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# MPUMALANGA PROVINCE SWIMMING



# CONSTITUTION 2023



## 1. TITLE

The Affiliate shall be called Mpumalanga Province Swimming (previously known as Mpumalanga Streek Swem Vereeniging) and shall be affiliated to Swimming South Africa (SSA) which is an affiliated member of World Aquatics. Mpumalanga Province Swimming recognizes SSA as the sole governing body of Swimming, Diving, Water Polo, Synchronized Swimming, Masters and Open Water Swimming nationally.

## 2. HEADQUARTERS AND AREA OF JURISDICTION

The Headquarters of MPS shall be Van Riebeeck Park Swimming Complex in Nelspruit. MPS shall have jurisdiction over the area demarcated as Mpumalanga Province (with exclusions as determined by SSA) and includes the district municipalities of Ehlanzeni, Gert Sibande and Nkangala.

## 3. DEFINITIONS

In this Constitution unless inconsistent with the context the following expressions shall have the following meanings:

- 3.1 **“Affiliate Member”** means a duly constituted body made up of Districts within its boundaries;
- 3.2 **“Annual General Meeting” (AGM)** means an Annual General Meeting of Mpumalanga Province Swimming;
- 3.3 **“Annual Fee” – See 3.42**
- 3.4 **“Aquatics”** shall mean the disciplines of swimming, diving, open water swimming, masters swimming, synchronized swimming or water polo, and where applicable Disabled Aquatics;
- 3.5 **“Associate Member”** shall mean an organization who may have sporting activities similar to that of MPS and/or SSA;
- 3.6 **“Athlete”** means an individual competitive member of a Club, duly capitated through the completion of the SSA Capitation Form, participating in any of the discipline competitions set up by Districts, Affiliates or SSA;
- 3.7 **“Capitation Form”** means the Form (**Schedule Seven**) that an Individual Member completes, with remittance, and acknowledges that SSA is the only recognized body in the Republic of South Africa that governs Aquatics, and binds the Individual Member to the Constitution and the provisions thereof;
- 3.8 **“Capitated Individual Member”** means any individual member of a club who may be an athlete, technical official, administrator, etc., and is fully capitated and up to date with the payment of their capitation remittance to their Club, District, Affiliated Member and SSA;
- 3.9 **“Capitation Fee”** means levies, remittances, and the like associated with the Capitation Form;
- 3.10 **“Club”** means group of individual capitated members within a District, appropriately constituted, to meet the objectives set out by their District, Affiliate Member and SSA;

- 3.11 **“Code of Conduct”** means the Code of Conduct of the Club, Affiliate and SSA, as amended from time to time;
- 3.12 **“Code of Ethics”** means the Code of Ethics of the Club, Affiliate and SSA, as amended from time to time;
- 3.13 **“Committee”** means the Executive Committee of MPS, unless specifically referred to as any other administrative arm of MPS, for example: Selection Committee, Disciplinary Committee, Development Committee, etc;
- 3.14 **“Competition”** means any District, Affiliate, National or International aquatic competition or the like, involving any of the aquatics disciplines;
- 3.15 **“Competitor”** means any individual competitive member of a club, duly capitated through the completion of the SSA Capitation Form, participating in any of the discipline competitions set up by the Districts, Affiliates or SSA;
- 3.16 **“Constitution”** means this Constitution, its provisions, the Appendices hereto, Bye-Laws, Rules, Policies, and due decisions and/or orders arising there from, as amended from time to time;
- 3.17 **‘Council’** shall mean the General Council of MPS;
- 3.18 **“Days”** mean full calendar days, inclusive of public and other holidays;
- 3.19 **“Disabled Athlete”** means those athletes who require special conditions for their participation in competitions;
- 3.20 **“Disabled Aquatics”** mean competitions for those disabled athletes;
- 3.21 **“Disciplinary Enquiry”** means an investigation, hearing or the like in which Individual Members, Clubs and Districts may be involved;
- 3.22 **“District”** means a duly constituted body in accordance with the legislated demarcations, made up of Clubs within its boundaries, and under the jurisdiction of the Affiliate;
- 3.23 **“Drug/s”** means any substance/s, method and/or provision regulated in accordance with SSA, SASCOC and/or World Aquatics’s Doping Control Rules;
- 3.24 **“Executive”** or **Executive Committee** shall mean the elected officers of Mpumalanga Province Swimming, who are responsible for making decisions on matters relating to the business of Aquatics and entrusted with the administration and management of the Association in accordance with the MPS Constitution;
- 3.25 **“Executive Meeting”** shall mean the monthly meetings of the MPS Executive Committee.
- 3.26 **“World Aquatics”** means the *World Aquatics*;
- 3.27 **“Financial Year”** means 01 May to 30 April of each year;
- 3.28 **“General Meeting”** means Annual General Meeting of Mpumalanga Province Swimming;
- 3.29 **“Grievance Procedure”** means the step by step process that an Individual Member must follow to have a grievance addressed satisfactorily;
- 3.30 **“Guardian”** means a person who has the legal authority and the duty to care for the personal and property interests of a minor;
- 3.31 **“Individual Member”** – see Capitated Individual Member;
- 3.32 **“Learners”** mean registered members of Schools;
- 3.33 **“Legal Guardian”** means a person who has the legal authority and the duty to care for personal and property interests of a minor;

- 3.34 **“Masters”** means a programme recognized by World Aquatics for all disciplines, and as such becomes an entity within SSA;
- 3.35 **“Members”** mean the Individual Members of Clubs, Districts, Associate Members, Honorary & Life Members, and those persons deemed to be members of Mpumalanga Province Swimming;
- 3.36 **“Minor”** means any person under the age of eighteen (18);
- 3.37 **“National Colours”** means those colours as contemplated in the National Sport Colours Regulations, of which SASCOC shall have the authority to implement;
- 3.38 **“MPS”** means Mpumalanga Province Swimming;
- 3.39 **“Official”** means a registered official of MPS;
- 3.40 **“Parent”** means a person who has the legal authority and the duty to care for the personal and property interests of a minor;
- 3.41 **“Provincial Colours”** means Mpumalanga provincial colours awarded to any Individual Member from time to time by the Executive Committee;
- 3.42 **“Registration Fee”** due to MPS and/or SSA by all Clubs, Districts, Individual Members and Associate Members;
- 3.43 **“SAIDS”** means South African Institute for Drug Free Sport;
- 3.44 **“SASCOC”** means South African Sports Confederation and Olympic Committee;
- 3.45 **“SRSA”** means Sport and Recreation South Africa – the Ministerial Department governing sport in South Africa;
- 3.46 **“Scholars”** mean registered members of schools;
- 3.47 **“Schools”** mean institutions that belong to the Ministerial Department of Education;
- 3.48 **“Schools Aquatics”** means the body established in accordance with the guidelines, regulations and structures as set out by SRSA for competitions involving learners/scholars;
- 3.49 **“Selection Committee”** means Individual Members from all disciplines, appointed by the Executive Committee, who when required, recommend to the Executive Committee, individuals or teams to represent Mpumalanga Province Swimming;
- 3.50 **“SGM”** means Special General Meeting of MPS.
- 3.51 **“SSA”** means Swimming South Africa;
- 3.52 **“Swimming year”** shall mean 1 May to 30 April of the following year;
- 3.53 **“Transformation”** shall mean the strategic process throughout SSA and Mpumalanga structures to re-dress the previous inequalities and to cater for the needs of the majority of the populace as outlined in the SSA Transformation Policy and Strategy;
- 3.54 **“Universities”** means institutions of higher education;
- 3.55 **“USSA”** shall mean University Sport South Africa, the official unified national umbrella sports structure for the regulation, organization and coordination of University Students sport activities at regional, provincial and national **levels** in the tertiary education sector of South Africa, and is an Associate Member of SSA;
- 3.56 **“University Students”** shall mean members of USSA;
- 3.57 **“WADA”** means World Anti-Doping Association, responsible for the World Anti-Doping Code; and

- 3.58 Words importing the masculine gender shall include the feminine gender and where the context so requires, words of a plural nature shall include the singular and the singular shall include the plural.

