

Port Elizabeth Golf Club



CONSTITUTION

as amended on 26 June 2018

1. NAME

The name of the club shall be: "The Port Elizabeth Golf Club."

2. OBJECTS

The objects of the Club are:

- (a) To promote and foster the game of golf.
- (b) To promote social intercourse amongst its members.
- (c) To provide facilities for sport.
- (d) To acquire movable and immovable property and to sell, let or otherwise deal with the same.
- (e) To invest and/or borrow money and to secure the repayment thereof in such manner and upon such terms and conditions as may be expedient.
- (f) To apply for and hold a Club Liquor Licence and Restaurant Licence and to carry on business under such licences.
- (g) Generally, to carry out the usual functions and objects of a Social and Amateur Sports Club and to do all such things as may be necessary therefore or incidental or conducive thereto.

3. MEMBERSHIP

The Club shall consist of not less than thirty-five and not more than such number of members as can in the opinion of the Executive Committee be conveniently accommodated.

4. OFFICE BEARERS

The Office Bearers of the Club shall consist of five Directors, who shall comprise the President, Vice-President, Treasurer, Lady President and one other, plus, three Elected Officers, who shall comprise the Club Captain, Vice-Captain and Lady Captain. (Resolution 1 of AGM held on 26 June 2018)

The Office Bearers term of office shall not exceed a year at a time, where after, they shall retire and be eligible for re-election from year to year in any position. They shall be proposed and seconded after having been nominated as provided for in these rules.



In the absence of nomination for any office at the Annual General Meeting the retiring Office Bearer/(s) shall be deemed to have been re-elected for the ensuing year.

5. MANAGEMENT COMMITTEE

The affairs of the Club shall be conducted by an Executive Committee consisting of the Office Bearers, with the General Manager in attendance at meetings. Four members of the Committee shall be a quorum. Decision-making should be by consensus and all members constituting the quorum shall have a vote.

The Committee shall meet at least once in every quarter and in addition, a committee meeting may be convened at any time by the President or by any three members of the Committee.

If, in any 12-month period of the Committee's appointment, two or more members of the Committee resign from serving on the Committee, the Committee will agree to arrange a Special General Meeting of the Club to be called to enable the Club to nominate and appoint suitable replacements to the Committee. (Resolution 2 of AGM held on 26 June 2018)

6. ELECTION OF OFFICE BEARERS AND COMMITTEE

The election of the Office Bearers shall take place in the following manner

- (a) Not less than twenty-one days prior to the Annual General Meeting a notice shall be placed on the Club notice board calling for nominations.
- (b) Any two ordinary members of the club of a least twenty four months standing shall be entitled to nominate a male member of membership category Class 1, 6, 8, 14, 15 and any Male House Member who transferred from a membership category with voting rights, to be an office bearer or to serve on the Committee, and the name of every member so nominated together with a signed acceptance of nomination by the candidate shall be delivered at least fourteen days before the date of the Annual General Meeting to the secretary who shall immediately post such names of the proposer and seconder on the Club Notice board. The nomination list shall be closed fourteen days before the Annual General Meeting.
- (c) In the event of there being too many candidates for any office, voting to fill such office shall be by ballot at the Annual General Meeting, and



each member as listed in 6(b) present, shall be entitled to vote for one candidate for each Office.

In the event of an equality of votes, the candidates elected shall draw lots for selection.

7. CASUAL VACANCIES

The committee shall have power to remove from its number any member who has failed to attend three consecutive ordinary meetings without leave of absence and shall have power to fill any vacancy which may occur in the committee or any office. Any member appointed to the committee or any office in terms of this rule shall act and have the same authority as if he had been elected at any Annual General Meeting.

8. CHAIRMAN OF COMMITTEE

The President, and failing him, the Vice-President, and failing him, a member elected, shall be Chairman of the Committee. The Chairman shall have a casting vote in addition to his vote as a member of the Committee.

9. POWERS OF THE COMMITTEE

The Committee shall be without prejudice to the generality of its powers of full engagement, management and control of all the affairs of the Club, have the following special powers.

