

**CONSTITUTION**  
**of the**  
**PRINCE'S GRANT GOLF CLUB**

This copy is dated 28 September 2006

**CONSTITUTION  
OF THE  
PRINCE'S GRANT GOLF CLUB**

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1. **Name**

The name of the Club is "PRINCE'S GRANT GOLF CLUB" ("**the Club**")

2. **Objects**

The objects of the Club shall be to promote, foster and support the game of golf at Prince's Grant and, in particular, support and foster the traditions and spirit of amateur golf.

3. **Formation of the Club**

The Club has been established by the honorary life foundation members being, Guy Morton Shaw Smith, Diana Jane Smith, Glenn Arthur Hesse and Rajeshwar Bodasing.

4. **Powers of the Club**

For the carrying out of the objects of the Club, the Club is empowered to do the following acts:

4.1 **Subscriptions**

to provide for subscriptions to be paid by the members and to determine the amount of such subscriptions from time to time, which amount shall, in respect of ordinary members, be at least R50 per annum ("**ordinary members**" shall mean full and additional members) which amount shall be not less than the minimum prescribed by the Liquor Licensing Board from time to time;

4.2 **Immovable property**

to purchase, lease, or otherwise acquire immovable property and to dispose of such property upon such terms and conditions as the committee, from time to time, may deem desirable; to erect, construct, maintain, improve, alter, manage and control any buildings or other erections on immovable property owned by or leased by the Club;

4.3 **Movable assets**

to purchase, lease, or otherwise acquire movable assets for the equipping and furnishing of the Club premises and to dispose of such assets;

4.4 **Finance and investment**

to borrow such sum or sums of money as may be necessary for the purpose of the Club and to provide security including mortgage of the immovable property;

to invest, with or without security, such funds of the Club as are not immediately required for its operation;

to make call or calls upon the members as may be necessary for the proper operation of the Club;

to lend money on such terms and conditions as the committee may from time to time deem fit;

to establish and

maintain one or more reserve funds to provide money to the Club to pay any expenses incurred by the Club in the exercise of its powers or the performance of its duties;

#### 4.5 **Accounting**

to open one or more banking accounts in the name of the Club and to operate on and overdraw such accounts, deposit, accept, endorse, make and execute cheques, bills of exchange, promissory notes or any other negotiable instruments necessary for the conduct of the business of the Club provided that all such cheques and other negotiable instruments shall be signed by such persons as may be appointed by the committee from time to time;

to appoint auditors of the Club and to fix their remuneration to provide for the maintenance of financial records and the keeping of proper books of account of the Club;

#### 4.6 **Management**

to delegate to GMS Projects CC and/or the committee such of the above powers as are necessary for the efficient running of the Club;

#### 4.7 **General**

to institute or defend proceedings at law;

to accept gifts or bequests;

to enter into contracts of suretyship as surety;

to obtain and maintain in force all policies of insurance required to cover the assets of the Club;

to grant use privileges for the amenities of the Club, from time to time, as the committee may determine as in the best interests of the Club;

#### 4.8 **Liquor license**

to apply to any Liquor Licensing Board or competent authority for the grant to the Club of any license for the sale of liquor which the Club may require for the purpose of carrying on its business and to accept transfer of such license or licenses.

### 5. **Management of the Club**

The business and affairs of the Club shall be managed by the committee of the Club.

### 6. **Membership**

Membership of the Club shall be confined to the following classes of members:

#### 6.1 **Honorary life foundation members** – shall be the persons referred to in clause 3 above.

- 6.2 **Full member** – being a husband and wife, one of whom is the registered owner of a share block or an undivided share in Prince’s Grant Property Share Block Limited (“PGP”), or the registered owner of a property, or sectional title unit, or an undivided share in Prince’s Grant township (hereinafter “unit” shall refer to a share block in PGP or a property or sectional title unit in Prince’s Grant township), or a person who is a nominee of a company, close corporation or trust which is the registered owner of a unit together with such nominee’s husband or wife as the case may be. The full members will be limited to 462 (a husband and wife jointly shall be deemed to be one full member).
- 6.3 **Additional members** – being a husband and wife, one of whom is the owner of an undivided share in a unit or the nominee and his/her spouse of a company, close corporation or trust which owns a unit.
- Additional membership shall be limited to a maximum of one thousand persons together with their spouses.
- 6.4 **Junior members** – being the direct descendants of full members and additional members who are under the age of twenty-six years. A junior member shall cease to be a member on his twenty- sixth birthday.
- 6.5 **Ordinary members** – being direct descendants of a full member or an additional member who is over the age of twenty-six years and who applies and is duly elected as a member of the Club. Ordinary members shall cease to be members of the Club should their parents cease to be full members or additional members.
- 6.6 **Foundation members** – being full members or additional members who initially owned debentures in PGP and who at the time of the signing of this constitution owned share blocks in PGP.
- 6.7 **Nominee members** – being members approved by the committee of the Club and who are over the age of twenty- one years who shall be nominated only by a full member or additional member who owns more than one unit. The nominee member shall cease to be a member upon the full member or additional member who nominated him ceasing to own a second unit. A nominee member shall include the spouse of such member and all children under the age of twenty-six years. A nominee’s descendants over the age of twenty-six may not apply to be ordinary members. Nominee members shall pay the same annual subscription as full members but shall pay no entrance fee unless the committee determines otherwise.

For so long as Prince’s Grant Holdings (Pty) Limited or their successor as the developer of Prince’s Grant (the developer) is the owner of more than one unit, the developer shall be entitled to nominate nominee members for each unit owned by the developer.

- 6.8 **Honorary life members** – being persons who:
- 6.8.1 by reason of exceptional service to the Club; or
- 6.8.2 who by reason of having brought honourable distinction to the Club; or,
- 6.8.3 who are winners of the South African Amateur Championship,  
are elected as such at the discretion of the committee.

- 6.9 **Honorary members** – being members who by reason of service to the Club or by reason of bringing honourable distinction to the Club or prominent people who will bring distinction and honour to the Club may be elected as such by the committee.

Honorary members and honorary life members shall not at any time exceed more than one hundred persons.

- 6.10 **Syndicate members** – being persons or nominees of a close corporation of company who own an undivided share in a unit together with 9 other persons. It shall also include the spouses of the owners of such unit and their children under the age of twenty-six years. Syndicate members shall, however, only be entitled to exercise rights of membership while they are resident at Prince's Grant. The committee shall be entitled to grant to syndicate members special rights for the use of the Club when they are not in residence and such rules and regulations shall be determined by the committee from time to time.
- 6.11 **Temporary members** – shall be a person who is admitted as such in accordance with the rules laid down by the committee from time to time for a period not exceeding twenty-one days.
- 6.12 **Corporate members** – being the nominees of companies or close corporations who own a unit, or units, and have been granted special rights by the committee. Such special rights shall be recorded in an agreement between the Club and the company, which agreement shall provide that the rights shall not be transferable and shall terminate upon the company ceasing to be the owner of a unit.

No person residing within thirty kilometers from the premises of the Club is eligible for election as a temporary member of the Club unless:

- 6.13.1 he is so eligible by reason of his holding a public office or being a bona fide candidate for membership or having conferred an exceptional benefit on the Club; or
- 6.13.2 is allowed the privileges of membership while engaged in a match or competition, approved by the management of the Club.
- 6.14 **Non Owner member** – The committee may decide at its discretion to allow non owner members and the number of such members to be allowed.  
*(duly approved at Annual General Meeting held on 22 September 2006.)*

## 7. **Voting rights of members**

For the purpose of voting, the following classes of membership shall be entitled to vote at all annual or special general meetings or meetings of the Club:

- 7.1 Honorary life foundation members shall each be entitled to one vote.
- 7.2 Full member shall be entitled to a single vote, save in the instance of a person owning more than one unit, in which case such member shall be entitled to one vote for each unit owned by him.
- 7.3 In the case of corporate members, the company owning the unit shall nominate one member amongst its nominees who shall be entitled to vote on behalf of the company. The company shall be entitled to one vote for each unit owned by it.

- 7.4 Additional members, junior members, ordinary members, nominee members, honorary members, syndicate members and temporary members shall not be entitled to vote at meetings of the Club.