#### 4. AIMS AND OBJECTIVES

The aims and objectives of MPS shall be:

- 4.1 To organize, promote, encourage and develop swimming, open-water swimming, masters swimming, water pole and lifesaving and other related aquatic sports at all levels.
- 4.2 To control, promote and encourage competition at club, district, provincial and national levels.
- 4.3 To stimulate public opinion and interest so as to influence private enterprise and public authorities to provide facilities, funds and sponsorships for the acquiring, practicing and promotion of those sports.
- 4.4 Ensure that all individual members or club members subscribe and adhere to the Bye-Laws, Rules & Regulations, Policies and Strategies of Mpumalanga Province Swimming and SSA.
- 4.5 To adjudicate on any matter relative to Clause 4.1 above and referred to it by members, competitors or officials.
- 4.6 To promote the viability of the districts.
- 4.7 Not allow any discrimination against District, Club or Individual Members, be they Athletes, Officials, Judges, Delegates, etc. on the grounds of race, religion, political association, disability, creed, colour or class.
- 4.8 Encourage the practice of aquatics disciplines for all in South Africa with the purpose of;
  - 4.8.1 reducing the frequency of drowning tragedies in Mpumalanga;
  - 4.8.2 Providing healthy exercise through competitions;
  - 4.8.3 Recruiting recreational competitors to compete in the various competitions provided by the aquatic disciplines of the sport; and
  - 4.8.4 Promoting competition at the highest level.
- 4.9 Use their best endeavors to ensure that public facilities are made available to be shared by all South Africans;
- 4.10 Encourage the provision of new facilities for use by all South Africans in areas where they are most needed.
- 4.11 Provide a drug free sport by adopting and implementing WADA's Anti-Doping Code to include out of competition doping control.
- 4.12 Ensure that the Child Protection Policy for persons working with minors is enforced and continuously monitored.
- 4.13 Support SSA in its efforts to achieve its objectives.
- 4.14 To do all things incidental to or conducive to the furthering of the above objectives.



## 5. MEMBERSHIP OF MPS

The membership of MPS shall comprise of the following:

### 5.1 Individual Members

- 5.1.1 Individual Members shall automatically become Members of MPS and SSA on capitating with a Club in the District of their residency.
- 5.1.2 The Membership is achieved by completing the prescribed Capitation Form **(Schedule A)** and remitting to their Club the prescribed Capitation Fee.
- 5.1.3 The completed Capitation Form is submitted by the Club to its District, who in turn forward this document to MPS for submission at SSA, with the prescribed SSA Capitation Fee.
- 5.1.4 Each Individual Member, and in the case of minors and their parents/legal guardians, by proceeding according to Clauses 5.1.1 to 5.16, acknowledge that MPS, as an Affiliate of SSA, is the only recognized body in Mpumalanga which governs the aquatic disciplines and that they are bound by the provisions of the Constitution of MPS.
- 5.1.5 Each Individual Member, and in the case of minors and their parents/legal guardians, by proceeding according to Clauses 5.1.1 to 5.16, acknowledge that SSA is the only recognized body in South Africa which governs the aquatic disciplines and that they are bound by the provisions of the Constitution of SSA.
- 5.1.6 Both parents/legal guardians are required to sign the Capitation Form.
- 5.1.7 On signing the Capitation Form, parents and guardians are deemed to be Individual Members of MPS and SSA, and therefore legally bound by the Constitutions of MPS and SSA.
- 5.1.8 In capitating with a Club, the Individual Member will be bound by the MPS and SSA Codes of Conduct and Ethics.
- 5.1.9 MPS and SSA shall have the power to sanction an Individual Member for violation of the MPS or SSA Constitution, Bye-Laws or Rules.
- 5.1.10 Individual Members shall sign the MPS General Code of Conduct and submit a copy thereof to the General Secretary with the SSA Capitation Form or within 7 days after submitting the SSA Capitation Form.
- 5.1.11 If an Individual Member transfers from one Club to another Club in the same District or within Mpumalanga, the transfer is only completed once the transferring club approves and SSA is informed accordingly by MPS.
- 5.1.12 If an Individual Member transfers from one Club to another Club in a different District or Affiliate, the transfer is only completed once the transferring club approves and MPS approves the transfer, and SSA is informed accordingly by MPS.
- 5.1.13 The closing date for the capitation of all Individual Members, be they Competitors, Officials, etc. will be **30<sup>th</sup> November** of each year and the last day of February for schools competitors, unless circumstances in mitigation can be proved.

- 5.1.14 In the case of international competitions prior to 30th November of each year, all MPS Individual Members must be capitated within seven (7) days after nomination/selection for that competition.
- 5.1.15 No Individual Member shall have any kind of relationship with a non-affiliated member; provided that such a relationship must be deemed to be in direct or indirect conflict with the aquatic disciplines registered under the jurisdiction of Swimming South Africa. No Individual Member shall have any kind of relationship with a suspended member.
- 5.1.16 No Individual Member may sit on any Committee or act as an official at or take part in any competition, whilst under sentence of disqualification or suspension for any offence committed by himself/herself.

## 5.2 Clubs

- 5.2.1 Clubs need to be established bodies, catering for the disciplines they have decided to pursue.
- 5.2.2 All clubs, new and old, need to establish a constitution, with their rules aligned to their district constitution.
- 5.2.3 The Club Constitutions must include their Codes of Conduct and Ethics.
- 5.2.4 The minimum administrators for a Club are **three**, namely the Chairperson, Secretary, Treasurer. Additional members can be appointed.
- 5.2.5 The minimum number of competitors that are required in a Club are **three** for each Discipline, and **nine** for a water polo team.
- 5.2.6 The Club must confirm to its District the Coaches responsible for its disciplines.
- 5.2.7 The District will make a recommendation to MPS to grant full membership to a Club. MPS will approve full membership of a Club, including voting rights at Affiliate level, should MPS accept and approve the recommendation by the District.
- 5.2.8 The annual fees for Clubs shall be determined by their Districts and MPS.
- 5.2.9 No registered Club shall have any kind of relationship with a non-affiliated member; provided that such a relationship must be deemed to be in direct or indirect conflict with the aquatic disciplines registered under the jurisdiction of Swimming South Africa. No registered Club shall have any kind of relationship with a suspended member.
- 5.2.10 Each registered coach in respect of each club shall sign the MPS Coaches Code of Conduct and submit the signed document to the General Secretary together with the club registration fees for the specific year. Once the signed MPS Coaches Code of Conduct is on file with MPS, the subject coach doesn't need to resubmit the document annually, except if and when MPS amends the Code.
- 5.2.11 Should any of the parameters listed in the above clauses not be in place, the new Club may face restrictions or sanctions by the District or MPS.
- 5.2.12 Each Club is entitled to two representatives at General Meetings of their District in accordance with the Constitution of the District and two

representatives at General Meeting of MPS in accordance with the Constitution of MPS.

### 5.3 Districts

- 5.3.1 Each District structure governs the sport of Aquatics in their area of jurisdiction.
- 5.3.2 Each District member shall acknowledge in its Constitution and Rules, that SSA is the only recognized body in the Republic of South Africa that governs the aquatic disciplines, and that it is bound by the provisions of the Constitution of SSA.
- 5.3.3 The constitution and rules of a District Member must be aligned to that of MPS and SSA and not be in conflict with those of SSA.
- 5.3.4 In the event of such conflict arising, the District Member agrees that the provisions of the MPS Constitution and/or SSA Constitution shall supersede those of the District Member.
- 5.3.5 District Members shall provide MPS with a copy of their Constitution upon registration and in the case of any amendments thereto, within 7 days of the approval of the amended Constitution.
- 5.3.6 All District Members are directed to align their financial period with that of MPS and SSA, the financial year ending the 30<sup>th</sup> April of each year.
- 5.3.7 District Members shall provide MPS with a copy of their financial statements by not later than 30 September of each year.
- 5.3.8 Failure to comply with the demands outlined in the above clauses shall render the District Member automatically suspended.
- 5.3.9 No District Member shall have any kind of relationship with a non-affiliated member; provided that such a relationship must be deemed to be in direct or indirect conflict with the aquatic disciplines registered under the jurisdiction of Swimming South Africa. No District Member shall have any kind of relationship with a suspended member.
- 5.3.10 All District Members must forward their Annual Report to the General Secretary of MPS by not later than the Monday preceding the date of the MPS AGM or such a reasonable date requested by MPS.
- 5.3.11 SSA or MPS shall have the power to suspend and/or expel a District Member for violation of the MPS and/or SSA Constitution, Bye-Laws or Rules.
- 5.3.12 SSA or MPS may call on any District Member to forward such documents, books and statements as may be deemed necessary and expedient, at any time.
- 5.3.13 During the period of suspension and/or expulsion from Membership, the District Member, and/or its Individual Members, will not be able to participate in any of the competitions overseen by MPS or SSA.
- 5.3.14 Each District Member shall be entitled to two representatives at General Meetings of MPS.
- 5.3.15 Each District Member shall have two votes at MPS AGM.



