

NELSON MANDELA BAY DISTRICT CYCLING

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CONSTITUTION		
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1. NAME AND CORPORATE PERSONALITY

- 1.1. The name of the Association shall be Nelson Mandela Bay District Cycling, herein after referred to as Nelson Mandela Bay District Cycling or NMB
- 1.2. Nelson Mandela Bay District Cycling is a unified association representing all cycling disciplines as defined by Cycling South Africa (CSA) which will include, but not be limited to Road Cycling, Track Cycling, Para Cycling, Mountain Biking and Bicycle Moto-Cross [BMX] on a competitive as well as a recreational level, in the district.
- 1.3. NMB District Cycling shall be a distinct and separate legal entity and body corporate with perpetual succession and shall be affiliated with East Cape Cycling (ECC) and be liable to a yearly affiliation fee as determined by ECC.
- 1.4. The Nelson Mandela Bay District Cycling shall be an association not for gain and will be registered as an NPO.
- 1.5. The income and property of NMB District Cycling shall be applied solely towards the promotion of the Association and Cycling as set out in the Constitution.
- 1.6. Members or office bearers of the organisation do not have rights over things that belong to the organisation.
- 1.7. The organisation shall continue to exist even when its membership changes and there are different office bearers.

2. DEFINITIONS AND ABBREVIATIONS USED

- 2.1. **Nelson Mandela Bay District Cycling** shall be a body as constituted under clause 5 of this Constitution.
- 2.2. **Cycling** means the sport of Cycling and includes the Cycling disciplines referred to in this Constitution and as defined by the International Cycling Union (UCI).
- 2.3. **Constitution** means this Constitution.
- 2.4. **Compliance** means that the member club, province or individual has fulfilled the necessary provisions of this Constitution regarding specific requirements as contained herein, and as such is regarded as being in good standing with Cycling South Africa.
- 2.5. **Act of Parliament** refers to the National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as "The Act".
- 2.6. **UCI** shall mean "Union Cycliste Internationale".
- 2.7. **CAC** means the Confederation of African Cycling.
- 2.8. **SAIDS** means the South African Institute for Drug-Free Sport.
- 2.9. **SASCOC** means the South African Sport Confederation and Olympic Committee duly recognized and approved by the Department of Sport and Recreation as the governing body of Sport in the Republic of South Africa.
- 2.10. **SRSA** means the Department of Sport & Recreation in South Africa.
- 2.11. **CSA** means Cycling South Africa, the body recognized by SASCOC as the organization responsible for cycling in the Republic of South Africa, and as referred to in this Constitution, and incorporates all rights that may have existed or exist in the entity formerly known as the South African Cycling Federation.
- 2.12. **National Body** shall mean the unified elected National Federations of Cycling for the Republic of South Africa known as Cycling South Africa.
- 2.13. **National Sport Federation** means the national governing body of the Sport in membership of SASCOC and recognised by the Department of Sport and Recreation in the Republic of South Africa.
- 2.14. **ECC** means East Cape Cycling.
- 2.15. **NMBSC** means Nelson Mandela Bay Sport Council
- 2.16. **NMBDC** means Nelson Mandela Bay District Cycling.
- 2.17. **WADA** means the World Anti-Doping Agency
- 2.18. **Rules and Regulations** shall mean the Rules and Regulations of Nelson Mandela Bay District Cycling, those of ECC, Cycling South Africa, Eastern Cape Sport Confederation, the Department of Sport and Recreation, the South African Sport Confederation and Olympic Committee and of the UCI.
- 2.19. **By-laws** means the addendums to this constitution covering the rules and regulations operating cycling in Nelson Mandela Bay.

- 2.20. **AGM** means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 2.21. **Council** means the representatives of all the affiliated clubs.
- 2.22. **EXCO** means the Executive Committee of Nelson Mandela Bay District Cycling, as constituted in terms of this Constitution.
- 2.23. **MANCO** means the Management Committee of Nelson Mandela Bay Cycling, as constituted in terms of this Constitution.
- 2.24. **Commissions** mean those Cycling disciplines as referred to in this Constitution.
- 2.25. **Head of Commissions** means the person elected to chair a specific Cycling discipline (Commission) as defined in this Constitution.
- 2.26. **Club** means any Registered Cycling Club within the district boundaries of Nelson Mandela Bay which consists of a management structure, consisting of at least 10 active cyclists, has an AGM and caters for any discipline of Cycling as contained in this Constitution.
- 2.27. **Member** shall mean an Ordinary Member, an Honorary Member, or an Associate Member.
- 2.28. **Members, otherwise referred to as Clubs**, means those members duly accepted as members in terms of the geopolitical demarcations as set out in this Constitution.
- 2.29. **Honorary Life Members** means all those people bestowed with this honor by the Council of Nelson Mandela Bay District Cycling and shall include any persons to whom this honor was bestowed prior to the acceptance of this Constitution.
- 2.30. **Patrons** shall mean a person duly appointed as such in terms of this Constitution.
- 2.31. **Person** means a natural or legal person.
- 2.32. **Chairperson** means the Chairperson of Nelson Mandela Bay District Cycling, duly elected in terms of this Constitution.
- 2.33. **Treasurer** means the person elected in terms of the provisions of this Constitution.
- 2.34. **Vice-Chairperson** means the Vice-Chairperson of Nelson Mandela Bay District Cycling as defined in this Constitution.
- 2.35. **Appeal Board** means a body of appeal, appointed by the Nelson Mandela Bay District Cycling Board in terms of this Constitution.
- 2.36. **Annual Financial Statements** means the annual audited financial statement, income and expenditure account, Treasurer's report, and Auditor's report.
- 2.37. **Day** means a calendar day. **Working day** means a calendar day excluding Saturdays, Sundays, and Public Holidays.
- 2.38. **Month** means a calendar month.
- 2.39. **Year** means a calendar year.
- 2.40. **Event** means a cycling event held under the auspices of Cycling South Africa and Nelson Mandela Bay District Cycling.
- 2.41. **Event Organizer** means a person duly authorised to manage an event on behalf of Cycling South Africa or Nelson Mandela Bay District Cycling either directly or indirectly through its members.
- 2.42. **High Performance Committee** refers to those people appointed to manage any High-Performance Athlete or program under the auspices of Nelson Mandela Bay District Cycling.
- 2.43. **Levies** means the monies levied and due by the membership to Nelson Mandela Bay District Cycling and as approved and agreed to by members at each Annual General Meeting of Nelson Mandela Bay District Cycling.
- 2.44. **Road Cycling** shall mean cycling on a public or private road (surface) and shall not be limited to the two subcategories, namely Road Race and Time Trial.
- 2.45. **MTB** means the discipline known as Mountain Biking and includes, but is not limited to Cross Country, Marathon, and Downhill Mountain Bike Cycling.
- 2.46. **Track Cycling** means a specific form of cycling which takes place in a specified venue, but not limited solely to track, sprinting, endurance, and combination events.
- 2.47. **BMX** means Bicycle Moto-Cross and refers to, but is not limited to, two specialties named BMX Super Cross which form part of the Olympic Program and BMX Freestyle.
- 2.48. **Para Cycling** means a form of cycling which is limited solely to handicapped Categories.

- 2.49. **Recreational Cycling** shall mean any form of social riding in any discipline referred to in this Constitution whether the same is in the form of mass or individual participation in Sport and may include but not be limited to events where a rider will compete against a specific time, or over a specific distance, whether same be for leisure purposes, or not.
- 2.50. **AGM** means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 2.51. **General Meeting** means a meeting convened in terms of this Constitution.
- 2.52. **The Special General Meeting** means a meeting convened in terms of this Constitution.
- 2.53. **Members' Meeting** is a general meeting six months after the AGM
- 2.54. **Organisers** shall mean those people who have been duly authorised by Nelson Mandela Bay District Cycling directly or through their provincial membership to stage a cycling event inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- 2.55. Any words implying one gender include the other.

3. INTERPRETATIONS

- 3.1. The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.
- 3.2. In this constitution, unless inconsistent with the context, all words and expressions imparting the masculine shall include the feminine gender, and those signifying the singular shall include the plural and vice versa.
- 3.3. In the case of interpretations not specific, the constitution of ECC and Cycling South Africa will be the overriding constitutions.

4. HEAD OFFICE

- 4.1. The Head Office of Nelson Mandela Bay District Cycling shall be the address of the Chairperson of Nelson Mandela Bay District Cycling or as the Executive Committee may determine from time to time.