**8. Subscription amounts**

- 8.1 Full members or additional members owning more than one unit shall be obliged to pay an annual subscription for each unit which they own.
- 8.2 Junior members shall pay no subscription.
- 8.3 Ordinary members' subscriptions shall be one-half of that payable by full members.
- 8.4 Nominee members shall pay a subscription equal to that payable by full members.
- 8.5 Syndicate members shall pay the prescribed green fee equal to that payable by an affiliated homeowners'/lodge guest, which fee shall be determined by the Golf Committee from time to time.  
*(8.5 duly amended at Annual General Meeting held on 22 September 2006)*
- 8.6 Corporate members' subscriptions shall be determined by the committee.
- 8.7 A member who has not paid his subscription within three months after due date for payment, shall cease to be a member. Membership may be returned at the discretion of the committee.
- 8.8 Non owner members shall pay an entrance fee and subscriptions as determined by the Golf Committee and as approved by the Finance Committee from time to time.  
*(8.8 duly inserted at Annual general Meeting held on 22 September 2006.)*

**9. Golfing rights of members**

- 9.1 Full members shall be entitled at all times to play golf at Prince's Grant Golf Club save in the case of special circumstances as determined by the committee and they shall be entitled to introduce guests to the Club in accordance with the rules laid down by the committee.
- 9.2 Additional members shall be entitled to the rights of full members save that in peak periods (as determined by the golf committee). Additional members, unless they are residing at Prince's Grant, shall only be entitled to play golf as a member's guest or on such terms as may be laid down by the committee.
- 9.3 Junior members shall be entitled to play golf at such times as may be determined by the committee.
- 9.4 Syndicate members shall only be entitled to exercise their rights of membership while in occupation of their unit and during such other times as the committee may determine.
- 9.5 Nominee members shall have the rights of full members as far as playing golf is concerned.

- 9.6 All members of the golf club will pay a nominal fee per round played, whether it be 9 or 18 holes, to be placed in a course reserve fund for future improvements to the course.

10. **Procedure for the election of members**

A candidate shall complete a membership application form and shall be proposed by one member of the Club.

The application form, together with the first year's subscription fee, shall be submitted to the Chief Executive Officer of the Prince's Grant Homeowners' Association or his nominee ("**CEO**") who shall submit the application to the first committee meeting after receipt of such application and subscription or shall submit such application to a sub-committee appointed by the committee for the purpose of approving membership. If the committee approves the applicant's application then such application shall be pinned on the notice board for a period of fourteen days during which period members may submit written objections to the candidate's application to the committee.

After the notice has appeared for fourteen days the application form shall again be submitted to the committee or the nominated sub-committee for consideration and the committee will consider any objections received from members. The committee shall at such meeting decide whether or not to admit the applicant as a member.

On election of each new member, the CEO shall notify the same to him and shall furnish him with a copy of the rules and bye-laws.

11. **Constitution of the committee**

- 11.1 The committee shall consist of not more than five members who shall be either honorary life foundation members, full members, additional members, honorary life members, or corporate members,

- 11.2 Prince's Grant Holdings (Proprietary) Limited or their successor as developer shall, for so long as they are developers or are the lessee of the golf course, be entitled to appoint three of the five members of the committee. The remaining members shall be elected by the members of the Club at the Club's annual general meeting.

During the period when Prince's Grant Holdings (Proprietary) Limited or their successor as developer, are entitled to appoint three members of the committee they shall also be entitled, should they so wish, to appoint the club president and golf captain.

- 11.3 The first committee shall be appointed by Prince's Grant Holdings (Proprietary) Limited and their period of office shall be for one year.

- 11.4 The members of Prince's Grant Golf Club shall, at the Annual General Meeting of Prince's Grant Golf Club, elect 5 committee members, who shall include the Golf Captain, the Vice-Captain and a lady Captain, together with two additional members.

- 11.5 The Golf Captain shall, in accordance with the provisions of Article 23 of the Prince's Grant Articles of Association, as amended, be a member of the Board of Directors of the Association.

