

**THE WESTERN PROVINCE RUGBY FOOTBALL  
REFEREES' SOCIETY  
CONSTITUTION**

<b>1. NAME</b>	<b>3</b>
<b>2. HEADQUARTERS</b>	<b>3</b>
<b>3. OBJECTIVES</b>	<b>4</b>
<b>4. COLOURS</b>	<b>5</b>
<b>5. AFFILIATION CREDO AND JURISTIC STATUS</b>	<b>6</b>
<b>6. JURISDICTION</b>	<b>8</b>
<b>7. MEMBERS</b>	<b>9</b>
<b>8. HONORARY LIFE PRESIDENT, LIFE VICE-PRESIDENT AND LIFE MEMBERS</b>	<b>10</b>
<b>9. SUBSCRIPTION/REGISTRATION</b>	<b>11</b>
<b>10. LOSS OF MEMBERSHIP AND RECLASSIFICATION</b>	<b>12</b>
<b>11. PRIVILEGES OF MEMBERSHIP</b>	<b>14</b>
<b>12. DUTIES OF MEMBERS</b>	<b>16</b>
<b>13. EXECUTIVE COMMITTEE</b>	<b>17</b>
<b>14. NOMINATION OF COMMITTEE</b>	<b>20</b>
<b>15. ELECTION PROCEDURE</b>	<b>22</b>
<b>16. SUB-COMMITTEES</b>	<b>24</b>
<b>17. MEETING OF COMMITTEES</b>	<b>26</b>

<b>18. ANNUAL GENERAL MEETING</b>	<b>27</b>
<b>19. SPECIAL GENERAL MEETING</b>	<b>28</b>
<b>20. OTHER MEETINGS OF THE SOCIETY</b>	<b>29</b>
<b>21. NOTICE OF MEETINGS AND PROPOSALS</b>	<b>30</b>
<b>22. PROCEDURE AT MEETINGS</b>	<b>32</b>
<b>23. FAILURE TO ATTEND MEETINGS</b>	<b>34</b>
<b>24. DUTIES AND POWERS OF COMMITTEE</b>	<b>35</b>
<b>25. FINANCE</b>	<b>40</b>
<b>26. PERFORMANCE REVIEW AND GRADING OF REFEREES</b>	<b>42</b>
<b>27. APPOINTMENTS</b>	<b>43</b>
<b>28. RULES AND INTERPRETATIONS</b>	<b>45</b>
<b>29. INTERPRETATION OF CONSTITUTION</b>	<b>46</b>
<b>30. DISCIPLINE</b>	<b>48</b>
<b>31. REVIEW OF DECISIONS</b>	<b>53</b>
<b>32. AMENDMENT OF CONSTITUTION</b>	<b>54</b>
<b>33. DISSOLUTION</b>	<b>55</b>

**1. NAME**

The Society is known as the Western Province Rugby Football Referees' Society ("the Society").

**2. HEADQUARTERS**

The headquarters of the Society are the offices of the Western Province Rugby Football Union ("the Union") at Newlands, Cape Town.

### 3. OBJECTIVES

The objectives of the Society are:

- 3.1 To foster and promote the game of rugby football in accordance with the laws of the game as formulated by World Rugby;
- 3.2 To appoint referees for such matches as the Committee may consider advisable;
- 3.3 To promote the image of the Society and of referees and to develop and encourage interest in refereeing;
- 3.4 To strive for the highest possible standard of refereeing by encouraging a careful study of the laws of the game, by promoting interest in discussions and deliberations about the laws, by setting exams for members and by the regular review and training of referees;
- 3.5 To obtain uniformity in the interpretation of the laws within the Union's area of jurisdiction as defined in clause 6 and to encourage the observance of the laws;
- 3.6 To arrange and promote contact with other referees' societies;
- 3.7 To procure that its best referees and officials are appointed to committees and panels of the South African Rugby Union ("SARU") and South African Rugby Referees' Association ("SARRA");
- 3.8 To provide facilities at Newlands for use by its members, for rugby refereeing and related matters;
- 3.9 To arrange activities aimed at promoting goodwill and co-operation amongst its members;
- 3.10 In general to protect the interests of members of the Society and to do all such other things as are incidental or conducive to the attainment or promotion of the above objects.

## 4. COLOURS

The colours of the Society are:

### Sporting Attire

4.1. The uniform in which the Society's referees officiate consists of a rugby jersey, black shorts and black socks with turnovers of royal blue, sky blue, maroon and white. In addition, referees may wear a tracksuit or windbreaker of a design prescribed by the Committee from time to time, when officiating as touch judges or in poor weather conditions.

### Tie

4.2. A tie maybe worn by members of the Society consisting of the primary colours of the Union being Royal Blue, Red and White, including the emblem or badge of the Union or the Society. Any Society tie must be approved by the Committee before it is distributed for wear by members.

### Badge

4.3. The badge will be a red disa (D. Grandiflora, Uniflora) with the words "WP Rugby Referees" immediately below.

## 5. AFFILIATION CREDO AND JURISTIC STATUS

- 5.1. The Society is affiliated to the Union and must remain so affiliated.
- 5.2. The Society accepts and is and will continue to be bound by decisions of World Rugby, SARU and the Union, and the rules relating to amateurism. Furthermore, this Constitution is subject to the constitutions of each of the above bodies, as well as rules and regulations promulgated in terms of such constitutions and any decision of any of the abovementioned institutions, and this constitution is void to the extent that it conflicts with any such constitution rules, regulation or decisions.
- 5.3. Notwithstanding the above, the Society is a corporate body with its own juristic status, independent of its members and office bearers and it is the lawful owner of its assets. The Society acts in its own name when it is involved in litigation, or when it acquires assets or undertakes liabilities, and in general when dealing with its affairs.
- 5.4. The credo of the Society is non-racialism in sport and its related activities. No member shall be discriminated against on the basis of colour, creed, or gender.
- 5.5. The Society is non-profit making. The Society may not carry on any business undertaking or trading activity other than:
  - 5.5.1. the purchase of refereeing clothing and equipment and the resale thereof;
  - 5.5.2. the conduct of the Society's bar in its clubhouse and the committee room; and
  - 5.5.3. that which arises from a trading activity which is an integral part of the Society's operations

and then only provided the gross income is intended for and utilized to cover any of the Society's costs and for the development of referees.