5. JURISDICTION OF NELSON MANDELA BAY DISTRICT CYCLING DISTRICT

- 5.1. The jurisdictions of Members of the Nelson Mandela Bay District Cycling Association shall be limited by the boundaries of the municipal districts of Nelson Mandela Bay. If the neighboring Sarah Baartman District does not have a functional District Cycling Association, any cycling clubs or organizations within the district may affiliate to Nelson Mandela Bay District Cycling and the affairs of the district will be managed by Nelson Mandela Bay District Cycling.

6. OBJECTIVES OF THE NELSON MANDELA BAY DISTRICT CYCLING

- 6.1. To be and to function as the controlling and administrative body for the sport of Cycling within the area of jurisdiction in accordance with sound business principles.
- 6.2. To encourage, promote, develop, and administer the sport of cycling within the area of jurisdiction in accordance with sound administrative principles.
- 6.3. To encourage, promote, develop, and administer the sport of cycling within the area of jurisdiction in accordance with sound financial principles.
- 6.4. To promote, develop and encourage high performance cycling as well as cycling for all in all forms of cycling including but not limited to:
- 6.4.1. Bicycle Moto-Cross cycling including BMX Super-Cross and BMX Freestyle.
- 6.4.2. Competitive and Recreational off-road Cycling including Cross Country, Marathon, and Downhill Mountain biking.
- 6.4.3. Para Cycling which is limited solely to handicapped categories including bicycles, tricycles, handcycles and tandems.
- 6.4.4. Competitive and Recreational Road Cycling and Time Trailing.
- 6.4.5. Track cycling.
- 6.4.6. All Cycling disciplines may present an annual championship and select teams.
- 6.5. To provide facilities for effective & efficient administration, recreation & competition to Nelson Mandela Bay District Cycling.
- 6.6. To encourage, promote, develop, and administer the sport of cycling within the area of jurisdiction to nurture a spirit of friendliness, rivalry in competitions, to ensure safe cycling and to protect the interest of cyclists.

- 6.7. To encourage, promote, develop, and administer the sport of cycling at Youth/Youth level within the area of jurisdiction to ensure effective youth cycling.
- 6.8. To encourage, promote, develop, and administer the sport of cycling within the area of jurisdiction to enforce the rules of Cycling as prescribed by the World Cycling Federation (UCI), CSA, ECC and ECA and encourage and promote the highest standard of sporting behavior.
- 6.9. To encourage, promote, develop, and administer the sport of cycling within the area of jurisdiction to ensure transformation and development.
- 6.10. To ensure that the encouragement, promotion, development, and administration of the sport of cycling, whether at District or Club Level is done in accordance with the principles of non-racialism by which is meant that race, ethnicity, and nationality shall not be a basis for discriminating against or of affording privileges to any person or group of persons, which principles are more fully set out in Schedule One hereto.
- 6.11. To ensure that the encouragement, promotion, development, and administration of the sport of Cycling, whether at District or Club level, is fairly carried out so that gender, religion or creed or disability shall not be a basis for discrimination against or of affording privileges to any person or group of persons.
- 6.12. To be a member of ECC and/or of any other national or provincial sports and other bodies as the Council, upon the recommendation of EXCO, may decide to represent cycling.
- 6.13. To uphold and enforce any code of conduct pertaining to the sport of Cycling approved by ECC and/or any other code of conduct decided upon by Nelson Mandela Bay District Cycling to ensure Cycling disciplines are maintained by the members and disputes are resolved within associations and districts.
- 6.14. To recognize and accept the jurisdiction, rules, and regulations of the South African Institute for Drug- free Sport (SAIDS) as well as the code of the World Anti-Doping Agency (WADA).

7. POWERS TO CARRY OUT OBJECTIVES

- 7.1. Nelson Mandela Bay District Cycling shall have all such powers and authorities as shall be necessary or desirable or conducive to achieving any, and all the objectives of Nelson Mandela Bay District Cycling. These powers and authorities shall be in the Council, EXCO and by any duly constituted commission in accordance with and subject to the provisions of this Constitution.
- 7.2. To acquire by purchase, exchange, hire, sub-lease, donation or otherwise movable and/or immovable property of any kind. EXCO in their capacity as such shall be trustee of and for all intents and purposes legal holders of all money, trophies, cups, and other property of Nelson Mandela Bay District Cycling.
- 7.3. To sell, let, mortgage, dispose of, give in exchange, turn to account, or otherwise deal with all or any part of the property of Nelson Mandela Bay District Cycling.
- 7.4. To enter into contracts of any, and all kinds necessary to carry out, give effect to or secure the objectives of Nelson Mandela Bay District Cycling. EXCO shall be for all intents and purposes the legal holders of the inventory, monies, and properties of the Association.
- 7.5. From time to time, in accordance with sound business and financial principles investing the funds of Nelson Mandela Bay District Cycling in such property or assets or other security as may be deemed advisable.
- 7.6. To employ, suspend or dismiss and remunerate employees, professional assistants, and experts.
- 7.7. To support or subscribe or make donations to any charities or other institutions, regions, clubs, societies, and funds.
- 7.8. To regulate relations between its Clubs, and between its Clubs and Nelson Mandela Bay District Cycling or its members or individual cyclists.
- 7.9. To insure against losses, damage, risk, and liability of all kinds.
- 7.10. To draw, make, accept, endorse, execute, negotiate, and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments in accordance with clause 8.2.
- 7.11. To institute, conduct, defend, compound, or abandon any legal proceedings by and against Nelson Mandela Bay District Cycling or its officers or otherwise concerning the affairs of Nelson Mandela Bay District Cycling, or the action of its Members, and compound and allow time for payment

or satisfaction of any debts due or any claims or demands made by or against Nelson Mandela Bay District Cycling.

- 7.12. To raise money whether by subscription or levy from its members and/or from any or all cyclists, or clubs or associations or organizations concerned with the sport of cycling or in any way or from any other source and recover by legal process monies due by members or ex-members cyclists or clubs, associations, or organizations.
- 7.13. To spend or otherwise apply monies on the advancement and/or development of Nelson Mandela Bay District Cycling or its members, or individual cyclists.
- 7.14. To contribute or subscribe to bodies with aims similar, to the aims of Nelson Mandela Bay District Cycling, and invest monies upon such security and in such manner as it may from time to time determine.
- 7.15. To make and pass rules, by-laws, or regulations and to add to, repeal or alter such rules, by-laws, or regulations, with or without penalties for the carrying out, administration and implementation of this Constitution and the attainment of the objectives of Nelson Mandela Bay District Cycling.
- 7.16. To impose fines, to suspend for a period of time, to ban and/or implement any other disciplinary measures on its Members or former Members or on any Cyclist or region or club or association or organisation connected or concerned with Cycling arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by EXCO, including those of CSA, SAIDS, SASCOC and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from its Members or former Members. Without in any way limiting the generality of the aforementioned, Nelson Mandela Bay District Cycling shall have the power to suspend or ban any Cyclist, Member, or club from participating in any event or championship.
- 7.17. To take all such action as may be required or necessary to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to Nelson Mandela Bay District Cycling by its Members, former Members or any other persons or body.

8. FINANCE

- 8.1. Financial Year. Nelson Mandela Bay District Cycling's financial year shall be from 1 January to 31 December of each year.
- 8.2. Banking Account.
 - 8.2.1. Nelson Mandela Bay District Cycling's financial transactions shall be conducted by means of a banking account.
 - 8.2.2. A Banking Account shall be opened in the name of Nelson Mandela Bay District Cycling.
 - 8.2.3. If Lotto funding is received, a separate banking account must be opened to manage the Lotto funds from within its own bank account.
 - 8.2.4. Nelson Mandela Bay District Cycling shall designate at least three [3] people authorized to have signing powers on the Nelson Mandela Bay Cycling's banking account of which two (2) authorized persons must sign together at all times of which the treasurer will preferably be one.
- 8.3. Funding.
 - 8.3.1. Nelson Mandela Bay District Cycling shall receive money from its members including but not limited to affiliation fees, rider levies and day licenses.
 - 8.3.2. The split between provincial portion and district portion for calendar fees, rider levies and day licenses must be determined yearly and agreed upon at yearly ECC council meeting (AGM).
 - 8.3.3. Nelson Mandela Bay District Cycling shall also apply for grants and sponsorships to fund its objectives. Agents may be appointed to raise funds at a maximum commission of 10% of the amount paid into the account of Nelson Mandela Bay District Cycling.
 - 8.3.4. Affiliation Fees. Clubs shall pay affiliation fees, as determined by the Nelson Mandela Bay District Cycling EXCO from time to time, annually before the AGM.
 - 8.3.5. Rider Levies.
 - 8.3.5.1. The main source of income of the Nelson Mandela Bay District Cycling will be the amount per rider as per event day paid over from the clubs/organizers.
 - 8.3.5.2. The portion shared between ECC and NMB and payable to ECC will be determined yearly at the ECC AGM.

