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CONSTITUTION OF THE SOUTH AFRICAN MODERN PENTATHLON ASSOCIATION

As amended at the Special General Meeting held on 9 August 2024

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President

20 August 2024



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CLAUSE 1: DEFINITIONS

In the Constitution, except where incompatible with the context, the following terms shall have the meanings indicated:

1. “Association”: means the South African Modern Pentathlon Association (SAMPA);
2. “Biathle”: means a continuous run / swim, / run event. “Triathle”: which means the combination of swimming and laser-run event;
3. “Colours”: means National (Protea and Junior Protea) and Federation (SAMPA and Presidents) Development and Provincial Colours;
4. “Constitution”: means this constitution;
5. “Gender”: means any reference to one gender includes the other genders;
6. “General Meetings”: means the meetings convened in terms of Clause 7;
7. “Misbehaviour / Dishonourable practices”: means bringing the sport into disrepute or alternatively acting in contrary to the provisions of the Constitution and the Code of Conduct;
8. “UIPM”: means the International Modern Pentathlon Association, (Union Internationale de Pentathlon Moderne);
9. “Executive Committee”: means the Executive Committee as constituted in terms of Clause 17;
10. “Board”: means the Board as constituted in Clause 14;
11. “Member(s)”: means Provincial Associations administering Modern Pentathlon and affiliated to SAMPA, individual members, associate / developing members and parents and / or legal guardians of athletes younger than 18 years, which members are referred to in Clause 5;
12. “Modern Pentathlon / Pentathlon”: means the multi-disciplinary sports as recognised by the UIPM and held in accordance with the UIPM competition rules;



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13. "Pentathlon": means a combination of the individual sports constituting swimming, horse-riding, fencing and laser-run event, running and shooting);
14. "Rules and Regulations": means the rules and regulations adopted by UIPM and of this constitution to regulate and administer Modern Pentathlon and the multi-discipline sports in the Republic of South Africa;
15. "SASCOC": means the South African Sports Confederation and Olympic Committee;
16. "Selection Committee": means a Selection Committee as constituted in terms of Clause 23;
17. "South Africa": means the Republic of South Africa;
18. "SRSA": means the South African Department of Sport and Recreation;
19. "Tetrathlon": means the combination of swimming, fencing and laser-run event;
20. "Triathlon": means the combination of swimming and laser-run event.

CLAUSE 2: NAME AND LEGAL PERSONALITY

- 2.1 The name of the Association shall be "the South African Modern Pentathlon Association".
- 2.2 The Association shall have legal personality and shall:
 - 2.2.1 have an independent existence and continues to exist even when its members and office-bearers change
 - 2.2.2 be entitled to own property
 - 2.2.3 be entitled to enter into legal transactions
 - 2.2.4 be entitled to institute legal actions, including being able to sue and be sued in its own name
 - 2.2.5 be entitled to incur obligations and liabilities independently of its members and committee members.



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2.3 The Association shall be a public benefit organization and shall not distribute its annual profit amongst its members.

CLAUSE 3: OBJECTIVES

- 3.1 To promote the interest of Modern Pentathlon, its multi-discipline sports and its members and athletes within the Republic of South Africa;
- 3.2 to uphold and abide by the Rules and Regulations of the UIPM and the Association;
- 3.3 to administer Modern Pentathlon and its multi-disciplinary sports under the jurisdiction of the Association;
- 3.4 to protect, promote and stimulate Modern Pentathlon and its multi-disciplinary sports and provide assistance in the prescription of rules and regulations for the control and protection of Modern Pentathlon and its multi-disciplinary sports without affecting the autonomy of Members;
- 3.5 to attend to the selection of athletes and officials who are to represent the Association with approval by the Board;
- 3.6 to provide for the keeping of official lists of records (electronically) of performances from local competitions per annum by the Secretary General;
- 3.7 to decide upon the nature, award and protection of colours as approved by the Board and with approval from SASCOC for National Protea colours;
- 3.8 to maintain the principle of non-discrimination in respect of the sport;
- 3.9 to hold annual National championship meetings in Modern Pentathlon and its multi-disciplinary sports including individual, team and relay championships and other events sanctioned by the Association;
- 3.10 to take action and deal with any non-sanctioned events;
- 3.11 to acquire, where possible, equipment and provide training to benefit and promote Modern Pentathlon and its multi-discipline sports.



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CLAUSE 4: WAYS OF ACHIEVING OBJECTIVES

- 4.1 To affiliate with the UIPM;
- 4.2 to affiliate to the South African Sports Confederation and Olympic Committee (SASCOC);
- 4.3 to affiliate or register with the South African Department of Sport and Recreation (SRSA);
- 4.4 affiliation of Members to their Provincial and District sports councils;
- 4.5 to prescribe a general membership fee payable to the Association;
- 4.6 providing suitable grounds, premises, equipment and other conveniences necessary for the hosting and organizing of amateur meetings;
- 4.7 the acquisition in a legal manner of such movable or immovable property as may be required to achieve the aims and objectives of the Association;
- 4.8 entering into such negotiations and concluding such contracts and agreements as may be lawfully undertaken by an incorporated body and are not incompatible with the aims and objectives of the Association;
- 4.9 raising funds to the benefit of Modern Pentathlon and its multi-disciplinary sports to the benefit of the athletes affiliated with SAMPA;
- 4.10 to set up a disciplinary committee to uphold the rules of the UIPM as per Par 3,2 and the Association in accordance with the provisions of the Constitution;
- 4.11 to inquire into irregularities as may occur during Modern Pentathlon or those multi-disciplinary sports competitions, or in the course of the administration that have come to its notice during disciplinary processes as contemplated in Clause 33;
- 4.12 to hear appeals against the decisions of Members and to pronounce on such appeals;
- 4.13 on the basis of sufficient security, to invest SAMPA funds that may not be immediately required for the administration of SAMPA;
- 4.14 to make, amend or withdraw the Constitution as well as Rules and Regulations of SAMPA in accordance with the procedure set out hereafter and in conjunction with requirements of the UIPM;



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4.15 to appoint individuals to act as representatives of the Association for the benefit of members and athletes at any competition worldwide.

