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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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BOARD NOTICES RAADSKENNISGEWINGS

BOARD NOTICE 64 OF 2004

RULES INCLUDING ALL THE ADDITIONS AND AMENDMENTS FROM BOARD NOTICE 16 OF 1995 UP TO THE DATE OF THIS GOVERNMENT GAZETTE

NATIONAL COUNCIL OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS IN TERMS OF SECTION 7 OF THE SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1993 ("THE ACT")

RULES

1. DEFINITIONS

1.1 In these Rules unless the context otherwise indicates words and phrases defined in section 1 of the ACT will have the meanings assigned to them in the ACT.

1.2 Reference to the Operations Manual in these Rules shall be a reference to the Operations Manual as laid down by the Council from time to time.

2. AIMS, OBJECTIVES AND POLICY STATEMENT

2.1 The Statement of Policy as laid down in the Operations Manual published by the Council from time to time and which has been approved by general meeting for all purposes forms part of these Rules.

2.2 A Society shall adopt the Statement of Policy as its own manifesto and will strictly adhere to and advance the commitments therein contained. Any employee, member of the governing body, or member of the Society, who fails to adhere to this policy shall not be permitted to continue as an employee, member of the governing body, or member of the Society.

2.3 No Society, its employees, members of the Governing Body or other members shall make any statement nor do anything which will or might have the effect of undermining, frustrating, or restricting the optimum achievement of the aims, objects and policies of the Council.

3. IDENTIFICATION AND ADVERTISING OF SOCIETIES

3.1 A Society shall display on its premises, prominently in a public place, a notice that it is a Society registered as a Member of the Council in accordance with the ACT.

3.2 The location of an operational Society shall be identified and signposted in its vicinity of operation by means of signs and marks approved by the Council which enables the public to easily locate and identify the premises occupied by such Society.

3.3 A Society shall publish its name, telephone numbers including emergency telephone numbers and its physical address in the telephone directory serving its area of operation.

3.4 A Society shall appoint a suitably competent and responsible person who can be readily contacted by members of the public.

3.5 A Society shall only use printed stationery, which bears the name and logo approved by the Council and stating that it is a Society registered as a Member of the Council in terms of the ACT.

3.6 Where a Society is situate upon property owned by a private person, it shall not permit or condone the use of funds under its control, or intended for its benefit, to erect permanent structures upon the property, without the prior written consent of the Board first being obtained, and upon such terms and conditions as the Board deems appropriate.

4. COMPOSITION AND DUTIES OF GOVERNING BODIES

4.1 For the purpose of these Rules the Governing Body of a Society will mean and include any committee, subcommittee, Board of directors, or other group of people or any individual person, howsoever called, which wholly or partly makes policy decisions for a Society.

4.2 A Society shall be established and governed by a memorandum, articles of association, constitution or other founding document according to the Non-Profit Organisation Act and requiring a minimum of five members. No member of the governing body or staff of a Society shall be a member, agent, employee, official or representative of another animal welfare organisation, body or committee, interim, temporary or otherwise, or an organisation, body or committee, interim, temporary or otherwise, whose principles, aims, objectives, or general policy do not accord with those of the NSPCA and/or which has a function which may affect or have an impact upon the welfare of animals, unless previously approved in writing by the Board, which approval shall not be unreasonably withheld.

4.3 (a) A Society shall, within twenty-one (21) days of its Annual General Meeting, notify the Council in writing of the names, addresses and telephone numbers of each of the Society's officers including without limitation each of the members of the governing body, and of any subsequent changes within 21 days of their occurrence.

(b) All bank and other accounts with financial institutions operated by a Society shall be in the name of the Society and shall be operated reliant upon the signatures of two or more signatories, who shall not be from the same family nor household, authorised by a written resolution properly passed by the Governing Body of the Society.

4.4 A Society shall be permitted to assume the functions of the Municipal Licensing Department in its area of operation: Provided that if the function is assumed the Society shall employ sufficient staff to fulfil the required functions so as to ensure that the Society and its staff are in no way compromised from fulfilling as an absolute priority the aims, objects and policies of the Society.

4.5 A Society shall give notice to the Council of its Annual General Meeting by circulating to the Council the usual notice of meeting as and when circulated to members.

4.6 Should a Society be approached to appoint a person, nationally or otherwise on any body, committee or organisation, interim, temporary or otherwise whose decisions will affect or have an impact upon the welfare of animals, this matter shall be referred to the Council for its determination. No consent may be provided by a Society for this purpose.

4.7 Societies shall, together with their audited Financial Statements, submit to the NSPCA a certificate signed by their auditor confirming the sum of all legacies received by them. This certificate shall be accompanied by copies of the Last Wills and Testaments which constitute the basis for such legacies.

5. MANAGEMENT AND DAY TO DAY AFFAIRS OF SOCIETIES

5.1 A Society shall not apply for or allow an application to be made for a Magistrate's Letter of Authority in terms of the Animals Protection Act to be issued in the name of any person unless that person has passed the Council's Inspectorate Examinations or is otherwise authorised by the Council expressly to do so.

5.2 If a person in whose name a Magistrate's Letter of Authority has been issued ceases for any reason to be appointed by a Society, such Society shall request the Magistrate who issued such Authority to cancel the same and the Society shall advise the Council in writing of the termination of such appointment

5.3 A Society shall ensure that its qualified inspectors shall wear uniforms, badges and insignia previously approved by the Council.

5.4 A Society shall not refuse admission to any unwanted or stray animal.

5.5 A Society shall not refuse to assist an injured or sick animal.

5.6 A Society shall be alert to and ready to take action against any person guilty of contravening the Animals Protection Act and/or an associated Act and shall take such action as may be available and appropriate to prevent or prosecute such contravention, as the case may be.

5.7 A Society shall not home a dog to a person or legal entity, which intends to or is reasonably likely to use the dog for the provision of security services. Definition of a legal entity is a private or commercial security organisation, which shall include :- Companies, SAPS, SADF, Prison Services and any other service which uses dogs for guarding/protection services.

5.8 Euthanasia carried out by a Society shall be in accordance with the recommended procedures laid down in the Operations Manual published by the Council from time to time.

5.9 A Society shall sterilise every animal as specified in the Operations Manual published by the Council from time to time. In those cases where the animal is too young for the surgical procedure the Society shall make contractual arrangements for the future sterilisation of the animal when it is old enough on the basis that if the person to whom the animal is homed does not comply with the contractual obligations, the animal shall be repossessed.

5.10 A Society shall adopt and apply the highest standards of animal husbandry as specified in the Operations Manual published by the Council from time to time.

5.11 A Society shall not keep any animals for breeding purposes nor allow SPCA facilities to be used for breeding animals.

5.12 A Society shall not keep on its premises for an indefinite period or for any period beyond that which is strictly necessary for the well-being of the animal, any wild animals (including birds and reptiles) which are not suffering ill-health.

5.13 A Society shall not home a dog if it knows or ought to know that the dog will or might reasonably be expected to be kept chained or caged.

5.14 A Society shall not home a dog to a home situated in a municipal area if it is known that the home is inadequately fenced and gated.

5.15 A Society shall not supply live animals to any organisation, body or person for research or teaching purposes. Trials may be conducted on live animals where such trials are for the benefit of the same species, cause no suffering, are done upon the premises of a Society, and are conducted under the supervision of a veterinarian approved by the Council. Further, prior to the conduct of such trial, the prior written consent of the Board must first be obtained, and the trial shall be conducted upon such terms and conditions as the Council deems fit.

5.16 A Society shall keep accurate, complete and legible records of every animal handled by it so that such records give a full account of the circumstances under which the animal came to be handled, the activities undertaken by the Society in relation to the animal and the result thereof. Such records shall be made available to the Board on request to facilitate the compilation of accurate and comprehensive records of the activities of member Societies.

5.17 A Society shall retain all of its records in a safe and accessible place. Unless a longer period of retention is required by Statute, such records shall be retained for a minimum period of five years, and every Society shall inform the Council in writing of the place where such records are maintained.

5.18 A Society which becomes aware of or involved in a matter of Provincial or National relevance must inform the Board immediately.

5.19 A Society shall not raise nor endeavour to raise funds outside the area of its operation as defined by its constitution or its registration except in the case of applications to national Trusts. In the event of a dispute the Board shall act as mediator.

5.20 No Society shall be entitled to raise funds in a manner which is contrary to the Statement of Policy; nor shall it be entitled to use the "blue cross" trade mark for any fund raising activities without the written consent of the Board, which consent shall not be unreasonably withheld.

5.21 The Chairman of an SPCA management committee may serve for only four consecutive years, after completion of which he may not serve for one full year in that capacity before once again becoming eligible for re-election. If the Society is unable to find a replacement and this places the continued existence of the Society in jeopardy, the Society may apply to the NSPCA Board of Directors for exemption. This exemption would be for one year only and must be re-applied for on an annual basis if the problem persists.

5.22 No statistics or publicity may be given or generated by a Society which is intended to create a negative image or give a negative impression of the SPCA movement.

5.23 (a) All Societies with Off Balance Sheet Trusts or Off-Shore Accounts or any account not reflected on the Balance Sheet must provide National Council with audited Financial Statements for the above.

- (b) By the 31 July each year all income must be paid into the banking account of a Society and no income, whether in the form of legacies or otherwise, may be paid directly into any Trust or Off-Shore banking account. No Trust may be created unless the terms contained in its founding document have been approved by the Board in writing; which approval shall not be unreasonably withheld.

5.24 Audited Financial Statements as per the SPCA Act 169 of 1993 Clause 9 (2) (c) – Income Statements must be detailed and include as a separate item (1) Subscriptions (2) Legacy/Bequest (3) Income from Trusts. The expenditure must be detailed and include salaries and wages as separate items.

5.25 Any Society that homes puppies or kittens to areas outside their area of jurisdiction must sterilise such animals before releasing them to their new owners.

5.26 No Society shall exhibit animals taken or given into their care, off the SPCA property, whether for gain or not and irrespective of whether the animals are owned by or in the care of the SPCA.

5.27 Societies may not use the Internet for posting of "lost and found" notices and may not authorise, support or become involved with any other party which does so whether this is on behalf of a Society or with their knowledge.

5.28 Every Society shall have at least one qualified Inspector on its staff. The Board may however exempt a Society from such a requirement upon such conditions and for such period (which period shall not exceed 12 months) as it may deem fit, having regard to the particular circumstances of the Society, and after receipt of a request for such exemption, fully motivated, from the Society.

5.29 All Inspectors are required to attend a Refresher Course every 5 years. Immediate effect.

5.30 All committee members elected or co-opted onto a committee of a Society must sign the Code of Conduct for committee members to be found in the Operations Manual.

5.31 No Society shall endorse any product without the written consent of the Board, which consent shall not be unreasonably withheld.

6. GENERAL

6.1 A Society shall conduct its activities in compliance with all laws applicable to it including without limitation, the requirements of the Nonprofit Organisations Act, 1997 (No 71 of 1997) (and any legislation passed wholly or partly in substitution therefor) the Animals Protection Act and the associated Acts and the Labour Regulations Act, No.28 of 1956 (or any legislation enacted wholly or partly in substitution therefor).

6.2 A Society shall adopt fair labour practices incorporating the Grievance and Disciplinary Procedures contained in the Operations Manual published by the Council from time to time.

6.3 Directors of the Board of the Council are required to sign and adhere to the Code of Conduct. They are also required to ensure that if they are on the staff or committee of a Society, that that Society is not in contravention of the SPCA Rules and Act. In the event that they fail to do so, they may be removed from office by a vote of the Board, which shall be carried by a majority of at least 75%.

6.4 At the Annual General Meeting the Board shall advise the Council of any actions it has taken with regard to contravention of the Act and Rules by any member Society.

6.5 Societies shall be obliged to adhere to any licensing or permit requirements established by law or regulation, as well as any codes of practice which have been endorsed by the NSPCA as well as to enforce same for the general public.

6.6 No member, committee member, director, employee or other officer of the NSPCA or any Society may use any information obtained by him/her through his/her association with the NSPCA or Society for any purpose other than for the benefit of the NSPCA or Society; he/she is specifically prohibited from deriving any personal benefit therefrom unless he/she has first obtained the prior written consent of the Board. In the absence of such consent, such member, director, employee or other officer shall be liable to account for any profits or benefits received by him/her to the NSPCA or Society concerned.

6.7 In the event that any member, committee member, director, employee or other officer of the NSPCA or any Society acts in breach of any provision of the Act and Rules, then the procedures set out in Section 11 of the Act, as they apply to Societies, shall apply *mutatis mutandis*, and shall permit the expulsion of such person as a member of the NSPCA, any Society, or the organisation as a whole.

RAADSKENNISGEWING 64 VAN 2004**REËLS INSLUITENDE AL DIE BYVOEGINGS EN WYSIGINGS VAN DIE RAADSKENNISGEWING 16 AND 1995 TOT EN MET DIE DATUM VAN HIERDIE STAATSKOERANT****NASIONALE RAAD VAN DIEREBESKERMINGSVERENIGINGS INGEVOLGE ARTIKEL 7 VAN DIE WET OP DIEREBESKERMINGSVERENIGINGS, 1993 ("DIE WET")****REËLS****1. DEFINISIES**

1.1 In hierdie Reëls sal, tensy die verband anders aandui, woorde en sinsnedes gedefinieer in artikel 1 van die WET die betekenisse hê wat in die WET aan hulle toegeskryf word.

1.2 'n Verwysing in hierdie Reëls na die Bedryfshandleiding, sal 'n verwysing wees na die Beleidstelling in die Bedryfshandleiding soos van tyd tot tyd deur die Raad bepaal.

2. MIKPUNTE, DOELWITTE EN BELEIDSTELLING

2.1 Die Beleidstelling in die Bedryfshandleiding wat van tyd tot tyd deur die Raad gepubliseer word en wat deur die algemene vergadering goedgekeur is, vorm vir alle doeleindes 'n deel van hierdie Reëls.

2.2 'n Vereniging sal die Beleidstelling as sy eie manifest aanvaar en hom streng hou by en die ondernemings wat daarin vervat is, bevorder. Enige werknemer, lid van die Besturende Liggaam of lid van die Vereniging wat nalaat om hom by hierdie beleid te hou, sal nie toegelaat word om aan te bly as 'n werknemer, lid van die Besturende Liggaam of 'n lid van die Vereniging nie.

2.3 Geen Vereniging, sy werknemers, lede van die Besturende Liggaam of ander lede sal enige verklaring of enigiets doen wat die uitwerking kan of sal hê om die optimale verwesenliking van die doelwitte, objektiewe en beleide van die Raad in die wiede te ry of te beperk nie.

3. IDENTIFISERING EN ADVERTERING VAN VERENIGINGS

3.1 'n Vereniging sal prominent en op 'n openbare plek op sy perseel, 'n kennisgewing vertoon dat hy 'n Vereniging is wat ooreenkomstig die WET geregistreer is as 'n Lid van die Raad.

3.2 Die ligging van 'n Vereniging wat in bedryf is, sal in die omgewing waarin hy in bedryf is, geïdentifiseer en met aanwysingsborde aangedui word deur middel van tekens en merke wat deur die Raad goedgekeur is, wat die publiek in staat stel om die perseel wat deur so 'n Vereniging beset word, geredelik te vind en te identifiseer.

3.3 'n Vereniging sal sy naam, telefoonnommers (insluitende noodtelefoonnommers) en sy fisiese adres publiseer in die telefoongids wat sy bedryfsgebied bedien.

3.4 'n Vereniging sal 'n verantwoordelike persoon wat op geskikte wyse bevoeg is, en met wie die publiek geredelik in aanraking kan kom, aanstel.

3.5 'n Vereniging sal slegs gedrukte skryfbehoeftes gebruik wat die naam en logo wat deur die Raad goedgekeur is, bevat en waarop dit gestel word dat dit 'n Vereniging is wat ingevolge die WET geregistreer is as 'n lid van die Raad.

3.6 Waar 'n Vereniging op eiendom in besit van 'n privaat persoon geleë is, sal hy nie die aanwending van fondse onder sy beheer, of bedoel vir sy voordeel, toelaat of kondoneer vir die oprigting van permanente strukture op die eiendom sonder voorafverkryging van die geskrewe voorafgoedkeuring van die Direksie op sodanige terme en voorwaardes as wat die Direksie toepaslik mag ag nie.

4. SAMESTELLING EN PLIGTE VAN BESTUURSLIGGAME

4.1 Vir die doeleindes van hierdie Reëls sal die Bestuurs Liggaam van 'n Vereniging enige komitee, subkomitee, Direksie van direkteure, of enige ander groep mense of enige individuele persoon, wat dit ookal genoem mag word, wat geheel of gedeeltelik beleidsbesluite vir 'n Vereniging neem, beteken en insluit.