- 8.3.5.3. The clubs/organizers need to ensure that effective administration takes place at the events to ensure that the rider levies are obtained.
- 8.3.5.4. Clubs/organizers shall pay over rider levies as determined by ECC and Nelson Mandela Bay District Cycling, within thirty (30) days after the event to Nelson Mandela Bay District Cycling.
- 8.3.6. Day Licenses.
 - 8.3.6.1. The Clubs and/or Nelson Mandela Bay District Cycling are responsible for collecting day license fees for events in their area.
 - 8.3.6.2. Day License fee per rider per event-day taken from non-members competing in sanctioned events shall be paid over from the clubs/organizers.
 - 8.3.6.3. The clubs/organizers need to ensure that effective administration takes place at the events to ensure that non-members obtain and pay for day licenses.
 - 8.3.6.4. Clubs/organizers shall pay over day license fees, as determined by ECC and Nelson Mandela Bay District Cycling, within thirty (30) days after the event to Nelson Mandela Bay District Cycling.
 - 8.3.6.5. The portion shared between ECC and NMB and payable to ECC will be determined yearly at the ECC AGM.
- 8.3.7. NMB District Cycling Championships.
 - 8.3.7.1. Nelson Mandela Bay District Cycling District Championships need to be held annually.
 - 8.3.7.2. Each championship needs to fund all the expenses within the approved Nelson Mandela Bay District Cycling budget for the Championship, with entry fees and with sponsorship.
 - 8.3.7.3. If the entry fees for the championship do not cover at least 80% of the expected expenses, the event should not proceed as the event cannot rely on the district's funding to sponsor the event.
 - 8.3.7.4. The Cycling Disciplines Commissioners may obtain sponsors for the Nelson Mandela Bay District Cycling championships.
 - 8.3.7.5. Nelson Mandela Bay District Cycling championships expenses shall be covered by the pre-approved budget, championship income and sponsorship.
- 8.4. Expenses. All monies received shall be applied to the carrying out of the objectives of Nelson Mandela Bay District Cycling.
 - 8.4.1. Affiliation. Nelson Mandela Bay District Cycling will affiliate to ECC, the NMBSC and other bodies as determined by the EXCO.
 - 8.4.2. Stay and Travel Expenses.
 - 8.4.2.1. EXCO Members will be refunded for CSA Commission and/or cycling Indaba meetings, or ECC meetings for stay and travel expenses such as fuel, air tickets, car hire, accommodation, and meals.
 - 8.4.2.2. Tariffs for fuel, accommodation and meals will be determined by the EXCO from time to time.
 - 8.4.2.3. Payment will only take place if vehicles are used effectively (preferably 4 members per vehicle). Claim forms will be completed and submitted of such expenditure.
 - 8.4.3. Rider Support.
 - 8.4.3.1. Nelson Mandela Bay District Cycling shall support high performance and development riders and teams for participation in events.
 - 8.4.3.2. Applying for funding for the same event from the Nelson Mandela Bay District Cycling and from ECC is not acceptable.
 - 8.4.3.3. Only if Nelson Mandela Bay District Cycling cannot fund due to no funding available, is it acceptable to apply to ECC for the funding.

9. MEMBERSHIP

- 9.1. Membership of Nelson Mandela Bay District Cycling shall be all the registered cycling clubs in the Nelson Mandela Bay District or neighboring Sarah Baartman District if Sarah Baartman district does not have a functional Cycling District structure. These groups of cyclists who have formed clubs and who have agreed to be bound by the Nelson Mandela Bay District Cycling Constitution and any rules

and regulations made hereunder, and provided that such clubs have been accepted by Nelson Mandela Bay District Cycling and are located within the Nelson Mandela Bay District as defined in clause 5.1.

- 9.2. New Cycling Clubs seeking affiliation with Nelson Mandela Bay District Cycling shall have a minimum of ten (10) active (of any cycling disciplines), as well as a full Committee. New Clubs applying for membership must pay an entrance fee as determined by Nelson Mandela Bay District Cycling in addition to the affiliation fee and must submit their constitution before being eligible for membership. A set of criteria should be drawn up by the EXCO for accepting members.
- 9.3. Affiliated Clubs shall forward a copy of the Minutes of their AGM, and a copy of their Financial Statements as soon as possible after their AGM but not later than thirty (30) days after such a meeting.
- 9.4. The EXCO and members of Council shall, from time to time, nominate any person who has rendered notable and meritorious service to Nelson Mandela Bay District Cycling and/or in the promotion of the sport of cycling and whom it wishes to organize and honor as an Honorary Life Member. Nominations shall be presented to the Council for ratification at the next AGM and, if ratified by the Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges, namely, to attend the AGM, to receive advanced notice and to make preferential bookings in respect of any event or championship held under the auspices of Nelson Mandela Bay District Cycling.

10. TERMINATION OF MEMBERSHIP

- 10.1. EXCO's decision to terminate any membership, whether an Ordinary or Honorary, shall be referred to the next meeting of the Council for ratification.
- 10.2. Any Club which ceases to operate a viable structure shall ipso facto be suspended from membership and the Council shall decide at its next ordinary meeting whether the membership of such member should be terminated.
- 10.3. Any Cycling Club affiliated with Nelson Mandela Bay District Cycling, whose affiliation fees are not paid on the due date shall automatically be suspended. After suspension the Council may call for an inquiry to be held into the affairs of such a defaulting club and may take such action as considered necessary.
- 10.4. Any Club may, at any time, resign from Nelson Mandela Bay District Cycling. Such a club must give notice in writing by not later than 30 November each year. Any member resigning shall continue to be liable for any monies due and owed by such a member, to Nelson Mandela Bay District Cycling at the date of their resignation.

11. STRUCTURE OF NELSON MANDELA BAY DISTRICT CYCLING MANAGEMENT

- 11.1. The principal constituent bodies of the NELSON MANDELA BAY DISTRICT CYCLING ASSOCIATION are:

- 11.1.1. The Council (General Meeting)
- 11.1.2. The Executive Committee (EXCO)
- 11.1.3. The Management Committee (MANCO)

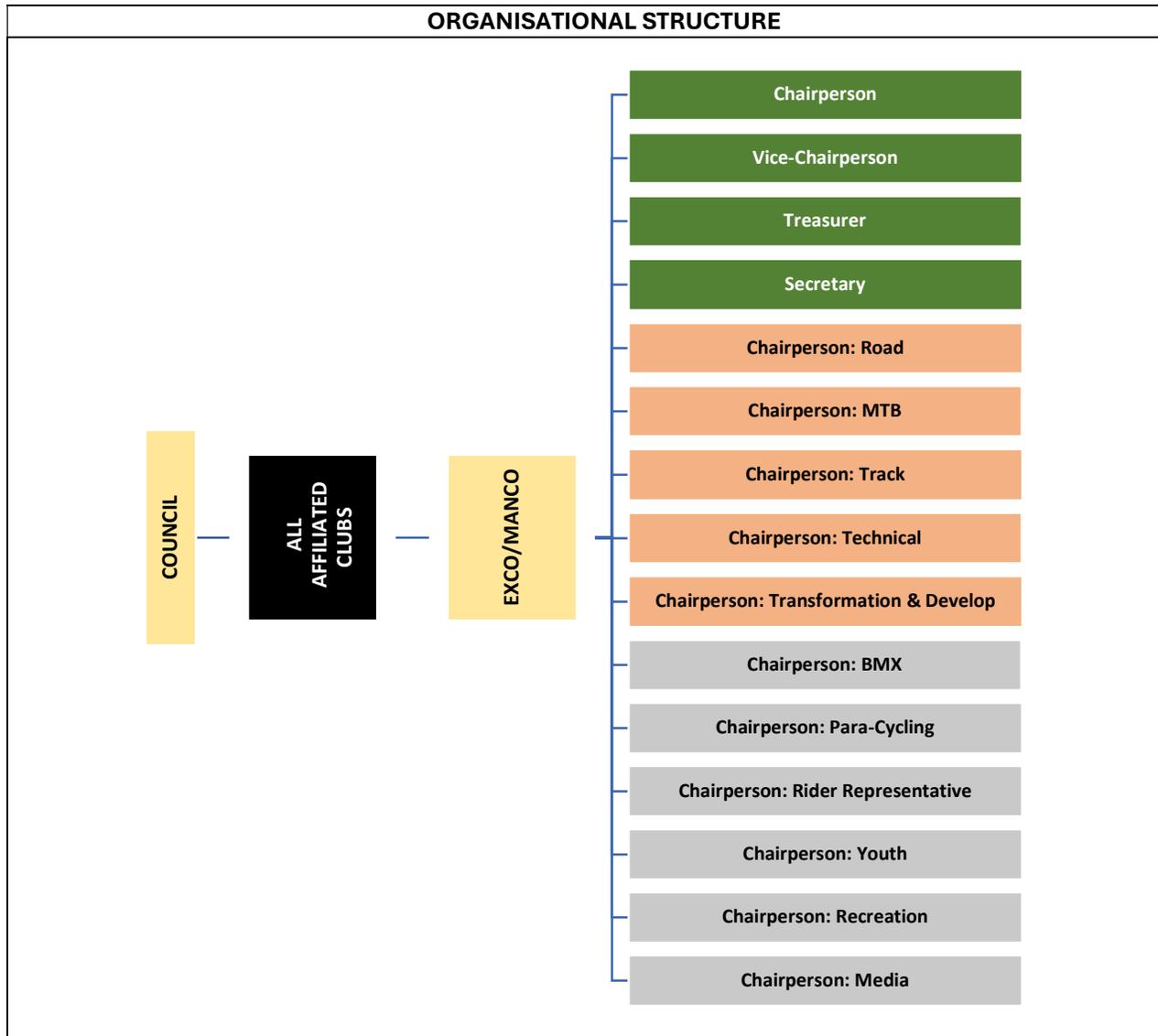
Due to unavailability or people willing to sit on committees and limited resources willing to assist, the NMB EXCO and MANCO will be one, hereafter referred to as EXCO/MANCO.

