

DURBAN SKI BOAT CLUB  
NOVEMBER 2012

CONSTITUTION

1. NAME

The name of the Club shall be The Durban Ski Boat Club.

2. DEFINITION OF TERMS

In these rules, unless the context otherwise requires:-

- a) Words importing the singular only shall also include the plural and vice versa.
- b) Words importing the masculine gender shall also include the feminine.
- c) "Registration Number" shall mean a ski-boat registration number, which has been allocated in terms of Rule 26 or transferred in terms of Rule 31.
- d) "Registered Owner" shall mean a member to whom a Registration Number has been allocated in terms of Rule 26 or transferred in terms of Rule 31.
- e) "Registered Co-owner" shall mean a member who has been registered as such in terms of Rule 30.

3. OBJECTS

The object of the Club shall be:-

- a) To promote, foster and control the sport of ski-boat angling.
- b) To regulate and control the standard of safety for ski-boats and the competency of their Skippers.
- c) To promote marine conservation and actively support research into marine resources.
- d) To fulfil all the objects of a social and outdoor club.
- e) To affiliate to the Natal Deep Sea Angling Association and to subscribe to and abide by the Association's Constitution and Regulations.
- f) To acquire or dispose of immovable property and any other assets and to do all such things as may be necessary to promote, or incidental to, the above objects.

4. MEMBERSHIP

The membership of the Club shall consist of persons who subscribe to the objects of the Club and have been duly elected in terms hereof, and shall comprise the following categories:-

- a) Ordinary Member shall mean a person over the age of eighteen (18) years who ordinarily resides, carries on business or is employed in the Republic of South Africa.  
Spouse of ordinary members shall enjoy the same privileges and be subjected to the same restrictions as Lady Members.  
Children of Ordinary members under the age of eighteen (18) years shall have the same privileges, and responsibilities as Junior Members.
- b) Country Member shall mean a person over the age of eighteen (18) who neither ordinarily resides, nor carries on business, nor is employed within a radius of 100 km of Durban. A person who qualifies for both Ordinary and

- Country Membership shall be entitled to select his category of membership. A Country Member may launch a maximum of Ten (10) times per annum without being required to pay a Visitors Fee.
- c) Junior Member shall mean a person between the ages of six (6) and eighteen (18) years, whose parents or sponsors have in writing, accepted responsibility for the conduct of and any amount owing by the Junior Member to the club. A Junior Member who has been a member for a period of not less than one (1) year on 1 September immediately following the year during which he attained the age of eighteen (18) years, shall be entitled to admission as an Ordinary or Lady Member upon payment of the subscription, applicable to Ordinary or Lady Members.
- d) Retired Member shall mean an Ordinary Member who has attained the age of sixty-five (65) years and has not less than ten (10) years continuous Ordinary Membership. Retired Membership shall be granted by the Committee on written application by suitably qualified members.
- e) A Retired Member shall have the same privileges and responsibilities as an Ordinary Member, **including** the right to a registration number or to be a registered co-owner with a member holding a registration number, but shall only be liable for one-fourth of the annual subscription and levy payable by Ordinary Members
- f) Privileged Member shall mean an Ordinary Member who has attained the age of sixty five (65) years and has not less than twenty (20) years continuous Ordinary Membership. Privileged Membership shall be granted by the Committee on written application by suitably qualified members. A Privileged Member shall have the same privileges and responsibilities as an Ordinary Member but shall only be liable for one-fourth of the annual subscription and levy payable by Ordinary Members. No further application for this class on membership shall be considered after 11 November 1993.
- g) Life Member shall mean an Ordinary Member, who, for outstanding service to the Club, merits the distinction and has been proposed as such by unanimous resolve of the Committee and ratified by a three-fourths majority at an Annual General Meeting. Such member shall have the same privileges and responsibilities as an Ordinary Member but shall be exempt from payment of annual subscription.
- h) Honorary Member shall mean a person elected as such at the discretion of the Committee in terms of the Bye-Laws.
- i) Temporary Member shall mean a person elected as such at the discretion of the Committee, in terms of the Bye-Laws.
- j) Student Members shall mean an Ordinary Member who has not attained the age of Twenty five (25) years and is a bona fide full time scholar or student who is attending lectures at a University, Technikon or other recognised educational institution on an annual basis. Student Membership shall be granted by the Committee on written application by suitably qualified Members. A Student Member shall have the same privileges and responsibilities as an Ordinary Member, but shall only be liable for one fourth of the annual subscriptions payable by Ordinary Members.
- k) Social Member shall mean a person over the age of eighteen (18) years who does not take part in any ski boating or angling facet of the club. A Social Member shall be entitled to two (2) trial trips on a ski boat within the first two (2) years of his membership. A Social Member who takes part in any ski boating or angling facet of the club (other than using his two (2) trial trips) that has not previously been declared an event in which social members can

partake shall immediately be transferred to Ordinary Membership and billed accordingly with the difference in subscription of the full year affected. Social Members will be required to pay a monthly patronage levy. The administration of this levy will be at the discretion of the committee.

- l) Club 100 shall mean an Ordinary Member whose age and length of membership calculated together should achieve 100 points. The member shall have the same privileges as an Honorary Member.