4.2 'n Vereniging sal opgerig en bestuur word ingevolge 'n memorandum, statuut van oprigting, konstitusie of ander stigtingsdokument ingevolge die Wet op Organisasies Sonder Winsoogmerk en wat 'n minimum van vyf lede vereis. Geen lid van die besturende liggaam of personeel van 'n Vereniging sal 'n lid, agent, werknemer, amptenaar of verteenwoordiger wees van 'n ander dierewelsynorganisasie, -liggaam of -komitee, tussentyds, tydelik of andersins, of van 'n ander organisasie, -liggaam of -komitee, tussentyds, tydelik of andersins, waarvan die beginsels, doelwitte, objektiewe of algemene beleid nie in ooreenstemming is met dié van die NDBV nie en/of wat 'n funksie het wat die welsyn van diere kan affekteer of 'n impak daarop kan hê nie, tensy dit vooraf skriftelik deur die Direksie goedgekeur is, welke goedkeuring nie onredelik weerhou sal word nie.

4.3 (a) 'n Vereniging sal, binne een-en-twintig (21) dae na sy Algemene Jaarvergadering, die Raad skriftelik verwittig van die name, adresse en telefoonnommers van elk van die Vereniging se ampsdraers, insluitende en sonder beperking elkeen van die lede van die bestuursliggaam van die Vereniging, en van enige daaropvolgende veranderinge binne 21 dae nadat dit voorgekom het.

(b) Alle bank- en ander rekeninge by finansiële instellings wat deur 'n Vereniging bedraai word, sal in die naam van die Vereniging wees en sal bedraai word op sterkte van die handtekeninge van twee of meer ondertekenaars wat nie uit dieselfde gesin of huishouding afkomstig sal wees nie gemagtig deur 'n skriftelike besluit wat behoorlik deur die Bestuurs Liggaam van die Vereniging aanvaar is.

4.4 'n Vereniging sal toegelaat word om die funksies van die Munisipale Lisensiedepartement in sy bedryfsgebied te ondemeem: Behoudens dat indien die funksie onderneem word, die Vereniging voldoende personeel in diens sal neem om die vereiste funksies te volvoer ten einde te verseker dat die Vereniging en sy personeel geensins verhinder word om as 'n absolute prioriteit die mikpunte, doelwitte en beleide van die Vereniging uit te voer nie.

4.5 'n Vereniging sal aan die Raad kennis gee van sy Algemene Jaarvergadering deur aan die Raad die gewone kennis van vergadering te sirkuleer soos en wanneer dit aan lede gesirkuleer word.

4.6 Sou 'n Vereniging genader word om 'n persoon, nasionaal of andersins, aan te stel in enige liggaam, komitee of organisasie, tussentyds, tydelik of andersins, waarvan die besluite die welsyn van diere sal affekteer of 'n impak daarop sal hê, sal die saak na die Raad verwys word vir sy besluit. Geen Vereniging mag goedkeuring verleen vir hierdie doel nie.

4.7 Verenigings sal, saam met hul geouditeerde Finansiële State, 'n sertifikaat wat deur hul ouditeur onderteken is, aan die NDBV voorlê wat die totaal van al die erflatings wat hulle ontvang het, aantoon. Hierdie sertifikaat sal vergesel wees van afskrifte van die testamente wat die basis van sodanige erflatings vorm.

5. BESTUUR EN DAAGLIKSE SAKE VAN VERENIGINGS

5.1 'n Vereniging sal nie aansoek doen of toelaat dat aansoek ingevolge die Dierebeskermingswet gedoen word vir die uitreiking van 'n Landdrosmagtigingsbrief in die naam van enige persoon tensy daardie persoon die Raad se Inspektoraateksamen geslaag het of andersins spesifiek deur die Raad gemagtig is om dit te doen nie.

5.2 Indien 'n persoon in wie se naam 'n Landdrosmagtigingsbrief uitgereik is, om enige rede nie meer deur 'n Vereniging aangestel is nie, sal sodanige Vereniging die Landdros wat die Magtiging uitgereik het, versoek om dit te kanselleer en die Vereniging sal die Raad skriftelik verwittig van die beëindiging van sodanige aanstelling.

5.3 'n Vereniging sal verseker dat sy gekwalifiseerde Inspekteurs uniforms, onderskeidingsstekens en kentekens dra wat reeds deur die Raad goedgekeur is.

5.4 'n Vereniging sal nie toelating aan enige ongewenste of rondloperdier weier nie.

5.5 'n Vereniging sal nie weier om 'n beseerde of siek dier te help nie.

5.6 'n Vereniging sal waaksaam en gereed wees om op te tree teen enige persoon wat skuldig is aan oortreding van die Dierebeskermings - en/of 'n geassosieerde Wet en sal sodanige optrede as wat doenlik en toepaslik is, ondeneem om sodanige oortreding te voorkom of te vervolg, welke ook die geval mag wees.

5.7 'n Vereniging sal nie 'n hond uitplaas na 'n persoon of regspersoon wat voornemens is om die hond vir sekerheidsdienste te gebruik of dit redelik waarskynlik sal doen nie. Die definisie van 'n regspersoon is 'n privaat - of kommersiële sekerheidsorganisasie, wat sal insluit : Maatskappye, SAPD, SANW, Korrektiewedienste en enige ander diens wat honde vir bewaking/beskermingsdienste gebruik.

5.8 Eutanasie wat deur 'n Vereniging uitgevoer word, sal geskied in ooreenstemming met die aanbevole prosedures neergelê in die Bedryfshandleiding wat van tyd tot tyd deur die Raad gepubliseer word.

5.9 'n Vereniging sal elke dier wat deur daardie Vereniging uitgeplaas word, steriliseer soos van tyd tot tyd in die Bedryfshandleiding gespesifiseer word. In daardie gevalle waar die dier te jonk is vir die snykundige prosedure sal die Vereniging kontraktuele reëlings aangaan vir die toekomstige sterilisasie van die dier op die basis dat, indien die persoon na wie die dier uitgeplaas is, nie voldoen aan die kontraktuele vereistes nie, die dier in herbesit geneem sal word.

5.10 'n Vereniging sal die hoogste standarde vir diersorg aanvaar en toepas soos gespesifiseer in die Bedryfshandleiding wat van tyd tot tyd deur die Raad gepubliseer word.

5.11 'n Vereniging sal *geen* diere vir teeldoelindes aanhou of toelaat dat DBV-fasiliteite gebruik word om diere te teel nie.

5.12 'n Vereniging sal geen wilde diere (insluitende voëls en reptiele) wat nie siek is nie, op sy perseel aanhou vir 'n tydperk wat langer is as wat streng gesproke nodig is vir die welsyn van die diere nie.

5.13 'n Vereniging sal nie 'n hond uitplaas indien hy weet of behoort te weet dat die hond vasgemaak of in 'n hok gehou sal word nie, of dat dit redelik verwag kan word dat die hond vasgemaak of in 'n hok gehou sal word nie.

5.14 'n Vereniging sal 'n hond nie uitplaas na 'n tuiste binne 'n munisipale gebied indien dit bekend is dat die tuiste se omheinings en hekke onvoldoende is nie.

5.15 'n Vereniging sal nie lewende diere voorsien aan enige organisasie, liggaam of persoon vir navorsings- of onderrigdoelindes nie. Toetse mag uitgevoer word op lewende diere waar sodanige toetse tot voordeel is van dieselfde spesie, geen lyding veroorsaak nie, op die perseel van 'n Vereniging gedoen word, en uitgevoer word onder toesig van 'n veeartsenykundige wat deur die Raad goedgekeur is. Verder moet die geskrewe vooraf toestemming van die Direksie eers verkry word voordat sodanige toets uitgevoer word, en die toets sal uitgevoer word op sodanige bepalings en voorwaardes as wat die Raad goeddink.

5.16 'n Vereniging sal noukeurige, volledige en leesbare rekords hou van elke diere wat hy hanteer het, sodat sodanige rekords 'n volledige beeld verskaf van die omstandighede wat daartoe gelei het dat die diere hanteer is, die handelinge wat die Vereniging ten opsigte van die diere ondemeem het en die resultaat daarvan sal op versoek aan die Direksie beskikbaar gestel word om die samestelling van noukeurige en omvattende rekords van die aktiwiteite van lidverenigings te fasiliteer.

5.17 'n Vereniging sal sy rekords op 'n veilige en toeganklike plek bewaar. Tensy 'n langer tydperk volgens wet vereis word, moet sodanige rekords bewaar word vir 'n minimum tydperk van vyf jaar en elke Vereniging sal die Raad skriftelik verwittig van die plek waar sodanige rekords gehou word.

5.18 'n Vereniging wat bewus word van of betrokke raak by 'n saak wat van Provinsiale of Nasionale omvang is, moet die Direksie onmiddellik daarvan verwittig.

5.19 'n Vereniging sal nie fondse insamel of poog om fondse in te samel buite die bedryfsarea soos deur sy konstitusie of registrasie gedefinieer nie, behalwe in geval van aansoeke aan nasionale Trusts. In die geval van 'n dispuut, sal die Direksie optree as bemiddelaar.

5.20 Geen Vereniging sal die reg hê om fondse te werf op 'n wyse wat teenstrydig is met die Beleidstelling nie; en hy sal ook nie daarop geregtig wees om die "blou kruis" - handelsmerk te gebruik om fondse te werf sonder die skriftelike toestemming van die Direksie, welke toestemming nie onredelik weerhou sal word nie.

5.21 Die Voorsitter van 'n DBV-Bestuurskomitee mag slegs vir vier agtereenvolgende jare dien, na voltooiing waarvan hy vir een volle jaar nie in daardie hoedanigheid mag dien nie voordat hy weer eens beskikbaar word vir herverkiezing. Indien die Vereniging nie in staat is

om 'n plaasvervanger te vind nie en dit die voortgesette bestaan van daardie Vereniging in gevaar stel, kan die Vereniging om vrystelling aansoek doen by die NDBV se Direksie van Direkteure. Hierdie vrystelling sal slegs vir een jaar wees en daar moet op 'n jaarlikse basis daarvoor aansoek gedoen word indien die probleem voortduur.

5.22 Geen statistieke of publisiteit mag uitgegee of geproduseer word deur 'n Vereniging met die doel om 'n negatiewe beeld of negatiewe indruk van die DBV-beweging te skep nie.

5.23 (a) Alle Verenigings met Trusts of Buitelande Rekeninge of enige rekening wat nie in hul balanstate gereflekteer word nie, moet Nasionale Raad voorsien van geouditeerde Finansiële State van die bostaande.

(b) Alle inkomste moet teen 31 Julie elke jaar in die bankrekening van 'n Vereniging inbetaal wees en geen inkomste, hetsy in die vorm van nalatings of andersins, mag direk in 'n Trust of Buitelandse Bankrekening inbetaal word nie. Geen Trust mag gestig word tensy die terme in die stigtingsdokument skriftelik deur die Direksie goedgekeur is nie, welke goedkeuring nie onredelik weerhou sal word nie.

5.24 Geouditeerde Finansiële State ingevolge die DBV-Wet 169 van 1993 Seksie 9 (2) (c) - Inkomstestate moet gedetailleerd wees en as 'n aparte item (1) Subskripsies (2) Erflating/Nalatingskap (3) Inkomste uit Trusts insluit. Die uitgawes moet gedetailleerd wees en salarisse en lone as 'n aparte item insluit.

5.25 Enige Vereniging wat klein hondjies of katjies uitplaas buite sy jurisdiksie-gebied moet sodanige diere steriliseer voordat hulle aan hul nuwe eienaars gegee word.

5.26 Geen Vereniging sal diere wat in sy sorg geneem of gelaat is uitstal buite die DBV-eiendom vir wins of nie en ongeag daarvan of die diere in besit of sorg van die DBV is.

5.27 Verenigings mag nie die Internet benut vir die publikasie van "verlore en gevind" - kennisgewings nie, en mag nie betrokke raak by of enige ander party wat dit doen magtig of ondersteun nie, selde of dit namens 'n Vereniging of met sy medewete gedoen word.

5.28 Elke Vereniging se personeel sal ten minste een (1) gekwalifiseerde Inspekteur bevat. Die Direksie mag egter 'n Vereniging vrystel van hierdie vereiste onder sulke omstandighede en vir so 'n tydperk (welke tydperk nie 12 maande sal oorskry nie) as wat die Direksie mag goëddunk, in aggenome die spesifieke omstandighede van die Vereniging, en na ontvangs van 'n behoorlik gemotiveerde aansoek om vrystelling vanaf die betrokke Vereniging.

5.29 Daar word van alle Inspekteurs vereis om 'n Opknappingskursus elke vyf jaar by te woon, met onmiddellike effek.

5.30 Alle komiteelede verkies, of gekoöpteer, om op 'n komitee te dien moet die Gedragskode vir komiteelede onderteken soos dit in die Bedryfshandleiding voorkom.

5.31 Geen Vereniging sal enige produk onderskryf sonder die skriftelike toestemming van die Direksie nie, welke toestemming nie onredelik weerhou sal word nie.

6. ALGEMEEN

6.1 'n Vereniging sal sy aktiwiteite bedryf met nakoming van alie wette wat op hom van toepassing is, insluitende sonder beperking, die vereistes van die Wet op Organisasies Sonder Winsoogmerk, 1997 (No 71 van 1997) (en enige wetgewing wat geheel of gedeeltelik ter

vervanging daarvan aanvaar word), die Dierebeskermingswet en die geassosieerde Wette en die Arbeidsregulasieswet, No.28 van 1956 (of enige wetgewing wat geheel of gedeeltelik ter vervanging daarvan aanvaar word).

6.2 'n Vereniging sal billike arbeidsgebruike instel wat die Griewe- en Dissiplinêre Prosedures in die Raad se Bedryfshandleiding wat van tyd tot tyd deur die Raad gepubliseer word, insluit.

6.3 Daar word van direkteure van die Direksie van die Raad vereis om 'n Gedragskode te onderteken en daarby te hou. Daar word ook van hulle vereis dat, indien hulle in die personeel of op die Komitee van 'n Vereniging is, dat daardie Vereniging nie in stryd is met die DBV-Reëls en -Wet nie. Indien hulle nalaat om dit te doen, kan hulle deur die Direksie per stemming met 'n meerderheid van minstens 75% uit die amp verwyder word.

6.4 By geleentheid van die Algemene Jaarvergadering sal die Direksie die Raad verwittig van enige stappe wat hy gedoen het met betrekking tot oortreding van die Wet en Reëls deur enige Lidvereniging.

6.5 Verenigings sal verplig wees om hulle te hou by enige permitvereistes wat deur die Wet of per Regulasie daargestel is, sowel as aan enige gebruikskodes wat deur die NDBV onderskryf is, met afdwinging daarvan op die algemene publiek.

6.6 Geen lid, komiteelid, direkteur, werknemer of ander amptenaar van die NDBV of enige Vereniging mag enige inligting wat hy/sy deur sy/haar verbintenis met die NDBV of enige Vereniging verkry het, gebruik vir enige doel behalwe ten voordeel van die NDBV of Vereniging nie; hy/sy word spesifiek verbied om enige persoonlike voordeel daaruit te trek tensy hy/sy eers die voorafgoedkeuring van die Direksie verkry het. In die afwesigheid van sodanige goedkeuring sal sodanige lid, direkteur, werknemer of ander amptenaar aanspreeklik wees om rekenskap te gee aan die NDBV of die betrokke Vereniging van enige winste of voordele wat deur hom/haar ontvang is.

6.7 Indien enige lid, komiteelid, direkteur of ander amptenaar van die NDBV of enige Vereniging strydig met die Wet en Reëls optree, sal die prosedures wat in Seksie 11 van die Wet uiteengesit is, *mutatis mutandis* van toepassing wees, en sal dit die uitsetting van so 'n persoon as 'n lid van die NDBV, enige Vereniging of die organisasie as 'n geheel toelaat.

BOARD NOTICE 66 OF 2004

CONSTITUTION INCLUDING ALL THE ADDITIONS AND AMENDMENTS FROM BOARD NOTICE 14 OF 1995 UP TO THE DATE OF THIS GOVERNMENT GAZETTE**CONSTITUTION OF THE NATIONAL COUNCIL OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS****1. INTERPRETATION****(1) In this Constitution, unless the context otherwise indicates -**

"**Act**" means the Societies for the Prevention of Cruelty to Animals Act, No.169 of 1993;

"**advisory director**" means a person appointed by the Council as an advisory director of the Council in terms of article 9 (7) (a);

"**article**" means the articles of this Constitution;

"**associate members**" means an associate member of the Council admitted by the Council in terms of article 5 (4);

"**contribution**" means all amounts payable by a Society to the Council in terms of the Act;

"**Council**" means the National Council of Societies for the Prevention of Cruelty to Animals established by and in terms of the Act;

"**delegate**" means a natural person appointed by a Society in good standing as its delegate for the purposes and in accordance with the provisions of article 6 (1);

"**member**" means a Society registered or deemed to be registered in terms of section 8 of the Act;

"**in good standing**" means, in relation to a Society, that such Society has paid all contributions due by it timeously and submitted all documents required by it timeously and is not in breach of any of its other obligations in terms of the Act without just cause;

"**month**" means a calendar month;

"**Regional Council**" means a regional council established in terms of article 4 (2);

"**Chief Executive Officer**" means the person appointed in terms of article 10 (14) and includes any person appointed to perform the duties of the Chief Executive Officer;

(2) The words defined in section 1 of the Act will have the same meanings in this Constitution as those attributed to them in section 1 of the Act.

