

CONSTITUTION OF THE MOUNTAIN CLUB OF SOUTH AFRICA

WORCESTER SECTION

1. NAME AND AFFILIATION

- 1.1 The Mountain Club of South Africa, Worcester Section, hereafter "the Section";
- 1.2 The Section is affiliated to the Mountain Club of South Africa (MCSA) as provided for in the constitution of the MCSA.

2. OBJECTIVES

The objectives of the Section are to:

- 2.1 Organise hiking and climbing expeditions;
- 2.2 Take necessary steps to promote the safety of walkers and mountaineers and to take part in search and rescue activities;
- 2.3 Procure access rights to mountain and wilderness areas and to expand and protect these;
- 2.4 To protect the country's natural beauty and its water supplies;
- 2.5 To promote mountaineering and hiking activity in South Africa and elsewhere.

3. POWERS

To further the objectives of the Section, the Section has the following powers:

- 3.1 The Section has its own legal persona;
- 3.2 To acquire movable and immovable property by purchase and sale or hire or otherwise deal with such property;
- 3.3 To acquire servitudes and rights over land and transfer thereof;
- 3.4 To erect mountain huts and bring about other improvements on immovable property;
- 3.6 To operate current and or savings accounts and to receive monies, to invest and to apply such monies as it deems fit;
- 3.6 To make and receive donations;
- 3.7 To co-operate with other organisations, sections or bodies.

4. IMMOVABLE PROPERTY

All immovable property of the Section will be registered in the name of The Mountain Club of South Africa.

5. MEMBERSHIP

- 5.1 The members of the Section will be:
 - 5.1.1 **Ordinary members:** being members who are at least 18 years old;
 - 5.1.2 **Family members:** being members that co-habit on a permanent basis, including all children part of that relationship
 - 5.1.3 **Junior members:** being members who are younger than 18 years old and not part of family membership, may only take part in the activities of the Section with written permission from the applicable parents. They do not have voting rights.
 - 5.1.4 **Student Members:** being members who are registered students at a Tertiary Institution, between the age of 18 – 26 years old
 - 5.1.5 **Honorary members:** consisting of life or temporary Honorary members as recommended by the committee and chosen by a majority vote at the annual general meeting in recognition of exceptional service to the Section or for any other connected reason;

- 5.1.6 **Social members:** being non-active members in terms of participation in hiking excursions, who have applied for and have been granted social member status by the Committee.
- 5.1.7 **Country members:** being members of another section of MCSA, who stay permanently more than 100 km from Worcester and wish to be included under this membership category.

6, APPLICATION PROCEDURES

- 6.1 Applications must be made on the prescribed form and handed to the Secretary.
- 6.2 An application for membership must:
- (a) include a résumé of the applicant's hiking and mountaineering experience;
 - (b) be supported by a proposer and a seconder, such persons having been members of the Section for at least one year.
- 6.3 Applications for membership will be considered by the Committee;
- 6.4 An application for membership will only be considered if the applicant:
- a) displays an active interest in hiking and mountaineering and, specifically, in the activities of the Section, and is prepared to uphold the spirit of the Section and to further the good name of the Section;
 - b) has undertaken at least three (3) official Section meets, plus one (1) official work-weekend at Thomas Hut, with the understanding that the Committee may make an exception to this rule in deserving cases;
 - (c) has completed and signed the Indemnity Form in Annexure 1;
 - (d) has paid the relevant membership fee in advance.
- 6.5 Applications for Junior membership will only be considered if accompanied by written permission from the parent or guardian and such person having signed an indemnity exonerating the Section and its members from any loss or damage which may occur as a result of any activities of the Section (See Annexure 1).
- 6.7 An application for membership may be rejected without the Committee giving any reasons to the applicant.
- 6.8 The Secretary will advise an applicant of acceptance or rejection in writing as soon as possible and refund the advanced membership fee if the application has been rejected.
- 6.9 By paying his/her membership fee, a member agrees to all terms and conditions as set out in the constitution. (See Annexure 1)

7. ELECTION OF HONORARY MEMBERS

Upon recommendation by the Committee, Honorary members are chosen by the members of the Section at a members' general meeting. Honorary members do not pay membership fees. An Honorary member has the same privileges as an Ordinary member and all stipulations of the Constitution applying to Ordinary members are also applicable to Honorary members except where expressly differing in this Constitution.