CLAUSE 5: MEMBERSHIP

5.1 SAMPA consist of four categories of Members, namely:

- 5.1.1 Provincial Associations as described in paragraph 5.2 hereunder;
- 5.1.2 Individual members which shall be all athletes registered at their Provincial Associations that will obtain the status as individual members upon registration at their Provincial Associations;
- 5.1.3 Parents and / or legal guardians of athletes under the age of 18 who shall obtain the status of member upon registration of their child under the age of 18 upon registration of such child as athlete at its Provincial Association;
- 5.1.4 Associate / Developing Member(s) who shall be those Members who have been granted a special dispensation development membership, which membership shall be for a period not in excess of twelve (12) months, and who shall be obliged within nine (9) months from the date of the granting of their development membership to make representation to the Executive Committee for full membership on the grounds that they have complied with all the requirements set out by the Executive Committee in the granting of their development membership. In the event of the Executive Committee not granting the Probationary Development Member with full membership for whatever reason, then and in such event the Development Member shall be required to re-submit a new application for Development Member status within thirty (30) days after the decision of the Executive Committee, failing of which they shall lose their status of Developing Member, and the procedure referred to above in regard to their application for full membership shall continue. It is specifically recorded that in the event of the Executive Committee failing to grant the Developing Member full status for three consecutive years, then and in such event the Developing Member shall be prohibited from making application for developing status for a period of one calendar year.



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5.2 The current Provincial Associations are:

- 5.2.1 Western Cape Modern Pentathlon Association
- 5.2.2 Gauteng Modern Pentathlon Association
- 5.2.3 Eastern Cape Modern Pentathlon Association
- 5.2.4 Free State Modern Pentathlon Association
- 5.2.5 Limpopo Modern Pentathlon Association
- 5.2.6 KwaZulu Natal Modern Pentathlon Association
- 5.2.7 Norther Cape Province Modern Pentathlon Association
- 5.2.8 North West Province Modern Pentathlon Association
- 5.2.9 Mpumalanga Modern Pentathlon Association

5.3 A Provincial Association / Member seeking to be affiliated to SAMPA may apply to the Secretary General of the Management Committee in the form determined by the Board enclosing:

- 5.3.1 a copy of its duly adopted constitution, which constitution must comply with the provisions of this Constitution;
- 5.3.2 a declaration that it and its members will adhere to the Constitutions of UIPM and SAMPA;
- 5.3.3 a complete membership list;
- 5.3.4 approved financial statements, if the association is older than one year or certified proof of bank details;
- 5.3.5 a copy of the minutes from the founding General meeting, attendance register of such meeting.



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- 5.4 A Provincial Association / Member which has constituted itself as representing Modern Pentathlon or any of its multi-discipline sports in a province and which has submitted an application for affiliation to SAMPA may be granted provisional affiliation as a Developing Member until the next Annual General Meeting (AGM), by the Board, on such further terms and conditions as it may in its discretion determine.
- 5.5 Applications for affiliation shall be considered by the AGM, upon recommendation by the Board and upon approval, a member shall serve as a Developing Member for a period of twelve (12) months or until it has complied with the requirements of Clause 5.3.
- 5.6 A Developing Member shall have all the rights and privileges of membership, save that its representative at General, Board or other meetings of SAMPA shall be entitled to speak but not vote.
- 5.7 A Provincial Association Member shall be deemed to be in good standing for the purposes of any meeting of SAMPA if it remains properly constituted and was represented at the most recent AGM of SAMPA, has held a provincial AGM with financial statements and a provincial championship event within the prior 12 months, has a bank account, and has during that period attended Board meetings. Whilst it remains “not in good standing”, a Member shall be entitled to attend, but not to speak or vote at any meeting. A Member may at any time redeem its good standing by fulfilling the requirements herein.
- 5.8 A Provincial Association Member shall have jurisdiction over all Modern Pentathlon matters within its geographic area of jurisdiction, subject to the SAMPA Constitution, Rules and Regulations as set by the SAMPA Board.
- 5.9 The jurisdiction of Provincial Association Members shall be limited by the boundaries of the provinces within the Republic of South Africa which they presently represent as summarized in Appendix A, which boundaries may be amended by SAMPA or SASCOG from time to time.
- 5.10 An individual member and / or a parent or legal guardian of an athlete under the age of 18 shall be deemed to be in good standing for purposes of representing SAMPA in any competition if:
- 5.10.1 they are duly registered and affiliated at their Provincial Association;
- 5.10.2 all membership fees and amounts due to SAMPA in respect of participation at a world championship have been paid in full;



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5.10.3 there are no pending disciplinary procedures as a result of contravention of this Constitution.

CLAUSE 6: ORGANISATION OF THE ASSOCIATION

6.1 The principal constituent bodies of the Association are:

6.1.1 The General Meeting

6.1.2 The Board

6.1.3 The Executive Committee

6.2 The SAMPAs Board will include the following members as duly elected and shall manage Modern Pentathlon and all its multi-discipline sports between AGM's, each member of the Board shall have one (1) vote.

6.2.1 The Executive Committee

6.2.2 The Chairman or representative from each affiliated Member in good standing.

6.3 The Executive Committee of SAMPAs will include the following members as duly elected and shall manage the day to day running of Modern Pentathlon and all its multi-discipline sports within the Republic of South Africa, each member will have one (1) vote on the Committee:

6.3.1 The President

6.3.2 The Vice-President

6.3.3 The Secretary General

6.3.4 The Treasurer

6.3.5 Three (3) additional members

6.4 Other Committees and Sub-committees may be constituted by the principal constituent bodies in conformity with the provisions of the Constitution as need arises.



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CLAUSE 7: GENERAL MEETINGS

- 7.1 The General Meeting is the supreme authority of the Association and an Annual General Meeting shall be held once every year on a date to be fixed by the Board. The minutes of all meetings of the Board and the Management Committee held since the previous Annual General Meeting shall be laid before the meeting for its consideration.
- 7.2 A Special General Meeting shall be convened by the Secretary General pursuant to a resolution of the Management Committee, or upon receipt of a requisition signed on behalf of at least two Members of the Board. A Special General Meeting shall be called within 21 days after receipt by the Secretary General of the said resolution or requisition as the case may be.