(3) In this Constitution, unless the context otherwise requires-

(a) words signifying the singular will include the plural and *vice versa*;

(b) words signifying one gender will include the other genders;

(c) references to natural persons shall include artificial persons and *vice versa*.

2. SPECIFIC POWERS OF THE COUNCIL

(1) For the furtherance of its objects, the enforcement of its powers and rights in terms of the Act, and the fulfilment of its duties in terms of the Act the Council shall have the following specific powers:

(a) generally to utilise the funds of the Council in any manner calculated to further and advance the objects of the Council, enforce its powers and rights in terms of the Act and fulfil its duties, in terms of the Act;

(b) to take over, purchase, take on lease or otherwise acquire, hold, develop, improve, manage, let, sell, transfer, exchange, mortgage, pledge, grant servitude, licences, or other rights over, or otherwise dispose of, or charge or encumber any property or interest therein, whether moveable or immovable, real or personal, corporeal or incorporeal, and in any part of the

- world, and to accept (with or without condition) subsidies, grants, legacies, donations, gifts, devices and bequests (including subscriptions and donations of cash and investments) and to erect and construct, maintain, enlarge, alter, demolish, or remove any buildings, fences or other erections or works on any immovable property;
- (c) to enter into any contract whatsoever with reference to the whole or any part of the property or rights of the Council;
 - (d) to invest the moneys of the Council in such manner as the Council may from time to time deem expedient;
 - (e) to borrow money for any purpose of the Council on such terms as may seem expedient and if necessary to secure the same by mortgage, pledge, charge, debentures, debenture stock or other security charged on all or any of the property of the Council, to enter into any guarantee, suretyship or undertaking, and to assume liability for or undertake the debts and engagement of others;
 - (f) to open and operate accounts with banks and draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, debentures and other negotiable or transferable instruments or securities;
 - (g) to establish, subsidise, promote, co-operate or affiliate with or act as trustees or agents for, or manage or grant or lend money or other assistance to any Society or association corporate or incorporate, whose objects are similar to those of the Council or the Societies and which prohibits the distribution of its income or property to its members save by way of remuneration for services rendered to it or reimbursement of expenses incurred for its benefit;
 - (h) to investigate, institute and defend proceedings in any court of law, congress, Parliament, council or other forum in any part of the world, and to oppose whether by means of litigation, use of the media or any other lawful means, any proceedings or applications which may seem calculated directly or indirectly to endanger or prejudice the interests or objects of the Council;
 - (i) to enter into any contract of employment or service with any person and to remunerate any person rendering service to the Council either by cash payments or otherwise as may be though expedient;
 - (j) to establish and support, financially or otherwise, or to aid in the establishment and support, financially or otherwise, of Societies, associations; funds and trusts calculated to benefit persons who are or have been directors, officials or employees of, or otherwise connected with the Council, or the dependants or the connections of any such persons, and to grant pensions and allowances to any such persons or their aforesaid relatives, dependants, or connections and generally to embark on any scheme or undertaking calculated to benefit any such persons, or their aforesaid relatives, dependants or connections;
 - (k) to do all such other lawful acts and things as may be incidental or conducive to the powers aforesaid;
- (2) The provisions of article 2 (1) are not exhaustive and shall not in any way limit the Council's powers or rights in terms of the Act.

3. SOURCE AND APPLICATION OF COUNCIL'S FUNDS

- (1) The Council shall derive its income from -

(a) Contributions: Contributions by Societies shall be determined by the Council in general meeting from time to time. These are currently -

(A) 10% of all benefits received by a Society from bequests, legacies, other testamentary dispositions and otherwise acting as a direct or indirect consequence of death of a person.

(B) In determining, the contribution due pursuant to (A) above -

(i) if an *inter vivos* trust or other *inter vivos* facility is created for the benefit of a Society and the creator, donor, or other benefactor dies with the consequence that the benefits from the trust or other facility continue to accrue to the Society after such death, from the date of such death, such benefits will be deemed to be benefits received and subject to the contribution referred to in (A) above; and

(ii) for so long as the benefit derived by the Society is in the form of income the contribution will be calculated on the income and if subsequently a capital benefit is paid to the Society then the contribution will be calculated on the capital benefit received, as well. Once the capital benefit has been received by the Society and the contribution thereon has been paid then subsequent income derived by the Society from the investment of the capital benefit will not constitute a benefit for the purpose of calculating the contribution envisaged in (A) above;

All members' contributions shall be paid annually in arrears by not later than 10 clear days preceding the date of each annual general meeting of the Council and shall be accompanied by a typed reconciliation as to how the amount paid is calculated.

(b) contributions of associate members shall be determined by the Council from time to time;

(c) funds raised by whatever means available to the Council in its discretion in terms of the Nonprofit Organisations Act, 1997 (No 71 of 1997);

(d) interest, rental, dividends, profits and all other returns on investments made by the Council or the employment of its property;

(e) fees, charges or any other consideration payable to the Council for services rendered, advice given or property sold by the Council;

(f) donations, gifts, annuities, legacies, bequests and any other form of testamentary or other disposition, award or benefit made in favour of the Council;

(g) any other source available to the Council.

(2) The Council shall be entitled to compound, waive, abandon, or vary its right to receive contributions.

(3) The income and property of the Council whencesoever derived shall be applied solely towards the promotion of the objects of the Council, the enforcement of its powers and rights in terms of the Act and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of profit to the members: Provided however that nothing herein contained shall prevent the payment in good faith or remuneration to any director, officer or servant of the Council or to any member for return for any services rendered to the Council or of expenses incurred and disbursed in carrying out the business or attending to the affairs of the Council.

(4) Subject to the Act, if upon the winding up or the dissolution of the Council there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members but shall vest in a trust created on dissolution by the members then present, or failing them, by the Chief Master of the Supreme Court or his successor in title, which trust shall be responsible for the utilisation of the said property for the benefit of the Societies or such other institution or institutions having similar objects as may be determined by the members at or before the time of dissolution or, in default thereof, by the Chief Master of the Supreme Court of the Republic of South Africa, or his successor in title.

(5) (a) If any income or other benefit is received by or accrued to the Council as the result of the application of section 5 (2) of the Act, the Board will, within 30 days of receipt of such benefit or accrual, notify in writing any Society that may reasonably be believed to have some claim, of the details thereof including the last known address of the donor and the value or estimated value of the benefit or accrual.

(b) If in relation to any dispute in respect of any income or other benefit received by or accrued to the Council by virtue of the application of section 5 (2) of the Act any Society has delivered within 30 days of the date of notice from the Board, to the Council a written statement of claim setting forth the basis and extent to which a Society claims that but for the provisions of section 5 (2) of the Act, such Society would have been entitled to receive all or any of the benefits received by or accrued to the Council by virtue of the application of section 5 (2) of the Act, then the Council shall in consultation with the disputing party or parties establish a committee including a civil servant with a legal training.

(c) Should any Society receive any bequest not specifying the recipient Society it shall advise the Board within 30 days.

(6) A committee established in terms of article 3 (5) shall -

(a) determine in its absolute discretion whether any payment should be made over to or other benefit made over to or other compensation should be given to a Society or Societies which has/have delivered a statement of claim in accordance with article 3 (5) and if so the committee shall determine in its discretion the amount, nature, extent and timing thereof;

(b) in its absolute discretion, require or permit any Society to present documentary or oral evidence before the committee in order to assist the committee in exercising its discretion;

(c) in its absolute discretion, determine the procedures which shall apply in connection with the exercise of the committee's discretion;

(d) in its absolute discretion appoint any one of its members and/or any third party to undertake such investigations as the committee may determine and as the committee may consider to be relevant to the exercise of its discretion;

(e) exercise its discretion in good faith towards the interests of the Council and the Societies but shall be deemed not to be arbitrators;

(f) not direct the Council to pay or make over to any Society any amount or benefit received by or accrued to the Council unless the statement of claim has been submitted within the prescribed period;

(g) subsist until such committee has exercised its discretion in terms hereof and notified all interested parties in writing of the decision taken by it without being obliged to give reasons therefore whereupon it will automatically cease.

(7) Without in any way limiting the grounds upon which a committee may determine that a bequest is intended for a specific Society (or specific Societies), in its deliberations the committee established in terms of Article 3(5) shall, in the absence of a clear intention to benefit the Council, apply the following criteria in order to determine to whom the bequest is to be allocated :

(a) The following are indications that the bequest was intended, unless the contrary is shown, for a specific Society in its entirety :

- (i)** if the deceased, not having ever been a member of any other Society, was a member of that Society at the time of his or her death;
- (ii)** if the deceased, not having ever been a member of any other Society, was a member of that Society at the time of the execution of the testamentary document establishing the bequest;
- (iii)** if the deceased was ever a member of that Society prior to death and not thereafter a member of another Society;
- (iv)** if the deceased, not being or having been a member of any Society, was ever a donor to that Society;
- (v)** if the deceased, not being or having been a member of any Society, ever participated significantly in the activities of that Society;
- (vi)** if the deceased, not being or having been a member of any Society and not having ever participated in the activities of that Society, whether he or she was resident in the area of the Society or not, ever utilised the services of that Society;
- (vii)** if the deceased, not being or having been a member of any Society and not having ever participated in the activities of that Society, whether he or she was resident in the area of the Society or not, never having utilised the services of that Society, resided at time of making the bequest or at time of death, within the area of that Society.

(b) The following are indications that the bequest was intended, unless the contrary is shown, to be shared between two or more Societies (in a proportion to be determined reasonably by the committee on the evidence before it) -

- (i)** the deceased was a member of two or more Societies at various times of his or her life;
- (ii)** the deceased was a donor to two or more Societies during life;
- (iii)** the deceased participated significantly in the activities of two or more Societies during life;
- (iv)** was resident within two or more Societies' areas during life;

(c) Only where there is no indication that the deceased intended to benefit a Society (or Societies) should the bequest fall to be allocated to the Council.

(8) Any decisions made by a committee established in terms of article 3 (5) (b) shall be final and shall be deemed to constitute a decision by the Board which shall be implemented by the Board.

(9) All costs and expenses incurred in connection with the establishment of a committee pursuant to article 3 (5) including the costs and expenses attendant upon all proceedings undertaken by such committee will be paid by the Council or the Society or Societies which have delivered the statements of claim in terms of article 3 (5), in such proportions as the committee may in its discretion direct. The committee may also direct that interest be paid on the money, governed by the prescribed Interest Rate Act No 55 of 1977, from such date as it may consider appropriate to date of payment.

(10) The committee referred to in terms of Section 3(5) shall meet in the city or town in which the Society contesting the bequest is situate or, if more than one such Society exists, in a city or town determined by such Societies, such city or town to be a city or town in which either the majority of such Societies is situate or, if no such majority exists, a city or town where any one such Society is situate, to be determined by the Societies or (only in the event of their being unable to determine a suitable venue) by the National Council, such venue to be one suitable to ensure the greatest convenience of all parties.

4. REGIONAL COUNCILS

(1) The Council may in its discretion

(a) define regions within the Republic;

(b) repeal or amend the definition of any region in terms of article 4 (1) (a).

(2) Societies which are empowered or obliged to pursue their objects, rights and powers and to fulfil their duties wholly or partly within a region defined by the Council in terms of article 4 (1) (a) may in their discretion establish a Regional Council which shall comprise only Societies which are qualified to establish such Regional Council.

(3) Subject to the provisions of article 4 (4) the members of a Regional Council may in their discretion prescribe rules and duties which shall govern the relationships amongst the members of such Regional Council.

(4) The members of a Regional Council shall not be empowered to prescribe any rules or duties in terms of article 4 (3) which -

(a) directly or indirectly contradict any of the provisions of the Act or this Constitution or directly or indirectly have the effect or potential effect of impairing or restricting the enforcement of the Act, Rules or this Constitution or any of the activities of the Council ;

(b) do not have the object or effect of advancing the objects, rights and powers of the Council and the Societies or the fulfilment of their respective duties in terms of the Act and this Constitution;

(c) in any way impair or restrict the rights of the Societies which are members of the Regional Council to pursue and fulfil their individual objects, rights, powers and duties including but not limited to their right to appoint a delegate in terms of article 6 (1);

(d) have not previously been approved by the Council in its discretion.

5. MEMBERS

(1) The members shall comprise-

(a) the Societies; and

(b) the directors.

(2) The Council shall maintain at its principal place of business from time to time a register of members which shall -

- (a) record the names of the members, their addresses chosen by them for the delivery of all notices and the dates of the commencement and termination of their membership;
- (b) be available for inspection in the same way and on the same terms and conditions applicable, *mutatis mutandis*, to the inspection of the register of members of as an association not for gain incorporated under the Companies Act.

(3) The members, directors, committee members and other officers and employees of Societies shall not be members of the Council nor will they enjoy or be entitled to enforce any of the rights or powers of a member all such rights and powers of a Society being exercisable by a Society only through the actions of its delegate at a general meeting.

(4) The Board shall be entitled in its discretion to admit associate members. An associate member shall -

- (a) not be a member;
- (b) enjoy such rights and powers as the Council in general meeting may allow: Provided that an associate member shall not enjoy any voting rights at a general meeting of the Council ;
- (c) be subject to removal as such in the discretion of the Council in general meeting.

6. VOTES OF MEMBERS

(1) Every Society in good standing desirous of representation at a general meeting of the Council, shall not less than 96 hours before the time appointed for such meeting, lodge with such person and at such place as determined by the directors (who shall cause these particulars to be stated in the notice of the meeting) a written instrument in a format prescribed by the Board, signed on its behalf by no fewer than two duly authorised persons appointing its delegate.

(2) It shall not be competent for a Society to vote at any general meeting of the Council other than through its delegate and the Council shall be entitled to ignore any other purported vote by a Society.

(3) For the purpose of all decisions taken by the Council at a general meeting -

- (a) each delegate shall have one vote;
- (b) on a show of hands each delegate shall have only one vote irrespective of the number of Societies which he represents;
- (c) on a poll each delegate shall have as many votes as the number of Societies which he represents.

(4) At any general meeting a motion put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on declaration of the result) demanded. In the event of an equality of votes, whether on a show or hands or on a poll, the chairman shall be entitled to a second or casting vote in addition to his deliberative vote.

7. GENERAL MEETINGS

(1) All meetings of the members shall be called general meetings.

(2) A general meeting of the Council known as the annual general meeting shall be held once in every calendar year at a time and place determined by the Board.

(3) The Board may at any time and shall, within 14 days of the receipt of a written requisition by no fewer than 15 members in good standing, give notice to convene a general meeting to be held within 60 days of receipt of such requisition, at such time and place as the Board may determine.

(4) No fewer than 28 days written notice specifying the place, the day and the hour fixed for general meetings, and in the case of ordinary or special resolutions to be considered thereat, the full text of such resolutions or in the case of special business to be dealt with thereat, the general nature of such business, shall be given to the members in good standing but the non receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

8. PROCEEDINGS AT GENERAL MEETINGS

(1) The annual general meeting shall deal with all matters prescribed by the Companies Act to be dealt with by an association not for gain at its annual general meeting, including the consideration of the annual financial statements, announcement of directors, and appointment of an auditor, and may deal with other business laid before it which shall be deemed to be special business. All business laid before any other general meeting shall be deemed to be special business.

(2) At an annual general meeting 10 delegates shall be a quorum. If within half an hour after the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned for one hour and if at such an adjourned meeting a quorum is not present the delegates present shall be a quorum.

(3) At a general meeting convened upon a requisition of members in terms of article 7 (3), the fifteen members who requisitioned such general meeting shall be personally present and shall form a quorum. If this number is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

(4) The chairman of the Board shall preside as chairman at general meetings of the Council.

(5) If there is no such chairman, or if at any meeting he is not present within 15 minutes after the time appointed for holding the meeting or is unwilling to act as chairman, the delegates present shall choose one of their number to be chairman of the meeting.

(6) The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

9. MANAGEMENT

(1) Unless otherwise expressly provided for in the Act or this Constitution all decisions of the Council shall be enacted, managed, controlled and administered by the Board.

(2) The Board shall comprise -

(a) three directors each of whom shall be the chairman for the time being or failing him a nominee of each of the primary Societies (as hereinafter determined);

(b) two directors nominated by a simple majority of the votes of the delegates of all the Societies whose activities are primarily undertaken in the Provinces of Mpumalanga, Northern, North-West and Gauteng;

- (c) two directors nominated by a simple majority of the votes of the delegates of all the Societies whose activities are primarily undertaken in the Provinces of Eastern Cape, Northern Cape and Western Cape. One director shall be responsible for the Eastern Cape and the other to be responsible for the Western and Northern Cape;
- (d) one director nominated by a simple majority of the votes of the delegates of all the Societies whose activities are primarily undertaken in the Province of KwaZulu/Natal;
- (e) one director nominated by a simple majority of the votes of the delegates of all the Societies whose activities are primarily undertaken within the Province of the Free State;
- (f) one director nominated by the Board at its first meeting;
- (g) one director nominated by the Minister of Agriculture;

Note : Provincial directors may not be members of an entrenched Society.