## 5. ELECTION OF MEMBERS

- a) Each Candidate for election shall be proposed and seconded by two Ordinary Members in good standing, who have been members of the Club for at least one (1) year. The Candidate shall have been known personally to the Proposer and Secunder for at least one (1) year, provided that the Committee shall have the right to waive this provision in exceptional circumstances.
- b) All proposals for membership shall be made on a form prescribed by the Committee, and shall be signed by the Candidate, the Proposer and the Secunder and shall be accompanied by the amount of the Entrance Fee, Subscription, any levy payable.
- c) The Committee shall consider all proposals for membership in the order in which they are received and shall also determine the number of proposals to be considered during any period.
- d) A Candidate whose proposal is accepted by the Committee, shall be notified in writing and informed of his temporary admission to membership. The Candidate's name, class of membership applied for, the name of the Proposer and Secunder and date of acceptance by the Committee, shall immediately after acceptance, be posted on the Club notice board.  
The Candidate shall, for a period of three (3) months from the date of posting, enjoy temporary membership of the class applied for.
- e) At any time up to thirty (30) days prior to the expiration of the Temporary Membership period, any Club Member in good standing shall have the right to object to the Committee verbally or in writing against any Candidate, which, in his view, is unfit or unworthy of attaining Club Membership.
- f) The Committee shall, after having considered any objections, have the right to remove the Candidate's name and any other particulars from the notice board should the Proposal have progressed to such a stage, in which event the proposal shall be deemed to have been withdrawn and the Candidates temporary membership shall thereby be terminated. The Committee shall not be obliged to give any reason for any such act.
- g) A Candidate shall, after the termination of the three (3) months temporary membership period, be notified in writing of his acceptance as a members in the applied for category.
- h) A Candidate whose temporary membership has been terminated in terms of Rule 5 shall not be eligible for proposal as a Member until after the expiry of a period of one (1) year from the date of his exclusion.
- i) A Candidate that has been excluded shall be refunded all amounts paid as subscription, levies and the purchase of an 'S' number. The amount paid as "Entrance Fees" shall be forfeited to the Club to cover administration costs and/or use of the facilities during temporary membership period.

## 6. ENTRANCE FEES AND/OR SUBSCRIPTIONS PAYABLE ON APPLICATION

AS AT 1 SEPTEMBER	ENTRANCE FEE	CURRENT ANNUAL SUBSCRIPTIONS
Ordinary: VAT NDSAA	<b>R 57.00</b> R 50.00 R 7.00	<b>R 1 570.00</b> (Family membership) R 1 377.20 R 192.80 R 120.00
Country: VAT	<b>R 57.00</b> R 50.00 R 7.00	<b>R 532.00</b> R 466.67 R 65.33
Ladies VAT	No longer changed to Social membership	
Junior (6 – 18): Boys VAT	<b>R 11.40</b> R 10.00 R 1.40	<b>R 100.00</b> R 87.72 R 12.28
Junior (6 – 18): Girls VAT	Nil	<b>R 100.00</b> R 87.72 R 12.28
Retired: Students: VAT NDSAA	On application	<b>R 513.00</b> (Family membership) R 441.18 R 71.82 <b>R 120.00</b>
Social VAT	Nil	<b>R 800.00 Plus a Patronage levy every month</b> R 701.76 R 98.24 <b>R 50.00</b>
Club 110	Nil	Age and length of membership has to add up to 110

The entrance fees and annual subscriptions payable by the various categories of members of the Club shall be determined by the Committee from time to time, provided that such fees and subscriptions may not be increased during any one financial year by more than 15% of the fees and subscriptions respectively paid during the immediately preceding financial year without first obtaining the approval of two-thirds of the members present, entitled to vote and voting at a General Meeting.

The Annual Subscriptions payable by Retired, Student Members shall be one-quarter of the annual subscriptions payable by Ordinary Members. Members joining after 1 September shall pay pro rata subscriptions on remaining months of the year. The date of a member's election shall be retrospective to the date of approval in terms of Rule 5(d).

## 7. LEVIES

The Committee shall have the right, at any time, to recommend the imposition of a levy for such purposes as it may deem expedient. Such levy, provided that it shall have been ratified by a 51% majority vote at a General Meeting called for that purpose, shall be treated as an additional subscription and shall be payable by all members upon written notification to those members, except Junior and Student members.

## 8. CLUB YEAR

The Club's Financial Year shall run from 1 September to 31 August.

## 9. LIABILITY FOR SUBSCRIPTIONS AND ACCOUNTS

- a) Annual Subscriptions shall be due and payable on 1 September of each year.
- b) A Member whose subscription or other liabilities to the Club are in arrears for a period of two (2) months, shall cease to be a member of the club and written notice of this fact shall be addressed by registered post to such person.
- c) The Committee shall have the power to reinstate any such person upon payment of such arrears subscriptions or other liabilities and any other amounts which would have been payable by him had he remained a member. Provided that the period from the date of ceasing to be a member, to the date of reinstatements, does not exceed one (1) year. Such person's membership shall be considered as continuous from the date of his original admission as a member.

## 10. RESIGNATION OF MEMBERSHIP AND REINSTATEMENT.

- a) A member failing to give written notice to the Secretary before 31 August in any year, of his intention to resign, shall be liable for the following year's subscription.
- b) Any member desirous of resigning his membership must tender his resignation in writing to the Committee who shall accept same, provided that all amounts due by such members shall have been paid including his subscription to the last day of the club year during which the resignation is received. The Committee shall have the power to reinstate on such conditions as it may think fit, a member who has resigned in good standing, and who has applied to be reinstated.  
Provided that the period from the date of resignation to the date of reinstatement does not exceed one (1) year, such person's membership shall be considered as continuous from the date of his original admission as a member.

## 11. ADDRESSES OF MEMBERS

Members shall notify the Secretary in writing of any changed of address. All notices and correspondence posted to any member at his last known address shall be deemed to have been received by him.

## 12. ALTERATION OF CLASSES OF MEMBERSHIP

- a) A Country Member shall become an Ordinary Member when he ordinarily resides or carries on business or is employed within a radius of 100 km of Durban and shall there upon pay the difference between the subscriptions currently payable by Ordinary and Country Members, subject to a reduction in terms of rule 6 if applicable.
- b) An Ordinary Member shall become a Country Member when he neither ordinarily resides nor carries on business nor is employed in Natal, but shall not be entitled to any refund of Entrance Fee or of subscription paid for that year.

- c) An Ordinary Member may become a Country Member on written application to the Committee when he neither ordinarily resides nor carries on business, nor is employed within a radius of 100 km of Durban, but ordinarily resides or carries on business or is employed in Natal, but shall not be entitled to any refund of Entrance Fee, or of subscription paid for that year.