- 5.3.16 The prescribed registration fee for District Members shall be determined by MPS.
- 5.3.17 The Chairperson of each registered District will be co-opted onto the Executive Committee of MPS.
- 5.3.18 A minimum number of **2 (two) clubs** is required to form a district structure.

#### **5.4 Associate Members**

- 5.4.1 MPS, in an Annual General Meeting or Special General Meeting, may admit provincial organizations whose sporting activities may be similar to that of MPS, as Associated Members; subject to prior approval by SSA.
- 5.4.2 Applications for Associate Membership of MPS shall be made in writing to the General Secretary of MPS, together with a copy of their constitution, codes of conduct and ethics, and any other information that may pertain or that MPS may require in support of the application.
- 5.4.3 Each Associate Member shall be entitled to two representatives who may attend General Meetings of MPS. These representatives may enter into discussion on matters relevant to the affairs of their Association only, and will be entitled to one (1) vote only at such Meetings.
- 5.4.4 Each Associate Member shall acknowledge in its constitution, Bye-Laws and rules, in accordance with promulgated legislation, that SSA is the only recognized body in South Africa which governs the aquatic disciplines, and that it is bound by the provisions of the Constitution of SSA.
- 5.4.5 Each Associate Member shall acknowledge in its constitution, Bye-Laws and rules, that MPS is the only recognized body in Mpumalanga which governs the aquatic disciplines, and that it is bound by the provisions of the Constitution of MPS.
- 5.4.6 Any member of an Associate Member may participate in MPS and SSA Competitions, provided that the Associate Member and its representative meet the capitation criteria set by SSA.
- 5.4.7 The constitution and rules of an Associate Member must not be in conflict with those of SSA or MPS.
- 5.4.8 In the event of such conflict arising, the provisions of the MPS Constitution shall supersede that of the Associate Member; provided that the provisions of the SSA Constitution will supersede both the constitutions of MPS and the Associate Member if or when applicable.
- 5.4.9 MPS shall have the power to suspend and/or expel an Associate Member for violation of its Constitution, Bye-Laws or Rules.
- 5.4.10 During the period of suspension and/or expulsion from Membership, the Associate Member, and/or its individual members, will not be able to participate in any of the competitions of MPS.
- 5.4.11 The Executive Committee of MPS has the authority to suspend or expel an Associate Member or to institute any disciplinary procedures against the Associate Member in accordance with the provisions of the MPS Constitution. Suspension of an Associate Member requires a majority vote

at an Executive meeting; which will be 50% + 1 vote. A recommendation to expel an Associate Member must be referred to SSA for ratification.

**5.4.12 In the case of Schools Aquatics:**

- 5.4.12.1 All Schools participating in SSA events must register as a Schools Club or Club within their District;
- 5.4.12.2 SRSA stipulated regulations and guidelines for competitions and structures for Schools Aquatics will apply;
- 5.4.12.3 SSA and MPS will recognize School Athletes participating in SSA sanctioned events, provided they have been duly capitated.
- 5.4.12.4 The Chairperson of the Mpumalanga Schools Swimming Committee will be co-opted onto the Executive Committee of MPS.

**5.5 Honorary Life Members**

- 5.5.1 At an Annual General Meeting, upon receipt of nominations from Affiliate or Associate Members and subject to a recommendation by the Executive Committee, the General Council may grant the title Honorary Life Member to a person or persons who have rendered meritorious service to Aquatics by way of a majority vote.
- 5.5.2 The General Council will have the power to withdraw the Honorary Life Membership conferred on any person or persons at any time.
- 5.5.3. Honorary Life Members may attend AGM or Executive Meetings of MPS and enter into discussion and shall have a vote at the AGM.
- 5.5.4. Criteria used for nomination of Honorary Life Member are included in the MPS Bye-Laws.

**5.6 Temporary Members**

MPS will recognize individual temporary members to participate in a one-off officially sanctioned competition, subject to such conditions the Executive Committee may approve.

**5.7 Other Members and School Members**

MPS recognizes athletes, on completing the capitation form, participating in entry level activities or schools activities as set out by Clubs and Districts.

In the event of Schools Competitors, the Executive Committee will impose an entry level registration fee, to be reviewed annually together with the standard registration fees of MPS.

Any registered Schools Competitor has the right to convert his/her membership into Full Membership before the last day of February of each year; provided the member pays the difference in registration fee.

## 6. APPLICATION FOR MEMBERSHIP

In the case of Club, District or Associate membership, application shall be made to the General Secretary of MPS and shall be accompanied by:

- 6.1 two copies of the Constitution of the applicant member;
- 6.2 Completed Club Registration Form as set out in **Schedule 1**.
- 6.3 a list of the applicant member's officials and competitors;
- 6.4 the annual subscription fee for the class of membership sought as shall be determined at the AGM on recommendation of the executive committee;
- 6.5 the proposed name and colours of the applicant member;
- 6.6 Any swimming or LTS club applying for membership must submit copies of proof that at least one of the club's registered coaches complies with the minimum registration criteria for "coaches" as determined by the Executive, which includes:

- ☐ For LTS clubs/schools, a valid Learn To Swim (LTS) Certificate;
- ☐ For Swim Clubs, a valid Level 1 or above Coaches certificate; or for current as well as newly registered clubs, a period of 12 months from the AGM date will be allowed to finalise relevant qualification;

- ☐ Police Clearance;
- ☐ Indemnity insurance for R1 000 000.00;
- ☐ Valid CPR Certificate;

Provided that the Executive may at its own discretion allow temporary registration of a club on condition that the club coach achieve or obtain a valid LTS Certificate within **6 months** from date of registration.

- 6.7 such other information as MPS may require;
- 6.8 the amount submitted under Clause 6.3 shall be refunded if the application is not approved
- 6.9 applications for membership shall be considered at the General Meeting of MPS and approval of such applications shall be subject to a majority vote (50% + 1 vote) of those present and eligible to vote; provided that:
  - 6.9.1 the Executive Committee shall have the right, subject to the proper observance of the Constitution by the applicant, to grant temporary approval of the applicant member's application, provided further that
  - 6.9.2 The Executive Committee's grant of temporary approval shall be subject to confirmation at the next Annual General Meeting or Special General Meeting.
  - 6.9.3 Granting of temporary approval does not guarantee or imply approval will be granted by the General Council.
- 6.10 Prior to the presentation of any application at the Annual General Meeting, the Executive Committee shall have satisfied itself that the applicant is strong enough to ensure the proper management of the club.
  - 6.10.1 In the event of the Executive rejecting an application for membership, the applicant shall have the right of a hearing with the Executive if an appeal is lodged with the General Secretary of the Executive within 14 days of the rejection of the application

- 6.10.2 If the rejection of the application is confirmed at the appeal hearing, the applicant may lodge an appeal with the General Council to be heard at the AGM. Such appeal must be lodged 21 days before the date of the AGM.

## **7. POWERS OF MPUMALANGA PROVINCE SWIMMING**

- 7.1 Mpumalanga Province Swimming is a voluntary Affiliate of SSA with full legal standing, with continuing existence, independent of changes in membership and office bearers of indefinite duration.
- 7.2 Without in any way derogating from the general powers of MPS, the following powers may, inter alia, be exercised by the Executive Committee:
- 7.2.1 Lease or hire movable and immovable property in the name of MPS, where it shall appear to be in the best interest of MPS and upon such terms as it may deem expedient to be utilized solely for the purpose of conducting the sporting activities controlled and promoted by MPS.
- 7.2.2 Purchase in the name of MPS such property, movable or immovable, as may be considered requisite and necessary to be utilized solely for the purpose of conducting the sporting activities controlled and promoted by MPS, noting that no member or office bearer, will be or is entitled as a member to any of the property, assets or income of MPS, or to any portion thereof.
- 7.2.3 Discipline and/or sanction any District, Club, Associate Member or an Individual Member thereof, which or who, in its opinion, has been guilty of any misconduct warranting such action.
- 7.2.4 Control at all times, capitulated Individual Members through the Districts and Clubs where the member was originally capitulated.
- 7.2.5 Add to, alter or revoke any of the articles of Constitution of MPS at any Annual General Meeting or Special General Meeting, provided that no such addition, alteration or revocation shall be considered unless 21 days notice of motion in writing shall have been given to the General Secretary, and to each District, registered Club, registered LTS Club or Associate Member by the General Secretary at least 14 days before such Meeting. Such proposed addition, alteration or revocation to become effective, shall require a two-thirds majority of those present and voting.
- 7.2.6 Arrange, regulate, suspend or abandon any or all of its competitions or to substitute others in their stead.

