



# ***CHINSTRAPS MCC Constitution***



**NAME**

- The name of this Club shall be: Chinstraps Motorcycle Club.
- The abbreviated version will be: Chinstraps CMC2 (CMC2)

**DEFINITIONS AND TERMINOLOGY**

<b>AGM:</b>	Annual General Meeting
<b>SGM :</b>	Special General Meeting
<b>Affiliate:</b>	An Organisation, Association or Club with similar interests affiliated to this Club.
<b>Members:</b>	Those persons referred to in clause 9 hereof.
<b>Biker Name (AKA):</b>	A name chosen by the member to be worn as part of the handle of the patch, on the waist coat. Also termed "Also Known As".
<b>Chapter:</b>	A Regional Club established on the foundation of a National Club. Chapters are afforded Presidency status .e.g. The South Chapter of Chinstraps. Each Chapter will have a regional patch on top of main colours.
<b>Charter:</b>	A Sub-Regional section within the designated area of operation of a Club Chapter. Charters are not afforded Presidency status but can include a Leadership headed up by a Leader. E.g. Pretoria could be included as a Charter of the Gauteng Chapter of Chinstraps. Each charter will have a regional patch with a number next to it(Number order by created charters)
<b>Committee:</b>	The leadership of The Club as appointed will form the administering governing body as defined in clause 16.1.1
<b>Club:</b>	A national entity known as Chinstraps CMC2 or it assigns with a membership exceeding 6.
<b>Dedication:</b>	<ul style="list-style-type: none"> <li>• Regular attendance of and participation in Club activities.</li> <li>• Regular attendance of events, other than Club only activities, supported by the Club.</li> <li>• Display loyalty to the Club leadership and submit to their authority.</li> <li>• Foster sound relationships and an affinity with Club members.</li> <li>• Show pride for the Club Colours.</li> <li>• Uphold the values and code of conduct embraced in the Club constitution, rules and regulations.</li> </ul>
<b>EGM:</b>	Extraordinary General Meeting.
<b>Patch:</b>	<ul style="list-style-type: none"> <li>• The colours of the club are embodied in the patch which consists of four sections, n.l. The Name, the logo, abbreviated name and motto</li> <li>• The colours are the physical property of the club. Colours are returned to the President in the event of suspension/ cancellation of membership or removal of Colours.</li> </ul>
<b>Removal of Colours:</b>	A verbal or written instruction to a member to remove the colours from the waistcoat.
<b>Season:</b>	Period from the close of one AGM to the close of the next.

**AMBIGUITIES**

- Words importing the singular shall also include the plural.
- Words importing the masculine shall also include the feminine gender.



## AREA OF OPERATION

- The area of operation in a National Context shall include the Republic of South Africa. In a Regional Context, Chapters, when established, will operate in their immediate local areas of operation. Demarcation of the areas of operation will be defined in the specific constitutions.
- The Chinstraps Motorcycle Club, Gauteng Chapter is formally operational in the City of Gauteng, South Africa. Cities, Towns, Suburbs and rural areas within a 100Km radius of Gauteng are included as the current regional area of operation. This Chapter is also the National body, the President of which has jurisdiction.

## HEAD QUARTERS

- The headquarters shall be situated at such place as may be convenient and as may be decided by the Committee from time to time but always within the area of operation. Any change to the location of the headquarters must be adequately posted.

## COLOURS, LOGO, INSIGNIA AND DRESS

- The Probation Colours consist of the Full Colours only in black and white.
- Name (aka). The Name/aka will be positioned Below the Colours
- The Colours will be the Name at the top with the penguin logo in the middle under that will be CMC2 and our motto (Esprit Libre, at the bottom sides of the shield). The Colours of the Club will also be the trade mark, logo and official insignia of The Club as per appendix A.
- A child/ grandchild younger than 18 years may through membership of the parent/ grandparent be bestowed Colours as a "Chinstrappie". A smaller patch with the words "Chinstrappie" is worn on the back of a Denim/Leather waist coat.
- The patch shall be worn on the back of a Denim/Leather waist coat.