- 11.1.4. Road Commission
- 11.1.5. MTB Commission
- 11.1.6. Track Commission
- 11.1.7. Technical Commission
- 11.1.8. Transformation and Development Commission

Optional only when required or commission having riders or facilities.

- 11.1.9. BMX Commission
- 11.1.10. Para-Cycling Commission
- 11.1.11. Rider Representative
- 11.1.12. Youth Commission
- 11.1.13. Recreation Commission
- 11.1.14. Media

11.2. Other Committees and Commissions may be constituted by the principal constituent bodies in conformity with the provisions of the Constitution as need arises.



11.3. The **Council** shall be the highest authority of Nelson Mandela Bay District Cycling and shall manage the district by means of determining its policy, decide upon its budget, and give directives to EXCO/MANCO.

11.3.1. The members of the Council shall be all compliant affiliated clubs.

11.3.2. At the designated AGM the Executive [EXCO/MANCO] shall be elected.

11.3.3. The Council shall meet annually. This meeting each year shall be held at such a venue (physical and/or virtual) as may be determined by EXCO/MANCO.

11.4. The **EXCO/MANCO** will be responsible for the day-to-day operation of Nelson Mandela Bay District Cycling.

11.4.1. The EXCO/MANCO will consist of:

11.4.1.1. Chairperson.

11.4.1.2. Vice Chairperson.

11.4.1.3. Secretary.

11.4.1.4. Treasurer.

11.4.1.5. The chairpersons of the commissions

11.4.2. No EXCO/MANCO member may hold more than two (2) office positions.

11.4.3. No more than two (2) EXCO/MANCO members with a vote shall be from one (1) club.

- 11.4.4. All EXCO/MANCO members must render proof of paid-up membership of an active club before the election.
- 11.4.5. Members of the EXCO/MANCO or any Commissions who are absent from three (3) consecutive meetings without legitimate reason, will be presumed to have vacated their position.
- 11.4.6. The EXCO/MANCO shall have power temporarily to fill any vacancy which may occur by co-option. This will be effective until the next AGM.
- 11.4.7. Any potential EXCO/MANCO nominee must declare any conflict of interest before the election.
- 11.4.8. The chairperson of any meeting of the EXCO/MANCO shall be the Chairperson or in his or her absence the Vice-Chairperson or in his or her absence such other Member of EXCO/MANCO as shall have been appointed at that meeting by the Members of EXCO/MANCO present and entitled to vote.
- 11.4.9. The EXCO/MANCO shall meet quarterly or as deemed necessary provided, that it shall not be necessary for EXCO/MANCO to meet in the month in which the AGM are held.
- 11.4.10. Each member of EXCO/MANCO shall have one (1) vote, and the Chairperson of any meeting of EXCO/MANCO shall have a casting vote, in the event of an equality of votes. Members of EXCO/MANCO shall vote by a show of hands or as determined by the meeting. Members of EXCO/MANCO shall decide on all matters by a simple majority vote.
- 11.4.11. The EXCO/MANCO shall be vested with all such powers and authorities as are necessary to promote and attain the objectives of Nelson Mandela Bay District Cycling.
- 11.4.12. EXCO/MANCO shall control all expenditure on the funds of the Nelson Mandela Bay District Cycling and shall not incur any liability nor enter any commitment which cannot be discharged out of the funds of Nelson Mandela Bay District Cycling. This includes the conflict of interest in deliverance of goods and services to Nelson Mandela Bay District Cycling.
- 11.4.13. EXCO/MANCO shall draft a Code of Conduct and be entitled to make any, and all by-laws or regulations necessary to promote the aims and objectives of the Nelson Mandela Bay District Cycling and such by- laws and/or regulations shall be binding upon members. Such regulations shall be ratified at the next Council Meeting.
- 11.4.14. EXCO/MANCO shall appoint standing Commissions as it considers fit and may delegate the exercise of any of its powers and functions to one of its Members or to a Commission of Nelson Mandela Bay District Cycling. Commissions will be appointed by the EXCO/MANCO after nominations have been requested from all affiliated members in compliance.
- 11.5. **Commissions** will exist to encourage, promote, develop, and administer the sport of cycling in that specific field. The Sub-committee shall comprise of the specific council representative and members of the regions.
 - 11.5.1. Commissions will exist for each of the cycling disciplines namely BMX, MTB, Para, Road, and Track.
 - 11.5.2. Commissions will also exist for Technical; Recreation, Transformation & Development; and Rider/Youth/Youths.
 - 11.5.3. Commissions will meet to co-ordinate the activities and events for the cycling disciplines and development fields.
 - 11.5.4. **Selection Committee.**
 - 11.5.4.1. The Selection Committee shall consist of the Cycling Commissioners appointed by the EXCO/MANCO.
 - 11.5.4.2. The Vice-Chairperson of Nelson Mandela Bay District Cycling will be the convener for this Committee.
 - 11.5.4.3. This Committee will convene to select riders for District, competitions where Nelson Mandela Bay District Cycling will be represented.
 - 11.5.4.4. They also select riders who will receive Nelson Mandela Bay District Cycling colours in accordance with the criteria specified in the Nelson Mandela Bay District Cycling Colours Criteria Document.
 - 11.5.5. **Calendar Commission.**
 - 11.5.5.1. EXCO/MANCO will perform this duty and will meet on an ad hoc basis when required to arrange NMB District Cycling's Event Calendar.

11.5.5.2. The Calendar Commission shall compile all events organized by Nelson Mandela Bay District Cycling, its Clubs, and ensure payment of calendar fees before attending the ECC Calendar meeting.

12. TRANSFORMATION AND DEVELOPMENT TARGETS OF OFFICE BEARERS

12.1. Cycling SA has a requirement that the office bearers within the provincial structure comply with certain targets as set by Cycling SA. These targets may not be achieved due to the size of the district and the number of people willing to be part of the structure and serve as office bearers. Effort must be made to comply with the targets but if they cannot be achieved it must be accepted as such, and the persons willing to be nominated and elected must fill the positions to make the district body functional.

12.2. The Cycling SA Diversity and Inclusivity Charter states the following:

12.2.1. District Executive

12.2.1.1. A 1st Vice Chairperson, with any skills portfolio, who shall be of the opposite gender as defined by the UCI than the Chairperson.

12.2.1.2. A 2nd Vice Chairperson, with any skills portfolio, who shall be of the opposite race (white vs a person defined for a PDI, excluding gender or ability) than the Chairperson.

12.2.1.3. A minimum of 2 additional members either who shall either be from different race or genders.

12.2.1.4. The total composition of the executive board shall have a minimum of 40% representation of women and 40% PDI representation.

