

# **SOUTH AFRICAN CRICKET BOARD**

**(Affiliated to the South African Council on Sport)**

# **CONSTITUTION**

# CONSTITUTION

## 1. NAME AND DATE OF COMMENCEMENT

The organisation shall have as its name "THE SOUTH AFRICAN CRICKET BOARD" and it shall exist as and from the 13th day of November 1977. It is hereinafter referred to as "the Board".

## 2. COMPOSITION AND PRINCIPLES:

2.1 The Board shall consist of affiliated Provincial and/or Regional Units or Associations which are loyal to the principles of the Board, and, who shall conduct the sport in their territories on a basis of free participation to the exclusion of colour, race and creed-distinction.

2.2 All affiliates of the Board shall be referred to as Units of the Board.

2.3 No unit knowingly harbouring any person, whether he be a player or administrator who participates in, or is associated with any other code/s of sport which practises, perpetuates or condones racialism or multi-nationalism, shall be accepted or endured as an affiliate of the Board.

2.4 The Board is founded on the following principles:

2.4.1 Unity of action.

2.4.2 Mutual respect for Units inter se.

2.4.3 Respect and recognition of penalties inflicted by any unit.

2.4.4 Strict adherence to the principle of non-racialism.

### **3. OBJECTS:**

The object for which the Board is established are:

- 3.1 To promote, foster, encourage, advance, develop and generally to assist and protect the interest of the game of Cricket throughout Southern Africa.
- 3.2. To govern and to make by-laws, rules and regulations governing, regulating and controlling Cricket in Southern Africa, and to add to, repeal, or alter such by-laws, rules and regulations and to enforce the carrying out of the same.
- 3.3 To formulate, control, add to and amend the conditions under which competitions shall be conducted and to regulate the conditions under which trophies offered to and accepted by the Board are to be contested for.
- 3.4 To encourage and assist the dissemination of literature and information which may further the aims of the Board.
- 3.5 To arrange, control, regulate, approve and, if necessary, finance the visit of teams to and from South Africa only when the moratorium on tours is lifted.

### **4. LAWS OF THE GAME:**

- 4.1 The laws of Cricket as recognised by the Marylebone Cricket Club shall be adopted by the Board, but, should such laws in any way be in conflict with the laws and by-laws of the Board, the latter shall be applicable.

4.2 Competition rules promulgated by the Board shall be valid and binding as if inserted herein.

## **5. COLOURS:**

The colours of the Board shall be Black & Yellow.

## **6. HEADQUARTERS:**

The headquarters of the Board shall be decided upon from time to time by an ordinary resolution taken only at a Special or Annual General Meeting.

## **7. MEMBERSHIP:**

### **7.1 Affiliations**

7.1.1 All applications for affiliation to the Board shall be considered only at the Annual General Meeting.

7.1.2 A new Unit seeking affiliation to the Board shall apply in writing. It shall enclose with such application a remittance of R100 (One hundred rand), a copy of its rules, its list of officials and names of clubs or sub-units under its jurisdiction. It shall furnish such additional information as may be required of it by the Board.

7.1.3 A new application shall be successful if two-thirds of the meeting is in favour thereof.

7.1.4 Boundaries of Units shall be determined by the Board and may be changed after consultation with the affected Units.

Meeting preceding the Annual General Meeting.

7.2.3.2 This guarantee shall be paid before any Unit may participate in any of the Board's competitions and shall be refunded to the Units at the conclusion of the competition.

7.2.3.3 Should a Unit default in any way during any competition of the Board, the Board shall have the right to set-off whatever fine it may impose against the guarantee paid.

### **7.3 Registrations And Transfers**

#### **7.3.1 Registrations**

7.3.1.1 All Units shall keep a register of its affiliated teams and its members.

7.3.1.2 Units shall advise the Board of its registered players and teams, its suspensions and release of suspensions, and the defection of any player official or team.

7.3.1.3 Registration of players and teams shall be done before 31 December each year.

7.3.1.4 The Board shall have the final say in the acceptance and registration of defectors

## **7.2 Fees**

### **7.2.1 Annual Subscription Fee**

7.2.1.1 All Units shall pay an Annual Subscription Fee, the amount of which shall be resolved annually at the Council Meeting preceding the Annual General Meeting.