- 5.6. No member or office bearer shall have any right to the property or other assets of the Society. No part of the Society's income or property shall be distributed to any person except only as reasonable compensation for services rendered to the Society and then only by resolution of the Committee and in the course of its public benefit activities.
- 5.7. No member shall be liable for any of the obligations of the Society, nor for any act or omission by any office bearer of the Society. No office bearer shall be personally liable for any loss suffered by any person as a result of any act or omission that occurs in good faith while the office bearer is performing a function for or on behalf of the Society.

## **6. JURISDICTION**

- 6.1. All members of the Society are bound by the provisions of this Constitution whether or not they have received a copy thereof.
- 6.2. The area of jurisdiction of the Society is always identical to that of the Union. However, the Society retains jurisdiction over the behaviour of its members outside the Union's borders.



## 7. MEMBERS

7.1. Any person who is prepared to promote the objects of the Society may become a member, provided that a person who is registered as an active rugby player at a rugby club may not be a member.

7.1.1. Notwithstanding clause 7.1, an exception will be made for bona fide students and scholars, some of whom may still be playing rugby (schools or club), to become members of the Society, subject to the provision that for matches within the jurisdiction of the Society, such members may only referee schools and age-group club rugby, and should recuse themselves where there is a conflict of interests. Such members will be referred to as Junior Referee Society Members.

7.2. The Society consists of the following members:

7.2.1. Honorary life members;

7.2.2. Referees, being members who have advised the committee that they wish to officiate as referees in league and/or school matches.

7.2.3. Non-active members, being members who have advised the Committee that they do not wish to officiate as referees in league or school matches, and members who have been reclassified in terms of paragraphs 23.4 or 26.

7.3. Subject to paragraph 10.3.2, a member who is or becomes permanently resident outside the Union's borders may only be and remain classified as a referee, with the permission of the provincial Union or other controlling body having jurisdiction at the member's place of residence.

## **8. HONORARY LIFE PRESIDENT, LIFE VICE-PRESIDENT AND LIFE MEMBERS**

- 8.1. Any person may be elected an honorary life member of the Society.
- 8.2. An honorary life member shall be elected as follows:
  - 8.2.1. They may be proposed only by the Committee which must unanimously resolve to propose him.
    - 8.2.1.1. Any member wishing to propose a person for honorary life membership of the Society must address their proposal to a member of the Committee for proposal in terms of 8.2.1.
  - 8.2.2. The proposal by the Committee may only be made at an Annual General Meeting (“AGM”) or Special General Meeting (“SGM”). Notice of such proposal must be posted to every member together with the notice of the AGM or SGM at which the proposal will be made.
  - 8.2.3. The proposal must be supported by two thirds of the members entitled to vote who are present at the AGM or SGM.
  - 8.2.4. The proposal may be made only by reason of such person's commendable services to rugby football and the Society.
- 8.3. An honorary life member may be elected honorary life president or honorary life vice-president of the Society.
- 8.4. The election of a person for honorary life president or vice-president shall *mutatis mutandis* be as per clause 8.2 read together with 8.5.
- 8.5. The proposal may be made only as a result of the honorary life member's exceptional service over a long period of time to rugby football and the Society.

## **9. SUBSCRIPTION/REGISTRATION**

- 9.1. The annual membership subscriptions (“subscription”) shall be fixed from time to time by the Committee, who shall notify the members thereof in writing. The members may amend any decision of the Committee pertaining to the subscription at the AGM, or a SGM called for that purpose, by way of a vote in which no less than 75% of those present and entitled to vote assent to the amendment.
- 9.2. The annual subscription covers the period from November of the year to October of the following year and becomes due and payable January of each year. If no subscription is fixed by a particular committee, the subscription shall remain the same as in the previous year.
- 9.3. A candidate for membership shall pay their first subscription together with their application for membership. Their application for membership shall not be processed until their first subscription has been paid.
- 9.4. Existing members shall pay their subscription at or before the AGM.
- 9.5. A member who has not paid his subscription by 31 March of any year shall be requested in writing to do so. Such request shall be by notice sent to the member's last address known to the Society.
- 9.6. Notwithstanding the provisions of paragraph 30.4 a member who has not paid their subscription by 31 March of any year shall automatically lose his membership. Thereby the member shall lose all the benefits of membership but he shall remain liable for any subscription and other monies owing by him to the Society.

## 10. LOSS OF MEMBERSHIP AND RECLASSIFICATION

### Referees and Non-active Members

- 10.1. A referee or non-active member shall cease to be a member of the Society if they:
- 10.1.1. resign as a member.
  - 10.1.2. fail to pay the subscription required on or before 31 March in any year.
  - 10.1.3. are permanently suspended from the Society by the Committee.
  - 10.1.4. are permanently suspended by the Union.

### Honorary Life Member

- 10.2. An honorary life member shall cease to be a member of the Society if they:
- 10.2.1. resign as a member
  - 10.2.2. are permanently suspended from the Society by the Committee.
  - 10.2.3. are permanently suspended by the Union.

### Referees

- 10.3. A referee shall cease to be a referee and shall be reclassified as a non-active member if they:
- 10.3.1. give the Society notice in writing that they no longer wish to officiate in league or school matches within the Society's area of jurisdiction.
  - 10.3.2. cease to reside within the Union's borders, unless they so cease during a rugby season, in which event they

shall be reclassified at the end of such season. Permission to continue as an active referee must be obtained per clause 7.3 should a referee wish to remain active and reside outside of the Union's borders.

- 10.3.3. are reclassified by the Committee in terms of paragraph 26.3
- 10.3.4. are or become attached to or involved with a rugby club in the jurisdiction of the Society in any representative position or capacity.

## 11. PRIVILEGES OF MEMBERSHIP

### General

- 11.1. All members, except a suspended member, shall enjoy the following privileges:
- 11.1.1. The right, subject to the clubhouse rules, to use the clubhouse in the main stand at Newlands.
  - 11.1.2. The right to attend any General Meeting or Regional Meeting of the Society. No member may attend any committee meeting unless he is an elected member of the relevant committee, or has been invited or summoned to the meeting.
  - 11.1.3. Subject to the provisions of clause4, the right to wear the Society's colours.
  - 11.1.4. On payment of all outstanding subscriptions, the right to obtain a copy of this constitution, free of charge and upon request from the Society, and the right to purchase items of clothing and equipment from the Society.