### 13. CONSTITUTION OF COMMITTEE

- a) The Management of the Club and all its business and affairs shall vest in the Officers and Committee Members, who together shall comprise the Committee, which shall be subject to the control of members in General Meeting.
- b) The Officers of the Club shall be the Commodore and Vice-Commodore who shall be the Chairman respectively of the Committee and the Treasurer. The Officers shall report to the members in General Meeting on all the affairs of the Club. The Officers of the Club shall be Ordinary Members of at least two (2) years standing and shall hold office for a period of two (2) years.
- c) The Committee Members shall be eight Ordinary Members of at least two (2) years standing, shall hold office for a period of two (2) years and of who four (4) shall retire by rotation each year.
- d) At least seven (7) members of the Committee of eleven (11) shall either be registered owners or registered co-owners.
- e) Nominations for the Officers and Committee Members shall be made on a form prescribed by the Committee, shall be signed by the Proposer and Secunder who shall be Ordinary Members, and accepted in writing by the Candidate and shall be handed to the Secretary at least five (5) days prior to the date of the Annual General Meeting / General Meeting. The name and photograph of each Candidate and the office for which he is nominated shall be posted on the Club notice board by the Secretary, upon receipt by him of the nomination and acceptance and shall remain on the board until the date of the Annual General Meeting / General Meeting.
- f) In the event of there being more nominations for Officers or Committee Members than the number of vacancies required to be filled, an election by ballot shall take place from 09h00 on the day of the Annual General Meeting / General Meeting until the time the Meeting commences. A member shall vote for the same number of candidates as there are vacancies, failing which the scrutineers shall reject such voting paper an invalid.
- g) In the event of any Officer or Member of the Committee being absent from two (2) consecutive monthly Committee Meetings without having, prior to the meetings, furnished the Secretary with a reason acceptable to the Committee for being unable to attend, he shall automatically cease to be an Officer or Member of the Committee and the Secretary shall advise him in writing to that effect.
- h) The outgoing Commodore shall remain on the Committee in a role of an advisory capacity for a period deemed appropriate by the current Committee. The outgoing Commodore shall not be required to attend all Committee meetings, bar those of requested attendance, and shall be exempt from clause 13(g).

## 14. POWERS AND DUTIES OF THE COMMITTEE

In addition to its general powers and duties, the Committee shall have the following powers and duties:-

- a) To meet at least once in each calendar month and cause to be kept proper Minutes of its meetings. At all Meetings of the Committee, six (6) shall form a quorum and the Chairman shall have a casting vote as well as a deliberative vote.
- b) To act notwithstanding any vacancy or vacancies in the Committee provided that the quorum provided for shall be present for all meetings
- c) To appoint any eligible member to fill, until the next Annual General Meeting, any vacancy occurring in the Committee and to co-opt other members to serve on the Committee or Sub-Committees, provided that the appointment of a member to fill the vacancy shall not affect the position of those members of the Committee who are due to retire by rotation in terms of Rule 13 at the end of the then current period of office.
- d) To enter into Agreements of Lease with any persons upon terms and conditions which the Committee deems fit, including leases of land to be utilised as a ski-boat base.
- e) Subject to the approval by a three-fourths majority of members in General Meeting, entitled to vote and voting, to acquire or dispose of immovable property.
- f) Subject to the approval by a three-fourths majority of members in general Meeting, entitled to vote and voting, to borrow or secure the payment of money and for those or other purposes to pledge or mortgage all or any part of the assets of the Club.
- g) To invest and deal with the money or assets of the Club not immediately required to be used, in such a manner as it may deem fit.
- h) To appoint and dismiss Bankers, Officials and Servants of the Club, and to determine the powers, duties, salaries and conditions of employment of the Club's employees.
- i) To control the receipt and expenditure of Club funds and to provide that all cheques shall be signed by any two of the following persons namely, the Treasurer, and a members of the Finance Sub-committee formed under the convenorship of the Treasurer and the Secretary.
- j) To make, vary or repeal Bye-Laws for the carrying out of the provisions contained in these Rules, for the management of the affairs of, and the use of the premises or equipment of the Club and generally for all matters connected with the Club, provided that such Bye-Laws do not conflict with the Rules.
- k) To appoint, dismiss and regulate the procedure of Sub-Committees and to delegate any of the powers of the Committee to such Sub-Committee.
- l) To frame from time to time, tariffs of fees and charges.
- m) To enter into or terminate agreements with other Clubs with similar objects, for reciprocal honoraria membership, subject to such conditions as may be deemed expedient.
- n) To expel or suspend for such period as the Committee thinks fit, any member who wilfully contravenes any of the Rules or Bye-Laws of the club, or who shall, after due enquiry by the Committee, be found guilty of conduct unbecoming a lady or gentleman or conduct calculated to be prejudicial to the interest or reputation of the Club.

- o) To settle any matter in dispute between members, and which has been submitted by those members to the Committee for that purpose.
- p) To make Bye-Laws for the admission of Honoraria, Temporary or Reciprocity Members provided that no person residing within twenty (20) kilometres of Durban shall be eligible for such membership save where such person holds public office, is the President or Chairman of a Club with similar objects, has conferred some special benefit on the Club, is engaged in any competition held at the Club, is a bona fide candidate for membership or is a guest of any member attending a Club function.
- q) To remove from the membership register the name of any member who has ceased to be a member of the club for any reason.
- r) To keep registers of :-
  - i) the names of persons admitted as members, their class of membership and any alterations hereto.
  - ii) members to who boat registration numbers have been allocated
  - iii) members to who Skipper Tickets have been issued
  - iv) co-ownerships approved by the Committee and the date of such approval
  - v) members to whom boat houses have been allocated
  - vi) members to whom temporary boat registration numbers have been issued
  - vii) all Club assets, and the date and cost of acquisition
- s) To enquire into any incident involving a ski-boat or its operation, or any breach of Rules and Bye-Laws of the Club and to impose such penalties or fines, including the withdrawal or suspension of registration numbers and/or Skipper's Tickets as it may deem fit.
- t) To resolve any doubt or dispute as to the proper construction of any of the Rules or Bye-Laws of the Club.
- u) When acting in terms of rules of the Constitution, an Officer of the Club shall be empowered to act on behalf of the Committee and any such decisions taken shall be ratified at the next Committee Meeting.

#### 15. ANNUAL GENERAL MEETING

- a) An Annual General Meeting shall be held not later than 30 November of each year of the purpose of receiving the report of the Committee and the Financial Statements, transacting any special business of which due notice has been given and discussing generally the affairs of the Club.
- b) The Chairman shall allow discussion on any matter which may be raised at the meeting.