12.2.2. Committees and Commissions

12.2.2.1. Gender - Ensure at least three committee / commission members and / or administrators to be a female elected member and to increase by one every election year until such time that 50% of the executives are female.

12.2.2.2. Race - Ensure at least three committee / commission members and /or administrators elected to be black members and to increase representation by one every election year until such time that 50% of the executives are black.

13. DUTIES OF OFFICE BEARERS

13.1. Chairperson

13.1.1. The Chairperson will represent Nelson Mandela Bay District Cycling during meetings of the ECC.

13.1.2. The Chairperson will act as chairman for all AGM, EXCO/MANCO meetings.

13.1.3. The Chairperson has the power to act on any issue he/she deems necessary and in the interest of the affiliated Nelson Mandela Bay District Cycling clubs/organizers and their riders, subject to the rules and regulations of this constitution.

13.1.4. The Chairperson shall enforce observance of the Constitution of Nelson Mandela Bay District Cycling and sign all approved minutes.

13.1.5. The Chairperson shall also perform such other duties as by usage or custom pertaining to his/her office.

13.2. Vice-Chairperson

13.2.1. The Vice Chairperson will assume all powers of the Chairperson in case the Chairperson is not present or available during meetings.

13.2.2. Together with the Chairperson the Vice Chairperson is responsible for the effective management of all cycling-related business in the interest of the affiliated Nelson Mandela Bay District Cycling clubs/organizers and riders.

13.2.3. The Vice Chairperson will chair the Selection Committee.

13.2.4. The Vice Chairperson shall also perform such other duties as by usage or custom pertaining to his/her office.

13.3. Secretary

13.3.1. The Secretary shall conduct all correspondence, make, and preserve correct minutes of all proceedings of Nelson Mandela Bay District Cycling and shall produce them when required to do so by Nelson Mandela Bay District Cycling. Every record created must be recorded in the minutes.

He/she shall in co-operation with the Chairperson draw up the Annual Report for submission at the Annual General Meeting.

- 13.3.2. The Secretary shall be responsible for the processing of all applications for membership of clubs.
- 13.3.3. The Secretary will control the inventory of Nelson Mandela Bay District Cycling.
- 13.3.4. The Secretary shall co-ordinate arrangements for all EXCO/MANCO, General- and Special meetings, functions, and other events. The Secretary shall also be responsible for communicating these arrangements to all clubs of Nelson Mandela Bay District Cycling.
- 13.3.5. The Secretary shall control and update the NMB Events Calendar in conjunction with the ECC Secretary regarding events that are on the ECC Events Calendar.
- 13.3.6. The Secretary shall liaise with CSA regarding all events sanctioning for events that are held within the district and any neighboring district that has been incorporated into the district because there is no cycling structure within that district.
- 13.3.7. The Secretary shall also perform such other duties as by usage or custom pertaining to his/her office.

13.4. Treasurer

- 13.4.1. The Treasurer may co-sign for payments authorized by Nelson Mandela Bay District Cycling Council, EXCO/MANCO. Payment will only take place if a "Request for Purchase" was drafted.
- 13.4.2. The Treasurer shall invoice clubs / organizers for all money payable to Nelson Mandela Bay District Cycling.
- 13.4.3. The Treasurer shall issue a receipt for all monies received.
- 13.4.4. The Treasurer shall keep a complete and readily comprehensible record of the financial transactions of Nelson Mandela Bay District Cycling. These transactions shall be available for inspection as and when requested by EXCO/MANCO together with the bills and supporting documents.
- 13.4.5. The Treasurer will submit a progress financial report at every EXCO/MANCO meeting.
- 13.4.6. The Treasurer shall submit the financial statement, duly audited by the Auditor, at every Annual General Meeting.
- 13.4.7. The Treasurer shall also perform such other duties as by usage or custom pertaining to his/her office.

13.5. Commissioners (BMX, MTB, Para, Road and Track)

- 13.5.1. The Commissioners will act in the interest of the Cycling disciplines for which they have been elected as well as in the broader interest of all aspects of cycling in Nelson Mandela Bay District Cycling.
- 13.5.2. The Commissioners will be responsible for conducting commission meetings with Club chairmen, and reporting the actions, activities, or recommendations of the commissions to Nelson Mandela Bay District Cycling for ratification or further action.
- 13.5.3. The Commissioners will co-ordinate the yearly calendar with the clubs and organizers. They will support the clubs/organizers with the administration of the calendar process and control the events to ensure effective feedback on participation and fees payable.
- 13.5.4. The Commissioners shall be responsible for the organisation of the Nelson Mandela Bay District Cycling Championship events in their respective Cycling disciplines, for the completion and circulation of race notices and the keeping of a register of all recognized records created by their Cycling disciplines within Nelson Mandela Bay District Cycling.
- 13.5.5. If a Cycling discipline is not currently represented in the district, a person will be elected to monitor the Cycling disciplines and to further the interests of the specific Cycling disciplines.
- 13.5.6. The Commissioners shall also perform such other duties as by usage or custom pertaining to his/her office.

13.6. Technical Commissioner

- 13.6.1. The Technical commissioner will manage the cycling officials in the Nelson Mandela Bay District.
- 13.6.2. The Technical commissioner will arrange training opportunities for cycling officials in all Cycling disciplines.

- 13.6.3. The Technical commissioner is responsible for the appointment of Commissaires in terms of the Rules and Regulations of Cycling South Africa for all competitions by Nelson Mandela Bay District Cycling.
- 13.6.4. The Technical commissioner shall also perform such other duties as by usage or custom pertaining to his/her office.
- 13.7. Recreation, Transformation and Development Commissioner
- 13.7.1. The Recreation, Transformation and Development commissioner shall ensure Nelson Mandela Bay District Cycling transform and develop according to the national guidelines.
- 13.7.2. The Recreation, Transformation and Development commissioner shall ensure Recreational and Cycling for All takes place in Nelson Mandela Bay District Cycling.
- 13.7.3. The Transformation and Development commissioner shall also perform such other duties as by usage or custom pertaining to his/her office.
- 13.8. Rider / Youth / Youths Commission
- 13.8.1. The Rider/Youth/Youths commissioner will ensure the registered cyclists in Nelson Mandela Bay District Cycling are satisfied and their interest is protected.
- 13.8.2. The Rider/Youth/Youths commissioner will act as a mouthpiece for all cyclists, especially women, at Nelson Mandela Bay District Cycling.
- 13.8.3. The Rider/Youth/Youths commissioner shall ensure Nelson Mandela Bay District Cycling youth are taken care of and included in Nelson Mandela Bay District Cycling.
- 13.8.4. The Rider/Youth/Youths Representative shall also perform such other duties as by usage or custom pertaining to his/her office.
- 13.9. Media Officer
- 13.9.1. Appointed Media Officer should act as the main point of contact for all press & public relations, with regard to any statement or issue regarding Nelson Mandela Bay District Cycling.
- 13.9.2. The Media Officer shall act as the official representatives of Nelson Mandela Bay District Cycling and handle all matters relating to any form of public media, press and social media.
- 13.10. Rider Representative
- 13.10.1. The Rider Representative should be an active & current competitive or structured recreational rider that is able to represent most of the registered club's members.

14. VOTING RIGHTS

- 14.1. Council
- 14.1.1. The voting rights as set out in this clause shall apply in respect of all meetings of the Council.
- 14.1.2. Each member of Council shall have Two (2) votes. No proxy vote will be allowed and only members physically present can vote. The Chairperson of any general meeting shall, in the capacity as chairperson, have a casting vote in the event of an equality of votes.
- 14.1.3. Clubs shall be entitled to nominate representatives to vote at any general meeting of the Council. Such a nomination shall be in writing addressed to the Secretary and must be received at least 14 days prior to the time for the commencement of that meeting.
- 14.1.4. Honorary Life Members have no vote.
- 14.2. EXCO / MANCO
- 14.2.1. Each EXCO/MANCO member will have one [1] vote. The ex officio members will have no vote.
- 14.2.2. The chairperson will have a casting vote when needed.

15. ELECTION OF THE CHAIRPERSON VICE-CHAIRPERSON, SECRETARY TREASURER AND THE OTHER MEMBERS OF EXCO/MANCO

- 15.1. Each Club shall be entitled to nominate one (1) person for election as Chairperson, one (1) person for election as Vice Chairperson one (1) person for election as Treasurer, one (1) person for Secretary and one (1) person for Club Representative.
- 15.2. Each nomination shall be in writing, shall be approved by the Club and shall be signed by the nominee to indicate his or her acceptance of the nomination. All such written nominations shall be received by the Nelson Mandela Bay District Cycling Office not less than ten (10) working days prior to the date of the next AGM.
- 15.3. It shall be permissible for the same person to be nominated for more than one office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first

post for which he or she is nominated. No person may occupy more than one position on the EXCO/MANCO.