## **8. THE EXECUTIVE COMMITTEE AND ITS POWERS AND DUTIES**

- 8.1 Each member of the Executive Committee shall, unless otherwise stipulated in this constitution, have one vote. The Chairperson shall, when the occasion arises, have a casting as well as a deliberative vote. The composition and portfolio descriptions of the Executive Committee are fully described in the **MPS Bye-laws**.
- 8.2 The elected Executive Committee shall have powers and duties in respect of the following:
- 8.2.1 Will be responsible for making decisions on matters relating to the business of MPS and aquatics.

- 8.2.2 Should insufficient nominations be received or from the nominations received candidates are not of a quality to warrant appointment, the Executive Committee will nominate members to fill any outstanding vacancies.
- 8.2.3 Should a vacancy on the Executive Committee, be it through resignation or dismissal, occur prior to an AGM, the nominee with the next highest number of votes shall be appointed to the vacancy, subject to the approval of the Executive Committee.
- 8.2.4 Form a Management Committee to attend to the day to day business of MPS. The Management Committee will comprise the President, Vice-President, General Secretary, Treasurer and not more than two (2) additional Executive members.
- 8.2.5 To deal with matters of a routine nature during the periods between the General Meetings of MPS, which are not, required to be dealt with by the Council; to dispose of matters specifically delegated to it by the Council and matters entrusted to it by this Constitution as more fully described in Section 12 of the MPS Bye-laws, which describes each Executive Portfolio.
- 8.2.6 To grant or withhold permits for galas, competitions and championships events and to fix the fees thereof
- 8.2.7 To approve programs and rules for events staged by the disciplines of diving, swimming, synchronized swimming and water polo and lifesaving
- 8.2.8 To confirm all claims to swimming records in the area covering
  - 8.2.8.1 MPS age group records
  - 8.2.8.2 MPS Championships or specific meet records
  - 8.2.8.3 National age group records
  - 8.2.8.4 National open records
  - 8.2.8.5 And such other records as determined by the Executive from time to time
  - 8.2.8.6 Provided that the national records shall be verified and submitted to SSA.
- 8.2.9 To control all moneys of MPS as delegated by Council and to approve accounts for payment and receive and consider the Treasurer's monthly or *ad hoc* financial reports
- 8.2.10 To receive and pass accounts for payment including accounts for refund of expenses incurred by persons engaged in the work of MPS provided prior authority had been granted by the Executive Committee for such expenses to be incurred on behalf of MPS
- 8.2.11 To call upon any member to submit for inspection such documents, books or statements as may be required for any investigation considered necessary.
- 8.2.12 To act as holders in trust for all trophies, moneys and other property of MPS and to deal with the same as it deems fit.
- 8.2.13 To give and grant honoraria and / or to make presentations to such persons as may be deemed advisable but only in accordance with the rules governing sport.



- 8.2.14 To introduce such new rules or conditions relating to the rules and laws of swimming, as may be necessary to bring such laws into conformity with the appropriate laws introduced by SSA and / or World Aquatics.
- 8.2.15 To approve the appointment of:
  - 8.2.15.1 A MPS Selection Committee, comprising of not less than 3 and not more than 5 members for the purpose of choosing teams to represent the Province, subject to the general selection criteria as stipulated in Section 9 of the **MPS Bye-laws**.
  - 8.2.15.2 The Disciplinary Committee
  - 8.2.15.3 Managers, coaches and chaperones to accompany officially selected teams.
  - 8.2.15.4 Senior officials of the National, Provincial and Championship events.
- 8.2.16 To approve transport and accommodation requirements of MPS teams, representing and / or attending any championships or any other galas or related functions.
- 8.2.17 To amend any of the Schedules to this constitution save for Schedule One.
- 8.2.18 To consider and confirm all matters of policy dealt with and decisions taken by the various committees as in terms of the committee's minutes.
- 8.2.19 To grant certificates of competence to persons who have qualified to officiate at MPS events, subject to such conditions as may be laid down from time to time.
- 8.2.20 To appoint MPS's General Secretary and to fix remuneration.
- 8.2.21 To approve rules and regulations for the various committees as are necessary for the smooth running of various competitions.
- 8.2.22 To decide on the subscription and capitation fees payable by members and competitors respectively for the ensuing year
- 8.2.23 To ensure that members submit copies of their minutes to the Executive Committee for perusal and record purposes. The General Secretary is to file the members' minutes and keep record thereof.
- 8.2.24 To co-opt any person who, in the opinion of the Executive Committee, can assist them in any of the committee's functions.
- 8.2.25 Appoint *ad hoc* Committees, with persons of knowledge or experience in special areas, to advise the Executive Committee on urgent matters or to investigate specific matters or problems and to report thereon.
- 8.2.26 To amend any Grievance Procedure for the lodging and/or administration of any grievance, as contained in Schedule Eight of the MPS Constitution.
- 8.2.27 To enforce the observance of the provisions of this Constitution and rules of MPS and of SSA and to deal with any infringement thereof.
- 8.2.28 To incorporate all the rules made or amendment to any rules by the Executive and other Committees in the MPS Bye-laws from time to time.
- 8.2.29 To decide all cases of disputes or disciplinary matters deemed not in need of a full Disciplinary Hearing.
- 8.2.30 To appoint and refer to the Disciplinary Committee any matter requiring disciplinary action.

- 8.2.31 To ratify all findings and amend and /or vary the recommendations of the Disciplinary Committee.
- 8.2.32 To review investigations and proposals of the Disciplinary Committee and accept, revoke or amend such proposals so as to ensure that the proposed disciplinary action has no adverse effect on the sport.
- 8.2.33 To act as an investigating or disciplinary committee in respect of matters of misconduct referred to it by any of its districts, members, delegates, competitors or officials. It may uphold, approve, amend or revoke any proposed disciplinary action; provided that a district, member, delegate, competitor or official that can substantiate that the Executive's decision was not impartial shall have the right within 21 days of notification to him by the General Secretary of the decision of the Executive Committee to appeal to the President and thereafter to the General Council, should the President not be able to resolve the appeal request.
- 8.2.34 Conduct, institute or defend legal proceedings on behalf of MPS and be empowered to take evidence on commission.
- 8.2.35 To deal with any appeal by any member, competitor or official who has been penalized by the disciplinary committee of a district, member club or associated body to which such individual may belong.
- 8.2.36 To refer to the Council or SSA any appeal against the decision of the Executive Committee or Disciplinary Committee, based on any disciplinary findings and recommendations, should the President not be able to resolve the appeal request.
- 8.2.37 All fundraising may be carried out by a professional person or organization, provided that such appointment be approved and ratified by the Executive Committee after due investigation. The Executive Committee shall in this eventuality have the powers to negotiate and contract with such professional person and / or organization in terms of such mandate and payment of commission.
- 8.2.38 To ensure that MPS and its members, competitors and officials do not practice discrimination on the grounds of race, colour, creed, gender or disability.
- 8.2.39 Indemnify the Officers of MPS, in their personal capacities and/or their capacities as office bearers of MPS hereby, and shall hereafter be, indemnified against, and free from personal liability for, the actions and/or debts and/or liabilities, contractual and/or dialectical and/or otherwise of MPS.
- 8.2.40 Decide on MPS awards.
- 8.2.41 Decide on and publish rules for provincial events.
- 8.2.42 Impose sanctions as and when required.
- 8.2.43 To review the deliberations of all Committees, ratify decision taken by all Committees, refer decision back to committees for further deliberations and respond where necessary.