8. MEMBERSHIP FEES

- 8.1 Membership fees will be determined at the Annual General Meeting by members with voting rights.
- 8.2 Membership fees are for a calendar year, from 1 January to 31 December (both dates included).
- 8.3 New members joining during the year will pay a pro rata fee, to be determined by the committee.
- 8.4 With the exception of new members, all fees are payable before 31 March each year

9. TERMINATION OF MEMBERSHIP

A person's membership of the Section will terminate if:

- 9.1 The member resigns in writing;
- 9.2 Membership is terminated by the Committee;
- 9.3 A members' general meeting decides to terminate the membership of an Honorary Member, The intention to terminate honorary membership must appear in the notice of the members' general meeting.

10. TERMINATION OF MEMBERSHIP BY THE COMMITTEE

- 10.1 The Committee may terminate a member's membership if:
 - a) In the judgement of the Committee the member is guilty of misconduct;
 - b) Membership fees are three months in arrears;
- 10.2 If membership is terminated by the Committee the person will be notified in writing.

11. MEETINGS OF MEMBERS

- 11.1 A meeting of members must be convened by the Committee every year, if possible before 31 March, which meeting will be known as the Annual General Meeting (AGM).
- 11.2 The Committee may convene a Special General Meeting, should it consider this advisable. The Committee will be obliged to convene a Special General Meeting should at least six members request this in writing;
- 11.3 Written notice of a meeting of members must be sent to all members at their latest known email address, at least two weeks before the meeting;
- 11.4 All members of the Section except Junior members have voting powers at meetings of members;
- 11.5 Members may vote personally or through a written nominated proxy, which proxy must be handed to the Secretary prior to the commencement of the relevant meeting;
- 11.6 A quorum for a meeting of members will be ten members or one quarter of the total number of all members, whichever is the lesser;
- 11.7 A meeting of members is competent (unless determined otherwise) to decide on any matter concerning policy and conduct of the Section and the Committee is bound by the decisions of a meeting of members;
- 11.8 The Chairperson of the Committee serves as the Chairperson of meetings of members and, in the event of an indecisive vote, has a casting vote which must be exercised;
- 11.9 An agenda must accompany the notice of a meeting of members;
- 11.10 Voting will be conducted by a show of hands except when a majority of the voting members present request a secret ballot by means of voting papers.

12. ELECTION OF THE COMMITTEE

- 12.1 The Committee will be elected by the members at the Annual General Meeting;
- 12.2 The Committee is elected for a period of one year which lasts until the next Annual General Meeting
- 12.3 The Committee will fill any vacancies which may occur during a year of office;
- 12.4 Unless decided otherwise in a meeting of members, no Committee member may serve on the Committee for more than four (4) consecutive full years of office;
- 12.5 Should a Committee member be absent without permission for three consecutive Committee meetings, such Committee member will forfeit membership of the Committee

13. COMPOSITION OF THE COMMITTEE

- 11.1 The Committee will determine which officers are required and how duties will be allocated with a view to promoting the objectives of the Club, good administration and financial management and relationships with the rest of the Mountain Club of South Africa, An incoming Committee will be guided by the previous Committee's allocation of officers and duties;
- 13.2 A Chairperson, Honorary Secretary, Honorary Treasurer and six Committee members will be appointed at the AGM by members with voting rights. Thereafter the Committee will constitute itself;
- 13.3 In exceptional circumstances the Committee may create an additional Committee position and co-opt a competent member of the Section to fill such. The term of appointment will be the same as the other Committee members until the following Annual General Meeting.

14. POWERS OF THE COMMITTEE

- 14.1 Subject to the conditions of this Constitution and the decisions of the meetings of members, the Committee will act in all aspects on behalf of the Section;
- 14.2 The Committee must compile clear, written duty descriptions for the various Committee positions and keep them up to date.

15. MEETINGS OF THE COMMITTEE

- 15.1 Committee meetings will be convened at the discretion of the Chairperson
- 15.2 Should three Committee members so request, the Chairperson must convene a Committee meeting
- 15.3 The Chairperson has an ordinary and a casting vote at all meetings of members and Committee meetings
- 15.4 If the Chairperson is absent from a meeting, the Deputy Chairperson will act in the position. If the Deputy Chairperson is also absent, the meeting will choose a chairperson.

16. SUB-COMMITTEES

The Committee is empowered to establish sub-committees to carry out specific briefs and they are empowered to act on behalf of the Section in respect of all matters that fall within the parameters of their brief. The members of sub-committees need not be Committee members of the Section, The sub-committees are subject to the conditions of this Constitution, directions of the Committee and decisions of the meetings of members.