- (a) Make, vary and repeal regulations and bye-laws for the carrying out of the provisions of these Rules for the management and the uses of the premises of the Club, the opening and closing hours of the Club premises subject to the provisions of the Liquor Act 59 of 2003, or any amendments thereof, the payment of green fees by members and visitors.
- (b) Arrange, regulate and maintain the Course and the conditions of play thereon and to close the Course when deemed necessary without notice. However, save for the construction of alternate tees which do not materially change the golf hole, that no alterations to the Course layout are made without the sanction thereto of a General Meeting or Special General Meeting of members.
- (c) Engage, control, suspend or dismiss any servants of the Club, and to fix their remuneration and authorize the payment thereof from the Club funds and determine the duties of such employees.



- (d) Appoint sub-committees and delegates with such power to act on behalf of the committee of the club, sub-committees shall meet when necessary and no resolution of any Sub-Committee involving additional expenditure shall be acted upon until confirmed by the Committee. The President shall be ex-officio member of all sub-committees.
- (e) Pay any member or other person an honorarium or gratuity in return for services rendered to the Club.
- (f) Maintain and repair the buildings, furniture and equipment of the Club and make such renewals from time to time as may be deemed necessary.
- (g) Extend the facilities of the Clubhouse and Course to any person or body of persons on such terms and for such period as may be considered proper.
- (h) Appoint officials to sign all legal documents on behalf of the Club and to institute or defend legal proceedings against or by the Club.
- (i) Open and operate a Bank Account and in their discretion from time to time overdraw the same, provided however that should the aggregated amounts of such accounts exceed the sum of R1,000,000-00 (One Million Rand), the sanction of a General Meeting or Special General Meeting of members shall be obtained. (amended April 2016)
- (j) Enter into contracts by and on behalf of the Club for the erection of buildings suitable for the Club's requirements and/or for any other purpose, provided however that should the amount of such contract exceed the sum of R100 000.00, the sanction thereto of a General Meeting or special General Meeting of members shall be obtained.
- (k) Do all such other things consistent with the proper conduct of the affairs of the club, except such as are expressly required by these rules to be done at, and with the sanction of a General Meeting of members.

The Committee shall with the sanction of a General Meeting of members have the following further powers:

- (i) To purchase and/or otherwise acquire landed property and also to sell, let and/or otherwise deal with such landed property.



- (ii) To borrow money for the purchase of landed or other property and/or for any other purpose and to hypothecate the landed and/or other property of the club
- (l) Upon giving fourteen days' notice to that effect by NOTICE posted on the Notice Board, to close any or all classes of membership for such period as it shall determine.

10. PROTECTION OF THE COMMITTEE

All acts done by the Committee or the members thereof in bona fide execution of their duty shall be deemed to have been done by the Club, as a whole and the members of the Committee shall be liable for such act only to an equal extent with other members of the Club.

11. CLUB PROPERTY

The property of the club shall be vested in Two trustees, elected by the Committee and either Trustee shall have power to institute any action at Law in the name of the Club when authorized to do so by the Committee.

No member shall take away, or permit to be taken away, from the Club House or course, under any pretext whatsoever, or shall injure or destroy any article which is the property of the club.

12. CLUB FUNDS

All subscriptions and other monies received from any source whatsoever shall be paid into a Banking account in the name of the Club. All payments therefrom shall be made by electronic transfer or cheque, drawn on the Banking Account and signed by the Secretary or Manager and by a member of the Committee. The Club shall not be permitted to distribute any of its profits or gains to any person but shall utilize such funds solely for investment on the objects for which the club has been established.

13. BOOKS OF ACCOUNT

Proper book of account shall at all times be kept and these shall be subject to examination by an Auditor appointed at the Annual General Meeting of members.

14. ELECTION OF MEMBERS

(a) Every candidate for membership with the exception of juniors shall be proposed by one and seconded by another member to both of whom the candidate must be personally known, provided that no member of less than



three years standing shall be entitled to propose and no member of less than one-year standing shall be entitled to second any person for membership.

(b) Application of membership shall contain the full name, address and occupation of the candidate and such further details as the Committee may require, such as contact information.

(c) The Membership Secretary shall notify each elected member of his/her election and shall forward to him/her a copy of the constitution of the Club and such members entrance fee and subscription shall thereupon become payable immediately.