CLAUSE 8: NOTICE OF GENERAL MEETINGS

- 8.1 A General Meeting shall be convened by the Secretary General upon 60 days (in the case of an AGM) and 21 days (in the case of a SGM) written notice of the time and venue thereof, to Members, Board and Management Committee members as well as Honorary Life members at their address of record with the Association.
- 8.2 Any notice of a motion to be tabled at the Annual General Meeting must reach the Secretary General not less than 30 days before such a meeting.
- 8.3 The Secretary General shall circulate the agenda of an AGM to all Members, Board, Management Committee and Honorary Life members at least 14 days prior to the meeting.
- 8.4 The notice convening a SGM shall include its agenda, venue and time. No new motions will be accepted other than for what the SGM has been called for.
- 8.5 The chairman may, in the exercise of his / her discretion, determine shorter periods than the periods stipulated in Clauses 8.1 to 8.3 provided that such shorter periods are subsequently condoned by the General meeting.



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CLAUSE 9: REPRESENTATION AT GENERAL MEETINGS

- 9.1 Every Provincial Association Member shall be entitled to be represented by two delegates at General Meetings.
- 9.2 Individual members and / or parents and / or legal guardians of athletes under the age of 18 will not be entitled to attend General Meetings. Individual members and parents and / or legal guardians of athletes under the age of 18 will be represented at General Meetings by delegates of their Provincial Association.
- 9.3 delegates of Provincial Association members shall be entitled to participate in the business of the Annual General Meeting only if the Provincial Association member they represent, is in good standing as at the date of the meeting in question.
- 9.4 All voting will be done by the representative of a Member (1 vote per representative) who has an official accreditation letter from its Member.

CLAUSE 10: QUORUM AT GENERAL MEETINGS

- 10.1 A minimum of 60 % of the number of the Members, plus one Member, in good standing on the date of the meeting, shall constitute a quorum at any General Meeting;
- 10.2 In the event that at the date and time of the meeting there is no quorum present, the Chairman of the meeting shall adjourn the meeting for one hour. If after the elapse of one hour at least 50 % of Members plus one Member in good standing, are present, such number shall constitute a quorum. If however, the meeting remains inquorate, the Chairman shall adjourn the meeting for no more than seven days. The Secretary General shall advise all Members of the date and place of the adjourned meeting and all Members then present at such reconvened meeting shall constitute a quorum.



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CLAUSE 11: PROCEDURE AT GENERAL MEETINGS

- 11.1 At General Meetings the President shall preside, or in his or her absence, the Vice President. In the absence of both, the Members present shall elect a Chairman.
- 11.2 The agenda of the Annual General Meeting shall be disposed of in the following order:
- 11.2.1 to approve the credentials of delegates;
 - 11.2.2 to confirm and adopt the Minutes of the previous Annual General Meeting, and any intervening General Meeting;
 - 11.2.3 to receive the presidential address;
 - 11.2.4 to consider and adopt the report of the Executive Committee;
 - 11.2.5 to consider and adopt the accounts, audited balance sheet and reports of the auditors for the previous year;
 - 11.2.6 to appoint auditors for the coming financial year;
 - 11.2.7 to consider and approve amendments to the Constitution;
 - 11.2.8 to consider regulations made by the Executive Committee;
 - 11.2.9 to consider any applications for Associated Membership;
 - 11.2.10 to accept new Members;
 - 11.2.11 to determine the schedule of events and membership fees for the ensuing year;
 - 11.2.12 to hold elections in an electoral year for the Executive Committee or for the filling of any vacancies thereon;
 - 11.2.13 to consider general matters (motions) for which thirty (30) days' notice had been given in writing;
 - 11.2.14 The minutes of an Annual General Meeting shall be distributed to all members within a period of 30 days after conclusion of the respective AGM.



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11.3 Special General Meeting

- 11.3.1 A Special General Meeting shall be called whenever the Executive Committee deems it necessary, or by requisition on thirty (30) days' notice signed on behalf of Members in good standing. The agenda for such meeting shall be specified in the requisition.
- 11.3.2 Only the business for which the meeting is called shall be discussed at a Special General Meeting.
- 11.3.3 The provisions of Article 12 as far as need be shall apply to Special General Meetings in the same way as they apply to Annual General Meetings.

11.4 General Meeting

- 11.4.1 An Ordinary General Meeting shall be called by the National Executive Committee within six (6) months of the Annual General Meeting or as and when necessary to deal with matters upon thirty (30) days' notice.
- 11.4.2 The provisions of Article 12 as far as need be shall apply to Ordinary General Meetings in the same way as they apply to Annual General Meetings.
- 11.4.3 The minutes of all meetings shall be approved at the next meeting, and all minutes of sub committees shall be submitted to the Executive Committee for approval and circulated to the Board.

CLAUSE 12: VOTING AT GENERAL MEETINGS

- 12.1 All matters requiring a resolution shall be decided by a show of hands, or if so resolved by the meeting, or so ruled by the Chairman of the meeting, by secret ballot. All elections shall be conducted by secret ballot and only Provincial Association Members vote.
- 12.2 Each Provincial Association Member in good standing has one (1) vote.
- 12.3 No Proxy vote shall be valid.



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- 12.4 In all matters except elections, Provincial Association Members and the members of the Executive Committee shall have one (1) vote each. In the event of a tie the Chairman of the meeting, shall, in addition to his / her ordinary vote, have a casting vote. In the case of a difference of opinion, the ordinary majority will prevail over the minority.
- 12.5 The declaration by the Chairman that a decision has been made will be final unless a recount of votes is immediately requested.

CLAUSE 13: ELECTION OF OFFICE BEARERS

- 13.1 The office bearers of SAMPA, namely the President, The Vice President, Secretary General, Treasurer as well as the three additional members of the Management Committee, shall be elected at an AGM, for a period of two (2) years by the Members. Elections of office bearers shall accordingly occur at every second AGM, which shall be in a non-Olympic year, ("an electoral AGM"), save to the extent provided to the contrary herein.
- 13.2 All incumbent office bearers and the three additional members of the Executive Committee shall have to be nominated for re-election at an electoral AGM.
- 13.3 All nominations for these posts shall be submitted in writing to the Auditor at least 21 days prior to the meeting. Nominations for the position of President and Vice President shall be accompanied by a C.V. of the nominee and a written motivation of his / her candidacy. Only Members may submit nominations, which shall be signed by the Chairman of the Member in question and include an acceptance of the nomination by the nominee. All nominations will only be accepted on the official SAMPA nomination document.
- 13.4 The incumbent members of the Management Committee, which include the office bearers, shall retire immediately prior to the commencement of an election and the Meeting shall elect a chairman to preside until the completion of the election. It follows that only Members shall be entitled to vote in an election.