#### 16. NOTICE OF ANNUAL GENERAL MEETING

Notice of the Annual General Meeting and the business to be transacted thereat shall be posted to all members at least fourteen (14) days before the date of the meeting.

#### 17. NOTICE OF MOTION BY MEMBERS

Any Ordinary, Retired, Privileged or Life Member who wishes to have any special business considered at any Annual General Meeting, shall give notice in writing to the Secretary by not later than 7 October and such notice of motion shall contain the terms of the resolution to be proposed.



## 18. GENERAL MEETING

The Committee may, at any time, call a General Meeting and it shall do so upon a requisition signed by at least ten percent (10%) of the number of Ordinary Members rounded off to the nearest ten (10), specifying the object for which such a meeting is required.

## 19. NOTICE OF GENERAL MEETING

Notice of General Meeting and the business to be transacted thereat, shall be posted to all Members at least seven (7) days before the date of the Meeting. In the case of a requisition by Members, the notice shall convene the General Meeting for a date not later than thirty (30) days after receipt of such requisition.

## 20. QUORUM

The quorum at General Meeting shall be any twenty-five (25) Ordinary, Retired, Privileged or Life Members. Should a quorum not be present at any general Meeting after fifteen (15) minutes the appointed time of the meeting, such meeting shall stand adjourned for fourteen (14) days and notice of the date and time of such adjourned meeting shall be posted on the Club Notice Board. The eligible members present at such adjourned meeting shall be a quorum.

## 21. CHAIRMAN AT GENERAL MEETING

The Chairman of the Committee, failing who the Vice-Chairman, and failing whom, a Member of the Committee appointed by the Meeting shall take the chair at any General Meeting. If none of the foregoing is present and willing to preside, the Members present shall choose one of their Members to be Chairman of the Meeting. The Chairman shall have a deliberative as well as a casting vote.

## 22. VOTING AT GENERAL MEETING

- a) Only Ordinary, Retired, Privileged and Life Members may vote at General Meetings.
- b) Only registered owners or registered co-owners holding a proxy from the registered owner who is unable to attend the Meeting, may vote on any matter affecting the operation of ski-boats. A Proxy shall be in writing, signed by the registered owner and handed to the Secretary at least twenty-four (24) hours before the meeting.
- c) A simple majority vote shall bind the minority, except where otherwise provided in these Rules.
- d) All matters submitted to a General Meeting shall be decided by a show of hands, unless a ballot be demanded by five (5) or more Members present, in which event the ballot shall be taken forthwith.

### 23. REVERSAL OF DECISION

No decision of a general Meeting upon a matter in respect of which notice has been given in the notice calling the Meeting, passed within the preceding twelve (12) months shall be reversed by a subsequent General Meeting, except with the sanction of a three-fourths majority of the Members present entitled to vote and voting at such subsequent Meeting

### 24. ACCOUNTS

- a) The Committee shall cause full and true accounts to be kept of the whole of the assets, liabilities, receipts and expenditure of the Club.
- b) At each Annual General Meeting the Committee shall present to Members Financial Statements for the past year, duly audited, and signed by the Chairman, Treasurer and Secretary, and certified by the Auditors.

### 25. AUDIT

- a) An Auditor, who shall be elected at the Annual General Meeting each year, shall certify the Club's Annual Financial Statements and for this purpose shall only be required to carry out a limited audit in order to verify the assets and liabilities of the Club. A Member of the Committee may not be elected as Auditor.
- b) In addition to the extent of the audit provided in sub paragraph (a), the Committee shall, at any time, be empowered to require the Auditor to carry out such further audit or investigation as it may consider necessary.
- c) The Auditor shall have all the usual powers of an Auditor and in particular shall at all reasonable times have access to the books and records of the Club and may in relation thereto examine the Committee or other officials of the Club.
- d) Any casual vacancy in the office of Auditor shall be filled by the Committee appointing an eligible person.
- e) The Auditor's remuneration shall be determined by the Club.

### 26. REGISTRATION NUMBERS.

- a) The total number of ski-boat registration numbers which may be allocated to members, shall be as determined by the (Portnet), provided that the Committee may further restrict the number of registration number as circumstances may require.
- b) Any Ordinary, Privileged, Life Member and Retired Member may make written application to the Committee for the allocation of a registration number. Applications shall be dealt with by the Committee in the order in which they are received. In the event of there not being a registration number available on receipt of an application, the Member's name and date of the receipt of the application shall then be dealt with in date order, as and when a registration number becomes available for allocation.
- c) Registration numbers shall be at all times remain the property of the Club and may only be allocated or transferred by resolution of the Committee.
- d) Registration numbers may only be allocated to Ordinary, Privileged or Life Members who are not registered co-owners and shall not be transferable from one member to another, except as specifically provided in these Rules. Any member who for any reason ceases to qualify and be registered as an

Ordinary, Privileged or Life Member shall forthwith forfeit his registration number.

- e) Only one (1) ski-boat may be registered in terms of this Rule, under one (1) registration number.
- f) A Member to whom a registration number is allocated or transferred, (referred to as the Registered Owner), shall within ninety (90) days of the date of allocation, produce to the Club's Boat Examiner, a ski-boat, which, if approved by the examiner in terms of the Rules and Bye-Laws, shall be registered under the registration number allocated. In the event of a ski-boat not being registered under the registration number allocated within the above period, the Member shall forfeit the registration number, provided that the Committee may extend the period by not more than thirty (30) days upon good cause being shown by the Member.
- g) A Registered Owner who is desirous of replacing his ski-boat which is registered with the Club, shall, before being entitled to operate the replacement ski-boat, cause it to be registered with the Club in terms of sub-rule (f) hereof.
- h) A Registered Owner who disposes of a ski-boat which is registered with the Club and who fails to effect registration of a replacement ski-boat within the period stipulated in sub-rule (f) hereof, shall forfeit this registration number.

#### 27. TEMPORARY REGISTRATION NUMBERS.

- a) The total number of temporary ski-boat registration numbers which may be issued to Members shall be as determined by the South African Transport Services (Portnet), provided that the Committee may further restrict the number of temporary registration numbers as circumstances may require.
- b) The conditions relating to the allocation and use of temporary registration numbers shall be regulated by the Committee and contained in the Club Bye-Laws.