## **9. EXECUTIVE MEETINGS AND CONDUCT**

- 9.1 Meetings shall be convened by the General Secretary on a monthly basis on such a day, venue and time as may be determined by the Executive.
- 9.2 Any meetings shall consist of not less than 50%, plus one (1), of the persons eligible to vote in terms of **Clause 9.1** above. Should a meeting not have a quorum at the time of commencement, the meeting shall stand adjourned for one week to the same venue and same time, at which adjourned meeting the persons present shall constitute a quorum. Due notice shall be given of the adjourned meeting.
- 9.3 The General Secretary shall record the proceedings of Executive Meetings in the minute book and copies of such minutes shall be circulated to all members of the Executive, District Secretaries, Clubs, Associate Members and Honorary Life Members at within 14 days of the concluded executive meeting.
- 9.4 Unless otherwise provided for in this Constitution, the rules for conduct at Council meetings shall also apply for meetings of the Executive.
- 9.5 Matters to be discussed at the above meetings shall be notified to the General Secretary in writing not less than 3 days prior to the meeting and the General Secretary shall prepare the agenda.
- 9.6 The Executive shall only deal with matters placed on the agenda unless the President, in his capacity as chairperson declares a matter to be one of urgency in which case such matter may be dealt with by the Executive.
- 9.7 Should the scheduled date be a public holiday or fall within a school holiday, the President will decide on an appropriate date for such meeting. Any member of the Executive, who absents himself from 3 Executive meetings not having applied for leave of absence shall be deemed as having resigned from the Executive Committee.
- 9.8 The Executive committee may continue to act notwithstanding any vacancy on the Executive committee. Such vacancy shall be filled by the Executive at its first meeting after the Annual General Meeting or at its first meeting following the occurrence of the vacancy; provided that the executive shall be entitled to fill such vacancy with a person in good standing with MPS. In the case of the President vacating his office he shall be substituted by the Vice-President in an acting capacity until the next AGM.
- 9.9 The Chairperson of the Executive Meeting, shall, in addition to his deliberative vote, have a casting vote in the event of an equality of votes on any resolution.
- 9.10 Each registered District must be duly represented at all meetings of MPS, which includes representation by proxy or representation via electronic communication.

## **10. THE COUNCIL OF MPS**

Delegates appointed to the Council shall be in good standing with District, affiliated Club, affiliated LTS Club or with Associated Members and with MPS. Notice in writing of the names of delegates with voting rights must be given to the General Secretary by each affiliated or associated member at least 48 hours before the date of the Annual General Meeting or Special General Meeting, failing which such delegate shall not have the right to take part in voting during such meeting.

Only a registered member of MPS may attend a MPS AGM as an official delegate with delegated authority to vote, speak or participate in any deliberations during the MPS AGM. A delegate may appoint a proxy to act on his/her behalf; provided the proxy is a registered member of MPS or SSA in good standing.

An officially accepted proxy may only act on behalf of one (1) registered member at any given time. An accepted proxy is regarded an official delegate at the MPS AGM and his/her attendance in person must therefore be taken into consideration when declaring a quorum; provided that any existing official delegate, who also acts as a proxy, may only count as one (1) person when declaring a quorum.

The MPS AGM or any Special AGM (SGM) is regarded as a closed meeting for duly authorized delegates only; unless the affiliate, via an Executive Resolution, declares the AGM or SGM open to the general public. All non-representatives will however only have observer status during the meeting and may not participate in any dealings, deliberations or presentations during the meeting; unless requested by the Chairman of the meeting.

## **11. VOTING RIGHTS**

11.1 At meetings of the Council each of the following members or persons shall have voting rights;

11.1.1 The President has 1 vote.

11.1.2 The Vice President has 1 vote.

11.1.3 All the members of the Executive shall have 1 vote.

11.1.4 Each District may have two delegates, each with 1 vote.

11.1.5 Each Associated Member may have two delegates, but only 1 vote per Associate Member.

11.1.6 All affiliated Clubs may have two delegates; each delegate will have 1 vote.

11.1.7 All affiliated LTS Clubs may have one delegate; each delegate will have 1 vote.

11.1.8 Honorary Life Members will have 1 vote each.

11.1.9 A Proxy, duly authorized by any members under Sections 11.1.3 – 11.1.8

## **12. DUTIES AND POWERS OF THE COUNCIL**

The Council shall have the duty to meet at least once a year, shall run the affairs of MPS and shall exercise any or all of the following powers;

12.1 to maintain a banking account in the name of MPS (previously Mpumalanga Province Swimming) which account shall be conducted by the signatures of any two of:

12.1.1 the President;

12.1.2 the Treasurer; and

12.1.3 any other members of the Executive, to be appointed by the Executive.

12.2 to elect Honorary Life Members upon recommendation of the Executive

- 12.3 to consider all applications for affiliation or association on the recommendation of the Executive.
- 12.4 to award Meritorious Service awards on the recommendation of the Executive.
- 12.5 at any General Meeting amend the Constitution and alter, amend or revoke any rules of MPS made by the Executive Committee:
  - 12.5.1 Provided the Executive Committee and / or an affiliate and / or associated member gives notice by way of a motion, in writing, setting out such alteration, amendment or revocation. Such motions shall be circulated by the General Secretary to all members of the Council not less than 21 days prior to such General Meeting;
  - 12.5.2 Provided further that, in the case of amendments to the constitution, no such resolution shall be effective unless approved and passed by a two-thirds majority of those present and eligible to vote at the General Meeting;
  - 12.5.3 Provided further that such notice of motion shall have been in the hands of the secretary on or before 12 noon on the 1<sup>st</sup> Thursday of May in respect of the annual General Meeting;
  - 12.5.4 Provided further that any amendments to the Constitution, requested or instructed by SSA from time to time, to align the Constitution of the Affiliate with the Constitution of SSA, will not require approval by means of voting. Amendments to the Constitution, required or instructed by SSA, must however be presented to the General Council for ratification and discussion to ensure all members have full knowledge of such amendments.
- 12.6 to hear any appeal in terms of Clause 8.2.34 and **Clause 19** and to either uphold or dismiss same.
- 12.7 to deal with all matters arising out of or incidental to the proper management or control of MPS or of the sport itself, not specifically provided for the Constitution.
- 12.8 To delegate all or any of its powers to the Executive Committee.
- 12.9 To institute or defend any legal proceedings on behalf on MPS.
- 12.10 To ensure that the accounts of MPS shall be audited by auditors appointed by the Council at the Annual General Meeting.
- 12.11 To ensure at the Annual General Meeting that the following office-bearers are elected:
  - 12.11.1 the President
  - 12.11.2 the Chairperson and the members of the Executive Committee
- 12.12 The Council's decision on any matter relating to this Constitution shall be binding on all members, competitors and officials.
- 12.13 The nominations to the office bearers set out in **Clause 12.11** shall be made on the prescribed forms as set out in **Schedule One** and in the manner prescribed by the Executive Committee, and shall be in the hands of the General Secretary on or before 12 noon on the 1<sup>st</sup> May of each year.
- 12.14 No person may hold the office of president of MPS for more than three (3) terms at a time, where each term represents four (4) or one (1) Olympic Cycle, unless the nomination for a subsequent term of office is approved by 50% of those present at the Annual General Meeting and eligible to vote.



### 13. MEETING OF THE COUNCIL

- 13.1 A preliminary notice of the Annual General Meeting shall be issued by the General Secretary during the 1<sup>st</sup> week in April to all members and shall request nominations for all officers and for any notices of motion. Such nominations and notices of motion must be received by 12 noon on the 1<sup>st</sup> workday in May of each year.
- 13.2 An Annual General Meeting of which 21 days notice in writing shall have been given by the General Secretary to all members shall be held before the end of June each year. Such notice shall include venue, date, time and agenda. The following business shall be transacted:
  - 13.2.1 to confirm the minutes of the previous Annual General Meeting.
  - 13.2.2 to receive and adopt the annual report of the President.
  - 13.2.3 to receive and adopt the audited accounts of MPS.
  - 13.2.4 to consider applications for affiliated or associated membership.
  - 13.2.5 to receive the reports from the managers of teams to the SA National Championships and other important championships or galas.
  - 13.2.6 to consider and deal with notices of motion.
  - 13.2.7 to vote for a waiver of the requirements of **Clause 12.14** if necessary.
  - 13.2.8 to elect the office bearers and committees as set out in **Clause 12.11**.
  - 13.2.9 to appoint Honorary Auditors and to fix an honorarium.
  - 13.2.10 to consider and elect with any recommendations submitted by the executive with regard to the appointment of Honorary Life Members and the award of meritorious service awards.
  - 13.2.11 to consider and deal with any matter of which due notice has been given by the Executive or any member in good standing.
  - 13.2.12 General.
  - 13.2.13 The AGM shall strictly adhere to sequence of the agenda as set out in **Clauses 13.2.1 to 13.2.12** and shall only be permitted from deviating from this sequence if the meeting, on good cause shown, approves it with a two-thirds majority by show of hands.

