



# MG CAR CLUB

## South Cape Centre

(Established February, 2007)

P O Box 732, Knysna. 6570  
[www.mgcarclubsc.co.za](http://www.mgcarclubsc.co.za)

### CONSTITUTION

#### **1. NAME**

The name of the Club will be THE MG CAR CLUB – SOUTH CAPE CENTRE.

#### **2. STATUS**

The Club operates under the direction of the MG CAR CLUB SOUTHERN AFRICAN COMBINED CENTRES and is affiliated to the MG CAR CLUB Ltd. (UK).

The club has been approved for exemption from income tax with effect from 26<sup>th</sup> June, 2009, as it meets the requirements of a Recreational Club set out in section 30A(2) of the Income Tax Act No 58 of 1962 (the Act).

The Income Tax Exemption has been granted in terms of section 10(1) (c0) of that Act.

Annual receipts and accruals will therefore be subject to the provisions of section 10(1) (c0) of the Act and accruals and receipts from business activities which fall outside the parameters of that section will be subject to tax.

Donations made to or by the club are exempt from Donations Tax in terms of section 56(1)(h) of the Act.

#### **3. DOMICILE**

The headquarters of the Club will be situated within the Southern Cape.

#### **4. OBJECTS**

The object of the Club is to promote social and recreational amenities and facilities for members in a non-profit manner by:

- (a) assisting in the acquisition, preservation and maintenance of all MG cars. An accurate register will be kept of all MG cars owned by members of the Club and other MG cars in the area.
- (b) promoting, organizing and holding on a regular basis competitions, trials, displays, gymkhanas, excursions or other similar events for motor cars and to offer awards and prizes in respect thereof.
- (c) providing a Club for owners and drivers of MG cars and their friends who share a common interest and which will facilitate the exchange of information among members with the purpose of fostering and maintaining the interest in MG cars. To assist in achieving this, regular

social meetings and events will be arranged. In addition, where possible, reciprocal relations will be cultivated with kindred clubs and associations.

- (d) The funds of the Club shall be utilized in furtherance of these objects and may be invested while being accumulated towards these objects. No portion of the profits, gains or funds of the Club may be distributed directly or indirectly to any person, other than in payment of *bona fide* expenses incurred for the benefit of the Club.

## **5. INTERPRETATION**

- (a) In this Constitution, the masculine shall be deemed to include the feminine and the singular include the plural when the context admits.
- (b) A member means a Member of the Club whose application for membership has been approved by the Committee, whose subscription is not more than 3 months in arrears and who has not been suspended or expelled in terms of this constitution.
- (c) “In writing” hereinafter refers to distribution by email where available, or by post, at the last address supplied by the member.

## **6. MANAGEMENT**

- (a) The affairs and activities of the Club shall be governed by the Committee (as defined in Clause 9) which shall have full powers and authority to do and perform all acts within the scope of the objects of the Club as defined in this Constitution.
- (b) The Committee shall be assisted in its management of the Club by any other committee(s) which may be deemed necessary to be formed as and when required by the Committee.
- (c) Three persons who are nominated by the committee and who are not connected persons in relation to one another will accept the fiduciary responsibility of the club.
- (d) No single person will directly or indirectly control the decision making powers of the club.

## **7. MEMBERSHIP**

- (a) Any person who owns or drives a MG car or any person who subscribes to the Objects of the Club may apply for annual membership by submitting an application form together with the entrance fee and first subscription as prescribed by the Committee who may, by resolution, elect him to membership or reject the application in their absolute discretion and without being obliged to give any reason for rejection. The Fees shall be returned in the event of rejection.
- (b) On the election of a new member, the Secretary shall notify him of his election, send him a copy of the Constitution of the Club, issue a club

membership card and enter his name on the Membership Register. The member shall then be entitled to vote.

Payment of the subscription shall be a distinct acknowledgement on the part of any member that he is bound by the Constitution of the Club.