#### 28. VISITOR'S REGISTRATION NUMBERS.

- a) The total number of visitor's ski-boat registration numbers which may be issued, shall be as determined by the South African Transport Services (Portnet), provided that the Committee may further restrict the number of visitor's registration number as circumstances may require.
- b) The conditions relating to the allocation and use of temporary registration numbers shall be regulated by the Committee and contained in the Club Bye-Laws.

#### 29. BOAT HOUSES

- a) All boat houses are the property of the Club and may only be dealt with in terms of the Rules, and allocated or transferred by resolution of the Committee.
- b) The right of occupation of a boat house shall not be transferable from one member to another except as specifically provided in the Rules.
- c) Any Member to whom a registration number has been allocated in terms of Rule 26 may make written application to the Committee for the occupation of a boat house. Applications shall be dealt with by the Committee in the order in which they are received. In the event of there not being a boat house

- available for occupation on receipt of an application, the Member's name and the date of receipt of the application shall be placed on a waiting list, and the applications shall then be dealt with in date order, as and when a boat house becomes available for occupation.
- d) Before the commencement of each financial year the Committee shall, in its discretion, determine the value to be placed on boat houses for the ensuing financial year. The value so determined shall not be less than that determined for the previous financial year.
  - e) In the event of a registered boat house occupant giving notice of his intention to vacate the boat house, the following procedure shall be adopted:-
    - i) the Committee shall notify the Member whose name is at the head of the waiting list for boat houses (referred to as "the applicant") that a boat house is available for occupation, and the amount of the value as determined for the current financial year (referred to as "the Consideration").
    - ii) the Applicant shall, if he wishes to take occupation of the boat house, inform the Secretary within seven (7) days accordingly and pay to the Club the amount of the consideration, within in a period of twenty-one (21) days after the date of notification in terms of sub-rule (e)(i) hereof. The Club shall then pay to the Member giving notice to vacate the boat house (referred to as "the Vacator") the amount of the Consideration paid by him on taking occupation of the boat house, subject to a minimum amount of Six Hundred Rand (R600.00).
    - iii) the Club shall then pay to the Member giving notice to vacate the boat house (referred to as "the Vacator") the amount of the Consideration paid by him on taking occupation of the boat house, subject to a minimum amount of Six Hundred Rand (R600.00)
    - iv) in the event of the Consideration payable by the applicant in terms of sub-rule (e)(ii) hereof, exceeding the amount payable to the Vacator in terms of sub-rule (e)(iii) hereof, the Club shall, in addition to that amount pay to the Vacator, one-half of the excess and remaining one-half shall accrue to the Club.
    - v) The Club shall be entitled to deduct from the amounts payable by the applicant in terms of sub-rules (e)(iii) or (iv) hereof, the costs of repairing any damage which may have been caused to the boat house during the Vacator's occupancy and for which the Vacator is liable.
  - f) A Member to whose a boat house has been allocated shall at all times occupy that boat house by storing his ski-boat and equipment therein. A member who is desirous to leaving his boat house unoccupied for a period of longer than twenty-one (21) days, shall apply to the committee in writing, furnishing reasons and the Committee may grant the application for such period as it may consider reasonable.
  - g) All existing boat house occupants and Members to whom boat houses may be allocated, shall be required to enter into a written agreement, in the form prescribed by the Committee, regulating the terms and conditions of occupation of the boat house.
  - h) In the event of a boat house occupant ceasing for any reason to hold a registration number, or after notice by the Committee, failing to comply with the provisions of this Rule or the Occupation Agreement referred to in the proceeding sub-rule, his right of occupation shall terminate, and the boat house shall be re-allocated in terms of this Rule.

- i) A Vacator shall not have any claim against the Club for payment of the amount provided in sub-rules (iii) and (iv) hereof until such time as an Applicant has paid the Consideration in terms of sub-rule (ii).

### 30. CO-OWNERSHIP OF REGISTRATION NUMBERS AND BOAT HOUSES

- a) (I) Any two (2) or more Ordinary, Privileged or Life Members may, prior to or at the time of making application in terms of Rule 26 for a registration number, apply to the Committee in writing to be registered as a co-ownership in respect of the registration number or registration number and a boat house. The Committee shall cause the co-ownership to be registered, and upon allocation of registration number, the Member who was nominated by the co-ownership to apply for the registration number, shall be recorded as the Registered Owner, and the other Members shall be recorded as the Registered co-owners.
- (ii) Any two or more members, all of whom are Registered Owners and registered boat house occupants, may apply to the Committee in Writing to be registered as a Co-ownership in respect of a single registration number and boat house, to be nominated by the applicants. The Applicants shall state in which Member's name the registration number and boat house shall be registered. The Committee shall cause the Co-ownership to be registered and the nominated Member shall be recorded as a Registered Owner, and the other Members who shall relinquish their registration number and boat houses, shall be recorded as Registered Co-owners.
- b) A co-ownership registered in terms of sub-rule (a)(I) or (ii) hereof shall be recorded and referred to as a Class A Co-ownership.
- c) Any Member to whom a registration number or registration number and boat house has been allocated, may at any time apply to the Committee in writing to register any one or more Ordinary, Privileged or Life Members as Co-owners. The Committee shall, provided that it is satisfied that a bona-fide co-ownership agreement exists, and that the prospective co-owners have been members for continuous periods of at least two (2) years, cause the co-ownership to be registered and the Member to whom the registration number or registration number and boat house has been allocated, shall be recorded as the Registered Owner and the other members as the Registered Co-owners.  
The Registered Owner shall produce a doctor's certificate stating that he/she is able to continue as an active ski-boater.
- d) A Co-ownership registered in terms of sub-rule (c) hereof shall be recorded and referred to as a Class B co-ownership.
- e) A Co-ownership may not be registered for more members than the number for which the ski-boat to be operated under the registration number is registered.
- f) A Registered Owner in a class B Co-ownership may, after the co-ownership has been registered as such for a continuous period of at least five (5) years, apply to the Committee in writing to convert the Co-ownership to a Class A Co-ownership and the Committee may register the conversion accordingly.  
The Registered Owner shall produce a doctor's certificate stating that he/she is able to continue as an active ski-boater.
- g) The Committee may on written application by the Registered Owner in a Class A or B Co-ownership and subject to the provisions of sub-rule (c) hereof, register the following reconstitutions of the Co-ownership:-

- (i) upon the retiral of a Registered co-owner of three (3) or more members
- (ii) upon the admission of an additional co-owner
- (iii) upon the simultaneous retiral of a Registered Co-owner and the admission of an additional Co-owner.