### 14. SPECIAL GENERAL MEETING

- 14.1 A Special General Meeting (SGM) of the Council may be called by the President or by the Vice-President or the Executive or on a requisition of not less than three (3) members of the Council.
- 14.2 The General Secretary shall give at least 14 days written notice of such a meeting which shall be held within 21 days of receipt of the requisition and at such meeting no business shall be conducted other than that specified in the notice of the meeting.

## 15. CONDUCT OF COUNCIL MEETING

- 15.1 A quorum at all Council Meetings (AGM & SGM) shall consist of delegates representing not less than 50% plus one member of the Executive and not less than 50% plus one member of the Districts, affiliated clubs, LTS Clubs and Associate Members of MPS; which members shall be in good standing with MPS.
- 15.2 If within 30 minutes of the advised time of such meeting a quorum is not present the meeting shall stand adjourned to the same day in the next week and at the same time and venue. Members shall be notified of such adjournment and at such adjourned meeting those present shall constitute a quorum; provided that if the date of the adjourned meeting is on a public holiday the meeting shall be held on the next succeeding business day.
- 15.3 The Chairperson at all meetings shall be the President and in his absence the Acting President. If all the above are absent the meeting shall elect a Chairperson. The Chairperson shall have authority on every point of order and shall be the sole interpreter of the rules of MPS for the purpose of the meeting. The Chairperson shall have a casting as well as a deliberative vote.
- 15.4 The President shall, if he/she is standing for re-election, step down as Chairperson of the meeting while the voting for his office takes place. The new President elect will take the chair unless he otherwise requests.
- 15.5 The General Secretary shall keep a full record of minutes of proceedings of the Council and all its committees and unless otherwise agreed upon shall forward copies of the minutes to each member. The minutes of the Annual General Meeting shall be read and ratified at the next Annual General meeting. The Chairperson and General Secretary of that meeting shall thereafter sign the minutes where after such minutes shall be regarded as correctly reflecting the proceedings and resolutions of the meeting.
- 15.6 Voting shall be by a show of hands, except in the election of office bearers where voting shall be by ballot. Unless otherwise provided herein, all motions require a simple majority of the votes recorded except those matters where a two-thirds majority is specifically required elsewhere in this constitution such as those contained in **Clause 12.5.2**.
- 15.7 The Chairperson may adjourn any meeting with the consent of the Council and at such adjourned meeting only such business as remained unfinished shall be transacted.
- 15.8 The AGM will be open to all registered and capitated members in good standing with MPS, Honorary & Life Members, special guests or media invited by the Executive Committee; provided that non-registered members and general public may not submit motions or address the Council and will therefore only be granted observer status.
- 15.9 The AGM or SGM may be opened to the general public; provided such a resolution has been approved by the MPS Executive Committee prior to the AGM or SGM. General public will only have observer status during the meeting.
- 15.10 Members not in good standing with MPS may not attend a AGM or SGM of MPS.

- 15.11 Any member or non-member obstructing the orderly conduct or processes of the Meeting may be requested to excuse himself/herself from the meeting or be removed from the premises without further deliberation.

## **16. SANCTIONS**

- 16.1 Any individual Member, Club, District or Associate Member may be sanctioned:
- 16.1.1 In the case of violation of the Constitution, Bye-laws, Rules and/or decisions, and/or
  - 16.1.2 For bringing the sport, SSA, MPS into disrepute.
- 16.2 Sanctions shall be recommended and imposed by the Executive Committee of MPS and may consist of one or more of the following:
- 16.2.1 Verbal advice;
  - 16.2.2 Written warning, subject to or without conditions;
  - 16.2.3 Fine (not exceeding R1000.00);
  - 16.2.4 Suspension from specific activities for a specified period of time; and/or;
  - 16.2.5 Expulsion from MPS for a specified time limit, or lifetime.
- 16.3 Sanctions shall be enforced immediately upon the decision being made by the Executive Committee of MPS.
- 16.4 MPS shall notify the Individual, Club or District of the sanctions imposed.
- 16.5 A District, Club or and Individual Member sanctioned by the Executive Committee of MPS may appeal to MPS not later than 14 working days after the sanction has been issued by MPS.
- 16.6 During the period in which the Individual Member, Club or District is awaiting for the appeal to be heard, that member may not participate in any MPS or SSA activities, unless special permission has been granted by MPS.
- 16.7 Any lifetime suspension or suspension related to serious misconduct will be referred to SSA for ratification and to ensure the same sanction is applied by all provincial affiliates and SSA in respect of the person concerned.
- 16.8 Dispute and Disciplinary hearing procedures, Sanctions and Appeal procedures are outline in Section 3 of the MPS Bye-laws.

## **17. SUSPENSION & EXPULSION**

- 17.1 Any sentence of expulsion or suspension by MPS (the Affiliated Member) shall be binding on all Districts and Clubs and that Member.
- 17.2 Full power of expulsion or suspension shall be vested in MPS (the Affiliate).
- 17.3 The General Secretary of MPS must send to SSA a list of suspensions or expulsions immediately after the meeting at which they were resolved upon. SSA shall then notify the General Secretaries of the other Affiliated Members of such suspensions or expulsions.
- 17.4 The Affiliate Member (MPS), to whom preliminary appeals shall lie, have the power to reinstate anyone suspended or expelled.

## **18. DISPUTES / DISCIPLINARY MATTERS**

- 18.1 Any member, club, affiliate member or associate member may raise a grievance or complaint, be involved in a dispute or can be disciplined and/or sanctioned in accordance with the provisions in the MPS Bye-laws, policies and procedures.
- 18.2 Any employee, whether employed full-time, part-time or contract basis, may raise a grievance or complaint, be involved in a dispute or can be disciplined and/or sanctioned in accordance with the provisions in the MPS Bye-laws, policies and procedures.

## **19. APPEALS**

- 19.1 Appeals regarding the findings of the Disciplinary Committee or Executive Committee shall first and foremost be submitted to the President and if so required to the General Council or SSA, However, an appeal may only be lodged to the Council or SSA if no satisfaction was obtained from the appeal to the President within 30 days.
- 19.2 The President has the delegated authority to consider the merits of any appeal in an attempt to amicably resolve the appeal request or to make a recommendation to the Executive Committee for reconsideration. Should the President fail to resolve the appeal request, then only can the appeal be escalated to the General Council or SSA.
- 19.3 Once an appeal is made to SSA, SSA's decision shall be regarded as final.
- 19.4 Appeal can be lodged in accordance with the provisions of Section 3 of the MPS Bye-laws.

## **20. ABSENCE, DISQUALIFICATION, VACANCIES, ETC.**

- 20.1 A Member or delegate shall not be allowed to take part in any meeting if any fees of MPS or of the member which he represents are outstanding, in which case the member shall be deemed as not being in good standing until all outstanding fees are paid.
- 20.2 While under suspension, no member, competitor or official shall be allowed to take any part whatsoever in the affairs of MPS nor shall a competitor be permitted to take part or compete in any competitions, galas, championships or any other event of MPS or its members; provided that should any member, competitor or official be engaged in any of the aforementioned fixtures prior to suspension then upon suspension such member, competitor or official shall be debarred from continuing so to be engaged.
- 20.3 Members wishing to withdraw from MPS shall give notice in writing to that effect before the date of the AGM, failing which they will be held liable for the subscription for the ensuing year.
- 20.4 Any member, competitor or official may appeal to the President or Executive Committee against any matter in which it feels it has been prejudiced and if satisfaction is not obtained may appeal to the Council on any matter within its jurisdiction; provided that the member, competitor or official may request MPS to

refer such an appeal to SSA for a decision, which decision, if made, shall be binding on MPS and its members.