### Voting Rights

- 11.2. Each member of the Society shall have a vote at any general or regional meeting of the Society, and any meeting of a committee of which they are a member, except:
- 11.2.1. members attending a monthly or regional meeting who have not yet paid their subscriptions for the current year;
  - 11.2.2. suspended members;
  - 11.2.3. Junior Referee Society Members, as mentioned in clause7.1.1 above; and
  - 11.2.4. members who have been members of the Society for less than six months.

- 11.3. The Chairperson of any meeting shall have a casting vote in addition to their ordinary vote.
- 11.4. Except where otherwise stated in this constitution, decisions at a meeting of the Society shall be taken by simple majority. No vote may be cast by proxy. No ballot paper for the election of any members of the Committee or the Performance Review Subcommittee shall be invalid merely because the voter votes for fewer candidates than there are vacancies.

## **12. DUTIES OF MEMBERS**

12.1. The following is expected of each member:

12.1.1. Support of the Society and his colleagues in the pursuit of the Society's objectives.

12.1.2. Avoidance of open criticism of his colleagues and particularly the performance of a fellow member in any match.

12.2. The following is expected of each referee:

12.2.1. Attendance as regularly as possible at the Society's meetings.

12.2.2. Submission to such theoretical or practical exams or fitness tests as the Committee may deem necessary.



### 13. EXECUTIVE COMMITTEE

13.1. The Society shall be governed and controlled by a Committee, the members of which shall all be non-active, senior members (that is: no active, or junior member shall be eligible to serve as a Committee member) of the Society, entitled to vote, and which shall consist of the following officials:

Chairperson, Vice Chairperson, five additional members, a Referees' Representative and the Manager Referees(non-voting).

With the exception of the Referees' Representative and the Manager Referees, the election of all other Committee members shall be in accordance with clause 14.1.3 below, and the sub-clauses applicable thereto.

With the exception of the Referees' Representative who shall be elected annually at the Annual General Meeting, the term of office of the Committee shall be three years (i.e. from the dissolution of the Annual General Meeting at which the Committee were elected until the commencement of the third Annual General Meeting following that at which the Committee was elected).

#### Termination of Office

13.2. A member of the Committee, or Performance Review Committee may be removed from office by a vote of not less than two-thirds of those present and entitled to vote at a monthly meeting of the Society, in the following circumstances:

13.2.1. at the AGM after he reaches the age of 70 years;

13.2.2. when he is declared insolvent, insane or incapable of handling his own affairs by a court;

13.2.3. should he undermine the authority of the Society in any way whatsoever;

- 13.2.4. should he refuse and/or fail to carry out his duties in a manner which can reasonably be expected of him and such refusal and/or failure continues for seven days after such Committee member has received written notice requiring him to carry out the said duties:
- 13.2.5. should he not diligently comply with any provisions of the Constitution, Bye-Laws, Regulations or Rules of the Society, and such non-compliance continues for seven days after such Committee member has received written notification from the Society to so comply;
- 13.2.6. if he is removed from an office of trust on account of misconduct; or
- 13.2.7. if he has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act 6 of 1958, or any offence involving dishonesty and sentenced to imprisonment without the option of a fine or to a fine exceeding one hundred rand.

#### Vacancies in the Committee and Performance Review Committee

- 13.3. Any vacancy on the Committee or Performance Review Committee occurring between AGMs, shall be filled by the Society at a general meeting of the members specially convened for that purpose. The meeting at which such vacancy is filled shall not be the same meeting at which a member of the Committee or Performance Review Committee is removed from office.

#### Referees' Representative

- 13.4. At each AGM the active referees present and entitled to vote shall elect a Referees' Representative to serve on the Committee. The provisions of the Constitution relating to nomination of candidates for election to the Committee and relating to election of the Referees' Representative shall apply, with the necessary

changes to the term of service by the Referees' Representative. Should a Referees' Representative not be elected at the AGM for any reason whatsoever, the members may act in accordance with sections 13.3;14 and 15 of this Constitution to fill such a vacancy. There will be no obligation on the members to have a Referees' Representative, suffice that if they choose to fill the vacancy at any time they must do so in accordance with this Constitution.

13.4.1. Only active members, or a non-active member that has become non-active within the previous two years, are eligible as the Referees' Representative.

13.4.2. The Referees' Representative will be a full member of the Committee, and will not be a member of any Subcommittee. The Referees' Representative will have access to subcommittee meetings and any information necessary to perform fully their task as the Referees' Representative.

13.4.3. Removal of the Referees' Representative from their position on the Committee will be as per the removal of any other Committee member in section 13.2 of this Constitution, except with the necessary changes to the term of service by the Referees' Representative.

13.5. Persons wishing to stand for election to the Executive Committee must have refereed for a minimum of two years, and have refereed actively or served the Society in some other way for the two years preceding their nomination in order to be eligible to stand for election.

## 14. NOMINATION OF COMMITTEE

14.1. Nomination of candidates for election to the Committee takes place as follows:

14.1.1. Unless disqualified in terms hereof, or unless he has declared himself ineligible for re-election every member of the Committee except for a co-opted member is automatically nominated for re-election. Incumbent Committee members shall be required to sign off on the applicable portfolio description(s), as per 14.1.3.1, in order to be eligible for re-election.

If no other written nomination is received in respect of one or more of the above-mentioned offices, the person then occupying such office is deemed to have been re-elected.

14.1.2. In order to make themselves ineligible for re-election in a particular year, a committee member must advise the Manager in writing on or before last Committee meeting prior to the AGM, or no less than twenty eight (28) days prior to the AGM. Such committee member remains in office until the end of the subsequent AGM.

14.1.3. A nomination as a candidate for election to the Committee shall be in writing, must be signed by a proposer, a seconder, and the candidate himself, and must reach the Manager not less than seven days before the date of the AGM.

14.1.3.1. A candidate, including those for the positions of Chairperson or Vice-Chairperson, must specify the portfolio for which they intend assuming responsibility should they be elected to the Committee. A candidate's intention to accept responsibility for the portfolio shall be evidenced by their signing off on the applicable portfolio's description (found in the Society's "Systems and Procedures Operating

Manual”). A nomination without the aforesaid indication of intention shall be deemed to be incomplete.

14.1.3.2. A member may be nominated for more than one portfolio, but may only be elected to one portfolio.

14.1.4. Upon receipt of the aforesaid nominations the Manager of the Society shall forthwith circulate such nominations to all persons entitled to notice of the meeting in question.