In the event of a Registered Co-ownership being reconstituted in terms of sub-paragraphs (ii) or (iii) hereof, the newly Registered Co-owners shall, from the date of registration of the reconstitution, be subject to all the provisions applicable to a Class B Co-ownership.

- h) In all Co-ownership, the Registered Owner shall be held responsible for the occupation of the boat house.
  - i) The Registered Owner shall, at the time of registration of the Co-ownership, and in the event of there being more than one Registered Co-owner, notify the Committee which Registered Co-owner shall qualify as the next Registered Owner in the event of there being a transfer in terms of these Rules of the Registration number of registration number and boat house, as a result of the death or physical or mental disability of the Registered Owner.

### 31. TRANSFER OF REGISTRATION NUMBERS AND BOAT HOUSES

- a) The Committee may, on written application by the Registered Owner in a Class A Co-ownership, transfer his registration number or registration number and boat house into the name of his Registered Co-owner, who shall then become the Registered Owner. The Registered Owner shall state in his application whether he wishes, on transfer of the registration number or registration number and boat house, to be registered as a Co-owner or to retire from the Co-ownership.
- b) The Committee may, on written application by the Registered Owner in a Class B Co-ownership which has been registered for a continuous period of not less than two (2) years, transfer his registration number into the name of his Registered Co-owner, who shall then become the Registered Owner. The Registered Owner shall state in his application whether he wishes, on transfer of the registration number, to be registered as a Co-owner to retire from the Co-ownership.
- c) The Committee may, on written application by the Registered Owner in a class B Co-ownership, which has been registered for a continuous period of not less than five (5) years, transfer his registration number and boat house into the name of his Registered Co-owner, who shall then become the Registered Owner. The Registered Owner shall state in his application whether he wishes, on transfer of the registration number and the boat house, to be registered as Co-owner or to retire from the Co-ownership.
- d) The payment of any premium or other amount by a registered or prospective co-owner to a Registered Owner, as a Consideration for the transfer of a registration number or registration number and boat house is prohibited and any contravention of this sub-rule will disqualify both the Registered Owner and Registered Co-owner from holding a registration number or registration number and boat house. The Committee, on considering applications for transfers in terms of sub-rules (a), (b) or (c) may call upon the Registered Owner and Registered Co-owner to provide such evidence as it may require to satisfy itself that the transfer does not constitute a contravention of this sub-rule.

- e) The Committee may on written application of a Registered Co-owner in a Class A or B Co-ownership and upon the death of the Registered Owner, transfer the registration number or registration number and boat house into the name of the Registration Co-owner who shall then become the Registration Owner.
- f) The Committee may, on written application of a Registered Owner or his legal representative, in a Class B Co-ownership transfer his registration number or registration number and boat house to his Registration Co-owner provided that it is satisfied by such medical or other evidence which it may require a Registered Owner or his legal representative to submit, that the Registered Owner, is by reason of physical or mental disability, incapable of operating a ski-boat, and that such disability did not exist at the date on which the Co-ownership was registered.
- g) When a registration number or a boathouse or both are jointly owned by a parent and one or more of his/her children, the Committee shall, on the written request of all such Co-owners or their legal representatives, transfer the registration of such member and/or boathouse to any other Co-owner thereof who is nominated for that purpose in such written request.

## 32. BOAT INSPECTION

- a) In addition to the original inspection of boats for registration in terms of Rule 26, all boats shall be presented annually at the Club's Base for inspection by the Club's Examiners or Committee and shall not be re-registered unless approved in terms of the Rules and Bye-Laws.
- b) The date and times of the Annual boat Examination shall be determined by the Committee and notified to all Registered Owners.
- c) No member may, after 31 December, operate a ski-boat unless it has been re-registered.
- d) Any Registered owner who fails to have his boat re-registered at the Annual Boat Examination or within such period thereafter as the Committee may on application allow, shall forfeit his registered number.
- e) The Club boat Examiners or the Committee or its authorised representative shall at any time be entitled to require any Registered Owner to submit his ski-boat for inspection. In the event of a ski-boat being found to be unseaworthy or in any way failing to comply with these Rules or Bye-Laws, the Registered Owner's registered number shall forthwith be suspended and unless the ski-boat be approved within a period to be determined by the Committee, the registered Owner shall forfeit his registration number.
- f) Any ski-boat which sustains accident damage or damage from any other cause, or is re-modelled or structurally altered, shall not be operated until it has been approved by the Club Boat Examiner in terms of the Rules and Bye-Laws.

## 33. SKIPPER'S TICKET

A member who wishes to operate a ski-boat must be in possession of a Skippers Ticket issued by the Department of Transport Marine Division or its Authorised Agencies.

## 34. BOAT SPECIFICATIONS AND EQUIPMENT

A ski-boat shall not be approved and registered with the Club unless it complies with the regulations made under paragraph (xli)bis of Section 356(1) of the Merchant Shipping Act (No. 57 of 1951) and promulgated under Government Notice No. 2799 dated 20 December 1985 and as may be amended from time to time.