- (c) A member may be elected by the Committee into one of the following classes which are defined forthwith:
  - (i) FULL MEMBERSHIP: will be open to those who own or regularly drive a MG car, or have an interest in MG cars.
  - (ii) HONORARY MEMBERSHIP: may be proposed at the discretion of the Committee for any person who has rendered outstanding service to the Club. This proposal shall be voted on by ballot by members at a General Meeting and shall be approved only by a two-thirds majority of those present.
- (d) Any member deliberately infringing the rules of the Club or of any competition or event connected with the Club or whose conduct appears likely to bring the Club into ridicule, contempt or disrepute may be:
  - (i) Suspended instantly and verbally by any 4 members of the Committee. The suspended member shall not be entitled to participate in Club affairs and shall have no voting right until such time that the suspension is revoked by the Committee;
  - (ii) Expelled from the Club by a majority vote of the Committee after an enquiry at which the member shall have been invited to be present.
- (e) Any person shall, on ceasing to be a member of the Club, forfeit all rights to and claims upon the Club and its funds and shall return any Club property which may be in his possession.
- (f) Members are not allowed to sell their membership rights or any entitlement in terms thereof.

## **8. SUBSCRIPTIONS AND ENTRANCE FEES**

- (a) Entrance fees and subscriptions shall be determined and revised from time to time by the Committee. This will be done at a committee meeting by a majority vote and members shall be informed of the revisions at the next general meeting.
- (b) Any person joining the Club after 1 July and up to 31 October in any year shall be liable for only half the annual subscription. Thereafter a full subscription would be accepted and taken as payment for the following year.
- (c) Annual Subscriptions shall be due and payable on the 1<sup>st</sup> January each year.

- (d) Any member whose subscription is three months or more in arrears shall not be entitled to vote and will be liable to have his membership cancelled by the Committee.
- (e) Any member wishing to resign shall give notice in writing to the Secretary.
- (f) A person whose application for membership has been rejected or a member who has been expelled under Clause 7 (d) shall not again apply for membership within 6 months of the rejection or expulsion.

## **9. COMMITTEE**

- (a) The Committee shall consist of the following positions:  
 Chairman  
 Vice-chairman  
 Secretary  
 Treasurer  
 Newsletter Editor  
 Additional members
- (b) The Chairman and Members of the Committee shall be elected by ballot at the Annual General Meeting and will retire annually but may be eligible for re-election. The various portfolios will be allocated to the elected members of the Committee at the first committee meeting following an annual general meeting.
- (c) Members of the Committee shall be full Members of the Club or spouses or partners of such members.
- (d) Members of the Committee shall be entitled to co-opt other members to the Committee should they in their discretion deem this to be necessary.

## **10. MEETINGS**

- (a) Annual General Meeting:
  - (i) Shall be convened by the Committee once in every calendar year before the end of March. No less than fourteen (14) days' notice thereof shall be given to the Members in writing.
  - (ii) The business of an annual general meeting shall be to approve the Annual Financial Statements of the Club for the year, to review any report of the outgoing Chairman or Committee and to elect a new Chairman and Committee. Any other business, approved by the Committee and included in the notice, shall also be transacted.
  - (iii) Matters for discussion and requiring a resolution must reach the secretary not later than seven (7) days before the meeting.
- (b) Special General Meeting:
  - (i) Shall be called at any time by the Committee for the purpose of conducting any special business, the urgency of which is such that,

in the opinion of the Committee, it cannot be delayed until the following Annual General Meeting.

