time to time.
- 5.4. Any Member guilty of misconduct in the Bar renders him/herself liable to disciplinary action by the Executive and/or the Committee.

6. FINANCIAL MATTERS

- 6.1. The Entrance Fee and the Annual Subscriptions for the categories of Members for Club membership shall be decided from time to time by the Members in a General Meeting. The minimum Annual Subscription shall be determined by the Committee or as may be prescribed by the Liquor Act from time to time. Past Members who are in good standing at the time of leaving the Club, may be readmitted to Membership without the payment of an entrance fee. For the purposes of determining the Annual Subscription Fee, the Committee shall add to such Annual Subscription fee, the affiliation fee imposed on the Club for each Member by the Johannesburg Bowls Association (“the JBA”) and Bowls South Africa (“BSA”) (“the Annual Subscription”).
- 6.2. The Entrance Fee shall be payable on submission of the Application for Membership and shall be refundable if the application is not accepted. The first Annual Subscription of the new Member shall be due and payable not later than 30 days after written notice of acceptance.
- 6.3. The Annual Subscription shall become due and payable by Members on or before the 1st July of each year being the financial year end of the Club. New Members elected from November shall pay pro-rata of the prescribed Annual Subscriptions for their first year of Membership.
- 6.4. The Committee shall have the power to recommend to the Annual General Meeting that specific Honoraria be awarded to the Honorary Secretary, the Honorary Treasurer, the Honorary Club Manager, the Honorary Bar Manager and/or to any other person/s for the services rendered during the preceding financial year.
- 6.5. The Committee shall be empowered to borrow money from time to time for the purposes of the Club. No amount in excess of R20 000.00 (twenty thousand rand) may be borrowed without the prior approval of the Members in a General Meeting.
- 6.6. No debts shall be incurred on behalf of the Club without the prior approval of the Committee. The Committee shall not have the right to incur capital expenditure

exceeding the sum of R25 000.00 (twenty five thousand rand) on any one project without the prior approval of the Members in a General Meeting.

- 6.7. No profits derived from the sale of liquor or other commodities by the Club or on the Club premises shall accrue to any individual. All profits made by the Club, save funds received with the purpose of being donated to charitable organisations, shall be used solely for the Club.
- 6.8. The Club Treasurer shall receive subscriptions due and other moneys accruing to the Club and deposit such funds in the Club's bank account. He/she shall keep proper records and books of account of the financial position of the Club and shall, at each ordinary Committee Meeting, submit a statement of the Club's accounts and financial position, supported by the necessary vouchers. He/she shall, at the end of each financial year, prepare and have duly certified by the Club Auditor (appointed in terms of clause 6.11 below) a Balance Sheet and Financial Statement of the Club for submission to the Annual General Meeting.
- 6.9. If any Member fails to pay the Annual Subscription within six weeks of the 1st July, notice thereof shall be sent per registered post by the Club Secretary to such member's last known address. If the above Annual Subscription is not paid within one month from the date of sending the registered notice, subject to a decision to the contrary and/or on terms and conditions imposed by the Executive, the relevant Member shall cease to be a Member of the Club and shall not be permitted to enjoy the privileges of the Club and shall be listed as a defaulter with the District Bowling Association. The Committee may, however, reinstate such Member on payment of all such subscriptions in arrears, or on such conditions as the Committee may deem fit.
- 6.10. The bank account/s of the Club shall be kept in the name of "**The Linden Bowling Club**" with a recognised banking institution/s as the Committee may decide upon. The operation and control of the bank account and all financial transactions relating thereto shall be managed by the Committee and shall be under the control of the Honorary Treasurer.
- 6.11. A Club Auditor, who shall not be a Member of the Committee, shall be appointed at the Annual General Meeting. He/she shall examine all the books of account and vouchers pertaining to the operation of the Club and certify as to the

correctness thereof. He/she shall be entitled to draw to the attention of the Committee any item/s which in his/her opinion appear/s irregular. It shall be the specific duty of the Club Auditor to certify that all Members are in good financial standing with the Club as at the date of each Annual General Meeting of the Club. The Club Auditor may, ex officio, attend all Committee meetings.

6.12. The Committee shall have the power to impose an annual levy on each Member to meet the levies imposed by the governing bodies.

6.13. Upon any merger, winding up or in the event of the liquidation of the Club, the assets thereof remaining, after the satisfaction of the Club's liabilities, shall be disposed of in terms of instructions from the Club Members as determined at an Annual General Meeting or Special meeting of all Club Members.