## 15. ELECTION PROCEDURE

- 15.1. For the purpose of conducting any election of Committee members or bye-election, the Committee must appoint an electoral officer who may not be a member of the Society. Furthermore, the Committee must appoint so many other persons as it deems necessary to form an Electoral Subcommittee to assist the electoral officer. No member who is a candidate for office or serving member of the Committee may be a member of the Electoral Subcommittee.
- 15.2. Ballot papers in any election or bye-election must be issued to persons wishing to vote only against payment or proof of payment by that person of their subscription. No ballot paper may be issued to a person not entitled to vote.
- 15.3. If there are more than two candidates in any round of voting for the office of Chairperson or Vice-Chairperson, the candidate who polls the highest number of votes in that round shall not be declared elected unless the number of votes cast for him is one more than the 50% of the total number of votes cast in that round. If the candidate is not thus elected, the candidate who polled the least number of votes in that round shall be eliminated and a further round or rounds of voting held until:
  - 15.3.1. a candidate polls 50% of the votes cast in a round; or
  - 15.3.2. one candidate gains more votes than the other in a round in which there are only two candidates remaining.
- 15.4. If there are more than two candidates for any particular portfolio in the first round of the election of any additional Committee members, the candidate who polls the highest number of votes in that round shall not be declared elected unless the number of votes cast for him is one more than the 50% of the total number of votes cast in that round.
  - 15.4.1. If, at the end of the first round of voting no candidate is elected, the candidate who polled the lowest number of votes shall be eliminated. The remaining candidates not

declared elected shall go forward to the second round of voting.

15.4.2. In the second round of voting, the candidate/s elected shall be they who poll the highest number of votes.

15.5. In any election for any position on the Committee the Electoral Officer must supervise the counting of votes, must certify the number of votes obtained by each candidate in each round, and must thereafter:

15.5.1. hand his certificate to the Chairperson who must report the result of each round of the election to the meeting, together with the number of votes polled by each candidate including candidates not elected; and

15.5.2. hand the ballot papers to the Manager who must keep such ballot papers in safekeeping until the period for protest expires or any protest is dealt with.

15.6. Any member aggrieved by the result of an election, may lodge a written protest with the Manager within seven days after the date of the election together with his protest fee, which will be equal to the Union's appeal fee. In the absence of such protest, all members shall be deemed conclusively to have accepted the result of the election.

15.6.1. If a protest is lodged, the Manager must refer the ballot papers to the Society's auditors within seven days after receipt of the protest. The decision of the auditors, who shall act as experts and not as arbitrators, shall be final and binding on the parties. If the decision of the auditors is to uphold the result of the election, the protest fee shall be forfeited to the Society. If the decision of the auditors is to uphold the protest, and, as a result, the composition of the Committee is altered, the protest fee must be refunded to the member. In either case, the auditor's fees must be borne by the Society.

## 16. SUB-COMMITTEES

- 16.1. The Committee may appoint such sub-committees as it deems fit, each of which shall consist of at least two persons apart from the Chairperson (of the Society); provided that, other than the Chairperson, Manager Referees and the convenor of the sub-committee elected by the Society, the members of the Performance Review Sub-committee shall be elected as provided in clause 16.3.
- 16.2. The Chairperson of the Society and Manager Referees (non-voting) are *ex officio* members of all sub-committees. The Chairperson of each sub-committee must be a member of the Committee as voted for by the Society. Only members of the Society may serve on sub-committees.
- 16.3. At every Annual General Meeting at which a new Executive Committee is elected, the members present and entitled to vote shall elect seven members, who shall not be active referees, nor junior members, to serve with the Chairperson of the Society, Manager Referees and the convenor as the Performance Review Sub-committee.
- 16.4. The provisions relating to nomination of candidates for election to the Committee and relating to election of additional committee members shall apply with the necessary changes to the election of the members of the Performance Review Sub-committee.
- 16.5. The names of members of all sub-committees, excluding *ad hoc* sub-committees, shall be advised to members of the Society by circular.
- 16.6. Except for the Performance Review Sub-committee, the Committee shall have the power to make such amendments to the membership of a subcommittee as it deems fit, including the power to remove a member of a sub-committee from office. The membership of the Performance Review Committee shall be amended in accordance with sections 13.2, 13.3 and 16.2 of this Constitution.



16.7. All sub-committees shall cease to exist on the dissolution of the Committee.

## **17. MEETING OF COMMITTEES**

- 17.1. The Committee shall meet regularly and a verbal and written report of the activities and decisions of the Committee shall be presented to each general meeting of the society contemplated in paragraph 20.1 by the convenor thereof.
- 17.2. Sub-committees shall meet regularly and a verbal or written report shall be presented to the next following committee meeting, by the convenor of each sub-committee meeting.
- 17.3. A meeting of the Committee or a sub-committee shall be held when called by the Chairperson or convenor thereof, or when at least three other members of the relevant committee request the Chairperson or convenor call such a meeting, provided that the Committee may require that the convenor of a sub-committee convene a meeting of his sub-committee within a period fixed by the Committee.

## **18. ANNUAL GENERAL MEETING**

- 18.1. The AGM of the Society shall be held at Newlands, or if Newlands shall be unavailable, at such other place as the Committee may decide, after the end of each rugby season but not later than 30 November.
- 18.2. At the AGM, the following business shall be dealt with.
  - 18.2.1. Approval of the minutes of the previous AGM;
  - 18.2.2. Approval of the minutes of any SGM held since the previous AGM.
  - 18.2.3. Consideration of any matters arising from the above-mentioned minutes;
  - 18.2.4. Tabling of the report of the Chairperson in respect of the previous season and consideration thereof as well as consideration of matters arising therefrom;
  - 18.2.5. Appointment of auditors;
  - 18.2.6. Determination of the subscription;
  - 18.2.7. Election of Committee members and the Performance review Sub-committee members;
  - 18.2.8. Consideration of any proposals of which due notice had been given;
- 18.3. The financial statements and financial reports for the period 1st January to 31st December of the same year shall be tabled for consideration at the first monthly meeting of the members after such statements and reports are delivered to the Society.