## 35. OPERATION OF SKI-BOAT

- a) A ski-boat may not be operated from the Club's base unless :-
  - (i) a registration number has been allocated or transferred or a temporary or visitor's registration number has been allocated and the ski-boat has been registered under such number, with the Club in terms of the Rules and Bye-Laws, and
  - (ii) it is under the control of a Member whom a National Skipper's Ticket has been issued by the Department of transport Marine Division or its Authorised Agencies and
  - (iii) it displays, in the prescribed manner, its registration number and prefix and current seaworthy decal issued by the South African deep Sea Angling Association and does not display any other registration number or prefix
- b) A ski-boat may not put to sea with more persons aboard than the number for which it was registered.
- c) It shall be the duty of each Registered Owner, or the Skipper if the Registered Owner is not aboard, to log out before launching and log in immediately on return to base in accordance with the procedure which shall be prescribed by the Committee.
- d) A Member may not use or permit a registered ski-boat to be used for any commercial purposes or as a means of livelihood for himself or any other person.
- e) The Skipper of a ski-boat shall at all times operate the boat, in a seaman like manner, in accordance with these Rules and International Rules and Procedures with due regard for the safety of his crew and all other persons.
- f) The Registered Owner (including Registered Co-Owners), the Member, the Skipper and the Crew (and their heirs and executors), as the case may be, shall have no claim against the club and its employees for any loss of whatsoever nature and howsoever caused arising from the operation, launch and retrieval of any ski-boat and shall be deemed to have indemnified the Club, and its employees against any such claim.

## 36. MINIMUM ANNUAL LAUNCHINGS (Does not apply as from 22 Nov 2007)

- a) Each Registered Owner or his Registered Co-Owner in a Class A Co-Ownership shall put to sea on his registered boat at least twelve (12) time for a minimum period of fifty (50) hours, during each Club year. Not more than one (1) launch may be counted on any one (1) day. The minimum number of launchings and hours, applicable to a Registered Owner to whom a new registration number is allocated and whose boat is registered after the commencement of the Club year, shall be proportionately reduced according to the number of full calendar months remaining from the date of registration of the boat to the end of the Club year.



- b) The registration number of any Registered Owner who fails to comply with Sub-rule (a) hereof shall be withdrawn, provided that the Committee may condone the non-compliance subject to the following conditions.
  - (i) that the Registered Owner submits a written explanation of the non-compliance and the Committee in its discretion accepts the explanation as reasonable and adequate.
  - (ii) that if the Registered Owner held a registration number for the whole or part of the preceding Club year, he complied with Sub-Rule (a) hereof during the year or part thereof.
- c) The provisions of this Rule shall not apply to a Registered Owner who is not also a registered boathouse occupant.

### 37. STATISTICS

- a) All Registered Owners and Members operating a ski-boat under a temporary or visitors registration number shall be obliged to submit a Catch Returns and other statistics in a form and manner as may be prescribed by the Committee from time to time.
- b) Any Member who fails to comply with the provisions of Sub-Rule (a) hereof, shall be liable to such penalties as the Committee in terms of these Rules, is empowered to impose.

### 38. DISPOSAL OF FISH

The sale of fish on the Club premises is prohibited.

### 39. LIMITATION OF LIABILITY

- a) The liability of any Member shall be limited to the amount due by him to the Club.
- b) No liability shall attach to the Club in respect of the property of any Member or his guest, which may be lost, damaged or stolen on or from the club premises.
- c) In respect of any act or omission by the Member, no liability shall attach to the Club and its employees in respect of any claim of whatsoever nature and howsoever cause and by whomsoever made and Members shall be deemed to have indemnified the Club and its employees against any such claim.

### 40. INDEMNITY

Members of the Committee, the Auditor and Officials of the Club shall not be liable for anything done or omitted to be done in the exercise of their duty or supposed duty unless due to their own wilful neglect or default and they shall be indemnified by the Club for any liability they may incur to any other person unless that liability arose from their own wilful neglect or default.

### 41. WINDING UP

- a) The Club may be wound up by a resolution passed by the three-fourths majority of Members present, entitled to vote and voting at a General Meeting

of the Club, of which at least thirty (30) days notice has been given to all Members.

- b) The Members in General Meeting shall appoint Liquidators and may give directions as to the method of winding up and the distribution of assets, provided that the assets remaining after the satisfaction of liabilities shall only be given or transferred to a company, Society or Association with objects similar to the objects of this club.

#### 42. PROFIT ON SALE OF LIQUOR

No profit derived from the sale of liquor or any other undertaking by the Club shall accrue to any individual or Member.

#### 43. PAYMENT FOR LIQUOR OR OTHER REFRESHMENT

Only Members of the Club, including the bona fide reciprocity members, shall be permitted to pay for liquor or refreshments supplied within the Club.

#### 44. ACTION BY AND AGAINST THE CLUB.

The Club may sue and be sued in the name of the Chairman.

#### 45. MATTERS NOT DEALT WITH BY THE CONSTITUTION

Any matter not specifically provided for in these rules shall be dealt with or decided upon by the Committee, whose decision shall be binding on Members.

#### 46. ALTERATION OF RULES

The Rules contained in this constitution may only be altered by a resolution passed by a two-thirds majority of Members present, entitled to vote and voting at a General Meeting of the Club. Due notice of the General Meeting and the proposed resolution shall be given in terms of these Rules to all Members.

#### 47. NATAL COLOURS

Any Member of good standing who is awarded Natal Senior Colours (angling only) for the first time, shall be honoured by the Club by being presented with a Natal Blazer. The purchase of any such blazer shall be effected by the Club Treasurer and no monies shall be paid out in lieu of a blazer.

The same privilege shall be afforded to anglers attaining full National Colours (Springbok/Protea) for the first time.

## DURBAN SKI BOAT CLUB BYE-LAWS

### 1. VISITING SKI-BOAT OPERATORS

Country Members/Ordinary Member who neither reside nor carry on business nor are employed within a radius of 100km of Durban, Members of Ski-Boat Clubs which are affiliated to the South African Deep Sea Angling Association whose boats are registered with the Association, and other legally registered craft shall be eligible for temporary boat registration subject to the following conditions :-