7. MEMBERSHIP

- 7.1. The number of Members to be admitted to the Club will be as prescribed by the Lease & Liquor Act from time to time.
- 7.2. The conditions of the lease will supersede any other Governing body or establishment regarding the admission and membership classes as expressly stated in the following clauses written into the lease;
- 7.2.1. Clause 4.3 Use of the property shall not be reserved for any particular sector of the community and no person shall be denied access to the property, which constitutes unfair discrimination as defined in section 9(3) of the Constitution of South Africa
- 7.2.2. Clause 4.4 The Lessee shall allow members of the community to use the facility on payment of a reasonable tariff payable for similar facilities, as published from time to time in the Provincial Gazette
- 7.3. The Committee may admit any person to Honorary Life, Honorary Associate or Temporary Membership, for such period and on such terms and conditions as it may determine but subject always to the provisions of the Liquor Act from time to time.
- 7.4. Any person may, upon written application to the Committee in the form of the Linden Bowling Club Standard Application Membership Form and supplied by the Club ("Membership Application"), become any one of the categories of Members described below. The name of the Applicant and category of Membership applied for shall be exhibited on the notice board of the Club for a period including not less than 10 days prior to being considered by the Committee:
- 7.4.1. **Full Affiliated Members** – any person admitted to the Club with full rights in terms of this Constitution and who has also completed the Standard Application Bowls Membership Form prescribed by Bowls South Africa to participate, in addition to Club bowls competitions, in bowls league, district and national tournaments held under the auspices of JBA (Johannesburg Bowls Association) and BSA (Bowls South Africa). Such members will be liable to pay for any affiliation fees imposed by BSA and JBA and may also

have “*Dual Membership*” as envisioned in the Standard Application Bowls Membership Form prescribed by BSA.

7.4.2. **LBC Members** - any person admitted to the Club with full rights in terms of this Constitution and participation in all Club bowls competitions but may not participate in any external bowls competitions held under the auspices of JBA and BSA.

7.4.3. **LBC Mid-Week Members** – any person admitted to the Club with full rights in terms of this Constitution and are entitled to play bowls at all tab sessions during weekdays. Such members will only be entitled to play tab bowls on Saturdays and Sundays and participate in Club competitions if invited to do so by, and at the sole discretion, of the Committee. Such members may not participate in any external bowls competitions held under the auspices of JBA and BSA.

7.4.4. **Social Members** - any person admitted to the Club but with restricted rights in terms of this Constitution in so far as not being eligible to stand for committee nomination, nor being eligible to attend and vote at any Annual General Meeting or Special Meeting of the Club. Such members will have full access to, and use of, the Club facilities but will only be entitled to play bowls by invitation and/or on days designated by the Committee, such as “open days”.

7.4.5. **Community Members** - any person admitted to the Club but with restricted rights in terms of this Constitution in so far as not being eligible to stand for committee nomination, nor being eligible to attend and vote at any Annual General Meeting or Special Meeting of the Club. Such members will have full access to, and use of, the Club facilities but will only be entitled to play bowls on “open days” by invitation from the Committee.

7.4.6. **Students Under 25** - any person admitted to the Club as either a “Full Affiliated Member” or “LBC Member” that is a student 25 years old or younger is entitled to a 70% discount on the applicable Club membership fee.

7.4.7. **Scholars** – any person that is admitted to the Club and who is still a scholar will not be required to pay Club membership fees and JBA/BSA Affiliation fees should such Scholar Members choose to be affiliated to JBA/BSA and be eligible to participate in bowls league and external competitions held under the auspices of JBA and BSA. Such Scholar Members are however eligible to play in all Club competitions but not eligible to stand for committee nomination, nor be eligible to attend and vote at any Annual General Meeting or Special Meeting of the Club.

- 7.5. The Committee is authorised to consider and accept membership applications made in terms of clause 7.3, which acceptance will not be unreasonably withheld.
- 7.6. Every person applying for membership of the Club shall be proposed and seconded by two Full Members of the Club and countersigned by a member of the Executive. Any objections by any existing Member to such application for membership of the Club must be in writing to the Club Secretary during the 10 day period the Applicants' Name and membership applied for is exhibited. Such objections will be duly considered by the Committee and only in the case of any clear and justifiable evidence demonstrated, will such application for membership be declined by the Committee. In such cases, the applicant will be notified in writing by the Committee of the reasons their application has been declined.
- 7.7. In the case of Full Affiliated, Student and Scholar Application for Membership, these must be accompanied by a "Bowls" Clearance Certificate (when applicable) before the application can be considered by the Committee. New Members shall be notified in writing of the Committee's decision by the Club Secretary.
- 7.8. Should any Member, in the opinion of the Committee, commit any wilful breach of the Constitution and By-laws of the Club, or in breach of the Club's Lease Agreement, or be guilty of improper, dishonest or unsportsmanlike conduct, or fail to make payment of monies due to the Club after due notice, or be guilty of conduct which is in any way offensive to the Members of the Club or of the Committee, or introduce into the Club any person whose presence is deemed by the Committee to be prejudicial to the interests or reputation of the Club, or objectionable to the Members, or if any Member is guilty, in the opinion of the Committee, of conduct

unbecoming or prejudicial to the interests and reputation of the Club, whether within the Club's precincts or outside of them, the Committee shall call upon such Member to appear before the Committee and explain his or her conduct and, even should such Member fail to appear when called upon, the Committee has the power to:

7.8.1. Suspend or otherwise deal with such Member;

7.8.2. Expel such Member;

7.8.3. Deprive such Member of any or all of the rights, benefits and advantages of his or her Membership during such time or period as the Committee may deem fit and advisable;

7.8.4. Suspend such Member and call upon him or her, in writing, through the Honorary Secretary, to resign and if such Member fails to resign within 7 days of the date of such request, expel such Member.