## OBJECTIVES OF THE CLUB

- To promote, advance and encourage safe motorcycling as a recreation in the area of operation.
- To attend, promote and encourage the holding of motorcycling events, specifically for reasons of encouraging a spirit of adventure, support charity events and to assist in the conduct and control thereof.
- To compile and keep registers of affiliates, members and events.
- To establish sub-committees and to vest in them such powers as may from time to time be necessary to carry out certain functions appertaining to this Club.
- To administer, control and invest the funds of this Club, and to utilise and apply such funds for purposes calculated to promote the Interest and/or obtain the objects of the Club or in order to meet its liabilities. To borrow and raise funds for these purposes. To hypothecate all or any of the assets of the Club as security for the payment of any monies borrowed or raised. To levy collect and receive subscriptions and other funds and dues. To collect and receive donations and sponsorships and grant such subscribers, sponsors and donors such rights and privileges as the Club may deem fit.
- Appoint agents to transact any business of The Club on its behalf.
- Acquire, hold, deal with and dispose of, any Club property.
- Enter into any other contract it considers necessary or desirable.
- To do all things as may be incidental or conducive to the attainment of the above objectives or to any of them.



## AFFILIATION

- Any organization, formed within the area of operation seeking affiliation to this Club upon acceptance by the committee shall be affiliated to this Club.
- Affiliation fees payable by affiliates will be an amount decided from time to time at an AGM.
- An affiliate is bound to publicly declare its affiliation to the Club by displaying the Club logo prominently.
- Affiliation fees may be waived.
- An affiliate must forward any monies owing to the Club or any other fees collected on the Club's behalf.

## MEMBERSHIP

### GENERAL:

- Membership to this Club is a privilege and carries with it an obligation to adhere to the Constitution, Rules, Regulations embodied in the Code of Conduct (Appendix B)
- Membership shall be open to any single person, couple or family, subject to the conditions of membership as hereinafter provided.
- Membership of the Club carries a financial obligation in the form of administration fees and subscriptions, to be decided upon at an AGM.
- Ownership of a motorcycle is not mandatory although preferable.
- Spouses/partners who ride pillion must also apply for membership.
- Only full members shall be entitled to a vote in club affairs where voting is open for the entire club.
- Only members may win prizes at club activities.
- There shall be no restrictions as to Race, Creed, Gender, Sexual orientation, Religion, Citizenship or disability.
- A minimum of one out of four club events need to be attended. If the member cannot attend, a reason needs to be provided which will be discussed by the committee whether it will be accepted or not.
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### Types of Membership:

#### Full Members

- A person who has successfully served a period as a prospect member and has been awarded Full Colours
- A junior member attaining the age of 18 years and accepting a conversion to the status of full member.

#### Prospect Members

- A person serving a period of probation. Probation affords an opportunity for the Prospect member, the club members and the Leadership to gauge dedication and compatibility.
- Prospect Members will be required to attend as many club functions in a reasonable time frame as possible. During this time the Leadership makes a decision as to the level of dedication displayed and whether the awarding of Full Colours is justified or not. The decision of the Leadership in this regard is final.
- Prospect members are not permitted to wear Full Club Colours however, the Half Colours is to be worn on acceptance of the membership application.
- Prospect members will be bestowed the Half colours prior to being awarded Full colours.



### **Junior Membership**

- A child/ grandchild of a full member under the age of 18.
- A person under the age of 18 years, who is not a child of a Full Member, and who provides verifiable written permission from his or her legal parent or guardian, to become a member.
- Junior members do not enjoy voting rights or hold Leadership positions.
- Conversion to Full Membership status. Any Junior Member under the age of 18 shall be entitled to Junior Club Colours with the Chinstrappie Colours. On attaining the age of 18 and within 12 months of this date, a conversion to Full Membership status can be considered on request of the member. If this option is not utilized within the window period, normal procedure for membership will have to be followed. A prospect membership will, in this case, not be required.

### **Application for membership**

- Membership shall be considered by the Leadership on receipt of a written application and undertaking to abide by the Constitution, Rules, Regulations and Code of Conduct.
- **Form of Application**
- Application for membership to the Club shall be submitted in such form as may be approved by the Leadership from time to time.

### **Duration of membership**

- Membership does not lapse and is perpetual. Membership can only be terminated by the member or the Leadership.

### **Membership fee**

- Membership fees shall be paid as determined by the Club from time to time and shall be collected by the Secretary.

### **Rights of the Club to waive fees**

- The Leadership shall be entitled to waive any subscriptions or fees for any member. Costs in this case are borne by the Club.

### **Information**

- The Club reserves the right and shall be entitled to call for any information or particulars of any applicant or applicant's family that it may deem necessary, pertinent only to the activity of Motorcycling.

### **Constitution to be binding on members**

- On the occasion of an application being accepted, every member shall be deemed to have acknowledged that they are acquainted with and bound by this Constitution as well as all other laws, rules, regulations and Code of Conduct of this Club. No affiliates, individuals or members shall be absolved there from by reason of not having received or perused a copy of this Constitution or the laws, rules and regulations aforesaid.