- 11.6 The duties and responsibilities of the Golf Committee shall be:
- 11.6.1 Compile annual fixtures list
  - 11.6.2 Approval of annual budget for golf club – prior to presentation and approval of budget by the Board of directors
  - 11.6.3 Approval of annual Capital expenditure for the golf club – prior to presentation and approval by the Board of directors
  - 11.6.4 Monitor golf club income and expenditure on a monthly basis
  - 11.6.5 Promote the golf course, ensure discipline on the course, communicate with the members regarding golf matters
  - 11.6.6 Advise management and the Board of directors regarding the setting of playing fees
  - 11.6.7 The golf captain to liaise with management regarding all golf issues; management to attend all golf committee meetings
  - 11.6.8 Approval of sponsorship and course advertising proposals

12. **Appointment of committee members**

- 12.1 Nominations for the committee shall be signed by two members from those classes of members eligible to vote at general meetings and endorsed and signed by the nominee. The nominations shall be handed to the CEO not less than three days before the annual general meeting.
- 12.2 If the number of nominations is the same as the number of vacancies then all such nominees shall be duly elected members of the committee. If the nominations are less than the number of vacancies then such nominated persons shall be members and the Board of Directors of the Prince's Grant Homeowners' Association ("**Board**") shall appoint the balance of the committee. If the number of nominations exceeds the number of vacancies a ballot shall be taken.

13. **Quorum of committee**

Three members present shall form a quorum at any meeting of the committee. The chairman shall have a second or casting vote. Each resolution put to the committee shall be decided on a majority vote by a show of hands.

14. **Powers of the committee**

The committee shall have the authority to perform any act, matter or thing which might be done by the Club excluding such matters as are, in terms of this constitution, specifically to be dealt with at the annual general or special general meeting.

15. **Meeting of committee**

- 15.1 The committee shall meet at least once every quarter.
- 15.2 Proper minutes shall be kept by the committee of all meetings.
- 15.3 At least seven clear days' notice shall be given of all meetings of the committee unless all members of the committee agree to accept short notice, provided that in the case of emergency it will not be necessary to give the notice referred to above. Notice shall be in writing and delivered to each member by hand or by prepaid registered post.

- 15.4 Any member who absents himself from three consecutive meetings without leave shall cease to be a member of the committee. The committee shall then be entitled to co-opt a person to replace such member, or in the event of a committee member resigning during the course of the year, the committee shall be entitled to co-opt a person to replace such retiring committee member.

**16. Honorary officials**

The committee shall be entitled to recommend to any annual general meeting or special general meeting the election of an honorary president, honorary vice-president or honorary life president, who shall be considered honorary life members for the purpose of this constitution, provided that not more than two honorary life presidents/honorary life vice-presidents may be elected in any one year.

**17. Annual general meeting**

- 17.1 The annual general meeting of the Club shall be held within six calendar months from the close of each financial year. At such meeting the committee's report and the accounts and balance sheet duly audited shall be presented.
- 17.2 The chairman of the committee, whom failing, the vice-chairman, shall take the chair at all general meetings and special general meetings of the committee. In the absence of the chairman or vice chairman, the members shall elect a chairman for the meeting.

**18. Procedure at annual general meetings**

The procedure at annual general meetings shall be as follows:

- 18.1 To read the notice concerning the meeting;
- 18.2 to confirm the minutes of the previous annual general meeting or any special general meeting;
- 18.3 to elect the committee;
- 18.4 to receive and consider the annual report by the committee on the affairs of the Club together with a duly audited balance sheet and statement of accounts for the financial year concerned;
- 18.5 to elect any honorary life member, honorary life president or honorary life vice-president proposed by the committee;
- 18.6 to appoint an auditor for the Club;
- 18.7 to deal with any proposed resolution concerning the affairs of the Club and with the dissolution and winding up of the Club, of which due notice must have been given in writing to the committee at least seven days before the date of the meeting.

**19. Notice of annual general meeting**

The Chief Executive Officer of the Prince's Grant Homeowners Association shall, not less than fourteen days prior to the annual general meeting, issue a notice to each member at his or her last registered address stating the date and time of the meeting and specifying the business to be dealt with thereat. The non-receipt of such notice

by any member shall not invalidate the proceedings of any meeting. Notice of meetings may at the option of the committee be displayed at the club notice board.