- 20.5 Where a dispute affecting any matter within the jurisdiction of MPS exists, it shall be dealt with in terms of this Constitution and any attempt to take the matter outside the sphere of MPS jurisdiction, including resorting to the press or other news media, shall constitute misconduct on the part of the member concerned and shall be dealt with in terms of **Clause 16**.

## **21. COLOURS OF MPS**

- 21.1 The colours for the Body shall be in accordance with the official colours of Mpumalanga Province.
- 21.2 The blazer shall be black material and single breasted.
- 21.3 The tracksuit shall be a combination of navy blue, red and white and the costume navy blue.
- 21.4 The logo shall be the official Puma for Mpumalanga Province.
- 21.5 The affiliate's logo shall be approved by the Executive Committee and thereafter ratified by the AGM.
- 21.6 The official logo will consist of the following elements; a design resembling the head of a Puma and the letters MPS, Mpumalanga Aquatics, Mpumalanga Province Swimming, Mpumalanga Province Swimming or Mpumalanga Swimming, in the colour scheme referred to in **Clause 21.3**.
- 21.7 The Executive Committee shall also, in addition to the above, be authorized to approve the use of additional advertising material on tracksuits and other swimming apparel as required by the sponsors of MPS. This authority shall not cover the blazer referred to in **Clause 20.2**
- 21.8 The Executive Committee may from time to time, if deemed reasonable and necessary, alter or change the design or appearance of any provincial attire; provided that the official colours and logo remain unaffected. Any change in design or appearance of provincial attire will be regarded as temporary or "unofficial" until approved by the Council at the next General Meeting.

## **22. AWARDING OF COLOURS**

The information regarding the award of colours is set out in the MPS Bye-laws. The awarding of colours is under the direct control and authority of the Executive Committee.

## **23. WITHDRAWAL OF COLOURS**

The Council of MPS may on the recommendation of the Executive and after due investigation by the Disciplinary Committee, and with a two-thirds majority, deprive any person who has been found guilty of misconduct, of his colours and badge.



## 24. FINANCE

- 24.1 The financial year shall be from the 1<sup>st</sup> day of April to the last day of March of the following year.
- 24.2 Annual subscriptions levied by MPS shall be as follows:
  - 24.2.1 All Affiliate and Associate members shall pay an annual subscription as determined by the Executive of MPS.
  - 24.2.2 All competitors shall pay registration fees and SSA capitation fees. The MPS registration fee for individual competitors can, subject to written motivation from a member, and with the approval of the President or the Executive, be subsidized from MPS funds.
  - 24.2.3 Officials shall pay SSA capitation fees plus a nominal levy for administration purpose to MPS.
  - 24.2.4 Any application for participation in any swimming, open-water swimming leagues and / or competitions or any competition / league of any other aquatic discipline under the jurisdiction of MPS, shall be accompanied by payment of the applicable fees.
- 24.3 The above subscriptions shall be payable in advance. In the event that any subscription is unpaid on due date, all rights and privileges of the member or competitor may be suspended until the subscription is paid. No person whose subscription is not paid shall officiate at any gala or competition unless such officiating can be regarded as part of a training program for future officials.
- 24.4 No profit or gain made by MPS will be distributed to any individual and such funds as shall be accumulated by MPS shall be used solely in pursuit of its aims and objectives.
- 24.5 The Financial Policy of MPS is contained in the MPS Bye-laws.

## 25. REGISTRATIONS

- 25.1 Before any person may represent a member or associate affiliated to MPS in any event whatsoever held under the auspices or rules of MPS, such person shall be registered on the database of MPS.
- 25.2 Application for registration shall be made to MPS on the SSA Capitation form provided for that purpose in **Schedule Two** and lodged by the member applying for registration with the competitor's District, which form shall be signed by the competitor indicating his membership of and consent to represent the member. If a competitor is registering for the first time such a competitor must attach a copy of his or her Birth Certificate to the registration form.
- 25.3 A clearance fee, to be determined annually at the AGM, is payable to MPS in respect of each clearance issued for changing members within MPS. The clearance fee may be adjusted over time by the Executive.
- 25.4 Any request for clearance shall be accompanied by a proof of payment in favour of MPS in the appropriate sum and such request must be approved by the member/club concerned; failing which such request will not be considered by the Executive Committee.

- 25.5 In the event of a member/club refusing without good reason to issue a clearance certificate then the Executive Committee may approve of such clearance and re-registration provided it has satisfied itself that the competitor is in good standing.
- 25.6 A competitor shall only be entitled to represent a new member/club in any event including championships held under the auspices of MPS if that competitor has been registered as above for a period of 14 days prior to the event (except in the case of a person who was not resident in the province and takes up residence, in which case the 14 day waiting period shall automatically be waived).
- 25.7 An annual registration fee, as approved by the Executive Committee in terms of the of **Clause 8.2.23** shall be levied annually on all competitors and officials of members of MPS, which fees shall be due and payable in each swimming season as defined and the members/clubs shall be responsible for the collection thereof and the payment to MPS upon submission of registrations.
- 25.8 No membership registration without proof of payment will be accepted or processed by the General Secretary.

## **26. GENERAL**

- 26.1 Age limit:  
In all competitions where an age limit is fixed, the competitor shall be under age on the day of the race or competition, or, as expressly laid down by the Council at the commencement of the competition date as defined.
- 26.2 Injuries:
  - 26.2.1 Clubs may insure their members against accident during competitions and exhibitions, but such insurance must be affected with a recognized insurance company.
  - 26.2.2 No liability whatsoever shall attach to MPS for any damages sustained as a result of injury or in any other manner by any persons whether a member, competitor or official or not whilst competing in a competition held by or on behalf of MPS participating in any of the affairs of MPS or whilst travelling to or from any competition whether such travel is part of a team or as an incommunicado.
- 26.3 Doping Control and Drug Testing:  
  
It shall be a requirement of every competitor registered with MPS that they make themselves available for drug testing at any time. Failure to comply with such request, which request has previously been deemed to be reasonable by the Chairperson of the appropriate Committee, must result in disciplinary procedure being instituted against the registered participant.

Rules and regulations pertaining to Medical and Doping Control are contained in the MPS Bye-laws.

#### 26.4 Coaches:

- 26.4.1 No coach is allowed around the pool deck or within a perimeter of 1.5 meter around the pool during a gala.
- 26.4.2 No coach is allowed behind the timekeepers or allowed to interfere with the gala or the duties of any official at any such time while a gala is in progress.
- 26.4.3 No coach is allowed to work as an official during a gala hosted by MPS, except with the consent of the President of MPS or his nominated representative.
- 26.4.4 MPS shall only consider registered coaches for appointment as MPS team coaches to accompany provincial teams or allow accreditation to MPS registered coaches to appear on pool deck at any representative team gala or national championships if the coach complies with the minimum registration criteria as stipulated under **Clause 6.5**.
- 26.4.5 Only coaches complying with the minimum registration criteria under **Clause 6.5** shall serve on any coaches representative committee or structure of MPS, including LTS.

### 27. BYE-LAWS, POLICIES & RULES

- 27.1 As provided for in **Clause 8**, the Executive Committee shall have power to make all such Bye-Laws, policies, procedures and rules as may be necessary to carry out the objectives and intent of the affiliate for the betterment of aquatics.
- 27.2 Any proposed changes to the Bye-Laws, policies and/or rules shall only be binding on all members 14 days after the proposed changes have been circulated to members of the General Council by the MPS General Secretary, subject to Clause 27.3 below.
- 27.3 If during the 14-day period, a General Meeting is requisitioned for any reason relating to the Bye-Laws, then the proposed changes will only be binding if the proposed changes are adopted at the General Meeting.
- 27.4 All such Bye-Laws, Policies and Rules shall be binding on all Districts, Clubs and Individual Members once circulated by the General Secretary

### 28. COMMITTEES

- 28.1 In order to meet the objectives of MPS, the following committees shall be formed to cover various facets of the sport:
  - ☐ Technical Committees
  - ☐ Specialized Committees
  - ☐ Disciplinary Committee
  - ☐ Selection Committee
- 28.2 The structure and functions of these Committees are contained in the MPS Bye-Laws.