### **Jurisdiction**

- The Leadership shall have jurisdiction over all registered members and shall have the power to deal with such members in accordance with the provisions hereof and of the other laws, rules, regulations and Code of Conduct of the Club.

### **Rights of members**

- Membership shall not give any member any right, title or interest in or to any monies or assets of the Club, but shall confer only such rights and privileges as are herein contemplated. All such rights and privileges shall be subject to such restrictions and conditions as this Club may from time to time impose and shall be subject further to this Constitution and other laws, rules, regulations and Code of Conduct of the Club that may from time to time be promulgated.
- In the event of a Prospect not being found to have the necessary aptitude to be awarded Half Colours or Full Colours, no correspondence will be entered into regarding termination of probation.

### **Membership not transferable.**

- Membership of this Club shall not be transferable or negotiable.

### **Cancellation of membership.**

- Cancellation of membership automatically implies removal of Club Colours. Junior membership wrt children/ Grand Children of full members is automatically cancelled.
- Any member may withdraw, in the case of a Prospect, or cancel membership, in the case of a Full Member, by giving written or verbal notice to the Leadership.
- This Club may cancel any membership or affiliation by reason of:-
  - Breach of this Constitution, laws, rules, regulations or Code of Conduct of this Club.
  - Non-payment of monies, fees and dues that is payable and owing to the Club.
  - If a member behaves in any way that is illegal or may lead to a criminal situation, the member will have his membership cancelled immediately, and be expelled from any current function. The appropriate authorities will be notified immediately to choose the appropriate course of action.
- In the event of any such cancellations, the Club shall not be liable for refunds.
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### **Removal of Colours**

- Members may forfeit the privilege of wearing Colours if after an investigation, it is found that the member has violated any law, rule, regulation or principle of the Code of Conduct (Appendix B). In extreme cases membership of the Club may also be cancelled.
- Colours may be returned to a member once a period of probation as determined by the Leadership has been served.
- Only the President or in his/her absence, any member of the Leadership on instruction of the President, may remove a members colours.
- It is the prerogative of the President whether to afford fair warning or in very extreme cases, summary removal of colours. Depending on the severity of the transgression, a maximum of 2 warnings shall be given before action to remove colours is taken.
- Action to remove the Colours is immediate.

### **Change of address**

- Each member concerned shall notify the secretary of the Club from time to time of any change of residence, postal address, telephone particulars and e-mail address where applicable.



## **HOLDING OF AN AGM**

- The AGM of this Club shall be held annually within 30 days of the Financial Year End but no later than the third Saturday in January.
- The Financial Year End shall be the last working day of March each year.
- Appropriate notice of such an AGM, preferably in writing, shall be given to all members at least sixty days before the date of such meeting. Such notice convening the meeting shall clearly state the date, time and venue of the meeting and shall fully set out all business to be transacted at the meeting including any resolutions, prior nominations or proposed amendments that may have been put forward. A copy of the previous minutes as well as the proposed agenda must be made available to all members.
- Leadership has full rights to move the AGM to a date that will suite all members.

## **Business to be transacted at the AGM**

- Reading notice convening the meeting.
- Confirmation of the Minutes of the previous Annual General Meeting.
- Reading of the annual report of the President.
- Hear, consider, debate and confirm the Financial Report from the Secretary/Treasurer.
- Consider, debate and adopt any amendments, variations, alterations, additions or repeals to or of this Constitution.
- Hear, consider, debate and resolve any other competent business on the agenda.
- Vary, scale or after the amount of fees or dues payable to the Club.
- To transact any other business which may be necessary or relevant and in the Interests of the Club.

## **VOTING AT AN AGM**

- Each member of the Club entitled to vote, shall have one vote in open votes.
- Any member entitled to vote and unable to be present shall be entitled to cast their vote in respect of matters on the agenda by way of a written proxy in absentia handed to the Secretary of the Leadership before the commencement of the meeting.
- In the case of a hung vote the, the President shall carry a casting vote.
- A majority vote shall prevail on all matters, save only in respect of amendments, variations, alterations, additions and repeals to this Constitution, laws, rules, regulations and Code of Conduct which shall be affected only if supported by a 75% (seventy percent) majority.
- Voting shall be by show of hands or verbal yes or no, unless any voting member requests a written ballot.
- The Secretary of the Club shall count all votes and keep a record thereof.

## **Quorum at an AGM**

- The quorum at an AGM shall be not less than 50% of all members and at least 2 Leadership members. If at the scheduled time of the AGM a quorum is not present, the meeting shall stand adjourned for Five (5) minutes after which the meeting shall proceed as though a quorum is present, provided that at least 30% of the members including two Leadership members are present. If no quorum is present, the meeting shall stand adjourned to the same day of the next week at such time and place to be decided.