15. CLASSIFICATION OF MEMBERS

Entrance fees and subscriptions shall be as decided by the members in general meeting from time to time. Members shall be classified as follows:

Class 1: Full Male Member – shall be one entitled to all the privileges of the Club and in addition shall have the option of purchasing a golf playing card.

A Full Male member who has attained the age of 60 years and who has been an Ordinary Member of the Club for a continuous period of 15 years shall enjoy a 50% discount on the Full Male Fee in terms of subscriptions portion.

Class 2: Country Member – shall be one who is resident beyond a radius of 50 kilometres from the Port Elizabeth City Hall and being so resident does not have his principle place of business in the Nelson Mandela Metropolitan Municipality.

He may become an Ordinary Member on paying the additional subscription for that year and entrance fee then payable, if any.

Class 3: Absentee Member – shall be one who is absent from the Republic of South Africa or on National Service duty for a period of not less than one year.

Class 4: Temporary Member – shall be a person who permanently resides more than 50 kilometres from the Club House and to whom the Committee shall extend such of the rights of membership (other than the right to vote) for such period as the committee may determine, but not exceeding six months.

Class 5: Junior Member – shall be one of school going age, but not over 18 years old. Upon reaching the age of nineteen years he shall automatically become a privileged member in terms of Clause 6. He may be allowed to take



part in Club competitions on such terms and conditions as may be determined by the Committee.

Class 6: Under 35 Member – shall be one who is of age 19 to 34 years, who shall upon payment of the applicable subscription be entitled to all the privileges of the Club. This category is open to both male and female members. Upon turning 35, these members will be converted to FULL members, male or female.

Class 7: Honorary Member – shall be a person who is a distinguished visitor or holds a public office or has conferred some special benefit on the club, any congress, conference or other public representative or sporting body and has by resolution of the Committee been admitted to the privilege of the Club as an Honorary Member for such time as the committee may determine.

Notwithstanding anything to the contrary in these Rules contained, no person residing within 50 kilometres of the Club House shall be eligible as an Honorary Temporary member of the club save where:

- (i) such eligibility is in terms of the Rules of the club granted by reason of such person holding some public office or being a bona fide candidate for membership or having conferred some special benefit upon the club.
- (ii) By resolution of the Committee, such person is allowed the privilege of membership while engaged in any match or competition.

An Honorary Member shall in the case of Public Servants, retain his honorary membership only for the period he holds public office in the Nelson Mandela Metropolitan Municipality.

This category is open to both Male and Lady Members.

Class 8: Honorary Life Member – shall be a member of the Club recommended by the Committee for Honorary Life membership and sanctioned at a General Meeting of the Club by a two thirds majority, of those present and voting. He shall be entitled to all the privileges of membership without payment of the Annual Subscription but shall pay the members green fee in force at the time. There shall not be more than twelve Honorary Life Members at any one time (6 Men and 6 Ladies).

Class 9: House Member – shall be one who is entitled to all the privileges of the Club House, but who shall not be entitled to play on the course except with



the permission of the manager and on payment of a visitor's green fee or to vote at any meetings of the Club unless the provision as contained in rule 23 applies. A House member who has transferred from a membership category with voting rights is entitled to vote at any meetings of the Club. A House Member may become an Ordinary Member on payment of the additional Entrance Fee and subscription.

This membership category is open to both Male and Female Members.

Class 10: Associated Member – shall be a person entitled to all the privileges and facilities of the Club excepting the right to play on the course on Saturdays or any other day nominated by the Committee. An Associated Member shall be elected to membership as an Ordinary Member at the discretion of the Committee.

Class 11: Lady Full Member – All existing and future Lady Members of the woman's section of the Club shall ipso facto be members of the Club provided that they shall at all times be subject to the Rules, Regulations and Bye-Laws of the Club. Lady members shall be entitled to elect their own Office Bearers and Committee and subject to Rule 14, future members.

A Lady Full member who has attained the age of 60 years and who has been a Full Member of the Club for a continuous period of 15 years shall enjoy a 50% discount on the Full Ladies fee in terms of the subscription portion.