## **29. APPLICATION OF SSA AND WORL AQUATICS LAWS**

Where no provision is made in this constitution regarding the conduct of the sport in all its facets, MPS shall be guided by the laws and rulings of the SSA and World Aquatics.

## **30. INTERPRETATIONS OF LAWS**

The interpretation of this constitution or any other question not provided for herein shall be referred to the Executive Committee for a decision by two-thirds majority of those present and voting, which decision shall be binding, except on matters relating to SSA or World Aquatics laws, when such decisions shall be subject to appeal to SSA or World Aquatics respectively.

## **31. ARBITRATION**

- 31.1 Disputes between MPS and any of its Districts, Clubs, Individual Members or Associate Members that are not resolved by MPS, must first be referred to SSA after all dispute resolution procedures have been followed; after which such a dispute may be referred to SASCOC for arbitration. Due process on dispute resolution must be followed within sport up to Court of Arbitration for Sport level.
- 31.2 Any members resorting to court / legal action to resolve a dispute at Club level, District level, MPS level or SSA level, will automatically cease to be a member.

## **32. DISSOLUTION**

- 32.1 MPS may be dissolved by a resolution passed at an AGM or SGM called for that purpose, provided such a resolution is passed by a majority of two-thirds of the members present and entitled to vote.
- 32.2 In the event of the dissolution of MPS the accumulated funds, after settlement of all accounts and debts, will be given to MPS's successors in title or assignees provided that such body/organization has similar aims and objectives to that of MPS.
- 32.3 This body/organization to which the remaining assets of MPS are given or transferred shall itself be exempted from income tax.
- 32.4 This body/organization will be decided upon at such meeting at which the dissolution of MPS takes place.

THIS CONSTITUTION WAS SUBMITTED AND ADOPTED AT THE ANNUAL GENERAL MEETING OF MPUMALANGA PROVINCE SWIMMING HELD ON THE 20<sup>TH</sup> DAY OF MAY 2023 AT \_\_\_\_\_, NELSPRUIT.

  
\_\_\_\_\_  
PRESIDENT

20/05/2023  
DATE

*SCHEDULES 1 & 2 ON FOLLOWING PAGES 28 - 32*

## **SCHEDULE ONE**

### **Forms required in terms of the Constitution**

*E.g. Nomination and Registration Forms*

The following attached forms must be used in accordance with the appropriate provisions and regulations, as contained in the MPS Constitution:

- **Nomination Form for Executive Committee**
  - ~ Any registered and capitated Member in good standing may submit a nomination;
  - ~ Any registered and capitated Member in good standing may be nominated;
  - ~ Club Secretary/Chairman must sign Nomination Form to confirm the Nominee is in good standing.
- **MPS Club Registration Form**





## MPUMALANGA PROVINCE SWIMMING



### NOMINATION FORM FOR EXECUTIVE COMMITTEE

NOMINEES NAME.....

POSITION NOMINATED.....  
(e.g. President, Treasurer)

CLUB.....

CLUB CHAIRMAN/SECRETARY.....

SIGNATURE.....DATE.....

---

### AGREEMENT TO BE NOMINATED AS A MEMBER OF AN MPS EXECUTIVE COMMITTEE.

I HEREBY AGREE TO MY NOMINATION FOR THE FOLLOWING POSITION

POSITION NOMINATED.....

NAME OF NOMINEE.....

SIGNATURE OF NOMINEE.....

DATE.....

NOMINATED BY.....AFFILIATE/CLUB

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## MPUMALANGA PROVINCE SWIMMING



### 2023/2024 REGISTRATION FORM FOR CLUBS

Please note the following:

- ☐ 1. This form must be completed in full. In BLOCK LETTERS and in BLACK INK.
- ☐ 2. One form per Club

**PROOF OF PAYMENT FOR THE AMOUNT OF R \_\_\_\_\_ MUST ACCOMPANY THIS FORM**

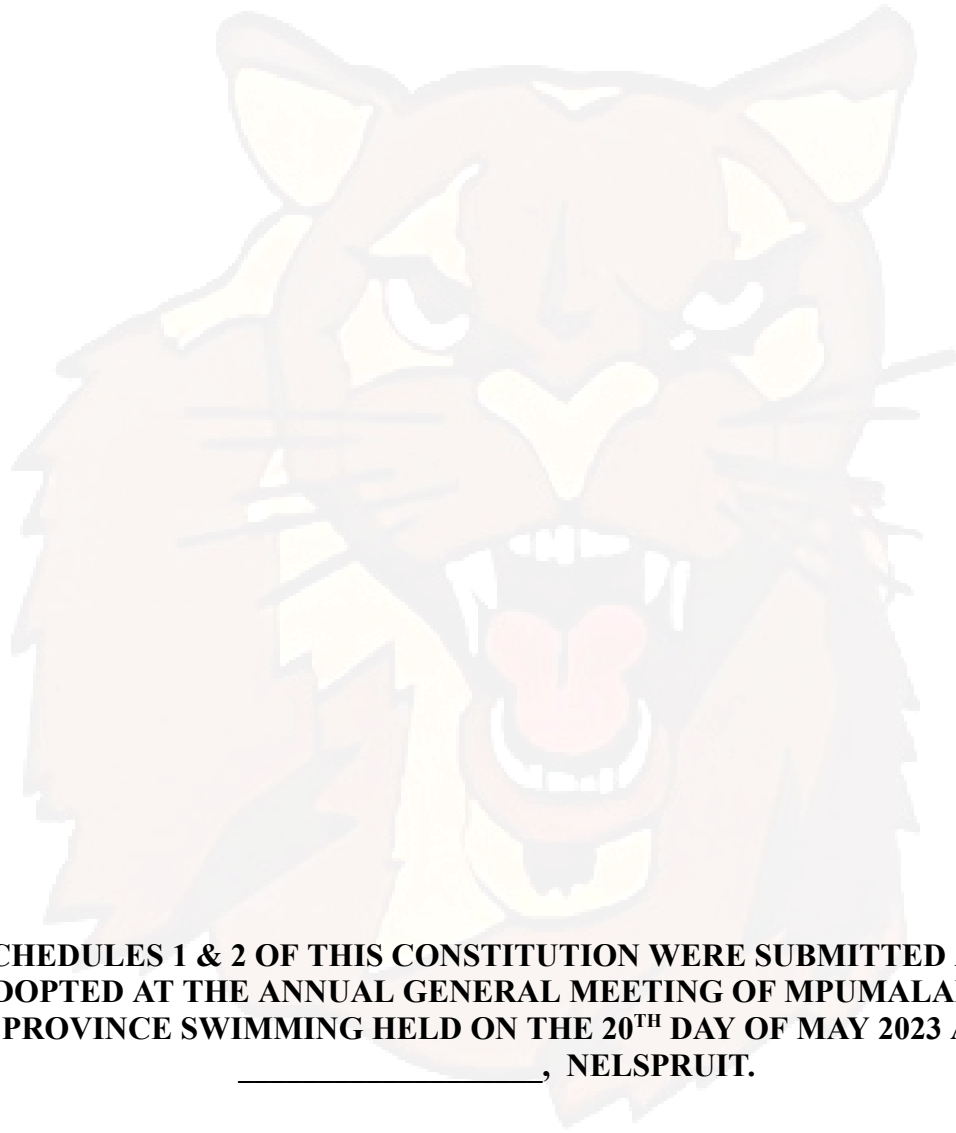
CLUB NAME	FULL	
Club Abbreviation	NB: Only Three Letters	
Physical Address	Street name and no	
	Suburb	
	City	
	Code	
Postal Address	Number	
	Post Office	
	Code	
e-mail		
Secretary	Name	
	Address	
Telephone no	Fax	
	Home	
	Work	
Coach	Name	
	Address	
Telephone no	Fax	
	Home	
	Work	

**LIST OF REGISTERED OFFICIALS AND THEIR DUTIES:**

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## **SCHEDULE TWO**

### **SSA Capitation Form**



**SCHEDULES 1 & 2 OF THIS CONSTITUTION WERE SUBMITTED AND  
ADOPTED AT THE ANNUAL GENERAL MEETING OF MPUMALANGA  
PROVINCE SWIMMING HELD ON THE 20<sup>TH</sup> DAY OF MAY 2023 AT  
\_\_\_\_\_, NELSPRUIT.**

\_\_\_\_\_  
PRESIDENT

2023-05-20  
DATE