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13.5 The Office Bearers and Members of the Executive Committee shall be elected in the following order:

- 13.5.1 President
- 13.5.2 Vice President
- 13.5.3 Secretary General Treasurer
- 13.5.4 Three additional members

All shall be deemed to have been elected and to have assumed office only when the election of all has been completed.

CLAUSE 14: BOARD

14.1 The business of SAMPA between AGMs shall be managed and conducted by the Board, subject to the policy directives and resolutions of the AGM.

14.2 The Board shall consist of:

- 14.2.1 The members of the Executive Committee
- 14.2.2 The Chairman of each Provincial Association Member in good standing (or his / her delegate).

CLAUSE 15: MEETING OF THE BOARD

15:1 The Board shall meet at least three (3) times per year on dates to be determined by the AGM. Additional meetings may be convened pursuant to a resolution of the Executive Committee to this effect, or upon written requisition by two (2) Members addressed to the Secretary General.

15.2 The Secretary General shall give a formal written notice to members of the Board, accompanied by the agenda, at least 14 days in advance of each meeting.



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- 15.3 A quorum for meetings of the Board shall be 60 % of Members thereof, plus one (1) member. All Members forming a quorum shall be in good standing.
- 15.4 The President, or in his absence, the Vice President, or in the absence of both of them, a member of the Board, elected by the meeting, shall be the Chairman of a meeting of the Board.
- 15.5 Members of the Board will have one (1) vote each and in the event of an equality of votes, the Chairman of the meeting shall have a casting vote.
- 15.6 Minutes of Board meetings shall be circulated to all members within 30 days of a meeting.

CLAUSE 16: POWERS AND DUTIES OF THE BOARD

In addition to any powers and duties granted to the Board in this Constitution, the following further powers shall vest in it:

- 16.1 When vacancies occur in the offices of President, Vice-president, Secretary General, Treasurer or additional members of the Management Committee, to fill such vacancies from amongst the individual members of the association, to hold office until the next General Meeting, when an election shall be held to fill such vacancy, notwithstanding that such General Meeting is not an elective AGM.
- 16.2 To deal exclusively with all communication to and from the International Federation, the South African Sports Confederation and Olympic Committee and the Department of Sport and Recreation, which communications may only take place by the Chairman, alternatively by a member of the Executive Committee after obtaining Board approval for such communications.
- 16.3 To decide where meetings of the Association shall be held.
- 16.4 To bid for, decide on and control international competitions and to inform Provincial Association Members of decisions in this regard.
- 16.5 To nominate delegates to any association with which the Association is affiliated.
- 16.6 To appoint the delegates to International Congress.



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- 16.7 To make the following appointments from time to time, from amongst its number or by co-option, as it deems fit, together with such other functions as may be appropriate:
- 16.7.1 a Director: Development;
 - 16.7.2 a Financial Committee with the President ex officio a member;
 - 16.7.3 a Director: Competitions;
 - 16.7.4 a Director: Coaches and Officials;
 - 16.7.5 a Director: Public Relations.
- 16.8 The treasurer shall prepare and maintain a database of registered athletes.
- 16.9 To approve all National teams selected, team managers and other officials of such teams.
- 16.10 To convene an Annual General Meeting of the Association every year.
- 16.11 To consider any violation or infringement of the Constitution, Rules and Regulations of the Association, Code of Conduct and to take the necessary action in terms of this Constitution.
- 16.12 To prosecute, or take action against, any athlete or person who attempts to obtain any award dishonestly, or has so obtained it.
- 16.13 To suspend temporarily or permanently any person who has been convicted of misbehaviour or dishonourable practices in regard to the activities of the Association and to restore the status of such a person in accordance with the finding of the Annual General Meeting, if a member has proposed a motion to this effect.
- 16.14 To hear appeals against the decisions of Provincial Association Members or the disciplinary panel and to pronounce on these.
- 16.15 To consider at every meeting a report on the financial affairs of the Association to be drafted and submitted by the auditor / treasurer and presented by same.
- 16.16 To submit to the Annual General Meeting an annual report.



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- 16.17 To manage and control all financial matters of the Association and to submit to the Annual General Meeting an audited financial report and financial statements for the previous financial year (1 March to 28 February). If the Annual General Meeting is held before 30 April, a provisional financial statement shall be submitted, in which case the audited financial report and financial statements shall be sent to all members before 31 May.
- 16.18 To open current and savings accounts for the Association, and to draw, receive and endorse cheques, bills of exchange and IOU's in connection with the financial business of the Association: to pay out any honorarium upon which the Board may decide.
- 16.19 To agree to the settlement of the travel and subsistence expenses of any athlete or official when funds are available.
- 16.20 To appoint a legal advisor if necessary and an honorary auditor at its first meeting after the Annual General Meeting.
- 16.21 To seek and approve of all sponsorships that may be decided upon by the Board.
- 16.22 To approve any international participation by South African athletes under the jurisdiction of the Association.
- 16.23 To do everything that is desirable for the affairs of the Association, in keeping with its accepted aims and objectives, subject to the conditions of this Constitution and to directions of the Annual General Meeting.

CLAUSE 17: EXECUTIVE COMMITTEE

- 17.1 The day-to-day direction of the Association's affairs and implementation of the Board's decisions shall be the responsibility of the Executive Committee, subject to the policy directives and resolutions of the Board.
- 17.2 The Executive Committee consists of:
- 17.2.1 The President
 - 17.2.1 The Vice President
 - 17.2.3 The Secretary General



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- 17.2.4 The treasurer
- 17.2.5 Three additional members
- 17.3 Meetings of the Executive Committee shall be convened by the Secretary General pursuant to a direction of the President, who shall also determine the agenda for such meetings. The President shall be obliged to call a meeting upon receipt of a written request from at least two members of the Committee. At least 10 days written notice of the date, time and place for meetings shall be given, but if convenient, the President may direct that meetings may be held by telephone or video conference call, or by telephonic or written round-robin communication.
- 17.4 The Executive Committee may establish subcommittees from time to time in order to conduct its business more effectively.
- 17.5 A quorum for all meetings of the Executive Committee shall be a majority of its members.
- 17.6 A resolution in writing, signed by all the members or supported by a majority of them in electronic format shall constitute a valid resolution of the Committee.
- 17.7 Seventy-two (72) hours response time is allowed on all electronic communication; non-compliance will be seen as acceptance of the content of such communication by such member.

