



## Section 2

### CONSTITUTION

- 2.1 **NAME AND CORPORATE STATUS:** The name of the Association shall be SOUTHERN AFRICAN VETERAN AND VINTAGE ASSOCIATION / VETERAAN MOTORVERENIGING VIR SUIDER AFRIKA (The Association) (SAVVA) and it shall be a corporate body having an existence independent of its members and capable of suing and being sued in its own name.
- 2.2. **OBJECTS:** The objects of the Association shall be:
- 2.2.1. To promote and improve co-operation between the various clubs and organisations in southern Africa concerned with the preservation, restoration, use of, together with rallying of motor vehicles and motorcycles in the Republic of South Africa – per the dates specified in Addendum A – which is subject to review on a 5 - year cyclical basis at the AGM. SAVVA in turn, through the “Historic and Classic Car Commission”, is affiliated to Motorsport South Africa the controlling body for all motorsport in South Africa who in turn is affiliated to the FIA (Federation Internationale de l'Automobile) and the FIM (Federation Internationale Motocycliste). SAVVA is the Southern African representative and affiliated to FIVA (Federation Internationale des Vehicules Anciens) who in turn is also affiliated to the FIA and the FIM.
- 2.2.2. To act on behalf of the aforesaid member clubs and organisations in making representations to Government, Provincial Organisations, Municipal and other Local Authorities, official bodies and other persons and organisations both local and foreign.
- 2.2.3. To advise, co-operate and negotiate with any official body controlling motor sport whether Veteran, Vintage, Post-Vintage or general motor sport and whether in Southern Africa or outside its borders.
- 2.2.4. To stimulate interest in all aspects of the activities set out above.
- 2.2.5. To publish, print, issue and circulate periodicals, books, circulars, documents, magazines, statistics and other literature, including the use of social media platforms in furtherance of the above activities.
- 2.2.6. To promote social and recreational facilities for member clubs in a non-profit manner.
3. **MEMBERSHIP:** Membership shall be open to those clubs and sections thereof as set out in Clause 2.2.1. Membership may be granted to any other club or organisation whose objects are not in conflict with the objects of the Association provided that their application for membership



is approved by the National Council (as defined in Clause 14) after having made appropriate enquiries of clubs in the area to ensure there is no conflict of interest. Confirmation of membership will be made at an Annual General Meeting of the SAVVA.

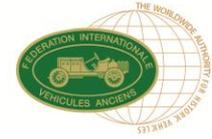
- 3.1 All member clubs in good standing shall be entitled to annual membership.
- 3.2 Member clubs are prohibited from selling their membership rights or any entitlement in terms thereof.
4. **METHOD OF SUBMITTING APPLICATION:** Applications must be submitted on the official form to the SAVVA Secretariat and accompanied by the applicant club's Constitution and list of Office Bearers and such other information in support of the application. A minimum of 15 members is required. This will then be distributed to members of the National Council who will respond within 30 days.
  - 4.1 Any changes to the Affiliated Club's Constitution – must be lodged with SAVVA – for record purposes – together with the Annual Dues. Any intended changes should be submitted to SAVVA for comment prior to adopting changes.
5. **AFFILIATE MEMBERSHIP:** Deleted - No longer practical.
6. **CLUB:** The word 'club' shall mean fully constituted clubs and such sections thereof who are individual units with local autonomy and operate in a defined area of the club.
7. **POWERS:** The Association shall have the following powers to give effect to its purpose and objects:
  - 7.1. To receive donations, subscriptions, aid and subsidies.
  - 7.2. To deal with immovable property and every type of right therein, in any way including purchase, lease, hire and exchange.
  - 7.3. To borrow any amount of money and to ensure the repayment of such money in such manner as the Association may think fit, including mortgage or pledge.
  - 7.4. To erect, maintain, demolish, reconstruct or alter any buildings or constructions or other amenities.