## **19. SPECIAL GENERAL MEETING**

- 19.1. The Committee may convene a SGM at any time and shall convene such meeting if a request for such a meeting is received by the Manager. Such request shall be in writing, shall be signed by not less than ten percent of members of the Society entitled to vote, and shall clearly specify the business to be dealt with at the meeting.
- 19.2. If the Committee has not given notice of a SGM within ten days after receipt by the Manager of a notice in due form, the meeting may be convened by the persons who signed the request, or by some of them.
- 19.3. No business shall be discussed or conducted at a SGM other than such business as appears on the agenda.

## **20. OTHER MEETINGS OF THE SOCIETY**

### **20.1. Monthly Meetings of the Society**

20.1.1. The Committee shall convene not fewer than five Monthly Meetings of the Society during the period February to and including September in each year. The general meeting at which the annual examination for all members is written shall not be considered to be a Monthly Meeting, notwithstanding the fact that other business may be dealt with at such a meeting. The meetings shall be held on such dates and at such places within the area of jurisdiction of the Union as the Committee may determine.

### **20.2. Regional Meetings**

For the purpose of this paragraph, the Committee may divide the Union's area of jurisdiction into so many regions as it deems fit.

20.2.1. The Committee may then convene as many meetings of the Society within each region and at such times and at such places as it deems fit. Such meetings shall be open to all members of the Society whether or not they reside or work within the region.

20.2.2. The Chairperson of each such regional meeting shall be approved by the Committee. Any business of the Society may be discussed at a regional meeting, but no resolution taken at any such meeting shall be binding on members of the Society not present at such meeting nor on the Society as a whole, and neither the Chairperson of such meeting nor the meeting itself shall make any rulings as to the interpretation of the laws. Minutes of the proceedings and attendance register at any such meeting shall be taken and furnished to the manager as soon as possible after such meeting, but in any event before the next such meeting for that region.

## **21. NOTICE OF MEETINGS AND PROPOSALS**

21.1. Notice of the Annual General Meeting and of any Special General Meeting shall be posted by the Manager Referees to all members at least 28(twenty eight) days before the date of the meeting. Such notice shall contain at least the following:

21.1.1. Particulars of the place, date and the time of the meeting, and

21.1.2. the agenda; and

21.1.3. the last date for the receipt by the Manager Referees of written nominations of candidates for election to the Committee.

21.2. The Committee shall as soon as possible after its election determine the dates and places when and where meetings will be held during the course of the following rugby season and post or email particulars to members from time to time. Details of more than one meeting may be sent in any one notice but such notice shall be posted or emailed to members of the Society at least fourteen days before the date of any meeting referred to therein.

21.3. Notice of any committee meeting shall be transmitted by the Manager Referees to all Committee members at least three clear days before the date of the meeting.

21.4. The mere fact that a member or members of the Society did not receive notice of a meeting shall not invalidate any decision taken at such meeting.

21.5. If a member wishes to propose a motion at any Annual General Meeting or a Special General Meeting or a Monthly Meeting they shall give prior notice of the motion to the Manager Referees. Such notice shall set out the motion clearly, shall contain the names of the proposer and seconder and a summary of the motivation thereof, and it shall reach the Manager at least twenty-one days before the date of the meeting at which the motion will be discussed. The Manager shall then post or email a

notice of the motion to all members of the Society at least fourteen days before the date of the meeting.

## 22. PROCEDURE AT MEETINGS

- 22.1. The quorum for an Annual General Meeting, an Extraordinary General Meeting, or a Monthly Meeting shall be fifty members entitled to vote and present in person at the meeting. There shall be no quorum for a regional meeting or subcommittee meeting.
- 22.2. The quorum for a meeting of the Committee shall be 50% of its members entitled to vote plus one, or where 50% does not represent a round number, the first round number above such 50%.
- 22.3. If a quorum is not present at any meeting of the Society of the Committee within fifteen minutes after the appointed time of the meeting, matters shall be dealt with as follows:
  - 22.3.1. An Annual General Meeting and a Committee meeting shall be postponed to the same time on the same day in the next following week and at the same place. At the postponed meeting, members present at the appointed time of the meeting, shall constitute a quorum.
  - 22.3.2. A Special General Meeting and a Monthly Meeting without the sufficient quorum of members present shall lapse.
- 22.4. Notwithstanding 22.3, the Committee shall have the power to postpone a meeting at which an examination is to be conducted if the attendance at the meeting is so poor that continuance of the meeting would result in a considerable number of referees not submitting to the examination.
- 22.5. A resolution in writing signed by all members of the Committee shall be as valid and effectual as a resolution duly passed at a Committee meeting and shall be effective from the last date of signature unless otherwise stated therein.
- 22.6. The Chairperson of the Society, and in his absence the Vice Chairperson, shall act as Chairperson at all meetings of the Society, provided that the chairperson of each regional meeting



shall be appointed by the Chairperson. If both the abovementioned officials are absent, the members present shall elect a chairperson from amongst their number.

## 23. FAILURE TO ATTEND MEETINGS

- 23.1. A member of the Committee who is absent from three consecutive meetings of the Committee without the Committee's permission, shall automatically cease to be a member of the Committee. Members shall be informed about the matter by publication of the name of the suspended Committee member in a circular to members or verbally at a Monthly Meeting. Such publication shall also indicate whether another member has been co-opted in the suspended member's place and, if so, the name of such committee member.
- 23.2. A member of the Committee who is absent from three consecutive meetings of the Committee with the Committee's permission, shall have his position on the Committee reviewed.
- 23.3. The Chairperson's annual report shall indicate the number of committee meetings held during the Committee's term of office, and the number of meetings attended by each committee member.
- 23.4. A referee who is absent from all the Society's Monthly and regional meetings in one season without the permission of the Committee or who neglects for three consecutive years to sit for the yearly written examination without the permission of the Committee, shall automatically be reclassified as a non-active member and shall not officiate as a referee before he has appeared before the Committee to explain his neglect and unless the Committee has reinstated him to his classification as a referee.

## **24. DUTIES AND POWERS OF COMMITTEE**

24.1. Control of the Society vests in the Committee which shall control and manage the Society and carry out its duties in general in such a way that the Society functions properly, and which shall carry out the following particular duties:

24.1.1. The Committee shall appoint such sub-committees as they deem fit, as per 16.1 above.

24.1.2. The Committee shall maintain organization and discipline in the Society, and where necessary to do so, promulgate bye-laws.