CLAUSE 18: POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

- 18.1 The Executive Committee shall be responsible for the day-to-day management of the affairs of the Association, subject at all times to the policies, directives and resolutions of the Board and the General Meeting.
- 18.1.1 The Executive Committee may in its discretion take decisions on behalf of the Board, and submit same for ratification before the next meeting of the Board. The Executive Committee shall however at all times be accountable to the Board and shall otherwise exercise only those powers and duties specifically delegated to it by the Board.
- 18.2 An Emergency Committee may be established if so determined by the Executive Committee and shall be appointed to deal with a specific issue.



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18.3 Appointing of a disciplinary panel to hear and act on charges placed before the Committee and an investigating officer if the need arises. The Disciplinary panel to consist of three (3) individuals:

- Presiding chair (preferable a person with legal background)
- Two other individuals who are involved in the administration or active members of Modern Pentathlon or its multi-discipline sports.

18.4 Communicating with the UIPM upon approval of such communication by the Executive Committee.

CLAUSE 19: FORFEITURE OF OFFICE

19.1 If any member of the Executive Committee or any other committee absents himself without leave from two consecutive meetings, it shall be presumed that he/ she has forfeited his / her office.

19.2 If any member of the Executive Committee is found guilty and convicted of a criminal offence.

19.3 If the estate of any member of the Executive Committee has been sequestrate.

CLAUSE 20: HEAD OFFICE

20.1 The Head Office of the Association shall be situated at the place decided upon by the Executive Committee at its first meeting after the Annual General Meeting.

20.2 Should the Executive Committee decide to move the Head Office all members must immediately be notified of the new address and the Head Office must be established at the new address within two (2) months.



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CLAUSE 21: FINANCES

21.1 Membership fees:

- 21.1.1 The Association shall request members to contribute an annual membership fee to the funds of SAMPAsport. A portion of the membership fee will be allocated to the Provincial Association Members and such other contributions as determined by the Executive Committee.
- 21.1.2 Affiliation fees shall be due by the date specified by the Board.
- 21.1.3 Each Provincial Association Member shall provide the Treasurer of SAMPAsport a list containing the names, surnames, membership number of its members and office bearers as well as the membership fees owing by the Member to SAMPAsport.
- 21.1.4 If the affiliation fees have not been paid before the Annual General Meeting this shall mean that the defaulting Provincial Association Member is not in good standing.
- 21.1.5 If the amount due is paid together with the penalty as determined by the Executive Committee from time to time, the Executive Committee may uplift the disqualification.
- 21.1.6 If a Provincial Association Member ceases to exist or abandons its activities for a period to be determined by the Board. The Board shall take the necessary steps to liquidate the affairs of such member.

21.2 Monies

All monies of SAMPAsport shall be deposited into a bank account as authorized by the Board.

21.3 Signing powers

- 21.3.1 All authorized documents and cheques that need to be issued on behalf of SAMPAsport shall be considered correct if (properly) signed by any two (2) of the following, the Treasurer, the President or Vice President;
- 21.3.2 SAMPAsport will make use of FNB Internet banking service where the President and the Treasurer, designated by the Board, will have the authority to access, load or authorize payments.



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21.4 Audit

21.4.1 At the Annual General meeting, a professional auditor or auditors shall be appointed to fill this office until the next Annual General Meeting. The Board may fill any accidental vacancy in the office of auditor. The auditor(s) shall revise SAMPAsport's books at least once after the financial year. SAMPAsport's financial year is 1st of March to 28th February of the following year. These financial statements then need to be presented at the Annual General Meeting of SAMPAsport each year.

21.4.2 It shall be the duty of the auditor(s) to examine the books at a time fixed by the Board. The auditor(s) shall at reasonable times and for the purpose of his / their duties have access to the books and records of SAMPAsport.

21.4.3 No Board member shall be eligible for the office of auditor, and no auditor may be direct family of any Board member.

21.4.4 The auditor(s) may, if deemed necessary, request a general meeting at any time. In this case the Secretary General shall be notified in writing, and shall, subject to the usual notice for such meetings, convene such meetings.

21.5 Income and property

21.5.1 The association may not give any of its money or property to its individual members or office bearers. The only time it can do this is when it pays for work that an individual member or office bearer has done for the organisation or reasonable costs incurred by the individual member or office bearer. The payment must be a reasonable amount for the work that has been done or where reimbursement for reasonable costs, may not exceed the costs incurred by the individual member or office bearer.

21.5.2 The association may give money and/or property to its provincial members where such money and/or property is to be used to advance the objectives of the association.

21.6 Rights in the property or other assets of the organisation

21.6.1 Members, including provincial and individual members, and office bearers of the association do not have rights over monies or property that belongs to the association.



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CLAUSE 22: MEMBERS

22.1 Conditions for affiliated membership:

- 22.1.1 Provincial Association Members shall consist of provincial associations which have affiliated in terms of Clause 5.
- 22.1.2 Each Provincial Association Member may decide upon its colours, subject to the approval of the Board.
- 22.1.3 District associations, clubs or schools and individual members may affiliate to a Provincial Association Member by virtue of which they will become an affiliated member of SAMPA.
- 22.1.4 No Provincial Association Member, club, regional association or body and / or individual shall be allowed to use or to adopt the National Emblems of the Association.
- 22.1.5 Provincial Association Members shall be responsible for ensuring that all athletes who compete at Provincial or National Championships or in any international multi-disciplinary competitions shall be registered with the Association.
- 22.1.6 Every Provincial Association Member shall, if requested in writing by the Board, submit a report on its activities within a specified period.