- 7.5. To invest its funds in any manner it deems fit, open and operate banking and savings accounts in its own name.
- 7.6. To employ, discharge, pay and arrange the conditions of employment of any staff that may be necessary.
- 7.7. To institute, defend, settle, compromise or discontinue any proceedings in the name of or against the Association.
- 7.8. To insure the assets of the Association.
- 7.9. To do all such other things incidental or conducive to the attainment of the purposes and objects of the Association.
- 7.10. To employ and remunerate professional advisers, and terminate such employment.
- 7.11. To affiliate to any international body having similar aims and objects.
- 7.12. No surplus funds may be directly or indirectly distributed to any person.
- 7.13. At least three persons who accept judicial responsibility for the Association will not be connected persons in relation to each other and no single person may directly or indirectly control the decision making powers relating to the Association.
8. **THE SAVVA GENERAL ASSEMBLY:** The SAVVA General Assembly shall consist of the following members:
  - The President (Usually a past chairman)
  - The Chairman (Chief Executive Officer of the Association)
  - The Vice Chairman (Deputises for the Chairman and may, in addition be a Portfolio Holder)
  - The Treasurer. (Controls the financial records)
  - Portfolio Holders (See Clause 10)
  - Secretariat (See Clause 18)
  - Club SAVVA Delegate (or alternates) from each member club.
- 8.1. Nominations for the President, the Chairman, the Vice-Chairman, Treasurer, Portfolio Holders and Secretariat shall be in writing counter signed by the nominee and be in the hands of the Secretary prior to the start of the Annual General Meeting.



- 8.2. At each Annual General Meeting of the General Assembly, the President, Chairman, Vice-Chairman and Treasurer shall be elected from the nominations by majority vote.
- 8.3. The President, Chairman and Vice-Chairman shall retire annually, but may be available for re-election. They may not serve for more than three consecutive years in office unless the position remains vacant after retirement.
- 8.4. The President, Chairman and Vice-Chairman may not be SAVVA Delegates for their respective clubs.
- 8.5. For the election of office bearers, or if a secret ballot is requested, the meeting shall appoint an electoral officer and two assistants. These officials shall not be an elected official of SAVVA but should preferably be an alternate Club Delegate.
9. **MEETINGS OF THE GENERAL ASSEMBLY:** The General Assembly shall convene in September each year for the Annual General Meeting.
- 9.1. Additional meetings may be called by the Chairman, having given 30 (thirty) days' notice. Notice by email shall be the accepted means of communication.
- 9.2. Such meeting shall be called if 3 (three) member clubs request such a meeting to the Chairman in writing stating the purpose of the meeting.
- 9.3. A quorum of any meeting of the General Assembly shall consist of not less than one half of the members of the General Assembly.
10. **PORTFOLIO HOLDERS:** In order to carry out the day to day business of the SAVVA, the following portfolios have been created:
1. **Motor Vehicle Dating:** All vehicles upon receipt from clubs of the appropriate form. The actual investigation and inspection is the responsibility of clubs.
  - 1.(a) **Motorcycle Dating :** All motorcycles upon receipt from clubs of the appropriate form. The actual investigation and inspection is the responsibility of clubs.
  2. **Motorsport:** In association with MSA issue permits and control all aspects of competitive motor sport events, issue clearance certificates for all other events or activities club related.



3. **Representative at Historic and Marque Vehicle Commission of MSA**
  4. **Insurance:** The insurance requirements of SAVVA, plus the Comprehensive Motor Scheme for vehicles/motorcycles of club members.
  5. **Trophy Register:** Secure the trophies for national events
  6. **Sponsorship and Communications:** Public relations aspects of SAVVA
  7. **FIVA and International Liaison:** Contact with international associations.
  8. **Secretariat:** Secure the records of the SAVVA, the Indemnity/Disclaimer/Waiver of Liability records and maintain the Councillor's Handbook.
  9. **Government Liaison Officer:** To liaise between various government departments on issues that concern all SAVVA affiliated clubs and their members in respect to legislative and road traffic ordinances.
  10. **ITAC** (International Trade Administration Commission): A subcommittee convened by the portfolio holder with a minimum of three representatives that will liaise and determine the aims and conditions as per the Policy Document for this portfolio.
  11. **SAHRA** (South African Heritage Resources Agency): A subcommittee convened by the portfolio of a minimum of three persons that will liaise with this department in respect of exporting of heritage items/objects. It would be advantageous for the portfolio holder to be a person/representative who has a sound background of museum policies and procedures.
- 10.1. Portfolio Holders shall submit a written report annually to the General Assembly at the Annual General Meeting, but will be required to provide reports for the National council on a quarterly, bi-annual, or more frequent basis as determined by the Council.
  - 10.2. Portfolios that have Policy Documents governing the aims and objectives in that particular field must be adhered to during the operation. These policy documents have been drafted between the relevant parties and SAVVA in order to obtain specific guidelines for both parties to adhere to for all concerned enthusiasts, collectors and general public.