Class 12: Lady Country Member – shall be one who is resident beyond a radius of 50 kilometres from the Port Elizabeth City Hall. She may become an Ordinary Member on paying the additional subscription for that year and Entrance Fee payable if any.

Class 13: Lady Junior Member – shall be one who is not under the age of ten years or over eighteen years, upon reaching the age of nineteen years she shall automatically become a Lady Privileged A Member in terms of Class 20a. She may be allowed to take part in Club competitions on such terms and conditions as may be determined by the Committee.

Class 14: Life Member – shall be a Life Member of the club accepted by the committee for life membership. He/she shall be entitled, through and with the consent of the committee, to 'pass on' his/her Life Membership at any time before December 2008 on the clear understanding that all 'pass on life memberships' will in any event expire on 31 December 2008. All life members shall be entitled to all the privileges of membership without payment of the annual subscription, but shall pay all other ancillary costs including locker fees,



membership card fees, member levies, staff fund, affiliation fees etc. He/she will be obliged to adhere to the rules and constitution of the club. There shall not be more than twenty-five Life Members at any one time.

Class 15: Special Member (2005) – shall be a member of the Club accepted by the committee as a Special Member (2005). In the case of an individual, he/she shall be entitled to membership of the Club for the duration of his/her life. In the case of a corporate they shall nominate an individual as their "Special Member (2005)". The corporate shall also be entitled, through and with the consent of the committee, to substitute their nominated member before 31st December of any year on the clear understanding that any member substitution will cause their "Special Member (2005)" membership to expire 31st December 2030. The nominated and accepted member of the "Special Member (2005)" shall be entitled to the use of the Club facilities without payment of the annual subscription and the original nominee may choose to include or exclude green fees for the duration of membership. He shall pay all other ancillary costs including, locker fees, membership card fees, member levies, staff fund, affiliation fees etc. He/she will be obliged to adhere to the rules and constitution of the Club. "Special Member (2005)" category of membership shall be restricted to a maximum of eighteen members.

Class 16: Apprentice Member (2014) – This membership type is for NEW golfers wishing to start playing golf and it is NOT available to current members of PEGC.

This membership has FULL playing rights but has NO VOTING rights at an AGM or SGM.

This is a limited membership that works on a 3-year phasing in process and is NOT renewable after three years. Upon completion of 3 years, the member must become either a FULL member or his membership will expire and come to an end.

This membership is open to both MEN and Woman (Added August 2015)

Class 17: Handicap Member (2015) – This membership is open for any NEW golfer who wishes to be handicapped at PEGC. This membership type is NOT open to current members of PEGC or members who resigned from PEGC within 24 months.



This membership type has NO playing rights and will pay normal SAGA Affiliated rates when playing at PEGC. In addition, this membership type has NO VOTING rights at an AGM or SGM.

This membership is open to both MEN and Woman (added August 2015)

Class 20: Staff Member – Staff employed by the Club directly or indirectly, will be entitled to free membership and playing privileges during their employment but will be required to pay the necessary Affiliation Fees. Upon resignation, this membership will be cancelled with immediate effect.

Staff members will have no voting rights or any voice at an AGM or SGM.
(Amended April 2016)

16. ENTRANCE FEES AND SUBSCRIPTIONS

- (a) The annual subscription shall be due on the first of January in each year, on which date the financial year shall commence.
- (i) Candidates applying for membership may be called upon to lodge their Entrance Fees or such portion thereof as hereinafter set forth, together with their application form. In the event of such application being unsuccessful the amount lodged will be refunded. Successful candidates may elect to pay their subscriptions half-yearly or quarterly in advance and entrance fees within the financial year in which the payment falls due, subject to payment of interest in such amount as the Committee may decide from time to time.
 - (ii) Members in the second and succeeding years of membership may make alternate payment arrangements with the club whereby a monthly debit order can be signed.
 - (iii) Members joining the club will be charged the appropriate pro-rata fee for the remaining months of the year. The affiliation and handicap fees will be paid in full regardless of the time of joining.
 - (iv) The Entrance Fee paid by a member in any of the age groups under thirty years, shall only absolve each person from paying the entrance fee prescribed for a higher age group and for Ordinary Membership if his/her membership has remained unbroken from the time of joining.
- (b) No Entrance Fee or subscription or any portion thereof shall under any circumstances be refunded to any member.
- (c) A temporary member shall be entitled to introduce visitors under the provisions of rule 21.