### Attendance Register and Minutes of an AGM

- The Secretary of the Club shall cause an attendance register to be circulated and all members shall either sign the attendance register or submit an email indicating the capacity in which they attend.
- The Secretary of the Club shall take Minutes of the AGM. These Minutes need not be verbatim, but should accurately record matters and business transacted at the meeting.
- The attendance register and all Minutes of meetings shall be kept in an archive by and in the charge of the Secretary of the Club.

### Procedure at an AGM

- The President shall preside as Chairperson over the AGM. In his/her absence, any member of the Leadership accepted by the meeting shall preside as Chairperson.
- The President shall control the AGM and regulate voting and debating there at.
- The agenda shall be dealt with in the order the President elects.
- Any item may be added to the agenda provided a two-thirds majority of the voting members present is obtained, or by consent of the President.

### EXTRA-ORDINARY AND SPECIAL GENERAL MEETINGS

- E.G.M. or S.G.M. may be held when deemed fit for the purpose of urgently considering debating or resolving any matter that may not be in the interest to hold over to an AGM, including amendments to this constitution.
- Such meetings shall be called by the Secretary at the request of either, two members on the Leadership or 30% of members. Such meeting shall be convened by written notice of twenty-one day's to the members and shall fully state the object of such meeting.
- Should the Secretary fail to convene such a meeting as requested within thirty days, the requisitionists may themselves convene the meeting by giving seven days written notice.
- The provisions of this Constitution, insofar as they relate to the AGM shall apply for E.G.M. and S.G.M. save and except when called by the requisitionists, it shall not be convened by the Secretary, and no reports, balance sheets, shall be necessary.

### LEADERSHIP

#### Constitution of the Leadership

- The President is the sole authority to appoint a full member to a Scroll of Office within the Club. The following Scrolls of Office may be appointed and voting for Scrolls of office will be held by the leadership:
  - President
  - Vice President
  - 1st Lady/Secretary
  - Road Captain
  - Sweeper
- The President of the Club is usually the founder of the Club. The succession of Presidents is only instituted by appointment by a former President who is standing down/ retiring. The appointment is permanent and can only be succeeded by a member designated by the President in Office
- The founder member, in the case of resignation as the President, who remains on as a Club member may wear the Handle "FOUNDER" on his/ her waistcoat as part of the patch. This Handle may not be worn by anyone else.
- If the President passes away, resigns, or is removed, and *no indication of a successor is given*, the Vice President shall assume the duties of the President. An EGM/SGM must be called as soon as possible to establish the succession. This is the only time a Presidency is assumed and not handed-over.





### **Chairperson**

- The President of the Club shall automatically be the Chairperson of the Leadership and by virtue of this position shall also be ex officio a member of all or any smaller or sub-committees formed by the Club.

### **Removal of a Member of the Leadership**

- Only the President may remove a Scroll of Office from a member of the Leadership.
- Depending on the severity of the issue, it is the prerogative of the President whether to afford fair warning (2 warnings) or summary removal of colours and/ or a scroll of office. Depending on the severity of the transgression, a maximum of 2 warnings shall be given before action to remove colours/ scroll is taken.
- A member of the Leadership may be removed from office if:
- He/she does not attend or is absent from meetings, events and arranged functions and no good cause exists for such absence.
- A motion of conduct unbecoming is forwarded. The alleged incident(s) must be fully investigated and removal from office justified.
- On own request by resigning the Scroll of Office. Such reasons for the request/ resignation are to be detailed.

### **Leadership Meetings**

- The Leadership shall meet as often as may be necessary but not less than 4 times annually, and could include all or any members.
- The Secretary shall keep Minutes of Leadership meetings.
- Ad hoc meetings with members for varying reasons are to be in the presence of at least 2 Leadership members.

### **DUTIES THE LEADERSHIP**

#### **President :**

- To preside at all meetings of the club.
- To supervise the affairs of the club.
- To appoint any person or committee not otherwise ordered by the club
- To personally represent the club at related occasions and in business contacts.
- To assist with advice and guidance to members of the Leadership in the execution of their duties.
- To provide vision and direction to the Club.
- To encourage and promote member involvement of all aspects of the Club and related activities.
- To cast a convening vote in the event of a dead-lock during meetings.
- Take disciplinary action where and when needed.
- Appoint members to Scrolls of Office.
- To retrieve the Club colours from members in the event of membership being cancelled/ suspended.
- To determine/ judge a member incapable of riding his/her motorcycle or determine the extent of serviceability of the motor cycle.
- To have general supervision over all sanctioned competition events promoted by the Club.