11. **SPECIAL APPOINTMENTS:** The General Assembly may appoint any suitable dignitary to be the Patron of SAVVA for such period of time as the General Assembly may deem fit.
- 11.1. Deleted
- 11.2. The General Assembly may co-opt any person to the General Assembly to give expert advice on the matters of SAVVA for a term of office and at such status deemed suitable by the General Assembly. Such person shall be entitled to attend and speak at meetings on his specific mandate.
12. **VOTING RIGHTS:** Voting rights of member clubs shall be determined and based on the annual subscription payable by clubs, as set out in Clause 15.
- 12.1 The Delegate of each club - one or more votes, based on the paid up current annual subscription, which is in turn determined by the respective number of members of each club. The votes to be determined as follows:
- |  |         |
|--|---------|
| Clubs with a membership of 1 - 100       | 1 vote  |
| Clubs with a membership of 101 - 250     | 2 votes |
| Clubs with a membership in excess of 250 | 3 votes |
- 12.2. The President, the Chairman and the Vice Chairman one vote each.
- 12.3. Treasurer, Secretariat and Portfolio Holders shall each have one vote only.
- 12.4. The Chairman shall, in the event of equality in voting, have an additional casting vote.
13. **POWERS OF THE GENERAL ASSEMBLY:** The powers of the General Assembly shall be exercised by a majority vote of those entitled to vote at such meetings. In the event of an equality of a vote the Chairman shall have a casting vote.
14. **POWERS OF THE CHAIRMAN OF THE GENERAL ASSEMBLY AND NATIONAL COUNCIL:**  
The Chairman will give effect to the decisions of the General Assembly and the day-to-day business of SAVVA through the National Council consisting of The President, The Chairman, The Vice-Chairman, The Treasurer, Motorsport and the Secretariat. The Chairman and National Council may act on their own discretion bearing in mind the purpose and objects of the Association provided that at the first available opportunity such Chairman or Councillor shall report back in full to the General Assembly on such decisions and actions. The National Council has the power to handle the following matters



- 14.1 Handle the day to day affairs of SAVVA at their discretion, within the current SAVVA Constitution and club expectations.
- 14.2 Other than recurring expenditure for membership to MSA – Motorsport SA, FIVA and the Public Liability Insurance Policy - may not incur expenditure in excess of R20,000.00 or an amount to be determined by the General Assembly at the Annual General Meeting, per annum without reference to the General Assembly. Extra-ordinary expenditure of an unforeseen and urgent nature, in excess of the allotted amount, must be communicated to the member clubs. Communication through electronic media, stating the nature and need for such extra-ordinary expenditure, is acceptable. On receipt of approval for the extra-ordinary expenditure from no less than 50% of the member clubs, such extra-ordinary expenditure may be incurred. For extra-ordinary expenditure clause 14.8 does not apply.
- 14.3 Liaise with MSA and the Historic Commission in furthering the objects of the Association by meeting and co-operating with other associations with similar interests, objectives and expectations.
- 14.4 Upon receipt of the required application and supporting documents accept clubs that meet our objectives as set out herein and who are desirous of affiliating with SAVVA after due diligence and liaison with member clubs to ensure there is no conflict of interest.
- 14.5 Contact and negotiation with Government departments should be centralized through the National Council and member clubs should refer any matter that may affect the Association to the National Council for dissemination and handling. If so required, the National Council may employ the services of any professional person or body to help resolve Governmental issues which pertain to the aims and objectives of the SAVVA.
- 14.6 Meetings of the National Council may be called at the sole discretion of the Chairman should the need arise but where possible issues should be resolved by consensus using the electronic media or telephone.
- 14.7 In the event that a member of National Council resigns or for any reason is unable to carry out the duties of the position, the Chairman may appoint a replacement to fill the position until the next meeting of the General Assembly when an election will take place in terms of clause 8.
- 14.8 For matters which arise during the year and for which majority approval by member clubs is required, provision is made for use of electronic media as determined by the National council by those entitled to vote. Any such voting will be required to be returned within 48 hours of being sent out. Should less than 50% of the total number of votes in terms of Clause 12.1 be



received by the closing date/time of the vote, the vote shall be regarded as null and void. Should more than 50% of the maximum number of votes be received by the return date for the vote, all the non-returned votes will be treated as an affirmative vote unless specifically stated otherwise. Amendments to the Constitution will only be dealt with at the Annual General Meeting in terms of Clause 19.