- (h) the executive officer of the Council, who may at the discretion of the Board, be a director with full voting rights and entitled: "Executive Director".
- (3) (a) Save for the Chief Executive Officer, and any director nominated by the minister only persons who are members in good standing of a Society in good standing and who are permanently resident in South Africa, shall be eligible for appointment as directors;
- (b) The Chief Executive Officer shall, at least 4 weeks prior to the nomination date, send a notice to all Societies requesting the nomination of candidates for election to the Board;
 - (c) The notice shall specify the number of vacancies on the Board for which nominations are required, and shall specify the date by which all nominations are to be received.;
 - (d) Each Society shall be entitled to nominate as many candidates as there are vacancies;
 - (e) The nomination form shall be in the form set out as *Annexure "A"* hereto, and a separate form shall be used for each candidate. The form shall be signed by both the candidate and the two Societies by whom he is nominated;
 - (f) In the event that the total number of persons so nominated does not exceed the number of vacancies available, they shall be deemed to have been duly elected as directors of the Board;
 - (g) If on the nomination day the number of nominated candidates exceeds the number of vacancies, the Chief Executive Officer shall call for an election, and shall cause ballot papers to be sent to all Societies, by registered post, at least 6 weeks prior to the election day;
 - (h) At any given time there shall be no less than 12 directors serving on the Board of the Council.
- (4) (a) Ballot papers shall be in the form set out as *Annexure "B"* hereto, and shall -
- (i) be sent no later than 30 days after the nomination day;
 - (ii) contain the full names of each candidate;

- (iii) stipulate –
 - that it is a ballot paper for the election of directors of the Board; and the number of directors of the Board to be elected during that election;
 - (iv) be accompanied by voting directions, which shall indicate how a Society shall proceed to cast its vote and return its ballot paper to the Chief Executive Officer;
 - (v) specify the number of vacancies which are required to be filled;
 - (vi) specify the date by which the ballot paper is to be received by the Chief Executive Officer;
 - (vii) contain the details of the voting Society.
- (b) If the Chief Executive Officer, after consideration of a written application by the Society concerned, is satisfied that the ballot paper has been lost, he shall issue a fresh ballot paper to that Society;
 - (c) Each Society shall be entitled to vote for as many candidates as specified on the ballot form;
 - (d) The number of directors of the Board to be elected, both provincial and other, is as stated on the ballot paper;
 - (e) A Society may cast only one vote in favour of their chosen candidates and may only vote in respect of their provincial director who will represent their own province;
 - (f) Other than the completion of the information required at the top of the form, no marks other than a cross (X) may be made in the voting area of the ballot paper next to each chosen candidate;
 - (g) The ballot paper shall be sent by registered post or delivered so as to ensure that it shall reach the Chief Executive Officer before 16h00 on the polling day;
 - (h) The Chief Executive Officer shall as soon as possible after the date of issue of the ballot forms, prepare a ballot box for the election;
 - (i) The ballot box shall be prepared by having it sealed, while it is empty, by a Commissioner of Oaths in such manner as to ensure that any envelope placed therein can be removed therefrom only by breaking the seal concerned;
 - (j) Such Commissioner of Oaths shall provide the Chief Executive Officer with a written statement regarding the sealing of the ballot box;
 - (k) The ballot box which has been thus sealed, shall, until it is opened in terms of these regulations, be kept by the Chief Executive Officer in such a manner as to ensure that access thereto can be gained only with a view to placing envelopes for the election concerned therein;
 - (l) A ballot paper shall be rejected by the Chief Executive Officer if –
 - (i) the envelope in which it is contained has not been marked clearly with the words "BALLOT PAPER" and the name of the Society by whom it was sent;

- (ii) It is not contained in a sealed envelope when it is received by the Chief Executive Officer;
 - (iii) the Society from whom the ballot has been received :-
 - (a) is not a Society in good standing; or
 - (b) has already cast a vote.
 - (iv) a cross which has been made thereon extends beyond the outline of a square on that ballot paper to such an extent that it is not possible for the Chief Executive Officer to determine without reasonable doubt in favour of which candidate the vote concerned has been cast;
 - (v) it contains any marks in the voting area other than the crosses referred to in regulation 4(f); or
 - (vi) the number of candidates opposite whose names crosses have been made exceeds the number of directors of the Board to be elected.
- (m) If a ballot paper is received by the Chief Executive Officer after 16h00 on the polling day of the election, the envelope shall remain unopened and kept only for verification purposes;
- (n) The Chief Executive Officer shall -
- (i) examine each envelope in order to determine whether the words "BALLOT PAPER" have been clearly written thereon, and record the date and time of receipt thereof on the envelope concerned;
 - (ii) record on a suitable list kept by him for this purpose, the fact that the Society has cast its vote; and
 - (iii) thereafter place such envelope in the ballot box.
- (o) If the Chief Executive Officer is satisfied that a ballot paper has to be rejected on any of the grounds referred to in regulation 4 (l) and (m), he shall endorse the envelope in which that ballot paper is contained, with the words "Spoilt" and record the number of the regulation in terms whereof it is rejected thereon;
- (p) The Chief Executive Officer shall as soon as possible after 08h30 on the first working day following the election day, break the seal on the ballot box and remove the contents of that ballot box therefrom in a room;
- (i) in which no unused ballot papers for the election concerned are present; and
 - (ii) to which only himself and a representative nominated by the organisation's auditors have access.
- (q) After the seal on a ballot box has been broken, no person shall -
- (i) bring any unused ballot paper for the election concerned, or a ballot paper which has been received by the Chief Executive Officer after the closing time on the polling day, into the room; or

- (ii) remove any envelope or ballot paper which has been removed from the ballot box, from the room, before the result of the election has been determined.
- (r) The Chief Executive Officer shall divide the envelopes which have been removed from the ballot box into those which have been endorsed "Spoilt", and those which have not been thus endorsed, and shall thereafter open the latter envelopes and examine the ballot papers contained therein;
- (s) If the Chief Executive Officer is satisfied that a ballot paper has to be rejected on any of the grounds referred to in regulation 4 (n) and (o), he shall -
 - (i) endorse the ballot paper concerned and the envelope in which it was contained, with the words "Spoilt" and record the number of the regulation in terms whereof it is rejected thereon; and
 - (ii) replace the ballot paper concerned in the envelope concerned and thereafter keep it with the other envelopes which have been previously endorsed in terms of regulation 4 (o).
- (t) As soon as the Chief Executive Officer had determined the validity of the ballot papers, he shall use the ballot papers which have not been rejected to determine the number of votes which have been recorded in favour of each candidate during the election;
- (u) Those candidates which have been nominated for election as regional directors, if unsuccessful, shall be considered for election as ordinary directors, and the votes in their favour counted as such;
- (v) Subject to the provisions of regulation 9 2(b) - (c), the vacancies of the Board for which directors have to be elected shall be filled by those candidates in favour of whom, in numeric order, the largest number of votes have been recorded;
- (w) If the Chief Executive Officer determines that an equal number of votes have been recorded for two or more candidates during an election, and in consequence it is not possible to determine the outcome of the election, he shall forthwith determine by lot which of those candidates are deemed to be elected;
- (x) The Chief Executive Officer shall as soon as possible after the counting of the votes, send to all Societies the full names of the persons who have thus been elected directors of the Board;
- (y) The Chief Executive Officer shall notify each person so elected in writing of his election as a director of the Board;
- (z) The Chief Executive Officer shall as soon as possible after a vacancy for an elected director of the Board has been filled in terms of these regulations, bind all documents relating to the election concerned in separate packages which are suitably marked, and thereafter seal them together in a package which is marked with the words "Election documents" and the dates of the nomination day and polling day concerned.
- (4)
 - (aa) This package shall be preserved by the Chief Executive Officer in an unopened condition for a period of at least three years after the polling unless he is otherwise directed by a competent court;
 - (bb) The Chief Executive Officer shall, as soon as possible after an election has been held, report to the Board on -

- (i) the number of persons who were nominated as candidates for the election concerned;
 - (ii) the number of nominations which he refused to accept and the grounds for each such refusal; and
 - (iii) the number of ballot papers -
 - (a) which were issued by him for the election concerned;
 - (b) which were submitted to him;
 - (c) which were rejected on each of the grounds referred to in regulation 4.
 - (cc) No person shall disclose any particulars other than those referred to in regulations 4 (x) and 4 (bb) with regard to the result of an election, except under law, or unless he is directed thereto by a competent court.
- (5) Unless removed from office at a general meeting convened upon a requisition of members in terms of article 7 (3) the directors shall hold office from the close of the general meeting at which they have been appointed until the close of the next annual general meeting.
- (6) The directors shall be eligible for re-appointment.
- (7) The Board may in its discretion -
- (a) appoint advisory directors to fulfil such duties as the Board may direct;
 - (b) invite to its meetings any person who it deems fit to attend and speak thereat in an advisory or other capacity but such person will not be a director;
 - (c) at any time by power of attorney appoint any person whomsoever to be the attorney and agent of the Council for such purposes and with such powers, authorities and discretion (not exceeding those vested in or exercisable by the directors) and for such period and subject to such conditions as they may think fit, and with the right to delegate to any other person all or any of the powers, authorities and discretion vested in him.
- (8) At its first meeting the Board shall elect from amongst the directors a chairman of the Board who shall remain as such for the duration of his term of office as a director. No director shall be eligible for election as chairman if he has served as such consecutively for the four preceding years.
- (9) The directors appointed in terms of article 9 (4) above shall select and appoint from amongst themselves, by majority vote (2) two directors as joint vice-chairman if necessary, and a financial director of the Board.
- (10) A management committee of no fewer than five in number shall be appointed by the Board and shall include the chairman, the vice-chairmen and the financial director and the Chief Executive Officer. Should the Chief Executive Officer not be a director he shall not have a vote.
- (11) The management committee shall be responsible for the affairs of the Council and shall have vested in it all of the rights and powers which are necessary or incidental to enable it to fulfil its said responsibility and the management committee may co-opt as additional members of the management committee any other director who shall hold such office from the date of cooption until the close of the next succeeding annual general meeting.

(12) An advisory director shall -

- (a)** not be a director;
- (b)** enjoy such rights and powers as the Board may allow; provided that an advisory director shall not enjoy any voting rights at a meeting of the Board ;
- (c)** be subject to removal as such in the discretion of the Board.

(13) The primary Societies shall comprise each of the five Societies whose individual annual audited expenditure properly incurred and paid in respect of salaries and wages is greater than the like expenditure and payment by the remaining Societies for the equivalent period: Provided that -

- (a)** if there is a dispute in the calculation of such expenditure or as to whether or not it is properly incurred or paid or any other dispute regarding the qualification of identification of the primary Societies, a determination in that regard by the auditors for the time being of the Council shall be final and binding and in making such determination they will act as experts, not arbitrators; and
- (b)** subject to (a) above the primary Societies will be identified annually by the Board at the commencement of each annual general meeting of the Council and such determination shall prevail until the following annual general meeting of the Council; and
- (c)** the determination by the Board in terms of (b) above shall be based upon the last audited financial statements of the Societies delivered by the Societies to the Council; and
- (d)** if the latest audited financial statements of a Society which are relied upon by the Board in terms of (c) above relate only to a part of a year then the Board may, having regard to the reasons for such partial audit, extrapolate the contents of such financial statements as though they applied to the complete year under consideration. The Board may make such appropriate provision or qualification relevant to the unaudited period; and
- (e)** the primary Societies will be determined by the Board in the order of their expenditure and if there is an equality of expenditure the Board will use its absolute discretion in determining which of the Societies having equal expenditure shall be primary Societies.

(14) No person who is a director or committee member or other functionary of any organisation which is in the opinion of the Board an animal welfare organisation, other than a Society, shall be eligible to be a director.

10. PROCEEDINGS OF THE BOARD

(1) The Board shall meet for the despatch of business whenever necessary and may otherwise adjourn or regulate its meetings as it deems fit.

(2) A director who is absent from the Republic shall not be entitled to receive notice of a meeting of the Board.

(3) Decisions of the Board shall be determined by a simple majority of votes. In the case of an equality of votes the chairman shall have a second or casting vote.

(4) On the written requisition of three directors the Chief Executive Officer shall convene a meeting of the Board to be held within 21 days. The notice of such meeting shall state the particular business to be transacted thereat.

- (5) Five directors present shall be a quorum for any business meeting of the Board.
- (6) In the event of a vacancy arising on the Board for whatsoever reason the remaining directors may, having such regard to the composition of the Board, as defined by article 9 (2) and as they deem necessary, invite a person suitably qualified in terms of article 9 (2) to accept office which, if accepted, shall be retained until the close of the next annual general meeting.
- (7) The directors may act notwithstanding any vacancy on their body, but, if and so long as their number is reduced below the number or pursuant to these articles as the necessary required for a quorum of the Board the directors may act for the purpose of increasing the number of directors to that number, or of convening a general meeting of the Council, but for no other purpose.
- (8) If a chairman of the Board has not been elected or if he be not present within 15 minutes of the time appointed for a meeting of the Board the vice-chairmen present shall appoint one of their number to preside at the meeting or, if there be no vice-chairmen present, then the Board shall appoint a chairman for that meeting.
- (9) The Board may delegate any of its powers to committees consisting of such directors as they think fit; any committee so formed shall, in the exercise of powers so delegated, conform to all regulations that may be imposed on it by the Board.
- (10) A committee shall elect a chairman of its meetings; if at any meeting the chairman is not present within five minutes after the time appointed for commencing the meeting, the members of the committee present may choose one of their number to be the chairman of the meeting.
- (11) The committee may meet and adjourn as thought proper. Motions put to any meeting of the committee shall be decided by a simple majority of votes of those present.
- (12) All acts done by the Board or by a committee thereof, or by any director, notwithstanding that it shall be afterwards discovered that there was some defect in the appointment of such Board, committee or director or that they or any of them were disqualified, be as valid as if such Board or committee were properly constituted or such person had been duly appointed and was qualified to be a director or committee member.
- (13) The Board, or any committee appointed by it, may decide any question telephonically or by the submission by registered post, hand delivery or telefax to every director or committee member, as the case may be, of a proposal in writing couched in identical terms, and a written minute of any such telephonic decision verified as such by the signature of the chairman of the Board or the committee, or Chief Executive Officer as the case may be, or the signed acceptance of such proposal by a majority of such directors or committee members shall be deemed to be a decision taken at a duly constituted meeting and shall be recorded as such in the minutes of the next meeting of the Board or of the committee.
- (14) The Board shall be responsible for the appointment of a Chief Executive Officer to the Council and all other paid officers, inspectors, servants; and shall adopt rules regulating their duties and conditions of service, and may in its discretion vary such rules and terminate such appointments.

11. DISQUALIFICATION OF DIRECTORS

The office of a director shall be vacated if such director -

- (a) is disqualified from holding office as a director of a company in terms of section 218 of the Companies Act;

- (b) resigns his office by notice in writing to the Council;
- (c) is absent from three consecutive meetings of the Board without special leave of absence first had and obtained from the Board, provided that such three meetings are not held within a period of one month;
- (d) is the nominee of a Society and such Society withdraws such nomination or ceases to be a Society; or
- (e) not being the nominee of the Minister, or executive director, ceases to be a member in good standing of a Society.

12. RECORDS

(1) The directors shall cause records to be kept -

- (a) of the names and addresses of all Societies;
- (b) of all appointments of officers and inspectors made by the Board;
- (c) of the directors present at each meeting of the Board, and of any committee of the directors;
- (d) of all resolutions and proceedings at meetings of the Council, of the Board, and of any committee of the directors.

(2) Every director attending a meeting of the Board shall sign his name in an attendance register, and if so prescribed by the directors, members of any committee appointed by the Board shall similarly record attendance at meetings of such committee.

13. ACCOUNTS

(1) (a) The directors shall cause true accounts to be kept of all moneys and property received and expended and disposed of by the Council and of the matter in respect of which such receipts, expenditure and disposition takes place and also of the assets and liabilities of the Council;

(b) In all respects accounting records of the Council shall comply with the relevant provisions of the Nonprofit Organisations Act, 1997 (No 71 of 1997) and the Companies Act as if the Council were an association not for gain;

(c) The financial year of the Council shall terminate on the 31 March every year.

(2) The books of account of the Council shall be kept at the principal place of business of the Council or at such other place or places as the directors shall determine and shall be open to inspection by the directors at all reasonable times.