CLAUSE 23: SELECTION COMMITTEES AND CRITERIA

- 23.1 The Board shall from AGM to AGM establish a selection system consisting of selection committees and selection criteria for representative teams for Modern Pentathlon and its multi-disciplinary components.
- 23.2 The selection system shall in addition provide for the election or appointment of members of selection committees, any minimum qualifications or attributes required for selection or appointment, terms of office and any other matters it deems necessary to regulate the activities of such committees.
- 23.3 The selection criteria will be circulated to all Members before the start of each season.



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CLAUSE 24: HONORARY LIFE MEMBERS

- 24.1 Honorary Life Members shall be appointed at the AGM.
- 24.2 Nominations, along with a report outlining the services rendered to Modern Pentathlon, shall be submitted to the Management Committee for consideration 21 days before the AGM.
- 24.3 When a number of acceptable nominations exceeds the available vacancies, the nominations, along with reports of services, shall be submitted to Provincial Association Members for postal vote.
- 24.4 When an equal number of votes are recorded, the Management Committee shall decide whose name or names should be submitted to Provincial Association Members for a postal vote.
- 24.5 Provincial Association Members shall vote by postal ballot and only those nominees who have gained 75 % of the lawful votes recorded shall receive the award.
- 24.6 The names of the successful candidates shall be announced at the Annual General Meeting.
- 24.7 The colours for the honorary life members shall be the official emblem of the Association on a navy blue background with the following wording added to the blazer badge: "Honorary Life Member".

CLAUSE 25: HONORARY MEMBERS

- 25.1 An Honorary President and an Honorary Vice President shall be elected by the delegates at the Annual General Meeting.
- 25.2 Nominations for the offices of Honorary President and Honorary Vice President have to be submitted in writing to the Secretary General by the Members and at least 21 days before the Annual General Meeting. These nominations shall appear unchanged on the agenda of the Annual General Meeting.
- 25.3 The outgoing Honorary President and Honorary Vice President are automatically deemed to have been nominated for the respective offices.



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- 25.4 Voting shall be by secret ballot.
- 25.5 When a vacancy occurs in the office of Honorary President, the Board shall appoint the Honorary Vice President as Honorary President for the remaining period until the next Annual General Meeting.
- 25.6 When a vacancy occurs in the office of Honorary Vice President it shall remain vacant until the next Annual General Meeting.

CLAUSE 26: AWARD OF NATIONAL COLOURS

- 26.1 The Board shall from AGM to AGM determine and resolve upon the criteria and qualifications for the award of national colours in all disciplines under the jurisdiction of the Association, subject to the directions of SASCOC in this regard, for athletes and administrators.

CLAUSE 27: AWARD OF ASSOCIATION COLOURS

- 27.1 The Board shall from time to time determine and resolve upon the criteria and qualifications for the award of association colours in all disciplines under the jurisdiction of the Association, subject to the directions of SASCOC in this regard, for athletes and administrators.

CLAUSE 28: CODE OF CONDUCT (Appendix B)

- 28.1 The Board shall develop and adopt a Code of Conduct for members and individual members of the Association and circulate it to all members. Code of Conduct is attached as Appendix B.
- 28.2 All athletes and officials to whom representative colours have been awarded shall at all times conduct themselves in a manner that will benefit and do credit to the insignia under which they have been chosen to represent their sport and their country. A copy of the Code of Conduct shall be handed to each athlete and official to whom national colours, SAMPA, Presidents and / or Development colours have been awarded.



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28.3 The Executive Committee may take disciplinary action against any athlete, official, parent and / or legal guardian who does not behave in terms of the Code of Conduct. Such action may include the withdrawal of representative colours.

CLAUSE 29: HONORARY AWARDS FOR SERVICE

- 29.1 An honorary award for services rendered to the Association may be made to a maximum of three persons per year by the Management Committee.
- 29.2 Nominations for honorary awards shall be submitted to the Management Committee 7 days before the Annual General Meeting by members, together with a report on the services rendered.
- 29.3 If more than three nominations are received, the Selection Committees shall decide to which three names the honorary awards shall be awarded.
- 29.4 The names of nominees, to whom honorary awards have been made, shall be announced at the Annual General Meeting.
- 29.5 Nominations for honorary awards shall be subject to the condition that a candidate shall have served the Association for at least three years in an executive capacity.
- 29.6 The honorary colours shall be the official badge of the Association on a navy blue background with the following wording "Honoris Causa" added to the blazer badge.

CLAUSE 30: RULES AND REGULATIONS

- 30.1 In addition to the provisions of the Constitution, the Association shall issue such regulations as may be required for the smooth running of its affairs and for the development of the sport of Modern Pentathlon and related sports from time to time.
- 30.2 Such regulations may be issued or amended only by:
- 30.2.1 An Annual General Meeting;
- 30.2.2 A Special General meeting called for this purpose, or



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- 30.2.3 The Board, with the proviso that it is approved at the following Annual General Meeting.
- 30.3 Any amendment of the Regulations shall be entered in the minutes of the particular meeting at which such amendments have been passed. If the minutes have been duly circulated, as provided for in the Constitution, this shall be deemed sufficient notice of such amendments.
- 30.4 No regulations may be in conflict with the Constitution of the Association.
- 30.5 All members, clubs, associations or bodies, individual members, parents and / or legal guardians affiliated with the Association shall:
- 30.5.1 be obliged to observe and accept the Regulations of the Association;
 - 30.5.2 furnish any information required by the Association in connection with any matters falling within the province of Members' activities;
 - 30.5.3 refrain from introducing any incompatible amendments or additions to the Regulations of the Association.
- 30.6 Adopt the rules of order in respect of General Meetings.
- 30.7 The Association shall additionally issue Competition Rules that shall be applicable and must be complied with at all domestic, interprovincial and national championship meetings.

CLAUSE 31: INTERPRETATION OF RULES AND REGULATIONS

- 31.1 Decisions of the Board concerning the validity of any clauses of the rules in terms of which Modern Pentathlon is administered, shall be binding.
- 31.2 Doubts concerning interpretations, the definitions of an amateur or any matter not provided for shall be laid in writing before the Secretary General of the Association by the Secretary General of the Member, to be investigated and commented upon by the Board. The decision of the Board shall be binding.