15. **SUBSCRIPTIONS:** Subscriptions shall be determined by the General Assembly at its Annual General Meeting which subscriptions shall be calculated on the basis of the individual club members of each member of the Association as at the 31st December of each year. Subscriptions are payable by the 31st January of the following year whilst a grace period to 31 March is granted. Failing which such member shall be automatically suspended from all benefits of membership including voting rights. An Invoice will be issued to the member club upon request.
  - 15.1. An additional fee based on a specific amount per member of each club may also be levied for any specific purpose as decided upon by the General Assembly.
16. **TREASURER:** The Treasurer shall at all times act on the instructions of the General Assembly and/or the National Council. The Treasurer shall receive moneys due to the Association and may only deposit in recognised banking institutions unless otherwise directed by the General Assembly. The Treasurer shall be obliged to keep full and proper books of accounts, and provide the National Council with monthly income and expense accounts of the Association, and must submit an audited balance sheet to the General Assembly at its annual general meeting. Drawings on funds invested on behalf of the General Assembly shall require authorisation by two of the three signatories. In the event of electronic transfers the other signatories must be advised via electronic media and confirmation of the payments/s duly received. Moneys deposited shall be in the name of the Association.
  - 16.1 Ensure that the Association is correctly registered with the relevant Governmental Authorities as an NPO – Non-Profit Organisation / PBO – Public Benefits Organisation / for Tax purposes as well as compliance with POPIA – Act.
  - 16.2 No remuneration will be paid to any person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered, nor may any remuneration be determined as a percentage of any amounts received or accrued to the Association.
17. **DELEGATES TO CONFERENCES:** At each Annual General Meeting the General Assembly shall elect a delegate from National Council to attend the FIVA conference and shall direct how



money allotted to cover delegates' expenses shall be expended. The General Assembly shall also require the delegate to submit to the Treasurer expense accounts detailing expenditures on return from conferences for discussion and authorisation at a subsequent General Assembly meeting.

18. **SECRETARIAT:** The Secretariat shall be responsible to and work with the Chairman. The elected incumbent shall have a good working knowledge of the workings of the SAVVA and be able to advise and mentor clubs if required. The incumbent may hold an additional position within the General Assembly but may have only one vote at any meeting.

18.1. The Secretariat shall be responsible for recording minutes of all meetings and keep full historical records of the General Assembly. [A copy of the minutes shall be forwarded to each member of the General assembly as soon as possible after the AGM.] As soon as possible after a meeting shall forward one copy of the Minutes to each member of the

General Assembly. Such minutes shall be signed as correct after adoption at the next meeting of the General Assembly.

18.2. The Secretariat shall retain and keep updated the following records

1. Listing of club members based on submissions from member clubs.
2. Distribute the Indemnity Cards/Disclaimer/Waiver of Liability as required by clubs
3. Record all signed Indemnity/ Disclaimer/Waiver of Liability forms signed by club members.
4. Keep up to date the SAVVA Councillor's Handbook and ensure that the content is displayed on the SAVVA Website for access by clubs. Keep an up to date address list of all clubs and officials for the distribution of information on behalf of clubs and elected officials.

5. Maintain all records pertaining to the POPI Act

18.3 Remuneration. A nominal amount will be paid to defray costs of electronic media and communications.

19. **AMENDMENTS TO THE CONSTITUTION:** The Constitution may only be amended at the annual meeting of the General Assembly provided that a formal 60 (sixty) day notice of such proposed amendment shall be given to each member and provided further that no amendment



to the Constitution shall be made without a two third majority of those entitled to vote. The notice period of sixty days referred to above may be waived by members in writing and provided that any decision thus taken is unanimous without any abstaining or dissenting votes.

20. **LIABILITY OF MEMBERS:** Liability of members shall be limited to the amount of subscriptions and any special levy agreed and passed by the General Assembly which may be unpaid from time to time.