7.9. Any Member, who shall be expelled or suspended or otherwise dealt with by the Committee in terms of Clause 7.6, shall have the right to appeal against the decision of the Committee to a Special General Meeting of the Members. A written Notice of Appeal shall be lodged in writing with the Honorary Secretary by the Member concerned, within 7 days of the notification to him or her of the decision of the Committee and such Notice of Appeal shall be supported by 10 (ten) Members in good standing. Upon receipt of such Notice, the Honorary Secretary shall forthwith convene a Special General Meeting of the Committee to consider the appeal.

7.10. The fact that any such decision of the Committee, as is herein contemplated, shall be under appeal, shall not have the effect of suspending the operation of such decision pending the hearing of the appeal.

7.11. Any Member in default or under suspension shall not be entitled to enter and/or enjoy the facilities of the Club until such time as he/she has been reinstated.

7.12. The Committee is empowered to levy once annually, and only if required, an amount determined by the committee on all Members of the club. Payment in full

of the levies will be within 120 days from the date of notice to Members and may be paid in instalments. Any member who is 6 months in arrear with levy payments shall cease to be in good financial standing with the Club.

8. ANNUAL GENERAL MEETING AND SPECIAL MEETING

- 8.1. The Annual General Meeting (“AGM”) of the Members shall be held not earlier than on 1st August and not later than 30 September of each year.
- 8.2. One third of the total Membership and being entitled to vote and in good standing at the time, shall constitute a quorum at any AGM or Special General Meeting and the Honorary Secretary shall conduct the AGM in accordance with the procedure set out in the By-Laws from time to time.

9. INTERNAL AND EXTERNAL COMPETITIONS

- 9.1. The Competition Secretary/ies (as the case may be) shall be responsible for running internal and external competitions held at the Club and shall inform the Greens manager/keeper, Social/Catering Manager and Bar Manager accordingly should either of them not be available.
- 9.2. The selection of players to represent the Club shall be the responsibility of the relevant Selection Committee.
- 9.3. The relevant Selection Committee shall each consist of 3 (three) Members elected at the Annual General Meeting of the Club plus 2 (two) Members co-opted by the Selection Committee who shall, from among the Members of the Selection Committee, appoint a Convenor of the relevant Selection Committee. The President of the Club shall be an ex officio Member of each Selection Committee.
- 9.4. The function of the Selection Committee shall be determined by the Committee and by the By-Laws from time to time.

10. CLUB NOTICES AND NOTICE BOARD

For the purposes of giving notice to Members in terms of this Constitution and for all other purposes, including but not limited to, competition cardings, league and other selections, the Club notice board/s shall be deemed to be the only official method of giving notice to Members notwithstanding that notice is given to some Members via electronic mail. In the event of a conflict between a notice on the Club notice board and a notice given by electronic mail, the notice given on the Club notice board shall prevail.

11. AMENDMENT OF THIS CONSTITUTION AND BY-LAWS

11.1 This Constitution may be added to, varied, altered, amended or modified by resolution of a majority of two-thirds of the votes of the Members present at the Annual General Meeting or a Special General Meeting after such proposed additions, variations, alteration, amendments or modifications shall have been posted on the Club notice board for the period including but not less than two weekends prior to such General or Special Meeting.

11.2 Notwithstanding the provisions of clause 11.1, any amendment made to this Constitution must at all times comply with the provisions of the Liquor Act from time to time and provided further that the Committee shall be authorised and empowered to amend and/or update and consolidate the Constitution into one new document (including the By-laws) to incorporate any and all amendments made thereto at any Annual General Meeting or a Special Meeting.

11.3 The Committee shall be and is hereby authorised and empowered to update the By-laws from time to time to address and rectify any and all inconsistencies therein, so as to ensure that the By-laws of the Club are a true reflection of the current situation at the Club.

11.4 Notwithstanding 11.3, the Committee is not entitled to amend any resolution relating to any By-Law that was passed at an AGM as a result of member's motions.

11.5 Whenever any addition, variation, alteration, amendment or modification shall have been made in the Constitution, notice thereof shall be posted on the Club notice board.

11.6 In the case of doubt as to the meaning or interpretation of the Constitution and By-Laws, the Committee shall be the final arbiter and its decision shall be binding on the Members.

11.7 Every Member may request a copy of the Constitution and By-Laws and any amendments effected thereto from time to time at a cost to be determined by the Committee, and shall be bound by them in every respect.

Signed at Linden, Johannesburg on this _____ day of _____ 2021

Jan Pelsler, President