24.1.3. The Committee shall keep a proper record of its dealings.

24.1.4. The Committee shall control the Society's finances and shall ensure that such books of account as the Committee in consultation with the Society's auditors deem necessary, are kept, and that financial statements from 1st January to 31st December of the same year are drawn up, audited and submitted to the next following Annual General Meeting or a Monthly Meeting as provided in paragraph 19.3

24.1.5. The Committee shall appoint referees for such matches as the Committee may consider advisable.

24.1.6. The Committee shall, through its Chairperson, compile a written report in respect of each season which shall be handed to members at the AGM.

24.2. The Committee shall have the power to do anything which could be done by the Society itself, except such matters as are specifically reserved in this Constitution as the prerogative of a Monthly Meeting of members. In addition to the general powers entrusted to the Committee hereby, and without in any way restricting such powers, the Committee shall have the following powers:

- 24.2.1. To make bye-laws for the efficient functioning of the Society provided such bye-laws do not conflict with this Constitution.
- 24.2.2. To raise funds in such manner, including by entering into sponsorship agreements, as the Committee deems fit and to invest such funds in a registered financial institution as defined in section 1 of the Financial Institutions (Investment of Funds) Act 39 of 1984.
- 24.2.3. To give receipts for monies paid to the Society. Such receipts shall be issued from a valid receipt book only by the person appointed by the Committee to do so. All receipts must be handed over to the person from whom the money was received.
- 24.2.4. Subject to 5.5, to purchase all types of equipment and stocks which may be needed by members of the Society and to resell them to members only, provided no profit arising from any sale by the Society accrues to any individual.
- 24.2.5. To grant a member permission in its sole discretion, to wear the Society's badge notwithstanding that such member does not qualify to wear the badge in terms of paragraph 4.6.
- 24.2.6. To institute, conduct, defend, settle or abandon legal proceedings by or against the Society or its officials in any matter relating to the Society.
- 24.2.7. To appoint sub-committees for the advancement of any of the purposes of the Society and to fill vacancies on such sub-committees.
- 24.2.8. To delegate any of its powers or duties to such subcommittee provided that:

- 24.2.8.1. No sub-committee shall have executive powers on behalf of the Society;
- 24.2.8.2. The Committee may not abandon its authority to reverse the decision of a sub-committee.
- 24.2.9. To enquire into any complaint received by the Committee about any member, and if thought fit, to refer such complaint to the Disciplinary Committee, to take such disciplinary action against such member as the Disciplinary Committee may recommend, and to hear any appeal against a decision of the Disciplinary Committee.
- 24.2.10. To require referees to undertake theoretical and/or practical examinations including fitness tests, in the Committee's discretion.
- 24.2.11. To decide about the qualifications and abilities of referees and to grade referees in different divisions to amend such grades from time to time, and, where necessary, to reclassify a referee as a non-active member.
- 24.2.12. To recommend the name or names of persons to be appointed Honorary Life members of the Society as a result of commendable service to rugby football.
- 24.2.13. To recommend the name or names of persons to be appointed Honorary Life Presidents of the Society as a result of exceptional service to rugby football and to the Society over a long period of time.
- 24.2.14. To make a merit award to a member of the Society who:
- 24.2.14.1. has served as a member of the Committee for, the number of years as determined by the Union, and set out in their Constitution from time to time; or

24.2.14.2.has taken charge of five or more matches in the senior competitions of SARU being Currie Cup or Vodacom Cup, International matches (World Rugby), and / or SANZAR rugby competitions;

which award shall be in the form of a blazer conforming to the style and colour as approved by the Union's Executive Committee.

24.2.15. To make a merit award to a member of the Society who:

24.2.15.1.has been appointed an honorary life member;  
or

24.2.15.2.in the opinion of the Committee has rendered meritorious service to the Society over a long period of time; or

24.2.15.3.has taken charge of two or more matches in the senior competitions of SARU being Currie Cup or Vodacom Cup, International matches (World Rugby), and / or SANZAR rugby competitions.

which award shall be in the form of a merit tie conforming to the style and colour as approved by the Committee.

24.2.16. To delegate one or more of its members to represent the Society at the AGM of SARRA.

24.2.17. To delegate one or more of its members to represent the Society on the General Council of the Union.

24.2.18. To delegate one or more of its members to represent the Society on any committee of SARRA or of the Union.

- 24.2.19. Through the Union, to refer aspects of the laws for interpretation to SARRA and to inform SARU of the Committee's interpretation of the laws.
- 24.2.20. To formulate proposed amendments to the laws and to submit such proposals to the SARU for consideration.
- 24.2.21. To organise such functions as the Committee may deem desirable in order to encourage goodwill amongst its members.

## 25. FINANCE

- 25.1. The Committee shall maintain such banking and investment accounts at financial institutions as it deems necessary.
- 25.2. All funds which the Society receives shall be deposited in such account or accounts within seven days of receipt thereof.
- 25.3. All payments by the Society shall be by way of cheque / electronic banking which shall be signed or authorised by two Committee members appointed for the purpose by the Committee, or by one Committee member appointed therefore and the Manager of Referees.
- 25.4. The Treasurer shall keep true accounts of all receipts, payments, assets and liabilities of the Society and of all other matters necessary to reflect accurately the financial position of the Society, and shall report in writing at each monthly committee meeting as to the state of the Society's finances.
- 25.5. No funds of the Society may be utilized other than for the fulfillment of the objects for which it has been established. Subject to this, the Committee may use such funds as it deems fit provided that, notwithstanding any provision to the contrary herein, the Committee may not incur a liability of more than R15,000.00 (Fifteen Thousand Rand) without the prior consent of a Monthly Meeting of members, and such consent may be given only in respect of a specific case and not in general. Any surplus funds not required for the fulfillment of the Society's objects must be invested in a registered financial institution as defined in section 1 of the Financial Institutions (Investment of Funds) Act 39 of 1984.
- 25.6. Notwithstanding anything to the contrary in this Constitution, the Society may not accept a donation which is revocable at the instance of the donor or which could enable the donor or any connected person (as defined in the Income Tax Act 58 of 1962) in relation to such donor, to derive some direct or indirect benefit from the application of such donation.