21. **EXPULSION OF MEMBER CLUBS:** Member clubs may be expelled for:

21.1 Failure to comply with the purposes or objects of the Association.

21.2 Failure to comply with the conditions of this Constitution.

21.3 Failure to pay subscriptions.

21.4 Insolvency.

21.5 Expulsion should be unanimous.

21.6 The club concerned shall be entitled to attend the relevant meeting, speak but not to vote.

21.7 **MISCONDUCT / EXPULSION OR SUSPENSION OF A SAVVA CLUB / MEMBER OR NATIONAL COUNCIL MEMBER(S)**

No Member may, by their conduct or activities be injurious to the welfare or character of SAVVA or by their actions be in breach of any of the prescribed rules of SAVVA. Any member infringing the rules of SAVVA, SAVVA competitions or events or those competitions and or events associated with SAVVA or whose conduct appears likely to bring SAVVA into disrepute:

- I. Suspended instantly and verbally by any two members of the National Council or any two officials appointed by the National Council in respect of any outing or event or competition sponsored by the Club.
- II. Expelled or suspended from SAVVA by a majority vote of the National Council after a full investigation has been conducted: An appeal may be lodged provided for in clause 21.9



- III. Any participants from another club in any event of any kind held under the auspices of SAVVA will be subject to the same rules of conduct as a SAVVA member club. Should he/ she be found in breach of these rules, such participant shall be dismissed from that event without the right to appeal.

- 21.8 In the case of misconduct of a National Council member bringing SAVVA into disrepute or making public statements on behalf of SAVVA which are regarded as incorrect / false by a majority decision of the National Council (excluding the person), such National Council member may be suspended or expelled as decided by the National Council. Such suspended or expelled. National Council member may lodge an appeal as provided for in paragraph 21.9

### 21.9 **APPEAL PROCESS**

Any SAVVA club /SAVVA member that has been suspended or expelled from SAVVA as indicated in Clause 21.7 (i) (ii) (iii), 21.8 & clause 21.9 (I) & (II) may lodge an appeal in writing to the National Council against their suspension within 21 days of the transgression.

- I. Upon receipt of a written appeal within the prescribed period, the National Council shall deliberate the matter in hand and vote as to whether to uphold or dismiss any applicable suspension / expulsion. The secretary having previously ( if possible or with proof ) given the member / club notice of the proceedings about to be taken and giving an opportunity to place his/her or their contentions before the committee. The outcome of the decision at this meeting will be final and the member or club will have no further recourse.
- II. Should a National Council member be suspended, and appeal his or her suspension, such appeal may only be heard and considered by the President of SAVVA, immediate past President, Chairman of SAVVA, unless the chairman is the suspended party, in which case The Vice Chairman shall fulfil this function. The outcome of the decision at this meeting will be final and the member will have no further recourse

- 21.10 There will be no external representation or legal counsel at any hearing.

22. **DISSOLUTION:** If, upon the dissolution of the Association, there remains, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall be divided between member clubs pro rata to the amount of moneys paid to the Association over the previous five year period, provided they have been approved by the Commissioner in terms of Section 30A of the



Act. Any Club which, for any reason, ceases to be a member of SAVVA forfeits any claim to moneys paid to SAVVA during the course of its membership.

- 22.1 Alternatively any public benefit organisation contemplated in paragraph (a)(1) of the definition of a “public benefit organisation” in section 30(l) which has been approved in terms of section 30 (3) of the Act: **or**
- 22.2 Any institution, board or body which is exempt from tax under the provisions of section 10 (1) (ca)(i) of the Act, which has as the sole principal object the carrying on or any public benefit activity: **or**
- 22.3 The Government of the Republic in the national, provincial or local sphere as contemplated in section 10(1)(a) of the Act.
23. **INTERPRETATION OF CONSTITUTION:** The General Assembly’s decision as to the interpretation of the meaning of this Constitution shall be binding on all members.
- 24 **DOMICILIUM CITANDI ET EXECUTANDI** to be at the address of the Chairman pro tempore.



## **ADDENDUM A**

In order to compete in any competition event organised by SAVVA or any of its member clubs, the vehicle or motorcycle shall be manufactured before 31<sup>st</sup> December 1997.