- (d) An ordinary member may apply to become a Country Member on giving written Notice to the Secretary who shall cause the application to come before the Committee for decision.
- (e) The membership of any member whose subscription or any part thereof is unpaid after thirty days of it becoming due may in the discretion of the Committee be cancelled and interest will be charged on all outstanding accounts after 1st January. The registration of a members selected All-in green fee option may only be effected upon payment of the members annual subscription.
- (f) All legal costs incurred by the Club in recovering arrears subscriptions from any Member or former member shall be recoverable from any such member or former member.

17. REGISTER OF MEMBERS

A full and complete Register of Members shall at all times be kept on the Club premises.

18. RESIGNATION

Members failing to give written notice to the Secretary prior to the 31st December in any year of their intention to resign, shall remain liable for the subscription for the ensuing year, provided that in special circumstances the Committee may waive payment of such subscription.

19 REJOINING

Members who resign for any reason whatever shall be eligible to re-join at any time. Election shall be in the manner provided for in rule 14 on payment of the entrance fee and annual subscription. Waiver of the entrance fee will be at the discretion of the Committee.

20. EXPULSION

Should any Member in the opinion of the Committee –

- (a) Be guilty of improper, dishonest or unsportsmanlike behaviour or of conduct unbecoming or prejudicial to the interests and reputation of the Club, whether on the Club's premises or elsewhere, or
- (b) Commit any wilful breach of the Constitution or Bye-laws of the Club, or
- (c) Bring into the club premises any person whose presence may be prejudicial to the Club, or objectionable to the Members, or
- (d) Wilfully or negligently damage any property of the Club;

The Committee shall have the power –

- (i) to expel such member, or
- (ii) to deprive such member of any or all the rights of membership for so long as it may think fit; or
- (iii) to require such person, in writing, through the Secretary, to resign, and failing compliance within seven days to expel such member, or
- (iv) to assess against such member the amount of any damage done by such member or his guest;
- (v) to recover from such member the amount of such damage.

Before exercising any powers under this clause, the Committee shall give written notice to the member concerned of any charge or allegation against him and shall give him an opportunity of being heard personally in reply thereto but shall not be bound to follow any form of judicial or semi-judicial procedure or rules of evidence in enquiring into and coming to a conclusion upon such charge.

No member who has been expelled shall be eligible for re-election for five years thereafter.

21. VISITORS

(a) A visitor not being desirous of playing over the course and consequently not being liable for payment of a Green Fee may be introduced to the Club by a Member as his or her guest provided that –

(i) No person residing within the Magisterial District of the Nelson Mandela Metropolitan Municipality shall be introduced to the Club as a guest more than twice in any Calendar month or as the committee may otherwise decide.

(ii) The Committee may, at its discretion and without assigning any reason therefore prohibit the introduction of any person as a visitor or guest for any reason appearing to it sufficient.

(b) Non-members of the Port Elizabeth Golf Club resident within the magisterial district of Nelson Mandela Metropolitan Municipality shall not be allowed to enjoy the privileges of the Club house or Course on Wednesdays, Saturdays, Sundays or Public Holidays more than twice in any calendar month save with the consent of the Committee and under such terms as it shall stipulate.

22. COMPLAINTS

All complaints shall be made to the Manager or Secretary, who, if he shall be unable to deal with them forthwith, shall require them to be made in writing and shall submit them to the Committee, whose decision shall be final.

Under no circumstances shall a servant of the Club be reprimanded directly by a member.

23. ANNUAL GENERAL MEETING.

The Annual General Meeting of the Club shall be held every year not later than 31st March, at such time and place as the Committee shall determine.

Twenty-five ordinary members shall be a quorum and no business shall be transacted at any meeting unless a quorum be present, and, unless a quorum be present at the advertised time, such meeting shall stand adjourned for 30 minutes, after which it should be established if a quorum has been constituted. If a quorum is not present, the meeting shall stand adjourned for one week (same day, time and place), and if at that adjourned meeting a quorum is not present within 30 minutes from the time appointed for the meeting, those present and entitled to vote shall form a quorum.