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CLAUSE 32: APPEALS

Appeals against the decision of any club or association in connection with the rules:

- 32.1 shall in the first instance be addressed in writing to the Chairperson of the Provincial who shall rule on the matter, alternatively the representative of the Provincial Association at any competition.
- 32.2 if satisfaction is not obtained and / or if there is any uncertainty about the decision, an appeal may be directed via the Provincial Association Member to the Board accompanied by a fee in a sum determined by the Board from time to time, which shall rule on the matter;
- 32.3 the decision of the Board shall be final and binding and may include a decision to refund the appeal fee.

CLAUSE 33: DISPUTE RESOLUTION PROCEDURE

- 33.1 In the event of a dispute arising between Provincial Association Members, individual members, parents and / or legal guardians and / or Associated Members or between such members, parents and / or Association Members and the Association, on any issue relating to Modern Pentathlon or its administration either party may declare a dispute by written notice to the other, with a copy to the Secretary General.
- 33.2 The respective Chairman of the Provincial Association Member(s) in question under which the dispute originated, or the Chairman and the President, as the case may be, shall immediately communicate with each other in the most practical manner, including if necessary (but not limited to) by meeting each other (and if necessary as facilitated by the Secretary General) and attempt to resolve the matter within 14 days of declaration of the dispute. Should the matter be resolved, a written record of the resolution arrived at, duly signed by both of the parties, shall be binding on the parties to the dispute and the Association.
- 33.3 If the dispute has not been resolved in the manner referred to in 33.2 within 14 days of declaration thereof, any party thereto may give written notice of non-resolution to the other party or parties to the dispute and to the Secretary General.



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- 33.4 If the dispute is between Members, the Secretary General shall refer the dispute to the President within seven days of receipt of notice thereof. The President shall in his / her sole discretion determine an appropriate procedure for the resolution of the dispute, which may include requiring the parties to submit information or written submissions, appear before him / her or alternatively a legal panel appointed by him / her, consisting of no less than 3 people, and present oral or written evidence and advise the parties accordingly. The President, alternatively the legal panel appointed by the President shall thereafter determine the dispute within 21 days of referral of the dispute to him / her.
- 33.5 If the dispute is between a Provincial Association Member(s) and the Association, the Association, represented by the President and the Provincial Association Members(s) represented by the Chairman(men) of the Provincial Association with jurisdiction in respect of the cause of complaint shall attempt to agree on a person to consider and determine the dispute. In the event that they are unable to agree within seven days of the declaration of the dispute, either party may refer the matter to SASCOC to appoint an attorney or advocate for the purpose of determination of the dispute. Thereafter, the procedure in 33.4 shall mutatis mutandis apply. The person so appointed may make orders as to the costs of the hearing.
- 33.6 No party to a dispute referred to in this clause shall be entitled to be represented by a legal professional, acting such, in such dispute.
- 33.7 Any other dispute arising in the structures of the Association including, but not limited, to disciplinary proceedings as a result of misconduct or alternatively non-compliance with the terms of this Constitution and / or the Code of Conduct shall be resolved in the manner determined by the President, which process may include (but not limited to) the appointment of a legal panel in order to preside over the dispute, which legal panel will make a finding regarding this dispute no later than 2 weeks after the date of the hearing.
- 33.8 The size and composition of the legal panel will be decided by the Executive Committee. In the event of a member of the Executive Committee being involved in the dispute, the remaining members of the Executive Committee will make such decision.
- 33.9 In the event of the dispute being disciplinary proceedings, the legal panel will only make a finding and will not be responsible for imposing a sanction in the event of a member being found guilty of misconduct.



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- 33.10 The decision regarding sanctions to be imposed against a member being found guilty of misconduct will be at the sole discretion of the Board.
- 33.11 In any matter where a dispute arises between the Board and the Executive Committee, which cannot be resolved at a Full Board Meeting, the Board will appoint a mediator to facilitate a resolve to the benefit of the Association.
- 33.12 In the event that a dispute between the Board and the Executive Committee cannot be resolved with the assistance of a mediator, the matter will be referred to the Chairman of SASCOC whose decision will be binding.

CLAUSE 34: AMENDMENTS TO THE CONSTITUTION

- 34.1 The Constitution may be amended only at an Annual General Meeting or at a Special General Meeting called for this specific purpose.
- 34.2 Notice of any proposed amendments shall be entered on the agenda in accordance with the procedure laid down in Clause 8.
- 34.3 The notice shall specify which clause of the Constitution it proposes to amend and shall indicate clearly what should be omitted or added to it.
- 34.4 The Constitution can be amended only by a 75 % majority of all the members of the Association.
- 34.5 Any amendment to the Constitution takes immediate effect unless the contrary is decided.
- 34.6 Amendments to the Constitution must be submitted by the Management Committee to SASCOC as well as to the UIPM.



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CLAUSE 35: DISSOLUTION OF SAMPAsport

- 35.1 The dissolution of SAMPAsport may only be affected by the AGM, provided that the following is met:
- 35.1.1 an interim committee be appointed to finalise the affairs of SAMPAsport,
 - 35.1.2 such interim committee be appointed from the members of the Board, the manager of SAMPAsport's official bank and two representatives appointed by the Board from the ranks of Provincial Members;
 - 35.1.3 the official documents of SAMPAsport be placed in the care of the SASCOC;
 - 35.1.4 on dissolution SAMPAsport will pay off its debts. After doing this, if there is any property or monies leftover, such property or monies should not necessarily be transferred or paid to SAMPAsport's members. Such property and monies shall be transferred or paid to other non-profit organisations that has similar objectives to SAMPAsport, which may include provincial modern pentathlon associations and/or SASCOC.
 - 35.1.5 the decision to dissolve the association is approved by at least two-thirds of the members present and voting at the AGM meeting convened for the purpose of considering the dissolution of SAMPAsport. This meeting shall approve the organisations which shall receive transfer of any properties or monies in accordance with clause 35.1.4.