- a) Application for temporary boat registration shall be made to the Secretary in writing in the form prescribed by the Committee and shall be accompanied by the fee which may be fixed.
- c) The following documents shall be submitted with the application :-
  - (i) A form of Indemnity which indemnifies the Club, its Members or employees against any claim for loss or damage by the applicant, his dependants or any other person, arising from any accident or other circumstances which may occur whilst the temporary boat registration or any other facilities of the Club are being used.
  - (ii) A letter from the Secretary of the applicant's club certifying that the applicant is a member of good standing. This provision shall not be applicable to applicants who are member of Durban Ski-Boat Club.
  - (iii) A Certificate of Competency to operate a ski-boat
  - (iv) A copy of the current boat registration form issued by an authorised agency.
- d) The applicant shall make himself conversant with all the Rules and Bye-Laws of the Club, before putting to sea (a copy of the local regulations and signals for the Durban Harbour Area is obtainable from the Secretary).
- e) Upon compliance with the provisions of paragraphs (a), (b) and (c) hereof, the application shall be considered by the Committee or such member or members of the Committee who may be delegated for that purpose and the committee or its delegates, shall have complete discretion to grant or refuse the application.
- f) A Temporary Registration shall be issued for a period not exceeding twenty-eight (28) days, provided that an applicant shall be entitled to submit further applications after the lapse of previous temporary registrations.
- g) An applicant for a temporary boat registration, who is not a Member, shall, upon his application being granted be admitted as a Temporary Members of the Club in terms of Bye-Law 2 and shall be bound by all the provisions of the Clubs Constitution, Rules and Bye-Laws in so far as the same may be applicable.

### 2. TEMPORARY MEMBERS

- a) Visitors may be admitted as Temporary Members upon application to the Secretary or upon introduction in writing by two Members, subject. In both cases, to the approval of two Members of the Committees.
- b) The election of any Temporary Member may be cancelled at any time by resolution or the Committee.

- c) The period of temporary membership shall be at the discretion of the Committee. The temporary membership fees shall be at the same rate as the visitors fees paid by Members.
- d) Temporary Members shall not have the privilege of attending any General Meeting of the Club.

### 3. GUESTS

- a) Only Ordinary Members may introduce non-members as guest provided that their names and addresses shall immediately on arrival be inscribed in the Visitor's Book and the entry shall be signed by the introducing members. There is a fee of R20.00 payable for the guests that crew on any DSBC registered craft.
- b) No person may be introduced as a guest on more than two occasions during any one calendar month.
- c) No Member may introduce more than ten guests on any one day without prior arrangement with Manager. Guests shall only remain on the Club premises while the introducing member remains present and the introducing member shall be responsible for the guests' conduct whilst on the Club premises.
- d) No member shall introduce anyone, nor shall any person use the premises of the Club :-
  - (i) whose presence in the opinion of the Committee is undesirable
  - (ii) who has been rejected as a Member or expelled from membership of the Club
  - (iii) who has been struck off the list of Members for non-payment of subscription or other liabilities.
- e) Any Member, Honorary Member, Temporary Member or Guest within the Club premises must give his or her name when requested to do so by any official or employee of the Club.

### 4. HONORARY MEMBERS

The Committee may admit in terms of Rule 4(h) the following persons as Honorary Members:-

- a) Persons engaged in any match, competition or tournament held at the Club.
- b) Guests of Members attending any Club function
- c) Members of Committee or Officials of the sports associations to which the Club is affiliated, whilst such members or officials are at the Club on official business.
- d) Presidents and Captains of similar clubs who have introduced themselves to the Secretary.
- e) Any person who, in the opinion of the Committee, is deserving this honour. The Honorary Membership of any person may be cancelled at any time by resolution of the Committee.

### 5. PARKING ON CLUB PREMISES

Member or their guest shall not be permitted to park vehicles, boats or trailers on the Club premises except in areas which have been designated by the Committee as parking areas. The parking of vehicles, boats or trailers in such designated areas shall not exceed a period of twenty-four (24) hours except with the consent of the Committee and for such longer period as may be specified. Any Member who

contravenes this by-law shall be liable to a fine not exceeding R20.00 per day for the period that the unauthorised parking continues and shall in addition be liable to such penalties as the Committee, in terms of the Rules, is empowered to impose.

#### 6. DRESS

Members, while in the public portions of the Club House, are required to conform in their dress to standards of good taste in conformity with the standing of the Club.

#### 7. REMOVAL OF BOOKS, etc

No person shall remove the Club premises any books, pamphlets, newspapers, writing materials or other articles belonging to the Club, without the special sanction of the Committee.

#### 8. BREAKAGES

All property of the Club broken or damaged by any Member or his guest shall be paid for by such Member.

#### 9. SUGGESTIONS AND COMPLAINTS

Any suggestions or complaints a Member may have shall be made in writing to the Manager

#### 10. PAMPHLETS ADVERTISING, etc

No pamphlet advertising or circular of any description whatever shall be placed on the tables or posted within the precincts of the Club without the consent of the Committee.

#### 11. BOATING

- a) Skippers must at all times operate their ski-boat with due regard for the safety of their crew **and** other users of the sea and shore.
- b) No boat may be fastened or anchored to the Shark Meshing Nets, and any boat owner interfering in any way with the nets will have this permission to operate withdrawn
- c) Boats crossing the Harbour mouth must clear it by at least 500m.
- d) A radio check must be made directly after launching. Permission must be requested by radio before beaching and in all cases, beaching instructions must be strictly adhered to.
- e) A speed limit of 15km/h must be strictly observed in the Vetch's Pier area.
- f) The minimum trip length to qualify as a launch in terms of Rule 36 shall be two (2) hours.
- g) Skippers neglecting to log in as required by Rule 36(c) will only be recorded as launch duration of the minimum as allowed by Bye-Law 11(a).

## 12. BOATING NIGHT TIME (Extended Hours)

- a) Skippers must have a Skippers Ticket endorsed for night operations.
- b) Craft, in addition to the DOT requirements, must have the following additional equipment required by the P.C.
  - A VHF radio and operators licence
  - A set of Jumper leads
  - An additional hand held flashlight
- c) Skippers are to mark the launch register with EHF on logging out.
- d) Durban Harbour radio must be advised on VHF Channel 16 when leaving and arriving back at the Vetch's basin. If the craft has been out during daylight hours, then contact Durban Harbour radio at sunset.

## 13. TRACTORS

- a) The Club tractors are available only during the hours of light. Any private arrangement made with the Club's tractor drivers for after hours tows is at the members own risk.
- b) Club tractors are for the use of boats registered with and 'S' or 'VS' number ONLY and no other boats will be towed.