- 15.4. If there is more than one nomination for any of the posts of Chairperson, Vice Chairperson, Secretary, Treasurer and more than two [2] for Club Representative, then such posts shall be elected separately by ballot, such elections to be held in the sequence aforesaid.
- 15.5. Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 15.6. With the election of the EXCO/MANCO, the Transformation and Gender policy shall be considered, subject to the availability and willingness of such a nominated person. The EXCO/MANCO should ideally include at least two (2) men and two (2) women.
- 15.7. EXCO/MANCO shall be elected by majority vote of affiliated cycling clubs whose domicilium is situated in the Nelson Mandela Bay District Cycling District.
- 15.8. Period of Office. The Chairperson, Vice Chairperson, Secretary and Treasurer will hold office for FOUR (4) years coinciding with the Olympic cycle.

16. ANNUAL GENERAL MEETING (AGM)

- 16.1. An AGM shall be held once every year provided that not more than fourteen (14) months shall elapse between one AGM and the next.
- 16.2. EXCO/MANCO shall decide the date, time, and place on which each AGM shall be held, provided that unless there is good reason to the contrary, it shall be held at a venue to be determined by the EXCO/MANCO or at such other place as EXCO/MANCO may determine and that the AGM is held in within two (2) months from the end of the financial year.
- 16.3. The following people shall be entitled to attend and speak at the AGM:
 - 16.3.1. All members of EXCO/MANCO.
 - 16.3.2. Two (2) Representatives of each of the Clubs.
 - 16.3.3. All Honorary Life Members.
 - 16.3.4. Any other person who may be invited by EXCO/MANCO to do so.
- 16.4. The business to be transacted at an AGM shall be:
 - 16.4.1. Receive delegates' credentials in writing and determine the voting strength.
 - 16.4.2. To read the notice convening the Meeting.
 - 16.4.3. To read and confirm the Minutes of the previous AGM, and to consider any matters arising there from.
 - 16.4.4. To receive and consider the Annual Report of the Chairperson for the period from the date of the previous AGM.
 - 16.4.5. To adopt with or without modification, the audited Annual Financial Statements for the previous financial year, provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, by the EXCO/MANCO as per the decision of the AGM.
 - 16.4.6. To appoint the auditors of Nelson Mandela Bay District Cycling to hold office until the next AGM.
 - 16.4.7. To consider and to adopt with or without modification, or to reject any motions.
 - 16.4.8. To consider all nominations by EXCO/MANCO of people to be Honorary Life Members and to accept or reject any such recommendation or nomination.
 - 16.4.9. To elect the EXCO/MANCO
- 16.5. Notice of each AGM shall be sent to all the Clubs, Members of EXCO/MANCO, and Honorary Life Members not less than fourteen (14) days prior to the date of the AGM.
- 16.6. Request for Nominations and Agenda Items shall be sent to all the Clubs, Members of the EXCO/MANCO, and Honorary Life Members with the Notice of the AGM not less than fourteen (14) days prior to the date of the AGM.
- 16.7. Copies of the Agenda, previous minutes, motions and audited financial statement for that AGM shall be disseminated to all the Clubs and Honorary Life Members by electronic means not less than seven (7) days prior to the date of any AGM.
- 16.8. All constitutional changes will be made by a 67% majority vote.

17. SPECIAL GENERAL MEETING (SGM)

- 17.1. A SGM for Members shall be convened:

17.1.1. By resolution of EXCO/MANCO, or

17.1.2. Upon the written requisition of not less than two (2) Clubs, addressed to the EXCO/MANCO, provided that such written requisition shall state the exclusive purpose for which the SGM is to be called and the text of the motion to be put to the meeting.

17.2. The Secretary shall send written notification, within fourteen (14) days after receipt of the resolution or requisition, to all Members, which notice shall specify the time, date, and place of the SGM together with written notification of the purpose of and measures to be transacted at the SGM and the text of motions to be put to and considered by the meeting.

17.3. The date shall not be less than seven (7) days and not more than twenty-one (21) days after the date of posting dissemination of the notification.

17.4. The business to be transacted at a SGM shall be:

17.4.1. Receive delegates' credentials in writing and determine the voting strength.

17.4.2. To read the notice convening the Meeting.

17.4.3. No business other than that stated in the notification referred to shall be transacted at the SGM.

17.5. Only the people entitled to attend an AGM shall be entitled to attend and speak at the SGM's.

18. GENERAL PROVISIONS RELATING TO AGM'S & SGM'S

18.1. The chairperson of any AGM or SGM shall be the Chairperson or in his or her absence, the Vice-Chairperson or in his or her absence, such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote.

18.2. A quorum shall consist of 50% + 1 of the affiliated Clubs in good standing.

18.3. Business may be transacted at an AGM or SGM only while a Quorum of Members is present.

- If within half an hour after the time appointed for the AGM or SGM, a Quorum is not present, the AGM or SGM, if convened upon the requisition of the Members, shall be dissolved.

- In any other case the AGM or SGM shall stand adjourned to the same day next week at the same time and place, or if that day is not a business day, to the next succeeding business day.

- If at such an adjourned AGM or SGM a Quorum is not present within half an hour after the time appointed for the meeting, the Members present in person shall constitute a Quorum, provided that every Member has received notice of the adjourned AGM or SGM not less than seventy-two (72) hours prior thereto by either electronic mail or telephone call.

18.4. Voting shall be on a show of hands unless a poll is demanded by representative of not less than fifty percent (50%) + 1 of Members represented and entitled to vote, and in such an event, the poll shall be conducted in such a manner as the Chairperson of the meeting shall decide.

18.5. The Secretary shall take minutes of all meetings.

18.5.1. The proceeding of meetings shall be preserved in the form of typewritten minutes authenticated after confirmation by the next meeting and by signature of the Chairman.

18.5.2. The minutes of each meeting shall contain a résumé of the subject of the matters dealt with and such motions and amendments have been proposed and adopted or rejected.

18.5.3. Minutes signed by the Chairman of any meeting to which such minutes related, or by the Chairman of any succeeding meeting of the same body, shall be sufficient evidence of the fact herein stated.

18.5.4. The Secretary shall send to each affiliated member, and members of the EXCO a copy of the minutes of all the meetings as soon as practicable after such meeting but not later than twenty-one (21) days.

19. MOTION OF NO CONFIDENCE

19.1. A motion of no confidence may be proposed to remove an officeholder or body if they are deemed unable or unwilling to perform their duties or if their actions are considered contrary to the objectives of the organization.

19.2. The procedure to raise the motion of no confidence is as follows:

19.2.1. The motion of no confidence must be submitted to the secretary in writing and signed by not less than two (2) Clubs.

19.2.2. The motion must detail the reasons for the lack of confidence, including specific examples or evidence.

19.2.3. Upon receipt of the motion, the secretary shall schedule a SGM as per the above stipulations for an SGM.

19.2.4. Quorum and Voting is as per above for SGM's and as per general provisions relating to SGM's.

19.2.5. Special provisions pertaining to a motion of no confidence are as follows:

19.2.5.1. The individual(s) or representative of the body must be invited to the SGM as per provisions above relating to SGM's.

19.2.5.2. The individual(s) or representative of the body has the right to refuse attendance and thereby forfeit their right to defend themselves.

19.2.5.3. Absence from the SGM without notification to the secretary that they will not be attending will be taken as a refusal to attend and defend themselves. The SGM will continue in such cases.

19.2.5.4. The individual(s) subject to the motion shall be given an opportunity to respond to the allegations before the vote is conducted.

19.2.5.5. Upon passing the motion of no confidence, the officeholder or body shall be immediately removed from their position.

19.2.5.6. Interim arrangements or appointments, if applicable, shall be made in accordance with this constitution.

19.2.5.7. An appeal against the decision may be lodged in accordance with the appeals procedure outlined below under Appeals Procedure.

20. LIMITATION OF LIABILITY OF MEMBERS AND INDEMNITY

20.1. The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to Nelson Mandela Bay District Cycling, by way of subscription or otherwise howsoever.

20.2. The Chairperson the Treasurer, all members of EXCO/MANCO, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of Nelson Mandela Bay District Cycling, in terms of this Constitution and under delegated powers from Clubs in General Meeting or from EXCO/MANCO, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of Nelson Mandela Bay District Cycling, from whatever cause arising, provided such person/s acted in good faith.