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Appendix A – Jurisdiction of Members (repositioned)

MEMBERS

There shall be nine (9) Provincial Members, categorized in the following districts:

1. In the Province of Western Cape

- West Coast (Malmesbury)
- Winelands (Stellenbosch)
- Overberg (Swellendam)
- Eden (George)
- Central Karoo (Beaufort West)
- Cape Town (Cape Town)

2. In the Province of Northern Cape

- Namakwa (Springbok)
- Pixley-ka-Seme (De Aar)
- Slyanda (Upington)
- Kgalagadi (Kathu)
- Frances Baard (Kimberley)



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3. In the Province of Eastern Cape

- Cacadu (Grahamstown)
- Amathole (Butterworth)
- Chris Hani (Queenstown)
- Ukhahlamba (Aliwal North)
- O R Tambo (Umtata)
- Alfred Nzo (Mount Ayliff)
- Buffalo City (East London)
- Nelson Mandela (Port Elizabeth)

4. In the Province of Free State

- Xharlep (Trompsburg)
- Motheo (Bloemfontein)
- Lejweleputswa (Welkom)
- Thabo Mofutsanyane (Phuthaditjhaba)
- Fezile Dabi (Kroonstad)



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5. In the Province of Kwazulu-Natal

- Ugu (Port Shepstone)
- Umgungundlovu (Pietermaritzburg)
- Uthukela (Ladysmith)
- Umzinyathi (Dundee)
- Amajuba (Newcastle)
- Zululand (Ulundi)
- Umkhanyakude (Mtubatuba)
- Uthungulu (Richards Bay)
- Ilembe (Kwa Dukuza)
- Sisonke (Ixopo)
- Ethekwini (Durban)

6. In the Province of Mpumalanga

- Gert Sibande (Standerton)
- Nkangala (Witbank)
- Ehlanzeni (Nelspruit)





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7. In the Province of Limpopo

- Mopani (Giyani)
- Vhembe (Thohoyandou)
- Capricorn (Polokwane)
- Waterberg (Bela-Bela)
- Sekhukhune (Groblersdal)

8. In the Province of North West

- Bojanala (Rustenburg)
- Central (Mafikeng)
- Bophirima (Vryburg)
- Southern (Klerksdorp)

9. In the Province of Gauteng

- Sedibeng (Vereeniging)
- Johannesburg (Johannesburg)
- Ekurhuleni (Germiston)
- Metsweding (Bronkhorspruit)
- Tshwane (West Rand)



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Appendix B

SAMPA CODE OF CONDUCT / DISCIPLINARY PROCEDURE

1. Aim of the code
 - 1.1 It is the policy of the Association / Provincial and District structures to maintain order in respect of its activities by creating a climate that is conducive to the pursuit of the sport of Modern Pentathlon and all its multi-discipline sports by all Members / members athletes and parents.
 - 1.2 Furthermore, it is the intention of the Association / Provincial and District structures to encourage such conduct among a member that is proper, constructive and generally acceptable to all its members, athletes and parents.
 - 1.3 This code is a guideline for purposes of the conduct of all members and failure to comply with this code will have the effect of disciplinary actions being taken against members who do not conform to the norms and standards of orderly and proper action as described in this code.
 - 1.4 In order to achieve the aim of the code all Members of SAMPA must accept and agree to:
 - 1.4.1 ensure that they treat all other Members, Committee Members and athletes, whether they are a member of SAMPA or not with the utmost respect;
 - 1.4.2 maintain discipline, good order and proper acceptable conduct;
 - 1.4.3 at all stages abide by all rules related to Modern Pentathlon, Triathle, Biathle, Laser-Run or Tetrathle, whichever may be applicable.
 - 1.4.4 act or alternatively make sure their minor child acts in a sportsmanlike manner consistent with the spirit of fair play and responsible conduct;



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- 1.4.5 maintain or alternatively make sure their minor child maintains a level of fitness and competitive readiness that will permit performance to be at a maximum of the athlete's ability without endangering his / her health or safety;
- 1.4.6 not commit, alternatively will make sure that minor children not commit, a doping violation as defined by the International Olympic Committee, World and Anti-doping Agency or any rules relating to doping as may be promulgated from time to time;
- 1.4.7 not engage and will make sure that an athlete does not engage in any conduct that is criminal under any law applicable to such athlete, including, but not limited to, laws governing the possession and use of drugs and alcohol;
- 1.4.8 refrain from any conduct that will bring the sport into disrepute;
- 1.4.9 respect the property of others, whether personal or public;
- 1.4.10 respect members of the Management Committee of any of the Provincial Associations and SAMPA or any other official at any event arranged by the UIPM or SAMPA and will not engage in any form of discriminate behaviour or verbal, physical or sexual harassment or abuse;
- 1.4.11 only wear apparel approved by SAMPA when required to participate as a member of any team that falls under the jurisdiction of SAMPA;
- 1.4.12 represent himself / herself authentically in online communications when interacting with team members, fellow competitors, committee members, governing bodies and sponsors;
- 1.4.13 accept and understand that remarks that are made on social platforms can be considered "on the record" for the media and will avoid posting defamatory statements or discussing sensitive, confidential and potentially divisive subjects. For such purposes all members agree to exercise good judgement and will be mindful to represent himself / herself and the sport of Modern Pentathlon and its associated disciplines in a positive way.



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- 1.4.14 act in a way that will bring respect and honour to himself / herself and fellow athletes;
- 1.4.15 at all stages act as an ambassador of SAMPAsport;
- 1.4.16 enter timeously for any event and realize that failure to enter timeously might have the effect of being disqualified from participating;
- 1.4.17 when entered for an event, always arrive timeously and will avoid causing any delays that may occur as a result of not arriving timeously;
- 1.4.18 not engage in any behaviour that will endanger the health, safety or wellbeing of any coach, parent, participant, official or any other attendee;
- 1.4.19 at all times act in good faith and will participate according to the highest level of sportsmanship;
- 1.4.20 support fellow athletes in a dignified manner, always mindful of the rules of any competition;
- 1.4.21 In the event of an Appeal at a competition, not approach any official directly but in the event of an Appeal at any event follow the procedures laid down from time to time, including, but not limited to, approaching the team manager of the athlete involved and not to approach any official directly.
- 1.4.22 indemnify SAMPAsport against any claim for damages of whatsoever nature, whether such damages are direct or consequential;
- 1.4.23 accept that he / she / it will never be able to claim any damages whether direct or consequential or otherwise from SAMPAsport, whether in a personal or representative capacity.



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