VOTING – Only members Class 1, 6, 8, 11, 14, 15 and any House member who transferred from a category of membership with voting rights, shall be entitled to vote at any General Meeting or have any voice in the management of the Club.

24. SPECIAL GENERAL MEETING

The Committee may call a Special General Meeting:

- (a) whenever it may deem it necessary and
- (b) shall be bound to do so on receiving a requisition signed by at least ten members of the Club, or
- (c) by a member who has been expelled by the Committee, provided that in the event (c) such request shall have been handed in to the Secretary within seven days from the date of expulsion.

The cost of such meeting called under the conditions of (b) and (c) shall be levied to those members calling such meeting unless the motion/resolution proposed at such meeting is successful by way of a two thirds majority vote.

Twenty-five ordinary members shall be a quorum and no business shall be transacted at any meeting unless a quorum be present, and, unless a quorum



be present at the advertised time, such meeting shall stand adjourned for 30 minutes, after which it should be established if a quorum has been constituted. If a quorum is not present, the meeting shall stand adjourned for one week (same day, time and place), and if at that adjourned meeting a quorum is not present within 30 minutes from the time appointed for the meeting, those present and entitled to vote shall form a quorum.

VOTING – Only members Class 1, 6, 8, 11, 14, 15 and any House member who transferred from a category of membership with voting rights, shall be entitled to vote at any General Meeting or have any voice in the management of the Club.

25. MINUTES OF MEETINGS

Proper Minutes shall at all times be kept of the proceedings of all General and Committee Meetings.

26. NOTICE OF MEETING

Twenty-one days' notice of any general meeting must be given by written notice to all members entitled to vote and by notice posted in the Club House.

The Club's Annual report will be distributed electronically to all members at least seven days before the AGM and in addition printed copies of the report will be made available.

27. ALTERATION OF RULES

No rule of the Club shall be repealed or altered, and no new rule shall be made unless passed by not less than Two Thirds of such members entitled to vote as are present in person at a General or Special General Meeting duly convened to consider such resolution.

The notice calling for any such resolution to be passed must be posted at the same time the notice of the AGM or Special General Meeting is posted (21 days).

Resolutions must be submitted at least fourteen days before the date of the Annual General Meeting to the General Manager.

All resolutions submitted will form part of the Club's Annual Report which will be distributed to members at least seven days before the AGM.



28. PAYMENT OF EXPENSES

Members are required to pay all expenses they incur in the Club House, or on the Course, before they leave the Club premises.

29. INDEMNITY BY MEMBERS

Each member shall indemnify the Club against loss or damage to any person or property arising out of any negligent, wrongful or unlawful act committed by him on the Club's course or premises. The Club shall not be liable to make good any loss or damage suffered by any member during the course of play, whether such damage be caused during a match, competition or any other game.

The Club shall not be liable to make good the loss by fire or any other cause of golf clubs or any other property of any member or other person whilst on the Club's Course or premises.

30. NOTICES

No notice or any other advertising may be posted in the Club House without the sanction of the Committee.

31. ADDRESSES

Every member shall keep the Secretary advised of any change of his/her postal address. The address of such member shall be inserted in the register of members and all notice sent by post to the last known address of any member shall be deemed to have been duly delivered within the next four days following the date of posting.

32. RULES OF THE GAME

The Rules of the Game shall be those of the Royal and Ancient Golf Club of St. Andrews, subject in such modification or additions to suit local circumstances as the Committee may deem expedient.

33. INTERPRETATIONS OF CLUB RULES

If a dispute shall arise to the proper construction or interpretation of any Club Rule the matter shall be referred to the Committee, whose decision thereon shall be final.

34. WINDING UP OR LIQUIDATION OF CLUB

Upon the winding up or the liquidation of the Club, those assets of the Club remaining after satisfaction of its liabilities shall be transferred to another Golf Club in Port Elizabeth having objects similar to the objects of this Golf Club which is itself exempt from tax as chosen by the Committee.

Signed:

President:



Name:

DC RYBICKI

Vice-President:



Name:

C.L. CLACK