- (ii) Not less than fourteen (14) days notice shall be given to all members in writing.
  - (iii) The business of a Special General Meeting shall be restricted to the matters detailed in the notice convening it. The Chairman of the meeting may allow amendments to such resolutions if, in his opinion, they are necessary or desirable in order to clarify the resolutions or render them more practicable.
  - (iv) A special general meeting shall be called by the Committee within 21 days of a request by not less than 5 members who must state their reason for a meeting. The Committee shall give not less than fourteen (14) days' notice in writing to the members stating the venue and the reason for the meeting.
- (c) Committee Meeting:  
Shall be held as and when circumstances so demand.
- (d) Quorums shall be constituted as follows:  
(i) Fifteen (15) members, present or by proxy, at general meetings.  
(ii) 4 Members at committee meetings
- (e) The Chairman of the Club shall be entitled to take the chair at any meeting. If he is not present at the stipulated time of the meeting, the members shall elect another member as Chairman of the meeting.
- (f) Each Member entitled to vote in terms of Clause 7 (b) shall have one vote. All decisions shall be by majority vote unless otherwise stipulated. The Chairman of the meeting shall have an ordinary vote which he must exercise simultaneously with the other members, as well as a casting vote which he may if he wishes, exercise in the event of an equal vote.
- (g) The declaration of the Chairman as to the passing or defeat of a resolution shall be conclusive unless a recount is immediately demanded.
- (h) Where appropriate, the Chairman may direct that the voting on a resolution be by ballot, otherwise by a show of hands.
- (i) The accidental omission to serve any notice on any member before the meeting shall not invalidate any resolution passed at any meeting of members.
- (j) If any member of the Committee fails to attend two consecutive meetings without an excuse which, in the opinion of the Committee, is reasonable, the Committee may resolve that he forfeit his office and a vacancy shall be deemed to have occurred. This vacancy may be filled by any member elected by the Committee,

- (k) The Committee shall cause minutes of their meetings and of General Meetings to be recorded, and such minutes, when signed by the Chairman of the meeting, or the Chairman of a subsequent meeting, shall be conclusive evidence of the transactions at that meeting.

## **11. FINANCE**

- (a) The Club's Financial Year shall run from 1<sup>st</sup> January to 31<sup>st</sup> December each year.
- (b) The Treasurer shall collect and be responsible for all monies due to the Club and shall place the same to the credit of the Club in a Bank without reasonable delay. All cheques drawn on account of the Club shall be signed by the Treasurer and countersigned by the Chairman or the Secretary. The treasurer shall activate an internet banking link to the Club bank account to facilitate the Club's banking business and shall provide a financial report to the Committee at each committee meeting. A print-out of all internet banking transactions shall be signed by the Treasurer and countersigned by the Chairman or Secretary.
- (c) The Financial Statements, audited by a suitably qualified person, shall be submitted at each Annual General Meeting.
- (d) The ownership of all property and assets which the Club may acquire, both moveable and immovable, shall be vested in the Committee.

## **12. INDEMNIFICATION**

- (a) No member shall receive any remuneration for services rendered to the Club but members and any other officials shall be indemnified by the members of the Club in respect of all reasonable matters undertaken for the benefit of the Club and in pursuance of its objects.
- (b) The Club shall in no way be liable for, or for the recovery of, damages in respect of loss or injuries sustained by members.
- (c) Members and their guests shall sign the official SAMCA indemnity forms.

## **13. ALTERATION OF CONSTITUTION**

- (a) No alteration or addition to this Constitution shall be made except at an annual or a special general meeting. Members shall be notified of the details of any proposed alterations or additions in writing not less than fourteen (14) days prior to the meeting at which they will be discussed.

- (b) A change to this Constitution shall require the acceptance of seventy-five (75) percent of members present, or by proxy, at a general meeting.
- (c) Any change to this constitution shall be submitted to the Commissioner of the South African Revenue Services within thirty (30) days of the adoption of such change.
- (d) The recreational club is not or was not knowingly a party to, or does not knowingly permit or has not knowingly have permitted itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have been become payable by any person under the Income Tax Act or any other Act administered by the Commissioner for the South African Revenue Service.
- (e) The recreational club will submit the required returns for income tax together with the relevant supporting documentation.

#### **14. WINDING UP**

Upon the winding up or liquidation of the Club, the Committee shall be obliged to transfer the assets remaining, after the satisfaction of all liabilities of the Club, to another club having objects similar to those in Clause 4 above provided that such club has been approved by the Commissioner for the South African Revenue Services in terms of section 10(1)(cO) of the Income Tax Act, 1962 (Act 58 of 1962). If such a club cannot be found to the satisfaction of the Committee, then the guidance of the Chairman for the time being of the MG CAR CLUB COMBINED SOUTHERN AFRICAN CENTRE shall be requested for this purpose.

26 June 2009 (Rev01)  
7 March 2017 (Rev02)  
6 March 2018 (Rev03)  
3 May 2018 (rev04)