## **20. Special general meetings**

20.1 A special general meeting may be called by the committee at any time for the following objects:

20.1.1 To consider any motions regarding the affairs of the Club;

20.1.2 to consider the dissolution and winding-up of the Club.

20.2 The committee shall call a special general meeting upon receipt of a written requisition signed by at least twenty-four full members and/or additional members and/or corporate members of the Club, which requisition must specify the object of such meeting. In the case of corporate members signing the requisition, not more than one member deriving his rights from a particular company may sign the requisition.

20.3 The notice calling a special general meeting must state the object for which the meeting is called and no other business may be transacted at that meeting.

## **21. Quorum**

The quorum at any general meeting of members shall be fifteen ordinary members in good standing. If no quorum is present within fifteen minutes of the advertised time of the meeting that meeting shall stand adjourned without further notice to the same time on the following business day. At such adjourned meeting the business shall then be proceeded with irrespective of whether a quorum is present or not and the members then present shall form a quorum.

## **22. Voting**

22.1 The right to vote at general meetings of the Club shall be restricted to those persons referred to in clause 7 of this constitution.

22.2 The president, and failing him the vice-president, and failing him the chairman as the case may be shall have a casting vote in addition to his deliberative vote.

22.3 Voting shall be by show of hands but shall be by ballot taken immediately if desired by more than two voting members present.

22.4 When any ballot is necessary two scrutineers shall be appointed by the president, and failing him the vice-president, and failing him the chairman, as the case may be, from amongst the voting members present.

22.5 No member shall be entitled to vote by way of proxy.

22.6 Any member in arrear with any payment due to the Club shall be disqualified from voting and shall not be eligible to hold office at the Club during the time such payment is in arrear.

## **23 Book and records of the Club**

- 23.1 The committee shall keep a complete set of books and records of all financial transactions of the Club and shall record all financial transactions of the Club.
- 23.2 The financial year of the club shall commence on the 1<sup>st</sup> working day of April.
- 23.3 The committee shall keep a register of members of the Club and shall cause proper minutes of all committee meetings and resolutions to be kept together with minutes of all general meetings and all special general meetings.

## 24 **Audit**

- 24.1 An auditor shall be elected at the annual general meeting in each year whose duty it shall be to audit all the accounts of the Club.
- 24.2 The auditor shall have access to the books and accounts of the Club at all reasonable times and may in relation thereto consult the committee or other officers of the Club.
- 24.3 Within one hundred and eighty days of the financial year end, the accounts of the Club shall be audited and be available for the information of members.

## 25 **Visitors**

- 25.1 Members may introduce visitors to the Club. Such visitors shall adhere to the rules and regulations of the Club and the introducing member shall be responsible for his visitors. The number of visitors may not exceed that allowed by the committee from time to time.
- 25.2 Only members (including *bona fide* reciprocity members) are permitted to pay for facilities, liquor, or refreshments supplied on the premises of the Club.

## 26 **Liquor licenses**

- 26.1 The club shall make application for a liquor license and ensure that the Club is operated in accordance with the legislation governing such liquor license.
- 26.2 No profit from the sale of liquor by the Club shall accrue to any individual.

## 27. **Indemnity**

The committee and other officers of the Club, every one of them and their heirs, executors, administrators, shall be indemnified and held harmless out of the funds and property of the Club, from and against all actions, costs, charges, losses and damages which they or any of them, or any of their heirs, executors or administrators shall or may incur, or sustain by or by reason of any act done, concurred in, or omitted in, or from the execution of their duty or supposed duty in their respective offices, except such, if any, as shall occur or sustain by or through their own willful neglect or default respectively and none of them shall be answerable for the acts or defaults of the others or others of them or for joining in receipts for the sake of conformity.

## 28. **Alterations of the constitution**

The constitution of the Club shall not in any way be rescinded, amended, altered or added to except by the following procedure:

- 28.1 The proposed amendment shall be put to an annual general meeting or special general meeting and such resolution shall be deemed to be passed if assented to by not less than two-thirds of the members present and voting.
- 28.2 Once the resolution has been approved by the Club it shall then be submitted to the Board and shall be approved by the majority of the directors of the Board. In the event of the directors not approving the amendment then the amendment shall be deemed not to have been passed. Should the amendment be passed by the directors then such resolution shall be effective from the date such resolutions is passed by the directors.