20.3. Nelson Mandela Bay District Cycling shall not be liable to compensate any competitor or official for any injury suffered by him or for any financial loss caused by him because of such an injury whilst training for or competing in any event under its jurisdiction or whilst representing Nelson Mandela Bay District Cycling in any event or any cycle meeting under the jurisdiction of any other body.

20.4. Nelson Mandela Bay District Cycling shall not be liable to compensate any competitor for any damage caused to his equipment or any part thereof whilst training for or competing in any like cycle meeting.

21. INCOME AND PROPERTY

21.1. The organisation may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation. The payment must be a reasonable amount for the work that has been done.

22. ENFORCEMENT, ALTERATION OR VARIATION OF THIS CONSTITUTION

22.1. Every affiliated member, association or body, their members and competitors shall always be subject to this Constitution and rules of Nelson Mandela Bay District Cycling.

22.2. The Constitution may only be added to, varied, altered, amended, or modified at an AGM or SGM of Nelson Mandela Bay District Cycling, if the alterations are accepted by two thirds of the eligible votes present at such a meeting, provided a written notification of such Meeting, together with a copy of a proposed resolution was disseminate not less than twenty-one (21) days prior to the meeting.

23. NOTIFICATION

23.1. For the purposes of this Constitution, all notifications by Nelson Mandela Bay District Cycling to any person or any Club, Honorary Life Member shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by fax, and/or by electronic means to the last known postal address of such Member/s; but all notifications to Nelson Mandela Bay District Cycling by any person

(natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the Secretary. In no respect shall any postal authority be, or be deemed to be, the agent of Nelson Mandela Bay District Cycling.

24. ARBITRATION CLAUSE

- 24.1. Any disputes arising out of or in connection with the enforceability of this constitution or the application and interpretation of the provisions thereof or any dispute between Nelson Mandela Bay District Cycling and another sports federation, or between members of the EXCO/MANCO or between EXCO/MANCO and an Ordinary Member shall be referred to ECC and/or the Arbitration Forum of the Eastern Cape Provincial Government, for resolution through mediation or expedited arbitration. In the event of arbitration in terms of the aforementioned, such resolution shall be final and binding on the parties to the dispute.
- 24.2. The provision of the Arbitration Act of 1965 shall apply to such arbitration proceedings, save to an extent modified by the Arbitration Forum rules.

25. DISSOLUTION OR WINDING UP OF NELSON MANDELA BAY DISTRICT CYCLING

- 25.1. Nelson Mandela Bay District Cycling may be dissolved or wound-up, at any time, by Ordinary Members in General Meeting, upon a majority vote of not less than seventy five percent (75%) of the total votes of Ordinary Members, whose representatives are present and entitled to vote, and of Honorary Life Members who are present in person at such general meeting, provided that not less than sixty (60) days written notification of such meeting and of any resolution aimed at dissolving or winding-up Nelson Mandela Bay District Cycling shall have been given to all Members.
- 25.2. Upon dissolution or winding up of Nelson Mandela Bay District Cycling, all the property and assets of Nelson Mandela Bay District Cycling, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organization/s having objects like Nelson Mandela Bay District Cycling at the discretion of Ordinary Members.

26. SUSPENSIONS

- 26.1. All cases of suspension by clubs or by Nelson Mandela Bay District Cycling shall be reported to ECC.
- 26.2. The Council shall have the right to review a punishment imposed by a club, and the Council may at their discretion recommend a change in fines or suspensions.
- 26.3. All people under suspension shall be debarred from taking part or competing at any sports meeting held under the rules of CSA, from any authorized training event and from any cycle facility provided by CSA, ECC, Nelson Mandela Bay District Cycling or other recognized Associations.
- 26.4. All cases of suspension passed by CSA or any other recognized governing body, shall be binding upon Nelson Mandela Bay District Cycling and its clubs.
- 26.5. If the person under suspension is a member of the Council s/he will be automatically suspended from the activities of the Council pending the decision of the Council.

27. GRIEVANCE PROCEDURE

- 27.1. The purpose of a Grievance Procedure is to establish a clear and fair process for addressing grievances raised by members of the organisation regarding decisions, policies, or actions that affect them.
- 27.2. The process applies to all members of the organization who believe they have been adversely affected by a decision, policy, or action and seek resolution or review.
- 27.3. Any member wishing to file a grievance must do so in writing within seven (7) days of the incident or decision in question.
- 27.4. The written grievance must include:
- 27.4.1. The specific nature of grievance.
 - 27.4.2. Details of the incident or decision being challenged.
 - 27.4.3. Any supporting evidence.
 - 27.4.4. The desired outcome or resolution sought.
- 27.5. The grievance shall be reviewed by EXCO/MANCO within seven (7) days of receipt.
- 27.6. The member filing the grievance may be invited to present their case in person or virtually, as deemed appropriate.
- 27.7. All grievances shall be handled impartially and confidentially.

27.8. No member shall be penalized for filing a grievance in good faith.

27.9. If the member is not satisfied with the outcome of the initial review, they may appeal against the decision in accordance with the appeals procedure outlined below under Appeals Procedure.

28. APPEALS PROCEDURE

28.1. A member may appeal a decision made from a Motion of no Confidence, Grievance submitted or Disciplinary Hearing.

28.2. The appeal must be submitted in writing to the secretary within seven (7) days of the decision made.

28.3. The appeal will be reviewed by a higher body as detailed below under the Appeal Board, which will issue a final decision within thirty (30) days.

29. APPEAL BOARD

29.1. The EXCO/MANCO shall appoint the members of the Appeal Board and delegate such powers to the Appeal Board to include, but not be limited by the following:

29.1.1. To assist with appeals logged.

29.1.2. To assist Nelson Mandela Bay District Cycling with legal advice.

29.1.3. Set up and continuously update a disciplinary code for both members and their members, adopted by the Council.

29.1.4. Chair disciplinary hearings when requested, and adjudicate, mediate, and arbitrate upon legal and disciplinary matters.

29.2. The Appeal Board shall comprise of three members of which at least one must have a legal background.

29.3. Every member of the Appeal Board shall have one (1) vote each at their meetings and hearings.

30. APPROVAL OF CONSTITUTION

Approved at Port Elizabeth on _____ 2025/08/24 _____



_____ Chairperson

_____ Secretary

APPENDIX A

CODE OF CONDUCT FOR RACE OFFICIALS, STAFF, CLUB OFFICIALS, TEAM MANAGERS, COACHES, RACE ORGANISERS, COMPETITIVE RIDERS, AND MEMBERS

The Code of Conduct of Nelson Mandela Bay District Cycling Association governs the conduct and behavior of all individuals involved in the sport of cycling, whether it is racing officials, staff members, coaches, team managers, club officials, competitive riders, members, or race organizers.

Nelson Mandela Bay District Cycling Association is affiliated to Cycling South Africa, which is the governing body of cycling as a sport, recognised by the Union Cycliste Internationale (the UCI) the South African Sport and Olympics Committee (SASCOC), the respective Provincial Sport Councils and Regional Sport Councils in South Africa.

For easy reference, this Code of Conduct is divided into four (4) sections. It describes the purpose to regulate the duties and responsibilities of the respective persons and/or organizers involved in cycling as a sport and to ensure the required results, goals, and objectives in terms of the execution of such duties and responsibilities.

The sections are as follows:

1. Rights:

The section outlines the basic rights of individuals to take part in the sport of cycling.

2. Relationships:

The section provides guidance regarding personal relationships in cycling, between coaches, team managers, officials or others in positions of influence and also the riders.

3. Personal Standards:

The section outlines the standards of personal conduct and behavior expected within the sport at all levels.

4. Professional Standards:

The section details the commitment to best practice and ongoing professional development expected of officials, coaches, team managers, and all others in positions of authority within Nelson Mandela Bay District Cycling Association.

1. RIGHTS

- 1.1. It is essential that all people involved in cycling as a sport recognise and ensure that every individual has an equal right to participate in the sport.
- 1.2. Nelson Mandela Bay District Cycling Association's race officials, staff, coaches, team managers, competitive riders, race organizers and members should:
- 1.3. Make every effort to ensure that cycling is a sport where everyone is treated as an individual and which is open and available equally to all members of society.
- 1.4. Make every effort to ensure that cycling in all its forms offers the individual the opportunity to participate without fear or harassment.
- 1.5. Where a participant experiences fear, harassment or bullying, such participant has a right to lodge a complaint with the Nelson Mandela Bay District Cycling Association and for that complaint to be heard and acted upon.
- 1.6. Respect the right of riders to consult with other coaches, team managers and experts.
- 1.7. Encourage everyone to have a balanced lifestyle, therefore protecting their welfare both outside and within sport.
- 1.8. Race officials, staff, team managers, coaches, race organizers and members should ensure that all individuals in cycling are, always, treated with respect.
- 1.9. Race officials, staff, team managers, coaches, race organizers and members should not discriminate against an individual for any reason, whether it be race, colour, gender, marital status, sexuality, age, disability, occupation, religion, or political persuasion.