25.7. The Society's financial year shall run from 1<sup>st</sup>January to 31<sup>st</sup>December of the same year.

## **26. PERFORMANCE REVIEW AND GRADING OF REFEREES**

- 26.1. Grading of referees is the responsibility of the Committee which shall act on the recommendations of the Performance Review Subcommittee (in this paragraph referred to as "the Subcommittee"). The Committee shall not be obliged to give effect to a recommendation of the Sub-committee, and may not give effect to a recommendation to promote a referee while that referee's subscription remains unpaid.
- 26.2. Performance Reviewing shall occur with the assistance of Performance Reviewers, Coaches, Committee members, and SARRA members. This Sub-committee shall base its recommendation on reports received, in conjunction with the Grading Structure.
- 26.3. If the Committee is of the opinion that a referee's knowledge of the laws and/or their physical abilities, performance in fitness tests, attendance of the examinations, meetings and training courses is such that it is not desirable that they should officiate further as a referee, the Committee may reclassify them as a non-active member.
- 26.4. A referee may not be reclassified in terms of paragraph 26.3 unless they have been given the opportunity to appear before the Committee or a sub-committee appointed for the purpose of reclassifying referees.
- 26.5. After the expiry of one month from their reclassification, a member who has been reclassified in terms of paragraph 26.3 may ask to undertake a test of their knowledge of the laws or their fitness as the case may be. If they pass the test, the Committee shall immediately reclassify the referee as an active referee, provided the referee satisfies the Constitution's other requirements for being an active referee.

## 27. APPOINTMENTS

- 27.1. Appointment of referees is the responsibility of the Committee. The Committee may, however, delegate to the Appointments Sub-committee the power to appoint referees for any matches. In appointing referees to matches, the Appointments Sub-committee may use a computer program to make the appointments. The Appointments Sub-committee may choose to make some of the appointments manually (by hand) from time to time. In the event of an emergency an appointment may be made by the Chairperson of the Appointments Sub-committee, and, failing them, by the match secretary, or any performance reviewer, coach or the most senior referee present; provided that no person shall be appointed who is not a member of the Society.
- 27.2. Where no referee is appointed, or the appointed referee does not arrive for a fixture, or the appointed referee is unable to complete a fixture, the following will apply:
- 27.2.1. An official will make an emergency appointment as set out in 27.1; failing which
- 27.2.2. The next most senior referee present at the venue will assume responsibility as the referee match official; should no referee be available to officiate, the teams may follow the procedures as set out in the laws of the game in electing their own referee.
- 27.3. Except with prior consent of the Committee which may be given only because of employment circumstances or in exceptional circumstances, no referee may refuse to officiate in a class or series of matches. Furthermore, the Committee may require a referee to officiate in any match irrespective of his grading. If he neglects or refuses to do so, the provisions of paragraph 30 shall apply notwithstanding that such referee may not deliberately have failed to officiate.
- 27.4. No referee shall officiate in a match or in a series of matches if the Committee has informed the Union or other organising body

responsible for such match or matches, that the Society declines to appoint officials for such match or matches.

## **28. RULES AND INTERPRETATIONS**

28.1. The Society shall apply the laws of the game of rugby football accepted from time to time by World Rugby. Furthermore, the Society shall apply any laws in conjunction with such interpretations, if any, as may have been accepted from time to time by SARU or the Union.

## 29. INTERPRETATION OF CONSTITUTION

- 29.1. Clause headings are for convenience only and shall not be used in its interpretation.
- 29.2. Unless the context clearly indicates a contrary intention:
- 29.2.1. An expression which denotes any gender includes the other gender, a natural person includes an artificial person and vice versa and the singular includes the plural and vice versa;
- 29.2.2. The following expressions bear the meanings assigned to them below and related expressions bear corresponding meanings:
- 29.2.2.1. “By-Laws” means the By-Laws of the Western Province Rugby Football Referees’ Society
- 29.2.2.2. “Committee” means the Executive Committee of the Society.
- 29.2.2.3. “day/s” means calendar day/s, except where an alternative is expressly stipulated.
- 29.2.2.4. “General meeting” means the monthly meetings of the Society as referred to in clause 20.1.
- 29.2.2.5. “Manager” means the Manager of the Western Province Rugby Football Referees’ Society.
- 29.2.2.6. “Society” means the Western Province Rugby Football Referees’ Society.
- 29.2.2.7. “Union” means the Western Province Rugby Football Union.

- 29.3. Any term or provision of this Constitution which is inconsistent with the Union's, SARU's or SARRA's Constitutions shall be considered invalid to the extent of the inconsistency.
- 29.4. In the event of doubt as to the meaning of any portion of this Constitution or any by-law, the Chairperson's interpretation shall be final and binding on all members provided that it shall be subject to review and rescission, as contemplated in paragraph 31, mutatis mutandis.

## 30. DISCIPLINE

- 30.1. If the Committee or the Chairperson considers that any member has deliberately contravened any provision of this Constitution or any rules made thereunder, or has misbehaved, or has brought the Society or rugby football into disrepute, or has damaged the Society's interests or reputation, the matter shall be referred to a Disciplinary Committee convened for the purpose.
- 30.2. The Disciplinary Committee shall consist of the following members:
  - 30.2.1. One member of the Committee whose portfolio is Referees Disciplinary;
  - 30.2.2. One member of the Society who does not serve on the Committee;
  - 30.2.3. One member of the Society who is a qualified attorney and who shall be the Chairperson.
- 30.3. An interpreter may be requested to attend a disciplinary hearing for the sole purpose of interpreting proceedings should either the Disciplinary Committee or member being disciplined require same.
- 30.4. Notwithstanding anything to the contrary herein, the Society may not discipline a member unless it has first given the member an opportunity to appear before the Disciplinary Committee.
  - 30.4.1. Any appearance shall take place at a meeting of the Disciplinary Committee, notice whereof must be given to the Disciplinary Committee and to the member.
  - 30.4.2. The member summoned to appear at a disciplinary hearing as aforesaid shall have the right to be represented or accompanied by a fellow member of the society.



30.4.3. The member summoned to appear at a disciplinary hearing has the right to lead evidence in defence of the allegations against them, including the right to call witnesses. Should the member wish to call a witness, it shall be their responsibility to ensure that the witness is present at the hearing.

30.4.4. The member has the right to request that the hearing be conducted in any of the official languages of the Republic of South Africa of their choosing.