(3) The directors shall from time to time determine at what times and places and under what conditions or regulations such accounts or books or any of them shall be open to inspection of Societies.

(4) The signature of the Chief Executive Officer or any other officer of the Council duly authorised by the directors shall be sufficient receipt for all moneys received on behalf of the Council. All cheques, bills of exchange, promissory notes and all contracts, powers and instruments required to be signed in the course of the ordinary business of the Council shall be signed by no fewer than two persons authorised thereto by resolution of the directors or in the absence of such resolution by the chairman and Chief Executive Officer or if there is no Chief Executive Officer, by the chairman and one other director.

(5) At each annual general meeting an auditor or auditors shall be appointed to audit the whole of the accounts of the Council. Each auditor so appointed shall be eligible for re-election. He shall be registered under the Public Accountants and Auditors Act and shall not be a director or hold any office under the Council other than that of auditor. The remuneration of the auditors shall be determined at each annual general meeting in respect of the previous year's audit.

(6) The accounts of the Council shall be examined and passed by the directors before circulation to the members.

(7) An annual report of the operations of the Council, together with the audited balance sheet and statement of accounts, representing the Council's financial position at the close of the preceding year, shall be submitted by the directors at each annual general meeting, and shall be sent by post to members of the Council at least 28 clear days before the meeting.

14. AMENDMENTS

(1) This Constitution may only be amended at a general meeting. The proposed amendments must form part of the notice at the meeting.

(2) The Societies may in general meeting amend this Constitution: Provided that -

- (a) such amendment does not conflict with or limit the provisions at the Act or the implementation thereof; and
- (b) at least two thirds of the votes available to the members have been cast in favour at the amendment; and
- (c) the amendment will not take effect before the lapse of 60 days after the publication of notice of the proposed amendment in the *Gazette*.

ANNEXURE 'A'

Nom/Date

NOTICE FOR NOMINATIONS FOR CANDIDATES FOR ELECTION TO THE NATIONAL COUNCIL OF SPCAs BOARD OF DIRECTORS

In terms of Clause 9 of the Constitution we request nominations for candidates to serve on the Board of the National Council for the _____ year. Nominations are sought for the following :-

Eastern Cape and Southern Cape Provincial	1 Candidate
Western Cape and Northern Cape Provincial	1 Candidate
Free State Provincial	1 Candidate
KwaZulu Natal Provincial	1 Candidate
Mpumalanga, Northern Province, Gauteng, North/West Provincial	2 Candidates

I, the undersigned, being duly authorised by resolution of the committee of :-

Name of Society : _____

Hereby Nominate : _____

Resolution Dated : _____

Name of Proposer : _____

Capacity : _____ Signature : _____

NOTE : Clause 9 of the Constitution provides that -

1. A separate form shall be used for each candidate nominated. The form shall be signed by both the candidate and the Society nominating the candidate.
2. Each candidate requires 2 nominations and acceptance by Societies.
3. The Nomination and Acceptance form shall be lodged with the Chief Executive Officer of the National Council of SPCAs on or before _____ and may be faxed or posted to P O Box 1320 Alberton 1450. Fax : (011) 907-4013.

ACCEPTANCE OF NOMINATION

I, the undersigned, hereby consent to accept nomination as a candidate for election to the Board of Directors of the National Council of SPCAs for the _____ year.

NAME : _____ Signature _____

ADDRESS : _____

TELEPHONE NO : Home _____ Office _____

DATE : _____

**FILL IN NAME OF
NOMINATED
PERSON**

Eastern Cape and Southern Cape Provincial	1 Candidate	_____
Western Cape and Northern Cape Provincial	1 Candidate	_____
Free State Provincial	1 Candidate	_____
KwaZulu Natal Provincial	1 Candidate	_____
Mpumalanga, Northern Province, Gauteng, North/West Provincial	2 Candidates	_____ _____

- 3 Registered post, courier or hand deliver the ballot paper after clearly marking the envelope in capital letters **'BALLOT PAPER'** and the name of the Society by whom it was sent, addressed to the **Chief Executive Officer** to reach the Chief Executive Officer by not later than _____ to **P O Box 1320 Alberton 1450 or 6 Clark Road, Florentia, Alberton 1449. NO FAXES WILL BE ACCEPTED.**
- 4 Other than the completion of the information required at the top of the form, no marks other than an (X) may be made in the voting area of the ballot paper next to each chosen candidate.
- 5 If a Society is not in good standing or is in breach of any of its other obligations in terms of the SPCA Act 169 of 1993 their vote will be considered spoilt.

Members are hereby warned in terms of the provisions of the Constitution that, should a member vote for more than the stipulated persons or fail to sign the ballot paper, the ballot paper will be invalid.

I, the undersigned, hereby declare that I have not already voted in this election.

SIGNATURE OF MEMBER

DATE

RAADSKENNISGEWING 66 VAN 2004

KONSTITUSIE INSLUITENDE AL DIE BYVOEGINGS EN WYSIGINGS VAN DIE RAADSKENNISGEWING 14 VAN 1995 TOT EN MET DIE DATUM VAN HIERDIE STAATSKOERANT

KONSTITUSIE VAN DIE NASIONALE RAAD VAN DIEREBESKERMINGSVERENIGINGS

1. INTERPRETASIE

(1) In hierdie Konstitusie, tensy die verband anders aandui, beteken -

- "Wet"** die Dierbeskermingsverenigingswet No 169 van 1993;
- "adviserende direkteur"** 'n persoon wat deur die Raad aangestel is as 'n adviserende direkteur van die Raad ingevolge artikel 9 (7) (a);
- "artikel"** die artikels van hierdie Konstitusie;
- "assosiaatslede"** 'n assosiaatslid van die Raad wat deur die Raad toegelaat is ingevolge artikel 5 (4) ;
- "bydrae"** alle bedrae betaalbaar deur 'n Vereniging aan die Raad ingevolge die Wet;
- "Raad"** die Nasionale Raad van Dierbeskermingsverenigings, opgerig deur en kragtens die Wet;
- "afgevaardigde"** 'n natuurlike persoon wat deur 'n Vereniging van goeie naam aangestel is as sy afgevaardigde vir die doeleindes van en ooreenkomstig die bepalings van artikel 6 (1) ;
- "lid"** 'n vereniging geregistreer of geag geregistreer te wees ingevolge artikel 8 van die Wet;
- "van goeie naam"**, met betrekking tot 'n Vereniging, beteken dat sodanige Vereniging, alle bydraes deur hom betaalbaar, tydig betaal het en alle dokumente wat van hom vereis word tydig voorgelê het, en nie sonder regmatige rede in gebreke is van enige van sy ander verpligtinge in terme van die Wet nie.
- "maand"** 'n kalendermaand;
- "Streekraad"** 'n streekraad opgerig ingevolge artikel 4 (2);
- "Hoof Uitvoerende Beampte"** die persoon wat ingevolge artikel 10 (14) aangestel is, en sluit enige persoon in wat aangestel is om die pligte van die Hoof Uitvoerende Beampte uit te voer;

(2) Die woorde wat in artikel 1 van die Wet gedefinieer word, sal in hierdie Konstitusie dieselfde betekenisse besit as wat in artikel 1 van die Wet aan hulle toegeskryf word.

(3) In hierdie Konstitusie, tensy die verband anders aandui, sal -

- (a)** woorde wat die enkelvoud aandui, ook die meervoud omvat en omgekeerd;
- (b)** woorde wat een geslag aandui ook die ander geslag omvat;
- (c)** verwysing na natuurlike persone ook regspersone en omgekeerd aandui.

2. SPESIFIEKE BEVOEGHEDHE VAN DIE RAAD

(1) Vir die bevordering van sy doelwitte, die afdwinging van sy bevoegdhede en regte ingevolge die Wet en die uitvoering van sy pligte ingevolge die Wet, sal die Raad die volgende spesifieke bevoegdhede besit:

- (a)** om in die algemeen die Raad se Fondse aan te wend op enige wyse wat daarop bereken is om die Raad se doelwitte te bevorder en uit te bou, sy bevoegdhede en regte ingevolge die Wet af te dwing en sy pligte ingevolge die Wet te volvoer;
- (b)** om enige eiendom oor te neem, te koop, te huur of andersins te verkry, te hou, te ontwikkel, te verbeter, te bestuur, te verhuur, te verkoop, oor te dra, te ruil, onder verband te plaas, in pand te gee, serwitute, lisensies of ander regte daarvoor te gee of andersins daarmee te handel of enige eiendom of belang daarin, vas of roerend, werklik of persoonlik, tasbaar of ontasbaar, en in enige deel van die wêreld, te belas of te beswaar, en om (met of sonder voorwaarde) subsidies, toekennings, erflatings, skenkings, geskenke, deviese en bemakings van enige sodanige eiendom of belang (insluitende subskripsies en skenkings van kontant en beleggings) te aanvaar, en om

enige geboue, heinings, of ander strukture of werke op enige onroerende eiendom op te rig en te bou, te onderhou of te verwyder;

- (c) om enige kontrak hoegenaamd aan te gaan met betrekking tot die geheel van of enige deel van die eiendom of regte van die Raad;
 - (d) om die gelde van die Raad te belê op sodanige wyse as wat die Raad van tyd tot tyd dienstig mag ag;
 - (e) om geld te leen vir enige doel van die Raad op sodanige voorwaardes as wat dienstig mag voorkom en, indien nodig, om dit te verseker deur verband, pand, belasting, obligasies, skuldbriewe, of ander sekuriteit teen alle of enige eiendom van die Raad, om enige waarborg, borgskap of onderneming aan te gaan, en om aanspreeklikheid te aanvaar vir die skulde en verbintenisse van andere;
 - (f) om rekeninge by banke te open en te bedryf en om promesses, wisselbriewe, obligasies en ander verhandelbare of oordraagbare instrumente of effekte te trek, op te stel, te aanvaar, te endoseer, te verdiskonteer, uit te voer en uit te reik;
 - (g) om enige vereniging of assosiasie, geïnkorporeer of nie, waarvan die doelwitte dieselfde is as die van die Raad of die Verenigings en wat die verdeling van sy inkomste of eiendom onder sy lede verbied behalwe by wyse van vergoeding vir dienste daaraan gelewer of as terugbetaling van uitgawes wat vir sy voordeel aangegaan is, te stig, te subsidieer, te bevorder, daarmee saam te werk of te affilieer, of op te tree as trustees of agente daarvoor, of dit te bestuur of geld of ander bystand daaraan te leen of te skenk;
 - (h) om enige verrigtinge in enige gereghof, kongres, Parlement, raad of enige forum in enige deel van die wêreld te ondersoek, in te stel en te verdedig, en om enige verrigtinge of aansoeke wat bereken skyn te wees om direk of indirek die belange of doelwitte van die Raad in gevaar te stel of te benadeel, teen te staan deur middel van litigasie, gebruik van die media of enige ander wettige metode;
 - (i) om enige indiensnemings- of dienskontrak met enige persoon aan te gaan en om enige mense wat diens aan die Raad lewer, in kontant of andersins te vergoed soos wat dienstig geag mag word;
 - (j) om Verenigings, assosiasies, instansies, fondse en trusts wat daarop bereken is om persone wat direkteure, amptenare of werknemers van die Raad is of was, of wat andersins met die Raad verbind is, of die afhanklikes of verbintenisse van sodanige persone, te bevoordeel, te stig en te onderhou, finansiële of andersins, of om bystand te verleen met die stigting en ondersteuning, finansiële of andersins daarvan, en om pensioene en ander toelaes toe te staan aan enige sodanige persone of hul bogenoemde familieleden, afhanklikes, of verbintenisse en in die algemeen om enige skema of onderneming wat daarop bereken is om enige sodanige persone of hul bogenoemde familieleden, afhanklikes, of verbintenisse te bevoordeel, te onderneem;
 - (k) om alle ander sodanige wettige handeling en dinge te onderneem as wat gepaard gaan met die bogenoemde bevoegdhede of dit bevorder.
- (2) Die bepalinge van artikel 2 (1) is nie allesomvattend nie en sal op geen wyse die Raad se bevoegdhede of regte ingevolge die Wet beperk nie.

3. BRON EN AANWENDING VAN DIE RAAD SE FONDSE

(1) Die Raad sal sy inkomste verkry uit -

(a) Bydraes: Bydraes deur Verenigings sal van tyd tot tyd deur die Raad in algemene vergadering bepaal word. Dit is tans -

(A) 10% van alle voordele ontvang deur 'n Vereniging uit erflatings of nalatingskappe, ander testamentêre bepalings en andersins synde 'n direkte of indirekte gevolg van die dood van 'n persoon.

(B) In die bepaling van die bydraes betaalbaar in navolging van (A) hierbo.

(i) indien 'n *inter vivos* trust of ander *inter vivos*-fasiliteit tot voordeel van 'n Vereniging geskep word en die skepper, skenker of ander weldoener kom te sterwe met die gevolg dat die voordele uit die trust of ander fasiliteit steeds die Vereniging toekom na sodanige afsterwe, van die datum van sodanige afsterwe, sal sodanige voordele geag word voordele te wees wat ontvang is en onderworpe wees aan die bydrae waarna in (A) hierbo verwys is; en

(ii) so lank as wat die voordeel wat die Vereniging ontvang, in die vorm van inkomste is, sal die bydrae bereken word op die inkomste en indien daaropvolgend 'n kapitaal voordeel aan die Vereniging betaal word, sal die bydrae ook bereken word op die kapitaalvoordeel wat deur die Vereniging ontvang is. Sodra die kapitaalvoordeel deur die Vereniging ontvang en die bydrae daarop betaal is, sal daaropvolgende inkomste wat deur die Vereniging uit die belegging van die kapitaalvoordeel verkry word, nie 'n voordeel uitmaak vir doeleindes daarvan om die bydrae beoog in (A) hierbo, te bereken nie.

Alle ledebydraes sal jaarliks agteruit betaal word teen nie later nie as 10 onbelemmerde dae voorafgaande aan die datum van elke algemene jaarvergadering van die Raad en sal vergesel wees van 'n getikte rekonsiliasie van die samestelling van die bedrag wat betaal is;

(b) bydraes deur assosiaatslede sal van tyd tot tyd deur die Raad bepaal word;

(c) fondse wat gewerf is op welke manier ook al wat na eie diskresie aan die Raad beskikbaar is, in terme van die Wet op Organisasies Sonder Winsoogmerk, 1997 (No 71 van 1997).

(d) rente, huur, dividende, winste en alle ander opbrengste op beleggings wat deur die Raad gedoen is of verkry is uit die benutting van sy eiendom;

(e) gelde, heffings of enige ander vergoeding betaalbaar aan die Raad vir dienste gelewer, advies gegee of eiendom wat deur die Raad verkoop is;

(f) donasies, geskenke, jaargelde, erflatings, bemakings of enige ander vorm van testamentêre of ander beskikking, toekenning of voordeel ten gunste van die Raad;

(g) enige ander bron wat beskikbaar is aan die Raad.

(2) Die Raad sal daarop geregtig wees om sy bevoegdheid om bydraes te ontvang, af te koop, tersyde te stel, te laat vaar of te varieer.

(3) Die inkomste en die eiendom van die Raad, van waar ook al verkry, sal alleenlik aangewend word vir die bevordering van die doelwitte van die Raad, die afdwinging van sy bevoegdhede en regte ingevolge die Wet en die uitvoering van sy pligte ingevolge die Wet, en geen deel daarvan sal direk of

indirek betaal of oorgedra word aan die lede by wyse van dividend, bonus of hoegenaamd by wyse van wins nie: Behoudens egter dat niks wat hierin vervat is, die betaling van vergoeding ter goedertrou aan 'n direkteur, amptenaar of dienaar van die Raad of aan enige lid vir dienste gelewer aan die Raad of vir onkoste aangegaan en betaal in die uitvoering van of omsien na die Raad se sake, sal verhoed nie.

(4) Onderworpe aan die Wet sal, indien daar met die likwidasië of ontbinding van die Raad na betaling van al sy skulde en laste, enige eiendom hoegenaamd oorbly, dit nie aan lede betaal of onder hulle verdeel word nie, maar oorgaan na 'n trust wat met ontbinding daargestel is deur die lede toe teenwoordig, of by verstek, deur die Hoofweesheer van die Hooggeregshof van die Republiek van Suid-Afrika of sy opvolger in titel, welke trust verantwoordelik sal wees vir die benutting van die genoemde eiendom tot voordeel van die Verenigings of sodanige ander instansie of instansies met soortgelyke doelwitte soos wat met of voor die ontbinding deur lede bepaal kan word, of, by verstek, deur die Hoofweesheer van die Hooggeregshof van die Republiek van Suid-Afrika of sy opvolger in titel.