#### **Vice President:**

- To perform the duties of the President in his/her absence.
- To co-ordinate events which are the responsibility of the Club.
- To promote a dynamic interest in general motorcycling, social events and mass get together's by the Club.
- To promote and encourage sound personal relationships in the Club.
- To arrange events for the awarding of colours and scrolls of Office.
- To follow-up on events the Club will be supporting, correspond with media sources concerning Biker events and other information of interest to the biking community.
- To assist the President with the general running of the Club.
- To mentor new members and place them in the care of a full member for the duration of Prospect membership.
- Monitor the image and reputation of the club and advise the President on appropriate actions where needed.
- To assist with the general appearance and behaviour of the members during events.
- To determine/judge a member incapable of riding his/her motorcycle or determine the extent of serviceability of the motor cycle.
- To retrieve the Club colours from members in the event of membership being cancelled/suspended.
- To have general supervision over all sanctioned competition events promoted by the Club.

#### **1<sup>st</sup> Lady/Secretary:**

- To maintain an accurate record of membership and affiliates.
- To issue notice of meetings, functions and events.
- To take and record minutes at both Committee and General meetings. Confirmatory notes will be recorded by a member of the Leadership during Ad Hoc meetings.
- To have charge of all books of accounts, vouchers and financial records of the Club
- To keep and make proper entries in the books of account and financial records of the Club.
- To report to meetings on matters affecting the finance of the Club from meeting to meeting.
- To present to an AGM the annual financial report.
- To collect membership subscription and other related fees.
- To have general supervision over all sanctioned competition events promoted by the Club.

#### **Road Captain:**

- To help plan club tours, runs, activities and events.
- To stimulate interest in riding activities.
- To assist in handling club socials, parties and other functions.
- To enforce all rules of group riding.
- To select assistants to aid in special tasks.
- To determine the extent to which a member's motorcycle complies to road safety norms.
- To provide briefings, training sessions and general information talks for the Club.
- To promote and encourage safety throughout the Club.



#### **Sweeper:**

- To promote and encourage safety throughout the Club.
- To have general supervision over all sanctioned competition events promoted by the Club.
- To select assistants to aid in special tasks.
- To ensure all Members on club tours, runs, activities and events arrive safely at the destination.

#### **LIABILITY OF MEMBERS**

The Club shall have an independent existence of its members with perpetual succession capable of being sued or suing in its own name. All of its assets shall be registered or held in the name of or on behalf of the Club. Members shall not be liable to meet the debts, engagements and liabilities of the Club, and the liability of members shall be limited solely to the amounts due by them in respect of membership fees, subscriptions, or any other amounts due in terms of the Club's constitution, laws, rules and regulations.

The members of the Leadership are indemnified against all claims for losses or damages suffered and for all expenses incurred by them in or about the performance of their duties, except such losses or damages suffered or expenses incurred by reason of their own respective willful or negligent acts, omissions or conduct.

#### **INTERPRETATIONS**

- In the event of conflict regarding interpretation of this constitution a legal firm accepted by both parties shall be the sole authority for the interpretation of this constitution and shall act as arbitrator.
- The decision of the legal firm, as arbitrator, upon any question of interpretation or upon any matter affecting the Club, shall be final and binding upon all members of the Club.

#### **AWARDING OF Club COLOURS**

- The awarding of Club Colours is a very special event in the life of a member. The occasion must not be watered down and must be afforded the honour due.

#### **Criteria for the Awarding of Club Colours**

- Dedication to the Club has been proved through actions commensurate with adherence to the Code of Conduct.
- Full Colours may be awarded in exceptional circumstances.
- Procedure for Awarding Colours
- Only the President may award Colours.
- The date, time and venue for the awarding of the colours must be made known to the Club by the Vice President who will co-ordinate such events.
- Attendance of the event is compulsory for all members
- The ritual of awarding the Colours is unique to the club and is deemed sacred.



**DISSOLUTION OF THE CLUB**

- In the event of a decision of the Leadership of the Club to close or dissolve the Club, all monies in the hold of the club shall be donated to an appropriate Children’s Charity.
- The colours shall be retrieved from all the members and “laid to rest” in a manner acceptable and appropriate to the Club.
- The constitution, history and all administration documentation shall be kept by a volunteer member for a period of time decided upon at the time of dissolution.

**Please Initial every page and sign Full name below:**

<b>Name:</b>	
<b>Signature:</b>	
<b>Date:</b>	