## 29. **Defaulting members**

- 29.1 The committee shall suspend from membership any member who has not paid his subscription within three months of due date.
- 29.2 Notwithstanding what is provided for above and failing payment within twenty-one days of written notice to make payment of such subscription, the committee may, in its discretion, strike off the list of members any such member and if the committee should do so then the name and reasons for striking off shall be submitted to the Homeowners Association.
- 29.3 Should payment not be received within thirty days of the Homeowners Association being advised of the person being struck off as a member, then the committee shall institute proceedings for the collection of this amount and shall be entitled to sell the member's unit should the member be a full member or additional member.
- 29.4 No person who has been struck off as a member shall be entitled to utilize the Club or vote at any meeting of the Club.

## 30 **Winding up**

The Club may be wound up by:

- 30.1 a resolution of the Club passed by not less than seventy-five members present at a special general meeting or annual general meeting, and
- 30.2 the directors of the developer during the development period and subsequent to that the Homeowners Association agreeing to the winding up of the Club.

Should there be, upon dissolution of the Club, and after satisfaction of all liabilities any assets whatsoever, then such assets shall be distributed amongst the full members of the Club.

## 31. **Discipline**

- 31.1 Should any member, in the reasonable opinion of the committee, commit any willful breach of this constitution or rules, regulations or by-laws of the Club, or be guilty of improper, dishonest, unsportsmanlike or unseemly conduct, or of conduct which is prejudicial to the interests of the Club, whether within the Club's premises or outside them, the committee shall have the power:
- 31.1.2 to expel such member; and

- 31.1.3 to deprive such member of all or any rights and advantages of such member's membership for such time or period as the committee in its absolute discretion may deem fit; or
- 31.1.4 to call upon such member in writing to resign and if such member fails to resign within seven days of the date of such request to expel such member; or
- 31.1.5 to reprimand such member;
- provided that no member shall be expelled unless and until the committee have given such member an opportunity to appear before it at such time and place as it is discretion may deem fit, to explain his/her conduct. At any such hearing the committee shall determine the procedure to be adopted; the committee shall be entitled to summon any member or any other person to appear before it to give evidence for or against such member, and any such member shall be entitled to tender the evidence of any member or of any other person as such member may deem necessary.
- 31.1.6 For the purpose of considering the expulsion of a member, a quorum shall be in excess of seventy five percent of members of the committee present and at least three-quarters of the votes of those present at such a meeting must be in favour of the decision. It shall not be incumbent upon the committee to state the reason for such expulsion and no member shall have any claim of whatsoever nature against the Club for alleged expulsion.

## **32 Complaints**

- 32.1 All complaints or suggestions by members shall be made in writing to the CEO, who shall submit them to the committee as soon as possible. The decision of the committee in respect thereof shall be final.
- 32.2 A member of the Club shall in no circumstances be entitled to reprimand any employee of the Club.
- 32.3 No paper, notice or placard (whether written or printed) shall be displayed by any member/s on the Club's premises without written consent of the committee.

## **33 Rules of golf**

The game of golf shall be played in terms of the rules approved by the Royal and Ancient Golf Club of Saint Andrews and such by-laws as may be formulated from time to time by the committee.

## **34 Publicity and statement to the media**

No member of the Club, or any member of any committee, or staff members, or employees may make or give any statement/s whatsoever relating to the affairs of the Club to any newspaper, magazine, radio and/or television programme or to any other person or organisation in the field of publicity, advertising or any other media, without the prior written consent of the committee. Sporting results and fixtures of times and events are exempt from the aforesaid restraints for the purpose of this clause.

THE ABOVE CONSITITUTION was adopted by the honorary life foundation members at the first meeting of the Club held at PIETERMARITZBURG on the 15<sup>th</sup> day of AUGUST 1994. This constitution and the amendments contained therein were approved at the club's Annual General Meeting held on 22 September 2006.

.....  
PRESIDENT

.....  
CHAIRMAN