(5) (a) Indien enige inkomste of ander voordeel deur die Raad ontvang word of hom toeval as gevolg van die toepassing van artikel 5 (2) van die Wet, sal die Direksie, binne 30 dae van die ontvangs van sodanige voordeel of toevalling, enige Vereniging wat redelik geglo kan word enige eis te hê skriftelik van die besonderhede daarvan verwittig insluitende die laaste bekende adres van die skenker en die waarde of berekende waarde van die voordeel of toevalling;

(b) Indien, met betrekking tot enige dispuut ten opsigte van enige inkomste of ander voordeel ontvang deur of toegeval aan die Raad as gevolg van die toepassing van artikel 5 (2) van die Wet, enige Vereniging binne 30 dae van die datum van kennis deur die Direksie 'n geskrewe verklaring aan die Raad gelewer het van 'n eis waarin die basis waarop en mate waarin 'n Vereniging beweer dat, indien dit nie was vir die bepalings van artikel 5 (2) van die Wet nie, sodanige Vereniging geregtig sou gewees het om die geheel of 'n deel van die voordele ontvang deur of toegeval aan die Raad as gevolg van die toepassing van artikel 5 (2) van die Wet, te ontvang, sal die Raad in konsultasie met die disputerende party of partye 'n komitee saamstel insluitende 'n staatsamptenaar met regsopleiding;

(c) Indien enige Vereniging 'n bemaking ontvang wat nie die ontvangende Vereniging spesifiseer nie sal die ontvangende Vereniging die Direksie binne 30 dae daarvan verwittig;

(6) 'n Komitee wat ingevolge artikel 3 (5) daargestel word, moet -

(a) in sy uitsluitlike diskresie bepaal of enige betaling gedoen of ander voordeel oorgemaak moet word of ander kompensasië gegee moet word aan 'n Vereniging of Verenigings wat 'n uiteensetting van eis ingevolge artikel 3 (5) gelewer het, en indien dit die geval is, moet die komitee na eie diskresie die bedrag, aard, omvang en tydsberekening daarvan bepaal;

(b) in sy uitsluitlike diskresie dit van enige Vereniging vereis of dit toelaat om dokumentêre of mondelinge getuienis aan die komitee te lewer ten einde die komitee by te staan in die uitoefening van sy diskresie;

(c) in sy uitsluitlike diskresie die prosedures wat van toepassing sal wees in verband met die uitoefening van die komitee se diskresie, bepaal;

(d) in sy uitsluitlike diskresie een van sy lede en/of enige derde party aanstel om sodanige ondersoeke te onderneem as wat die komitee mag vasstel en wat die komitee mag beskou as relevant tot die uitoefening van sy diskresie;

(e) sy diskresie met goeie trou teenoor die Raad en die Verenigings se belange uitoefen, maar sal geag word nie arbiters te wees nie;

- (f) nie die Raad aansê om enige bedrag of voordeel ontvang deur of toegeval aan die Raad aan enige Vereniging te betaal of oor te maak nie tensy die eisstaat binne die voorgeskrewe tydperk voorgelê is;
- (g) voortbestaan totdat sodanige komitee sy diskresie hiervolgens uitgeoefen en alle belanghebbende partye skriftelik verwittig het van die besluit wat hy geneem het sonder om verplig te wees om redes te verstrek vir die besluit wat hy geneem het waarna hy outomaties sal ophou om te bestaan.
- (7) Sonder om op enige wyse die gronde te beperk waarop 'n komitee kan besluit dat 'n erflating bedoel is vir 'n spesifieke Vereniging (of spesifieke Verenigings), moet die komitee wat ingevolge artikel 3 (5) daargestel is, in sy beraadslagings, in die afwesigheid van 'n duidelike bedoeling om die Raad te bevoordeel, die volgende kriteria toepas ten einde te bepaal aan wie die erflating toegewys moet word :
- (a) die volgende is aanduidings, tensy die teendeel aangedui word, dat 'n erflating in sy geheel bedoel was vir 'n spesifieke Vereniging :
- (i) indien die oorledene nooit 'n lid van 'n ander Vereniging was nie maar 'n lid was van daardie Vereniging ten tye van sy of haar dood;
 - (ii) indien die oorledene nooit 'n lid was van enige ander Vereniging nie, maar 'n lid was van daardie Vereniging ten tye van die eksekusie van die testamentêre dokument wat die erflating daarstel;
 - (iii) indien die oorledene voor dood 'n lid van daardie Vereniging was en nie 'n lid van 'n ander Vereniging daarna was nie;
 - (iv) indien die oorledene nooit 'n lid was van enige Vereniging nie, maar 'n skenker aan daardie Vereniging was;
 - (v) indien die oorledene nie 'n lid is of was van enige Vereniging nie, maar ooit beduidend deelgeneem het aan die aktiwiteite van daardie Vereniging;
 - (vi) indien die oorledene nie 'n lid is of ooit was van enige Vereniging nie, en nooit deelgeneem het aan die aktiwiteite van daardie Vereniging nie, of hy of sy in die area van die Vereniging gewoon het of nie, maar ooit die dienste van daardie Vereniging benut het;
 - (vii) indien die oorledene nie 'n lid is of was van enige Vereniging nie, nooit deelgeneem het aan die aktiwiteite van daardie Vereniging nie, of hy of sy in die area van die Vereniging gewoon het of nie, en nooit die dienste van daardie Vereniging benut het nie, maar ten tye van die bemaking of dood binne die area van daardie Vereniging gewoon het.
- (b) Die volgende is aanduidings dat die erflating bedoel was, tensy die teenoorgestelde aangetoon word, om gedeel te word deur twee of meer Verenigings (in 'n verhouding wat redelik deur die Komitee bepaal moet word op grond van die getuienis voor hom) :
- (i) die oorledene was lid van twee of meer Verenigings op verskillende tye in sy of haar lewe;
 - (ii) die oorledene was in lewe 'n skenker aan twee of meer Verenigings;
 - (iii) die oorledene het in lewe beduidend deelgeneem aan die aktiwiteite van twee of meer Vereenigings;
 - (iv) in lewe woonagtig was in die areas van twee of meer Verenigings.

- (c) Slegs indien daar geen aanduiding is dat die oorledene bedoel het om 'n Vereniging (of Verenigings) te bevoordeel nie, moet die erflating aan die Raad toegewys word.
- (8) Enige besluite geneem deur 'n komitee wat ingevolge artikel 3 (5) (b) daargestel is, sal finaal wees en sal geag word 'n besluit van die Direksie te wees wat deur die Direksie geïmplimenteer sal word.
- (9) Alle kostes en uitgawes aangegaan in verband met die daarstelling van 'n komitee spruitende uit artikel 3 (5) insluitende die koste en uitgawes spruitende uit alle verrigtinge wat deur sodanige komitee onderneem word, sal betaal word deur die Raad of deur die Vereniging of Verenigings wat uiteensettings van eise ingevolge artikel 3 (5) gelever het, in sodanige verhoudings as wat die komitee in sy diskresie mag voorskryf. Die komitee kan ook bepaal dat rente op die geld, soos voorgeskryf deur die Wet op Voorgeskrewe Rente, Wet No 55 van 1977, betaal moet word van sodanige datum as wat dit geskik ag tot datum van betaling.
- (10) Die komitee waarna ingevolge seksie 3(5) verwys word, sal vergader in die stad of dorp waarin die Vereniging wat die erflating bestry geleë is of, indien meer as een sodanige Vereniging bestaan, in 'n stad of dorp bepaal deur sodanige Verenigings, sodanige stad of dorp te wees 'n stad of dorp waarin die meerderheid van sodanige Verenigings geleë is of, indien geen sodanige meerderheid bestaan nie, 'n stad of dorp waar enige enkele sodanige Vereniging geleë is, soos deur die Verenigings bepaal word of (slegs in geval hulle nie 'n geskikte plek kan bepaal nie) deur die Nasionale Raad, sodanige plek synde een wat geskik is om die grootste gerief van alle partye te verseker.

4. STREEKRADE

(1) Die Raad kan na eie diskresie

- (a) streke binne die Republiek definieer;
- (b) die definisie van enige streek ingevolge artikel 4 (1) (a) terugtrek of wysig.
- (2) Verenigings wat gemagtig of verplig is om hul doelwitte na te volg en hul bevoegdhede en regte uit te oefen en hul pligte geheel of gedeeltelik na te kom in 'n streek wat deur die Raad ingevolge artikel 4 (1) (a) gedefinieer is, kan na eie diskresie 'n Streekraad stig wat sal bestaan uit slegs Verenigings wat gekwalifiseer is om sodanige Streekraad te stig.
- (3) Behoudens die bepalings van artikel 4 (4) kan die lede van 'n Streekraad volgens eie diskresie reëls en pligte wat die verhoudings tussen lede van sodanige Streekraad sal reguleer, voorskryf.
- (4) Die lede van 'n Streekraad sal nie gemagtig wees om enige reëls of pligte ingevolge artikel 4 (3) voor te skryf nie wat
- (a) direk of indirek teenstrydig is met enige bepalings van die Wet, Reëls of hierdie Konstitusie of direk of indirek die uitwerking of potensiële uitwerking het om die afdwinging van die Wet of hierdie Konstitusie of enige van die aktiwiteite van die Raad te belemmer of te beperk nie;
- (b) nie die doelwit of uitwerking het om die doelwitte, regte en bevoegdhede van die Raad en die Verenigings of die volvoering van hul onderskeie pligte ingevolge die Wet en hierdie Konstitusie te bevorder nie;
- (c) op enige wyse die regte van die Verenigings wat lede van die Streekraad is om hul individuele doelwitte, regte, bevoegdhede en pligte na te streef en te volvoer benadeel of beperk nie, insluitende maar nie beperk tot hul reg om 'n afgevaardigde ingevolge artikel 6 (1) aan te stel nie;
- (d) nie voorheen skrikftelik deur die Raad volgens eie diskresie goedgekeur is nie.

5. LEDE

(1) Die lede sal bestaan uit -

- (a) die Verenigings; en
- (b) die direkteure.

(2) Die Raad sal van tyd tot tyd by die belangrikste plek waar hy sake doen, 'n register van lede daarop nhou wat -

- (a) die name van lede sal bevat, hul adresse wat hulle gekies het vir die aflewering van alle kennisgewings en die aanvangs- en verstrykingsdatums van hul lidmaatskap;
- (b) ter insae beskikbaar sal wees op dieselfde wyse en op dieselfde bepalings en voorwaardes as wat *mutatis mutandis* van toepassing is op die lederegister van 'n vereniging sonder winsbejag wat ingevolge die Maatskappywet geïnkorporeer is.

(3) Die lede, direkteure, komiteelede en ander ampsdraers en werknemers van Verenigings sal nie lede van die Raad wees nie en hulle sal nie enige van die regte of bevoegdhede van 'n lid geniet of geregtig wees om dit af te dwing nie aangesien alle regte en bevoegdhede van 'n Vereniging slegs deur 'n Vereniging deur die optrede van sy afgevaardigde op 'n algemene vergadering uitgeoefen kan word.

(4) Die Direksie sal geregtig wees om volgens eie diskresie assosiaatlede toe te laat. 'n assosiaatlid sal -

- (a) nie 'n lid wees nie;
- (b) sodanige regte en bevoegdhede geniet as wat die Raad in algemene vergadering kan toelaat: Behoudens dat 'n Assosiaatlid nie enige stemreg op 'n algemene vergadering van die Raad sal hê nie;
- (c) onderworpe wees aan uitsetting as sodanig volgens diskresie van die Raad in algemene vergadering.

6. LEDE SE STEMME

(1) Elke Vereniging van goeie naam wat verteenwoordig wens te word op 'n algemene vergadering van die Raad sal nie minder nie as 96 uur voor die tyd wat vir sodanige vergadering bepaal is, by sodanige plek en persoon as wat deur die direkteure bepaal mag word (wat sal toesien dat hierdie besonderhede in die kennis van vergadering vervat is) 'n instrument in die fonnaat wat deur die Direksie voorgeskryf is, indien, wat namens hom geteken is deur nie minder as twee behoorlik gemagtigde persone, om sy afgevaardigde aan te stel nie.

(2) 'n Vereniging sal nie bevoeg wees om op enige algemene vergadering van die Raad anders as deur sy afgevaardigde te stem nie, en die Raad sal geregtig wees om enige ander voorgegewe stem deur 'n Vereniging te ignoreer.

(3) Vir die doeleindes van alle besluite wat deur die Raad op 'n algemene vergadering geneem sal word, sal -

- (a) elke afgevaardigde een stem hê;
- (b) elke afgevaardigde sal in 'n hoofdelike stemming slegs een stem hê ongeag die aantal Verenigings wat hy verteenwoordig;

(c) elke afgevaardigde in 'n stemming met stembrieffies so veel stemme hê as die aantal Verenigings wat hy verteenwoordig.

(4) Op enige algemene vergadering sal 'n besluit wat vir stemming aan die vergadering voorgelê word, beslis word in 'n hoofdelike stemming, tensy 'n stemming met stembrieffies (voor of met verklaring van die uitslag) aangevra word. In geval van 'n staking van stemme, met 'n hoofdelike stemming of 'n stemming met stembrieffies, sal die voorsitter geregtig wees op 'n tweede of beslissende stem benewens sy gewone stem.

7. ALGEMENE VERGADERINGS

(1) Alle vergaderings van die lede sal algemene vergaderings genoem word.

(2) 'n Algemene vergadering van die Raad, bekend as die algemene jaarvergadering, sal een keer elke kalenderjaar gehou word op 'n tyd en plek wat deur die Direksie bepaal word.

(3) Die Direksie kan te enige tyd, en sal, binne 14 dae, na ontvangs van 'n skriftelike aansoek deur nie minder nie as 15 lede van goeie naam, kennis gee om 'n buitengewone algemene vergadering te belê om binne sestig dae na ontvangs van sodanige aansoek op sodanige tyd en plek gehou te word as wat die Direksie sal bepaal.

(4) Nie minder nie as 28 dae skriftelike kennis wat die plek, die dag, en die uur wat vasgestel is vir algemene vergaderings spesifiseer asook, in die geval van gewone of spesiale besluite wat daartydens oorweeg sal word, die volle teks van sodanige besluite en, in die geval van spesiale sake wat daarop afgehandel staan te word, die algemene aard van sodanige sake, sal gegee word aan die lede van goeie naam maar die nie-ontvangs van sodanige kennis deur enige lid, sal nie die verrigtinge op enige algemene vergadering ongeldig maak nie.

8. VERRIGTINGE OP ALGEMENE VERGADERINGS

(1) Die algemene jaarvergadering sal alle sake wat deur die Maatskappywet voorgeskryf word vir afhandeling deur 'n vereniging sonder winsbejag op sy jaarvergadering, afhandel, insluitende oorweging van die finansiële jaarstate, die aankondiging van direkteure en die aanstelling van 'n ouditeur, en kan ander sake wat aan hom voorgelê word, afhandel wat geag sal word spesiale sake te wees. Alle sake wat aan enige ander algemene vergadering voorgelê word, sal geag word spesiale sake te wees.

(2) Op 'n algemene jaarvergadering sal 10 afgevaardigdes wat teenwoordig is, 'n kworum wees. Indien daar binne 'n halfuur na die tyd neergelê vir die vergadering nie 'n kworum teenwoordig is nie, sal die vergadering verdaag word vir een uur en indien by sodanige verdaagde vergadering 'n kworum nie teenwoordig is nie, sal die afgevaardigdes teenwoordig 'n kworum wees.

(3) Op 'n algemene vergadering wat op versoek van lede ingevolge artikel 7 (3) belê is, moet die 15 lede wat die vergadering aangevra het, persoonlik teenwoordig wees en sal hulle 'n kworum wees, en indien hierdie getal nie binne 'n halfuur na die tyd wat vir die vergadering bepaal is, teenwoordig is nie, sal die vergadering ontbind word.

(4) Die voorsitter van die Direksie sal voorgaan as voorsitter op algemene vergaderings van die Raad.

(5) Indien daar geen sodanige voorsitter is nie, of indien hy op enige vergadering nie teenwoordig is binne 15 minute na die tyd wat bepaal is vir die hou van die vergadering nie, of indien hy onwillig is om op te tree as voorsitter, sal die afgevaardigdes wat teenwoordig is, een uit hul geledere kies om voorsitter van die vergadering te wees.

(6) Die voorsitter kan met die toestemming van enige vergadering waarop 'n kworum teenwoordig is (en sal indien so bepaal deur die vergadering), die vergadering van tyd tot tyd en plek tot plek verdaag,

maar geen sake sal afgehandel word op enige verdaagde vergadering anders as die sake wat onafgehandel gelaat is op die vergadering vanwaar die verdaging plaasgevind het nie.