17. MINUTES, LISTS OF MEMBERS AND INVENTORY

- 17.1 Minutes of meetings must be kept in a minute book;
- 17.2 A register of members must be kept;
- 17.3 An annual inventory of Club assets must be kept.

18. FINANCIAL YEAR

The financial year of the Section will be from 1 January to 31 December of the same year.

19 FINANCES

- 19.1. The Section may not distribute any of its profit or income to any person and will apply its funds to investments or in pursuance of the Section's objects as stated above;
- 19.2. The Treasurer will keep proper record of all financial transactions of the section.
- 19.3. Withdrawals of money may be effected under the signatures of two of three Committee members nominated by the Committee;
- 19.4. Annual financial statements must be presented at the Annual General Meeting;

- 19.5. The financial records must be compiled and certified by a competent bookkeeper annually.

20. HIKING AND CLIMBING EXPEDITIONS

- 20.1. The Committee must appoint a leader (who need not necessarily be a Committee member) for every official hike or climbing expedition;
- 20.2. The appointed leader will see to the safety and conduct of all members and guests on such hike or climbing expedition and all members and guests are required to obey the leader;
- 20.3. The appointed leader will arrange the hike or climbing expedition in such a way as to uphold the good name and spirit of the Section;
- 20.4. After every hike or climbing expedition the appointed leader must submit a short written report to the Committee, which report must include a list of members and guests who were on the expedition.

21. AMENDMENTS TO CONSTITUTION

This Constitution can be amended by a decision carried by a two-thirds majority of the members in attendance at a meeting of members, provided the proposer and seconder of such a suggested amendment had given the Secretary written notice of the proposal at least sixty days prior to the relevant meeting of members and which proposal must be sent to the members by the Secretary via e-mail, at least thirty days prior to the meeting of members.

22. DISSOLUTION

- 22.1. The Section will be dissolved by a decision of two-thirds of the total number of members taken at a meeting of members, provided that the proposer and seconder of such suggested dissolution had given the Secretary written notice of the proposal at least sixty days prior to the relevant meeting of members and provided the Secretary had e-mailed the members such proposal at least thirty days prior to the relevant meeting of members. Such notice must be accompanied by regulations regarding the submission of proxy votes;
- 22.2. Under dissolution, the meeting of members will elect two persons who will act as liquidators in respect of the assets and liabilities of the Section. The liquidators' powers and remuneration will be decided at such meeting of members;
- 22.3. The liquidators will transfer all assets not required for the settlement of debts or their own remuneration to the Cape Town Section of the Mountain Club of South Africa, being an association with similar aims to those of the Section.

23. INTERPRETATION

In interpreting this Constitution it will not only be the strict legalities that will apply but also the general rules of reasonableness and fairness as applied in the labour law milieu.

Annexure 1

**GENERAL INDEMNITY and UNDERTAKINGS by
MEMBERS OF THE
MOUNTAIN CLUB OF SOUTH AFRICA, WORCESTER
SECTION**

Binding in respect of all official and non-official excursions of the Mountain Club of South Africa, Worcester Section:

I being a member of the Mountain Club of South Africa, Worcester Section, understand fully that all forms of mountaineering have inherent danger and I accept that all excursions that I/my child join officially or unofficially, and that all transport to and from the starting point of the excursion, will be undertaken at my/my child's own risk. I undertake on behalf of myself, my executors, my spouse and my child/children/foster child/foster children to hold blameless the MCSA (Worcester Section), the leaders of any excursion aforementioned and also the drivers of any vehicle/vehicles in their personal capacities and not to hold them responsible in respect of any claim of whatsoever nature which might arise in connection with any loss, damage to property or personal injury in the course of any such excursion or during transport to or from such excursion.

Before participation in any Section excursion, I/my child undertake to:

1. Ascertain the level of fitness, stamina and mountaineering competence required for successful participation in that excursion before committing to participation therein;
2. Inform the leader(s) of the excursion of any existing/recent medical condition, physical defect or allergies, which might negatively influence the success of the excursion.
(Written in the space provided below)

During the excursion, I, my child undertake to:

1. Abide by the instructions of the person in charge of the excursion at all times.
2. Inform the leader(s) promptly of any personal physical deterioration or feelings of insecurity.

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SIGNED

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DATE