## **ADDENDUM B**

### **DISCIPLINARY PROCEDURES**

1. Disciplinary hearings will be conducted by a Disciplinary Committee. SAVVA will nominate the members of the Disciplinary Committee. The members nominated must consist of two National Council Members and three Non National Council Members. The Disciplinary Committee will appoint their own Chairman. Not less than three members will constitute a quorum for the purposes of a disciplinary hearing. The members of this Disciplinary Committee may not preside on a case if they have been involved in any way with the circumstances of the matter or have any conflict of interest with the matter under investigation.
2. The concerned parties shall be summoned to appear by notice in writing where possible. The Members of the Disciplinary Committee must ensure that a summons has been personally received by all persons concerned.
3. Legal representation is not allowed in disciplinary hearings, but the involved parties may be represented by fellow members in the same club/association committee members, provided that any such representative may not be a practicing attorney or advocate. Where a party involved in a hearing, wishes to exercise his right to representation in terms of the above, he/she shall notify the Disciplinary Committee of his/her intentions in this regard. The other parties involved in the hearing shall then be afforded the opportunity to avail themselves of a similar representation if they so wish. However, where the involved party is a practising attorney or advocate, the disciplinary committee reserves the right to appoint a practising attorney or advocate as a member of the Disciplinary Committee.
4. In the absence of any of the parties or witnesses at the hearing, a finding/decision may proceed by default. The parties may be accompanied by witnesses and during the hearing the Disciplinary Committee may allow further witnesses to be called. The involved party must state the case of the complaint/misconduct first and the other party/parties will proceed after the involved party. The involved party and person/s investigated shall remain at the hearing and be party to all evidence led and shall be allowed to cross examined.
5. If a finding/decision cannot be given immediately after the hearing then the parties concerned shall be advised within one hour of the end of the hearing of the time and place at which the decision will be given. In case of a split vote amongst the Disciplinary Committee members, the Chairman of the Disciplinary Committee has the casting vote.



6. The Disciplinary Committee shall render the decision to the parties concerned, this may be conveyed orally but must be followed by a written decision. The parties must be reminded of their rights of appeal.
7. All parties concerned shall be bound by the decision handed down, subject to the rights of appeal hereinafter provided.

## 8. APPEAL PROCESS

- 8.1 Any SAVVA club /SAVVA member/National Council Member that has been suspended or expelled from SAVVA as indicated in Clause 2.21.7 , (I), (II) & (III) and 2.21.8 may lodge an appeal in writing to the National Council against their suspension within 21 days of the finding/decision of the Disciplinary Committee.

### 8.2 APPEAL HEARINGS

Appeal hearings will be conducted by the National Council. Not less than four National Council Members will constitute a quorum for the purposes of the Appeal Hearing. The members of the National Committee may not preside on a case if they have been involved in any way in any earlier finding and/or decision or have any conflict of interest with the matter under consideration.

- 8.3 All parties concerned shall be given adequate (generally a minimum of 7 working days) notice of the hearing, and they shall be entitled to call witnesses. Every notice summoning an individual to a hearing shall state the capacity (e.g. defendant, witness, etc) in which he/she is being required to attend. The hearing may proceed to a finding/decision by default of appearance by any party or witness. In the case of an appeal to the National Council, the parties concerned shall state their case, and representation by a committee member of the SAVVA affiliated club/association of which the appellant is a member is allowed. In appeal hearings conducted by the National Council legal representation is also allowed.

- 8.4 When an appellant intends exercising his/her right to legal representation in the hearing of the Appeal, SAVVA is to be advised of this fact, and the identity of the representative, at least seven calendar days prior to the scheduled hearing. SAVVA shall then decide whether or not to obtain legal representation of its own and/or to allow the other parties in the hearing to obtain legal representation. Where an appellant fails to advise SAVVA of his/her intention to exercise his/her right to legal representation in terms of this regulation, Council shall be empowered to take appropriate action so as to prevent



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prejudice to SAVVA and/or the other parties involved in the hearing. Hearings are not public and are reserved for the parties and representatives concerned. SAVVA may, however, invite parties deemed relevant to the proceedings, to the hearing, in the capacity of observers.

NB – All other aspects of duties of Portfolio Holders, Delegates, Indemnity Cards- Disclaimers/Waivers of Liability etc actually form part of the Handbook.