9. BESTUUR

- (1) Tensy andersins uitdruklik voorvoorsiening gemaak in die Wet of hierdie Konstitusie sal alle besluite van die Raad deur die Direksie uitgevoer, bestuur, beheer en geadministreer word.
- (2) Die Direksie sal bestaan uit -
- (a) drie direkteure waarvan elk die dienende voorsitter of by verstek 'n genomineerde van elk van die Primêre Verenigings (soos verder hierin bepaal) sal wees;
 - (b) twee direkteure genomineer deur 'n eenvoudige meerderheid van die stemme van die afgevaardigdes van al die Verenigings wie se aktiwiteite primêr binne die Provinsies Mpumalanga, Noord, Noordwes en Gauteng onderneem word;
 - (c) twee direkteure genomineer deur 'n eenvoudige meerderheid van die stemme van die afgevaardigdes van al die Verenigings wie se aktiwiteite primêr binne die Provinsies Oos-Kaap, NoordKaap en Wes-Kaap onderneem word. Een direkteur sal verantwoordelik wees vir die Oos-Kaap en die ander sal verantwoordelik wees vir die Wes- en Noord-Kaap.
 - (d) een direkteur genomineer deur 'n eenvoudige meerderheid van die stemme van die afgevaardigdes van al die Verenigings wie se aktiwiteite primêr binne die Provinsie Kwa-Zulu/Natal onderneem word;
 - (e) een direkteur genomineer deur 'n eenvoudige meerderheid van die stemme van die afgevaardigdes van al die Verenigings wie se aktiwiteite primêr binne die Provinsie die Vrystaat onderneem word;
 - (f) een direkteur genomineer deur die Direksie gedurende die eerste vergadering;
 - (g) een direkteur deur die Minister van Landbou genomineer;
- Aantekening :** Provinsiale direkteure mag nie lede van 'n verskanste Vereniging wees nie
- (h) die Uitvoerende Amptenaar van die Raad, wat in die diskresie van die Direksie 'n direkteur met volle stemreg kan wees en met die titel: "Uitvoerende Direkteur".
- (3) (a) Met uitsondering van die Hoof Uitvoerende Beampte en enige ander direkteur wat deur die minister genomineer word, sal slegs persone van goeie naam in 'n Vereniging van goeie naam en wat permanent in Suid-Afrika woonagtig is, benoembaar wees vir aanstelling as direkteure;
- (b) Die Hoof Uitvoerende Beampte sal, minstens 4 weke voor die benoemingsdatum, 'n kennisgewing aan alle Verenigings stuur om nominasies van kandidate vir verkiesing tot die Direksie te versoek;
 - (c) Die kennisgewing sal die aantal vakatures in die Direksie waarvoor benoemings nodig is, spesifiseer, asook die datum waarteen alle nominasies ontvang moet wees;
 - (d) Elke Vereniging sal geregtig wees om soveel kandidate te nomineer as wat daar vakatures is;
 - (e) Die nominasievorm sal in die vorm wees soos uiteengesit in Bylae "A" hierby, en 'n aparte vorm moet vir elke kandidaat gebruik word. Die vorm moet geteken word deur beide die kandidaat en die twee Verenigings wat hom nomineer;

- (f) Indien die persone wat so genomineer word, nie meer is as die aantal vakatures wat beskikbaar is nie, sal hulle beskou word as behoorlik verkose te wees as direkteure van die Direksie.
 - (g) Indien die aantal genomineerde kandidate op nominasiedag die aantal vakatures oorskry, sal die Hoof Uitvoerende Beampte 'n verkiesing uitroep, en sal hy toesien dat stembriewe per geregisteerde pos, ten minste ses weke voor die verkiesingsdag, aan alle Verenigings gestuur word;
 - (h) Op enige gegewe tyd sal daar nie minder as 12 direkteure op die Direksie van die Raad dien nie.
- (4) (a)** Stembriewe sal in die vorm wees van Bylae "B" hierby, en sal -
- (i) uitgestuur word nie later as 30 dae na nominasiedag nie;
 - (ii) die volledige name van elke kandidaat bevat;
 - (iii) stipuleer -

dat dit 'n stembrief is vir verkiesing van direkteure in die Direksie; en hoeveel direkteure met daardie verkiesing tot die Direksie verkies sal word;
 - (iv) vergesel wees van stemaanduidings, wat sal aandui watter prosedure 'n Vereniging moet volg om sy stem uit te bring en sy stembrief aan die Hoof Uitvoerende Beampte terug te besorg;
 - (v) die aantal vakatures wat gevul moet word, spesifiseer;
 - (vi) die datum spesifiseer waarop die stembrief deur die Hoof Uitvoerende Beampte ontvang moet word;
 - (vii) die besonderhede van die stemmende Vereniging bevat.
- (b) Indien die Hoof Uitvoerende Beampte, na oorweging van 'n skriftelike aansoek deur die betrokke Vereniging, oortuig is dat die stembrief verlore is, sal hy 'n nuwe stembrief aan daardie Vereniging uitreik;
 - (c) Elke Vereniging sal daarop geregtig wees om vir soveel kandidate te stem as wat op die stembrief gespesifiseer is;
 - (d) Die aantal direkteure wat verkies moet word, beide provinsiaal en anders, is soos op die stembrief aangedui;
 - (e) 'n Vereniging mag slegs een stem uitbring ten gunste van die kandidate wat hulle verkies en mag slegs stem ten opsigte van sy provinsiale direkteur wat sy eie provinsie sal verteenwoordig;
 - (f) Behalwe vir die voltooiing van die inligting vereis bo aan die vorm, mag geen ander merke as 'n kruis (X) in die stemgedeelte van die stembrief langs elke kandidaat wat verkies word, aangebring word nie.
 - (g) Die stembrief sal per geregisteerde pos gestuur of afgelewer word op 'n wyse wat sal verseker dat dit die Hoof Uitvoerende Beampte voor 16h00 op die verkiesingsdag sal bereik;
 - (h) Die Hoof Uitvoerende Beampte sal so spoedig moontlik na die datum waarop die stembriewe uitgereik is, 'n stembus vir die verkiesing voorberei;

- (i) Die stembus sal voorberei word deur dit, terwyl dit leeg is, deur 'n Kommissaris van Ede op so 'n wyse te laat verseël dat enige koevert wat daarin geplaas word, slegs verwyder kan word deur die betrokke seël te breek;
- (j) Sodanige Kommissaris van Ede sal die Hoof Uitvoerende Beampte voorsien van 'n geskrewe verklaring met betrekking tot die verseëling van die stembus;
- (k) Die stembus wat aldus verseël is sal, totdat dit ingevolge hierdie regulasies oopgemaak word, deur die Hoof Uitvoerende Beampte op 'n wyse gehou word wat sal verseker dat toegang daartoe verkry kan word slegs om koeverte vir die betrokke verkiesing daarin te plaas;
- (l) 'n Stembrief sal deur die Hoof Uitvoerende Beampte verwerp word indien -
 - (i) die koevert waarin dit is, nie duidelik met die woord "STEMBRIEF" en die naam van die Vereniging wat dit ingestuur het, gemerk is nie;
 - (ii) dit nie vervat is in 'n verseëelde koevert wanneer dit deur die Hoof Uitvoerende Beampte ontvang word nie;
 - (iii) Die Vereniging van wie die stembrief ontvang word -
 - (a) nie 'n Vereniging van goeie naam is nie; of
 - (b) klaar gestem het;
 - (iv) 'n kruis wat daarop gemaak is die buitelyne van 'n vierkant op die stembrief so ver oorskry dat dit nie vir die Hoof Uitvoerende Beampte moontlik is om met 'n redelike mate van sekerheid vas te stel ten gunste van watter kandidaat die betrokke stem uitgebring is nie;
 - (v) dit enige merke in die stemarea bevat anders as die kruise waarna in regulasie 4 (f) verwys word; of
 - (vi) die aantal kandidate teenoor wie se name kruise aangebring is, die aantal direkteure van die Direksie wat verkies moet word, oorskry.
- (m) Indien 'n stembrief na 16h00 op die stembdag van die verkiesing deur die Hoof Uitvoerende Beampte ontvang word, die koevert waarin dit is nie oopgemaak sal word nie, en sal gehou word vir verifikasie;
- (n) Die Hoof Uitvoerende Beampte sal -
 - (i) elke koevert ondersoek om vas te stel of die woord "STEMBRIEF" duidelik daarop geskryf is, en die datum en tyd waarop dit ontvang is, op die koevert aanbring;
 - (ii) in 'n geskikte lys wat hy vir die doel opstel, die feit aanteken dat die Vereniging gestem het; en
 - (iii) daarna sodanige koevert in die stembus plaas.
- (o) Indien die Hoof Uitvoerende Beampte oortuig is dat 'n stembrief verwerp moet word op enige van die gronde waarna in regulasie 4(l) en (m) verwys word, sal hy die koevert waarin sodanige stembrief vervat is, met die woord "Bederf" endosseer en die nommer van die regulasie in terme waarvan dit verwerp is, daarop aanbring;

- (p) Die Hoof Uitvoerende Beampte sal so spoedig moontlik na 08h30 op die eerste werksdag volgende op die verkiesingsdag, die seël van die stembus breek en die inhoud van die stembus daaruit verwyder in 'n kamer -
- (i) waarin daar geen ongebruikte stembriewe vir die verkiesing is nie; en
 - (ii) waartoe slegs by en 'n verteenwoordiger wat deur die organisasie se ouditeure benoem is, toegang het.
- (q) Nadat die seël van die stembus gebreek is sal niemand -
- (i) enige ongebruikte stembrief vir die betrokke verkiesing of 'n stembrief wat deur die Hoof Uitvoerende Beampte na sluitingstyd op die stemdag ontvang is, die kamer binnebring nie; of
 - (ii) enige koevert of stembrief wat uit die stembus gehaal is, uit die kamer verwyder nie, voordat die resultaat van die verkiesing vasgestel is nie.
- (r) Die Hoof Uitvoerende Beampte sal die koeverte wat uit die stembus verwyder is, verdeel in dié wat gemerk is "Bederf" en dié wat nie so gemerk is nie, en sal daarna laasgenoemde koeverte oopmaak en die stembriewe wat daarin is, ondersoek;
- (s) Indien die Hoof Uitvoerende Beampte oortuig is dat 'n stembrief verwerp moet word op enige van die gronde waarna verwys word in regulasie 4 (n) en (o) sal hy -
- (i) die betrokke stembrief en die koevert waarin dit was met die word "Bederf" endosseer en die nommer van die regulasie ingevolge waarvan dit verwerp is, daarop aanbring; en
 - (ii) die stembrief terugplaas in die betrokke koevert en daarna hou by die ander koeverte wat reeds ingevolge regulasie 4 (o) geëndosseer is.
- (t) Sodra die Hoof Uitvoerende Beampte die geldigheid van die stembriewe bepaal het, sal hy die stembriewe wat nie verwerp is nie, gebruik om die aantal stemme te bepaal wat ten gunste van elke kandidaat tydens die verkiesing uitgebring is;
- (u) Kandidate wat vir verkiesing genomineer is as streekdirekteure sal, indien onsuksesvol, oorweeg word vir verkiesing as gewone direkteure, en die stemme in hul guns sal as sodanig getel word;
- (v) Onderworpe aan die bepalings van regulasie 9 2(b) - (c), sal die vakatures in die Direksie, waarvoor direkteure verkies moet word, gevul word deur daardie kandidate ten gunste van wie, in numeriese orde, die hoogste aantal stemme uitgebring is;
- (w) Indien die Hoof Uitvoerende Beampte vasstel dat 'n gelyke aantal stemme vir twee of meer kandidate uitgebring is tydens 'n verkiesing, sal hy onmiddellik deur middel van die lot bepaal welke van daardie kandidate beskou word as verkose;
- (x) Die Hoof Uitvoerende Beampte sal so spoedig moontlik na die stemme getel is die volle name van persone wat verkies is tot direkteure in die Direksie, aan alle Verenigings stuur;
- (y) Die Hoof Uitvoerende Beampte sal elke persoon wat so verkies is, skriftelik in kennis stel van sy verkiesing tot 'n direkteur in die Direksie;
- (z) Die Hoof Uitvoerende Beampte sal so spoedig moontlik nadat 'n vakature vir 'n verkose direkteur in die Direksie ingevolge hierdie regulasies gevul is, alle dokumente wat betrekking het op die

betrokke verkiesing saambind in aparte pakkies wat behoorlik gemerk is, en hulle daarna saam verseël in 'n pakkie gemerk met die woorde "Verkiesingsdokumente" en die datums van die betrokke nominasiedag en verkiesingsdag.

- (4) (aa) Hierdie pakkie sal deur die Hoof Uitvoerende Beampte ongeopen bewaar word vir 'n tydperk van minstens drie jaar na die stemming, tensy hy anders opdrag gegee word deur 'n bevoegde hof;
- (bb) Die Hoof Uitvoerende Beampte sal, so spoedig moontlik na 'n verkiesing gehou is, aan die Direksie verslag doen oor -
- (i) die aantal persone wat genomineer is as kandidate in die betrokke verkiesing;
 - (ii) die aantal nominasies wat hy geweier het om te aanvaar en die redes vir sodanige weiering; en
 - (iii) die aantal stembriewe -
- (a) wat hy uitgereik het vir die betrokke verkiesing;
 - (b) wat aan hom voorgelê is;
 - (c) wat verwerp is om elk van die redes waarna in regulasie 4 verwys word.
- (cc) Geen persoon sal enige besonderhede in verband met die uitslag van 'n verkiesing, behalwe daardie waarna in regulasies 4 (x) en 4 (bb) verwys word, bekend maak, behalwe in navolging van die Wet of indien hy daartoe opdrag gegee word deur 'n bevoegde hof nie.
- (5) Tensy die direkteure van hul ampte onthef word op 'n algemene vergadering belê op versoek van lede ingevolge artikel 7 (3), sal die direkteure in hul ampte aanbly van die sluiting van die algemene vergadering waartydens hulle aangestel is tot die sluiting van die volgende algemene vergadering.
- (6) Die direkteure sal benoembaar wees vir heraanstelling.
- (7) Die Direksie mag na eie diskresie -
- (a) adviserende direkteure aanstel om sodanige pligte te volvoer as wat die Direksie bepaal;
 - (b) enige persoon wat hy geskik ag na sy vergaderings nooi om dit by te woon en toe te spreek in 'n adviserende of enige ander hoedanigheid maar sodanige persoon sal nie 'n direkteur wees nie;
 - (c) te enige tyd by wyse van prokureursvolmag enige persoon hoegenaamd aanstel om die prokureur en agent vir die Raad te wees vir sodanige doeleindes en met sodanige bevoegdhede, magtigings en diskresies (wat nie dié wat by die direkteure berus of deur hulle uitoefenbaar is, te bowe gaan nie) en vir sodanige tydperk en onderworpe aan sodanige voorwaardes as wat hulle mag goedgevind, en met die reg om die geheel of 'n deel van die bevoegdhede, magtigings en diskresies wat by hom berus, aan enige ander persoon te deleger.
- (8) Op sy eerste vergadering sal die Direksie uit die direkteure 'n voorsitter van die Direksie verkies wat as sodanig sal dien vir die duur van sy ampstermyn as 'n direkteur. Geen direkteur sal benoembaar wees vir verkiesing as voorsitter indien hy aaneenlopend vir die vier voorafgaande jare as sodanig gedien het nie.

- (9) Die direkteure wat ingevolge klousule 9 (4) hierbo aangestel is, sal uit hul eie geledere by wyse van 'n meerderheidstem, 2 (twee) mede-ondervoorsitters aanstel indien nodig, asook 'n finansiële direkteur van die Direksie.
- (10) 'n Bestuurskomitee van nie minder as vyf in getal nie, sal deur die Direksie aangestel word en sal die voorsitter, die visevoorsitters en die finansiële direkteur en Hoof Uitvoerende Beampte insluit. Indien die Hoof Uitvoerende Beampte nie 'n direkteur is nie, sal hy nie stemgeregtig wees nie.
- (11) Die bestuurskomitee sal verantwoordelik wees vir die Raad se sake en al die regte en bevoegdhede wat nodig of bykomstig is om hom in staat te stel om sy verantwoordelikheid na te kom, sal by hom berus en die bestuurskomitee kan enige ander direkteur koöpteer as bykomende lede van die bestuurskomitee wat hul ampte sal beklee van die datum van koöptering tot die afloop van die daaropvolgende algemene jaarvergadering.
- (12) 'n Adviserende direkteur sal -
- (a) nie 'n direkteur wees nie;
 - (b) sodanige regte en bevoegdhede geniet as wat die Direksie mag toestaan: Behoudens dat 'n adviserende direkteur nie enige stemreg op 'n vergadering van die Direksie sal geniet nie;
 - (c) onderworpe wees aan ontheffing uit sy amp volgens die Direksie se diskresie.
- (13) Die primêre Verenigings sal bestaan uit elk van die vyf Verenigings wie se jaarlike geouditeerde uitgawe behoorlik aangegaan ten opsigte van salarisse en lone meer is as die soortgelyke uitgawe en betaling deur die oorblywende Verenigings vir die ooreenstemmende tydperk : Behoudens dat -
- (a) indien daar 'n dispuut is oor die berekening van sodanige uitgawe of oor dit behoorlik aangegaan of betaal is of enige ander dispuut betreffende die kwalifikasie of identifisering van primêre verenigings, 'n bepaling in daardie verband deur die dienende ouditeure van die Raad finaal en bindend sal wees en in die lewering van sodanige bepaling hulle sal optree as kundiges, nie as arbiters nie; en
 - (b) onderworpe aan (a) hierbo die primêre verenigings jaarliks deur die geïdentifiseer sal word met aanvang van elke jaarlikse algemene vergadering van die Raad, en sodanige bepaling van krag sal bly tot die volgende algemene jaarlikse vergadering van die Raad ; en
 - (c) die bepaling deur die Direksie ingevolge (b) hierbo gebaseer sal wees op die jongste geouditeerde finansiële jaarstate van die Verenigings gelewer deur die Verenigings aan die Raad; en
 - (d) indien 'n Vereniging se jongste geouditeerde finansiële jaarstate waarop die Direksie hom verlaat ingevolge (c) hierbo, betrekking het op slegs 'n deel van 'n jaar, kan die Direksie, met inagneming van die redes vir sodanige gedeeltelike audit, die inhoud van sodanige finansiële state ekstrapoleer asof hulle van toepassing is op die hele jaar onder oorweging of die Direksie kan sodanige toepaslike voorsiening maak of kwalifikasie daarstel met betrekking tot die ongeouditeerde periode as wat die Direksie paslik ag; en
 - (e) die primêre Verenigings sal deur die Direksie bepaal word in volgorde van hul besteding en indien daar 'n gelyke besteding is, sal die Direksie sy alleendiskresie uitoefen om te bepaal welke van die Verenigings wie se uitgawes gelyk is, die primêre Verenigings sal wees.
- (14) Geen persoon wat 'n direkteur of komiteelid of enige ampsdraer van enige organisasie is wat na mening van die Direksie 'n dierewelsynsorganisasie is nie, behalwe 'n Vereniging, sal benoembaar wees om as 'n direkteur op te tree nie.