30.4.5. If the member fails to attend the meeting, the Disciplinary Committee shall have the power to postpone consideration of the member's case or proceed with consideration of their alleged misconduct in his absence. If the Disciplinary Committee postpones a member's case owing to the member's absence, the member's membership of the Society shall be deemed to have been suspended until they appear before the Disciplinary Committee and payment of match fees owing shall be withheld until they so appear.

30.5. The notice referred to in paragraph 30.4 shall;

30.5.1. specify the time, date and place of the meeting; and

30.5.2. name the member, indicate that his alleged misconduct will enjoy attention at the meeting, and briefly set out the details of the alleged misconduct; and

be sent by post, fax or e-mail to the member at his last known address at least fourteen clear days before the date of the meeting.

30.6. After hearing evidence, the Disciplinary Committee shall decide whether or not it considers the member's actions punishable. It may then effect one or more of the disciplinary powers set out hereunder, namely:

30.6.1. to expel a member from the Society;

- 30.6.2. to request a member to resign and if he/she fails to resign within seven days of such request, to expel such member from the Society;
  - 30.6.3. to suspend a member for such period as the Committee in its sole discretion deems fit.
  - 30.6.4. to fine a member an amount not exceeding the amount paid or payable to the member in respect of match fees for the year in which the punishment is imposed.
  - 30.6.5. to withdraw a member's complimentary season ticket privileges to Newlands for a specified period or permanently.
  - 30.6.6. to suspend any punishment imposed on a member for such period and on such conditions as it deems fit.
- 30.7. The decision of the Disciplinary Committee shall be conveyed to the member by notice sent by post, fax or e-mail to the member at his last known address.
- 30.8. The Disciplinary Committee shall inform the Committee of its decision, whom shall in turn advise the members of the Society of the decision, without reference to the member's name, either verbally at a Monthly Meeting or by way of circular.
- 30.9. The Disciplinary Committee shall not be bound to give reasons for any action against a member, except that such member shall be entitled to reasonable particulars of his alleged misconduct to enable him/her to defend himself/herself.
- 30.10. Within 72 (seventy-two) hours after the decision has been conveyed to the member, the member so disciplined may appeal to the Committee by lodging a written notice of appeal with the Referees' Manager.
- 30.11. The Committee shall hear the appeal as soon as possible but in any event not later than fourteen days after receipt of the notice

of appeal. The member shall have the right to attend and speak at the meeting at which his appeal will be heard. The provisions of paragraphs 30.4 and 30.5 shall apply mutatis mutandis to such meeting but no evidence shall be led.

- 30.12. The Committee's decision shall be final and binding on the member.
- 30.13. Notice of an appeal against the Disciplinary Committee's decision shall suspend a member's punishment until the appeal has been disposed of by the Committee.
- 30.14. The consequences of the expulsion or requested resignation of a member are as follows:
  - 30.14.1. Any match credits which the member enjoyed prior to his expulsion, for the purpose of obtaining a complimentary ticket at Newlands is forfeited.
  - 30.14.2. Any complimentary ticket held by the member at the time of his/her expulsion is forfeited, and he/she shall immediately return the ticket to the Manager.
- 30.15. The consequences of the suspension of a member are as follows:
  - 30.15.1. The suspended member may not officiate in any match under the Union's jurisdiction during his/her suspension.
  - 30.15.2. The member forfeits the privileges of membership as described in 11 above during their suspension.
  - 30.15.3. The member's membership of the Committee or any subcommittee is summarily terminated, and they shall not serve on the Committee or any subcommittee until after the next Annual General Meeting, or until the period of their suspension expires, whichever shall be the later.

30.15.4. The use of any complimentary ticket at Newlands held by the member at the time of their suspension is forfeited for the duration of their suspension, and they shall immediately return the ticket to the Referees' Manager.

30.16. The Chairperson may after consultation with the Vice-Chairperson:

30.16.1. suspend a member pending that member's appearance before the Disciplinary Committee; and/or

30.16.2. direct that a referee shall not be appointed for any matches and/or that appointments of the referee already made shall be withdrawn pending their appearance before the Disciplinary Committee,

provided that within fourteen days after the Chairperson's decision in terms of 30.16.1 or 30.16.2 the Disciplinary Committee convenes the disciplinary hearing of the member, failing which the Chairperson's decision shall lapse.

### **31. REVIEW OF DECISIONS**

- 31.1. Any decision of the Committee and of a Monthly Meeting of members is binding on all members of the Society unless such decision is rescinded.
- 31.2. Any decision of the Committee may be reviewed and rescinded by the Committee itself or by a Monthly Meeting of members provided notice of a proposal to review and rescind has been given in accordance with the provisions of 21.5.
- 31.3. Any decision of a Monthly Meeting of members may be reviewed and rescinded by a subsequent Monthly Meeting of members, provided notice of a proposal to review and rescind has similarly been given.

## **32. AMENDMENT OF CONSTITUTION**

32.1. Amendment of this Constitution shall occur only if:

32.1.1. proper notice of 28 days of such proposed amendment has been given, and

32.1.2. the proposed amendment is accepted by two thirds of those present at an Annual General Meeting or Extraordinary General Meeting and who are entitled to vote.

32.2. The notice of a proposal to amend the Constitution shall contain precise details of the proposed amendment and the names of the proposer and seconder shall appear thereon.

32.3. Each amendment to this Constitution shall be submitted to the Commissioner of Inland Revenue or such other person as he may direct within 30 days after it comes into effect.

### **33. DISSOLUTION**

33.1. Dissolution of the Society shall occur only if:

33.1.1. proper notice of 28 days has been given of the proposal that the Society dissolve; and

33.1.2. the proposal is accepted by ninety percent of those present at an AGM or a SGM and who are entitled to vote.

33.2. In the event of dissolution, the meeting at which dissolution occurs shall appoint from amongst the members a liquidator whose appointment shall be subject to the approval of the Union. In the event that the Union rejects the Society's appointment, the Union shall itself appoint a liquidator.

33.3. With effect from the ratification of his appointment by the Union or the appointment of the Union's nominee, the liquidator shall assume entire control of the Society including all the functions of the Committee. The liquidator's function shall be as quickly as possible to pay all debts owing by the Society, to collect, compromise, or write off all debts owing to the Society, and thereafter to pay the balance of the Society's funds to the Union, in which such funds shall vest provided that no funds shall be paid to the Union nor shall such funds vest in the Union unless it is registered in terms of the Income Tax Act 58 of 1962 with the South African Revenue Services as a public benefit organization.