- 1.10. Race officials, staff, team managers, coaches, race organizers and members should challenge discrimination in whatever form it may occur.
- 1.11. Race officials, staff, team managers, coaches, race organizers and members always behave with discretion when discussing individuals and avoid engaging in descriptions or publicly criticizing them in a way which they may find demeaning.
- 1.12. Race officials, staff, team managers, coaches, race organizers and members should communicate with each other in a way which reflects respect and care.
- 1.13. This is especially important in relationships with the rider/coach/team manager, when a coach/team manager is providing feedback to a rider and when dealing with children or vulnerable adults.

2. RELATIONSHIPS

- 2.1. Nelson Mandela Bay District Cycling Association's race officials, staff, coaches, team managers, race organizers and members should build relationships within the sport which are open and honest, and founded on mutual trust and respect.
- 2.2. Race officials, staff, team managers, coaches, team managers, race organisers and members should not behave in any way which involves or could be construed as abuse of any kind, whether it is sexual, physical, emotional, neglectful, or bullying.
- 2.3. The welfare and best interests of everyone involved within the sport should be respected and always promoted and individuals should be empowered to be responsible for their own decisions.
- 2.4. Anyone involved in a position of authority, or engaged in a coaching/ team manager capacity, or any other form of relationship directly related to the sport, must avoid sexual intimacy during that relationship.
- 2.5. Race officials, staff, team managers, coaches, team managers and members must always act if they have concerns about an adult 's behavior towards a child.
- 2.6. When coaching is offered, it is important to clearly define the level of expertise, services and any fees involved.
- 2.7. Coaches and team managers should work with and communicate with a range of individuals and organizations that will benefit the rider and provide them with a broader range of services and knowledge.
- 2.8. Equally, coaches and team managers should discuss and agree with a rider other source of information and guidance if they believe it will be of benefit to the rider.
- 2.9. Race officials, staff, team managers, coaches, and members should consider the physical needs of riders, both in and out of competition.
- 2.10. Issues such as the volumes and intensity of training and competitive cycling should be addressed with particular care.
- 2.11. Physical contact during both competitive and non-competitive cycling activities should be limited to that which is appropriate and necessary. It should always be with the consent and approval of the rider/athlete.
- 2.12. Any form of sexually related contact with an under-age athlete is strictly forbidden. This includes sexual innuendo, flirting or any inappropriate gestures and terms.
- 2.13. It is the responsibility of every race official, staff member, team manager, coach, and member to inform a child's parents immediately if there are any concerns about the welfare of that child.
- 2.14. When a young rider is intending to undertake any form of coach-led cycling activity, it is the responsibility of the coach or responsible team manager to discuss fully the potential impact of the program with parents and/or other interested parties.
- 2.15. Race officials, staff, team managers, coaches, team managers and members must respect all cyclists' opinions concerning their participation in cycling.
- 2.16. Cyclists at all levels should be encouraged to take responsibility for their own development and actions within the sport and be aware of and respect the Technical Regulations under which cycling competitions are conducted.
- 2.17. Where decisions are made concerning a cyclist's involvement in the sport, whether it be with a coach or team manager in a position of responsibility, care must be taken to include the cyclist in the

decision-making process except during competitions when this process is governed by the Technical Regulations.

- 2.18. Coaches or team managers in positions of responsibility should keep cyclists and/or their parents informed of the requirements of the sport, both physical and financial, where appropriate. An understanding of the potential conflicts of interest and a willingness to resolve them is important.
- 2.19. Coaches and/or team managers should be careful not to work with any other coach's/team manager's riders without first discussing or agreeing it with both the coach/team manager and the rider involved.
- 2.20. During all relationships within the sport, including club/rider or coach/rider or team manager/rider, a mutual agreement should also be reached on what information concerning the cyclist should remain confidential.

3. PERSONAL STANDARDS

- 3.1. Nelson Mandela Bay District Cycling Association's race officials, staff, coaches, team managers, race organizers and members should demonstrate proper personal behavior and conduct at all times.
- 3.2. Race officials, staff, team managers, coaches, race organizers and members must be fair, honest, and considerate to riders and other individuals involved in the sport.
- 3.3. Race officials, staff, team managers, coaches, and members must attempt to always provide positive role models for others in the sport.
- 3.4. Race officials, staff, team managers, coaches, team managers, race organizers and members should always act within the Technical Regulations and within the spirit of cycling.
- 3.5. Race officials, staff, team managers, coaches, team managers, race organizers and members should behave with respect, displaying control, dignity, and professionalism always.
- 3.6. Clubs, members, coaches, staff, and officials shall familiarize themselves with issues relating to the use of performance enhancing drugs and banned methods in sport and co-operate fully with Drug Free Sport, Nelson Mandela Bay District Cycling Association and Cycling South Africa in this area.
- 3.7. Race officials, staff, team managers, coaches, and team managers have a responsibility to provide education and guidance on issues of performance enhancing drugs and banned methods.
- 3.8. Coaches and team managers should maintain previous levels of interest and support for a rider when they are injured or sick.
- 3.9. High standards of behavior are expected of everyone within the sport, irrespective of language, manner, appearance, or punctuality.
- 3.10. Quality preparation and presentation are also important aspects of coaching and educational work. Therefore, people in positions of authority or influence, or who are considered role models, should not use recreational or performance enhancing drugs whilst involved with the sport or its participants in any way.

4. PROFESSIONAL STANDARDS

- 4.1. Race officials, staff, team managers, coaches, team managers, race organizers and members commit themselves to maximize the enjoyment and benefits of cycling as a sport. Any risks to participants and competitors should be minimized and safe and correct practices should continuously be applied.
- 4.2. Race officials, team managers, and coaches, within the sport must attain a high level of competence through qualifications and commitment.
- 4.3. Race officials, coaches and team managers should contribute to the development of their own field of expertise and responsibility by obtaining approved and appropriate cycling qualifications.
- 4.4. Race officials, staff, team managers, coaches, team managers, race organizers and members within the sport should always strive to act professional and to accept responsibility for their actions.
- 4.5. Race officials, staff, team managers, coaches, team managers and members should be committed to provide participants and competitors with a quality service and actively promote the positive benefits to society of participation in cycling.
- 4.6. Training must support the code of conduct and the rules and regulations of the UCI, Cycling South Africa, and Nelson Mandela Bay District Cycling Association respectively to achieve the required goals and objectives of cycling as a sport.

- 4.7. Safe and correct practices must be performed and always promoted and race officials, staff, team managers, coaches, team managers, race organizers and members should therefore strive to provide an environment that benefits the sport of cycling, its participants, and its competitors.
- 4.8. Race officials, staff, coaches, team managers, race organizers and members should abide by the rules, regulations, directives and guidelines of the UCI, Nelson Mandela Bay District Cycling Association and Cycling South Africa.
- 4.9. Participation in competitive cycling events should only go ahead with full observance, sanctioning such event by Nelson Mandela Bay District Cycling Association and of the technical regulations governing the sport in general and the individual disciplines within the sport.
- 4.10. Race officials, staff, team managers, coaches, team managers, race organizers and members should plan all structured or group cycling to meet the needs and safety of the riders involved.
- 4.11. Race officials, team managers and coaches should seek to attain the highest level of qualification available and maintain an up-to-date knowledge and understanding of technical developments within cycling and of other issues which may have an influence on the riders' or their own professional ability.
- 4.12. Race officials, members, team managers, coaches, staff, and race organizers should be aware of the social issues and how cycling can contribute to local, regional, or national initiatives and every opportunity to recruit people into the sport or to use cycling as an educational tool should be taken.
- 4.13. Anyone engaged in positions of responsibility within cycling should be aware of the need to manage their lifestyle and commitments to the sport, to avoid burn-out, stress or a lowering of standards which may impact on themselves or others.
- 4.14. No person and/or organisation in cycling, at any level, assume responsibility for any role which they are not qualified and/or sanctioned for.
- 4.15. Race officials, team managers, and coaches should not mislead others as to their level of qualification or competence.