10. VERRIGTINGE VAN DIE DIREKSIE

- (1) Die Direksie sal vergader om besigheid af te handel wanneer dit ookal nodig is en mag sy vergaderings na goeddunke andersins verdaag of reguleer.
- (2) 'n Direkteur wat afwesig is uit die Republiek sal nie geregtig wees op ontvangs van kennis van 'n vergadering van die Direksie nie.
- (3) Besluite van die Direksie sal beslis word deur 'n eenvoudige meerderheid van stemme. In geval van 'n staking van stemme, sal die voorsitter 'n tweede of beslissende stem hê.
- (4) Op skriftelike versoek van drie direkteure sal die Hoof Uitvoerende Beampte 'n vergadering van die Direksie belê om binne 21 dae gehou te word. Die kennis van sodanige vergadering sal die besondere sake wat daarop afgehandel sal word, vermeld.
- (5) Vyf teenwoordige direkteure sal 'n kworum wees vir enige sakevergadering van die Direksie.
- (6) In geval van 'n vakature wat om enige rede hoegenaamd in die Direksie voorkom, mag die oorblywende Direkteure, met inagneming van die samestelling van die Direksie, soos uiteengesit in artikel 9 (3) en soos wat hulle nodig mag ag, 'n persoon met geskikte kwalifikasies ingevolge artikel 9 (3) nooi om die amp te aanvaar wat, indien dit aanvaar word, bekleed sal word tot die sluiting van die volgende algemene jaarvergadering.
- (7) Die direkteure kan nieteenstaande enige vakature in hul geledere optree, maar indien en vir solank as wat hul getalle verminder is tot onder die aantal vasgestel deur of spruitende uit hierdie artikels as die nodige kworum van Direksie, mag die direkteure optree vir die doel daarvan om die aantal direkteure tot daardie getal te vermeerder, of om 'n algemene vergadering van die Raad te belê, maar vir geen ander doel nie.
- (8) As 'n voorsitter van die Direksie nie verkies is nie, of as hy nie binne 15 minute van die tyd wat bepaal is vir 'n vergadering van die Direksie teenwoordig is nie, sal die vise-voorsitters wat teenwoordig is een uit hul geledere aanwys om voor te gaan op die vergadering, of indien daar geen vise-voorsitter teenwoordig is nie, sal die Direksie 'n voorsitter aanwys vir daardie vergadering.
- (9) Die Direksie kan enige van hul bevoegdhede deleger aan komitees bestaande uit sodanige direkteure as wat hulle mag goeddunk; enige komitee wat so saamgestel word sal, in die uitoefening van die bevoegdhede so gedelegeer, voldoen aan alle regulasies wat hom deur die Direksie opgelê mag word.
- (10) 'n Komitee sal 'n voorsitter vir sy vergaderings kies; indien die voorsitter op enige vergadering nie teenwoordig is binne vyf minute na die tyd wat vir die hou daarvan bepaal is nie, kan die lede wat teenwoordig is een uit hul geledere kies om die voorsitter van die vergadering te wees.
- (11) Die komitee kan vergader en verdaag soos wat behoorlik geag word. Mosies wat aan enige vergadering voorgelê word, sal beslis word deur 'n eenvoudige meerderheid van stemme van diene wat daarop teenwoordig is.
- (12) Alle optredes deur die Direksie of deur 'n komitee daarvan, of deur enige direkteur, sal, nieteenstaande dat daar agterna ontdek word dat daar 'n fout was in die aanstelling van sodanige Direksie, komitee of direkteur of dat hulle of enige van hulle gediskwalifiseer was, so geldig wees asof sodanige persoon behoorlik aangestel en gekwalifiseer was om 'n direkteur of 'n komiteelid te wees.
- (13) Die Direksie, of enige komitee wat daardeur aangestel is, kan enige vraagstuk telefonies beslis of deur die voorlegging per geregistreerde pos, aflewering per hand of telefaks aan elke direkteur of komiteelid, soos wat die geval mag wees, van 'n skriftelike voorstel identies uiteengesit en 'n geskrewe notule van enige sodanige telefoniese besluit gekontroleer as sodanig deur 'n handtekening van die

voorsitter van die Direksie of die komitee, of die Hoof Uitvoerende Beampte soos die geval mag wees, of die getekende aanvaarding van so 'n voorlegging deur 'n meerderheid van sodanige direkteure of komiteelede sal geag word 'n besluit te wees wat op 'n behoorlike gekonstitueerde vergadering geneem is en sal as sodanig aangeteken word in die notules van die volgende vergadering van die Direksie of die komitee.

(14) Die Direksie sal verantwoordelik wees vir die aanstelling van 'n Hoof Uitvoerende Beampte van die Raad, asook alle ander betaalde ampsdraers, inspekteurs en dienaars; en sal reëls aanvaar om hul pligte en diensvoorwaardes te reguleer, en hy mag na eie diskresie sodanige reëls wysig en aanstellings beëindig.

11. DISKWALIFISERING VAN DIREKTEURE

Die amp van 'n direkteur sal ontruim word indien sodanige direkteur -

- (a)** gediskwalifiseer is van ampsbekleding as 'n direkteur van 'n maatskappy ingevolge artikel 218 van die Maatskappywet;
- (b)** uit sy amp bedank deur skriftelike kennis aan die Raad te gee;
- (c)** afwesig is van drie agtereenvolgende vergaderings van die Direksie sonder dat spesiale afwesigheidsverlof vooraf by die Direksie aangevra en daarvan verkry is, behoudens dat sodanige drie vergaderings nie binne 'n tydperk van een maand gehou word nie;
- (d)** die genomineerde is van 'n Vereniging en dat sodanige Vereniging sodanige nominering onttrek of ophou om 'n Vereniging te wees; of
- (e)** synde nie deur die Minister genomineer of die uitvoerende direkteur nie, ophou om 'n lid van goeie naam van 'n Vereniging te wees.

12. REKORDS

(1) Die direkteure sal toesien dat rekords gehou word -

- (a)** van die name en adresse van alle Verenigings;
 - (b)** van alle aanstellings van ampsdraers en inspekteurs wat deur die Direksie gedoen is;
 - (c)** van die direkteure teenwoordig op elke vergadering van die Direksie en van enige komitee van die direkteure;
 - (d)** van al die besluite en verrigtinge op vergaderings van die Raad, van die Direksie, en van enige komitee van die direkteure.
- (2)** Elke direkteur wat 'n vergadering van die Direksie bywoon, sal sy naam in 'n bywoningsregister teken, en indien dit so deur die direkteure voorgeskryf word, sal lede van enige komitee wat deur die Direksie aangestel is op 'n soortgelyke wyse bywoning van vergaderings van sodanige komitee aanteken.

13. REKENINGE

(1) (a) Die direkteure sal toesien dat ware rekeninge gehou word van alle gelde en eiendom wat deur die Raad ontvang en bestee en beskik word en van die aangeleentheid ten opsigte waarvan sodanige ontvangste, bestedings en beskikking plaasvind en ook van die bates en laste van die Raad.

- (b)** Rekeningkundige rekords van die Raad sal in alle opsigte voldoen aan die betrokke vereistes van die Wet op Organisasies Sonder Winsoogmerk, 1997 (No 71 van 1997), en die Maatskappywet asof die Raad 'n maatskappy nie vir winsbejag is nie.

- (c) Die boekjaar van die Raad sal op 31 Maart van elke jaar sluit.
- (2) Die rekeningstate van die Raad sal by die Raad se belangrikste sakeplek of op enige ander plek of plekke soos wat die direkteure sal bepaal, gehou word en sal te alle redelike tye aan die direkteure ter insae beskikbaar wees.
- (3) Die direkteure sal van tyd tot tyd bepaal op welke tye en plekke en onder welke voorwaardes en regulasies sodanige rekeninge en boeke of enige daarvan ter insae beskikbaar sal wees aan die Verenigings.
- (4) Die handtekening van die Hoof Uitvoerende Beamppte of enige ander beamppte van die Raad, behoorlik gemagtig deur die direkteure, sal 'n voldoende kwitansie wees vir alle gelde wat namens die Raad ontvang word. Alle tjeks, wissels, promesses en alle kontrakte, bevoegdhede en instrumente wat in die verloop van die gewone sake van die Raad onderteken moet word, sal onderteken word deur nie minder nie as twee persone wat daartoe gemagtig is deur 'n besluit van die direkteure of in die afwesigheid van sodanige besluit, deur die voorsitter en die Hoof Uitvoerende Beamppte, of indien daar geen Hoof Uitvoerende Beamppte is nie, deur die voorsitter en een ander direkteur.
- (5) Op elke algemene vergadering sal 'n ouditeur of ouditeure aangestel word om die rekeninge van die Raad in geheel te ouditeer. Elke ouditeur wat so aangestel word sal benoembaar wees vir heraanstelling. Hy moet geregistreer wees ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs en sal nie 'n direkteur wees af enige amp onder die Raad beklee anders as die van ouditeur nie. Die vergoeding van die ouditeure ten opsigte van die vorige jaar se audit sal op elke algemene jaarvergadering bepaal word.
- (6) Die rekeninge van die Raad sal deur die direkteure nagegaan en goedgekeur word voor sirkulasie onder lede.
- (7) 'n Jaarlikse verslag van die bedrywighede van die Raad, tesame met die geouditeerde balansstaat en rekeningstaat wat die Raad se finansiële posisie aan die einde van die vorige jaar verteenwoordig, sal deur die direkteure op elke algemene jaarvergadering voorgelê word, en sal minstens 28 onbelemmerde dae voor die vergadering per pos aan lede van die Raad gestuur word.

14. WYSIGINGS

- (1) Hierdie Konstitusie mag slegs op 'n algemene vergadering gewysig word. Die voorgestelde wysigings moet deel vorm van die kennis van vergadering.
- (2) Die Verenigings mag hierdie Konstitusie in algemene vergadering wysig : Behoudens dat -
- (a) sodanige wysiging nie bots met die bepalings van die Wet of dit beperk of die implementasie daarvan aan bande lê nie ; en
- (b) minstens tweederdes van die stemme beskikbaar aan lede uitgebring is ten gunste van die wysiging; en
- (c) die wysiging nie van krag sal word voor die verloop van 60 dae na die publikasie van kennis van die voorgestelde wysiging in die *Staatskoerant* nie.

BYLAAG 'A'

Nom/Datum

**KENNISGEWING VIR NOMINASIE VAN KANDIDATE VIR
VERKIESING TOT DIE NASIONALE RAAD VAN DBVs SE DIREKSIE**

Ingevolge Artikel 9 van die Konstitusie vra ons nominasies aan van kandidate om in die _____ jaar in die Direksie van die Nasionale Raad te dien. Nominasies vir die volgende word aangevra -

Ooskaap en Suidkaap Provinsiaal	1 Kandidaat
Weskaap en Noordkaap Provinsiaal	1 Kandidaat
Vrystaat Provinsiaal	1 Kandidaat
KwaZulu Natal Provinsiaal	1 Kandidaat
Mpumalanga, Noordelike Provinsie, Gauteng, Noordwes Provinsiaal	2 Kandidate

Ek die ondegetekende, synde behoorlik gemagtig deur 'n besluit van die Komitee van :

Naam van Vereniging : _____

Nomineer hiermee : _____

Besluit gedateer : _____

Naam van Nomineerder : _____

Hoedanigheid : _____ Handtekening : _____

AANTEKENING : Artikel 9 van die Konstitusie bepaal dat -

1. 'n Aparte vorm gebruik moet word vir elke kandidaat wat genomineer word. Die vorm moet onderteken word deur beide die Kandidaat en die Vereniging wat die kandidaat nomineer.
2. Eike kandidaat vereis twee nomineerders en aanvaarding deur Verenigings.
3. Die Nominasie - en Aanvaardingsvorm moet voor _____ by die Hoof Uitvoerende Beamppte van die Nasionale Raad van DBVs ingedien word en kan gefaks of gepos word aan Posbus 1320 Alberton 1450. Faks : (011) 907-4013.

AANVAARDING VAN NOMINASIE

Ek, die ondergetekende, stem hiermee in om nominasie as 'n kandidaat vir verkiesing tot die Direksie van Direkteure van die Nasionale Raad van DBVs vir die _____ jaar te aanvaar.

NAAM : _____ HANDTEKENING _____

ADRES : _____

TEL. NO. : Huis : _____ Werk : _____

DATUM : _____

BYLAAG 'B'

STEMBRIEF

**DIE NASIONALE RAAD VAN DBVs
VERKIESING VAN DIREKTEURE TOT DIE DIREKSIE VAN DIE
NDBV**

NAAM VAN VERENIGING : _____

PROVINSIE WAARIN U VERENIGING
GELEË IS :

LEES DIE VORM ASSEBLIEF VERSIGTIG VOORDAT U ENIGE INLIGTING INVUL

- 1 Merk u stem deur 'n kruis te trek in die vierkant teenoor die naam van die _____ kandidate vir wie u stem. Slegs _____ vakatures is beskikbaar.

(MERK MET X IN DIE RUIMTE VOORSIEN)**

[illegible]

- 2 Skryf in die ruimte wat voorsien is, die volle name van die persoon of persone wat u vir u provinsie wil verkies uit die bostaande genomineerde persone (1 of 2 respektiewelik afhangende van die provinsie waarin u Vereniging geleë is - kyk hieronder).

**VUL DIE NAAM VAN DIE
GENOMINEERDE PERSOON IN**

Ooskaap en Suidkaap Provinsiaal	1 Kandidaat	_____
Weskaap en Noordkaap Provinsiaal	1 Kandidaat	_____
Vrystaat Provinsiaal	1 Kandidaat	_____
KwaZulu Natal Provinsiaal	1 Kandidaat	_____
Mpumalanga, Noordelike Provinsie, Gauteng, Noordwes Provinsiaal	2 Kandidate	_____ _____

- 3 Die stembrief moet per geregistreerde pos, koerier of per hand aan die Hoof Uitvoerende Beampte gelewer word by **Posbus 1320 Alberton 1450 of by Clarkweg 6, Florentia, Alberton 1449**, om die **Hoof Uitvoerende Beampte** nie later nie as _____ te bereik. Die koevert moet duidelik in hoofletters met die woord **'STEMBRIEF'** en die naam van die Vereniging wat dit gestuur het, gemerk wees. **GEEN FAKSE SAL AANVAAR WORD NIE.**
- 4 Behalwe vir die voltooiing van die inligting bo-aan die vorm, mag geen ander merke as (X) in die stemgedeelte van die stembrief langs die naam van elke verkose kandidaat gemaak word nie.
- 5 Indien 'n Vereniging nie van goeie naam is nie, of in gebreke in ten opsigte van enige van sy ander verpligtinge ingevolge die DBV-wet 169 van 1993, sal sy stembrief geag word bedorwe te wees.

Lede word hiermee ingevolge die bepalings van die Konstitusie gewaarsku dat, indien 'n lid vir meer as die neergelegde aantal persone sou stem, of nalaat om die stembrief te onderteken, die stembrief ongeldig sal wees.

Ek, die ondergetekende, verklaar hiermee dat ek nie alreeds in hierdie verkiesing gestem het nie.

HANDTEKENING VAN LID

DATUM

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