7.2.1.2 The Subscription Fee is payable on or before the 31 May each year.

### **7.2.2 Annual Registration Fee**

7.2.2.1 All Units, except the Primary and Senior Schools Associations, shall pay Annual Registration Fees based on the number of teams registered with it.

7.2.2.2 The amount for registration fees per team shall be resolved annually at the Council Meeting preceding the Annual General Meeting.

### **7.2.3 Annual Guarantee Fee**

7.2.3.1 An annual competition guarantee fee shall be payable by all Units except the Senior and Primary Schools Associations, the amount of which shall be resolved at the Council

### **7.3.2 Transfers**

**7.3.2.1** A player requiring to transfer from one Unit to another Unit must obtain a clearance in writing from the Unit with which the player is registered.

**7.3.2.2** No player shall be allowed to play for two provinces/affiliates in one season unless prior permission is obtained from the Board.

### **7.4 The South African Cricket Board Umpires Association (SACBUA)**

The South African Cricket Board Umpire's Association shall be accorded Associate membership of the Board without a right to vote.

## **8. OFFICERS**

**8.1** The Officers of the Board shall be the President, the Vice-President, General Secretary, Match & Records Secretary, Finance Secretary and a Minutes Secretary.

**8.2.** The Officers shall be elected at the Annual General Meeting of the Board.

**8.3** In the event of any vacancy occurring at any time it may be filled at the following Council Meeting of the Board.

**8.4** The mode of voting shall be by secret ballot.

## 9. COUNCIL:

9.1 The affairs of the Board shall be managed by the Council composed of two representatives from each affiliated Unit, the Officers and the Executive Committee member of the Board.

9.2. The Council shall have the power to perform all such acts and exercise all such powers, rights and duties as may be necessary or expedient for the due, proper and efficient administration of the affairs of the Board and in particular:-

9.2.1 To open a banking account in the name of the Board and to authorise the Finance Secretary and President or General Secretary of the Board to sign, issue, accept, endorse, draw or execute on behalf of the Board any negotiable instruments, powers of attorneys or other deeds or instruments.

9.2.2 Subscribe, grant subsidies out of, administer and invest the funds of the Board for purposes calculated to promote the interests and attain the objects of the Board.

9.2.3 To originate and promote improvements in the laws of cricket and to support or oppose alterations therein

9.2.4 To control, lend or otherwise deal with the funds of the Board upon such securities and in such manner as may from time to time be determined.



- 9.2.5 To borrow and raise money for the purpose of the Board and pledge and encumber as security for the repayment of such monies any of the property of the assets of the Board.
- 9.2.6 To make, vary and repeal by-laws for the regulation of the affairs, and competitions of the Board provided such by-laws do not conflict with the constitution of the Board.
- 9.2.7 To decide on any matters arising out of any competition or tournament played under the jurisdiction of the Board.
- 9.2.8 To institute or defend any action(s) at law for or against the Board.
- 9.2.9 To purchase or otherwise acquire any movable or immovable property.
- 9.2.10 To arrange for the selection of representative teams.
- 9.2.11 To appoint a person or persons, either in an honorary capacity or otherwise, for the carrying out of any 'of the aims and/or objects of the Board.
- 9.2.12 To hear, deal with and consider reports submitted by Units or sub-committees of the Board.
- 9.2.13 Generally to carry out the aims and objects of the Board and for such purpose to do and perform

all such acts and things as may be required and necessary.

9.3 The Council shall meet at least twice per year.

9.4 Notice concerning Council Meetings shall be given by the General Secretary at least 14 days before the date of such meeting.

9.5 With reference to Clause 9.2.8 above, the Chairman and General Secretary of the Board shall represent the Board in any such action and they shall be entitled to make the necessary decisions and sign any documents they deem fit in pursuance of the Board's interests in such action.

## **10. EXECUTIVE COMMITTEE:**

10.1 The Board shall have an Executive Committee (EXCO) consisting of the President, Vice-President, General Secretary, Match & Records Secretary, Finance Secretary, Minutes Secretary and one other member elected at the Annual General Meeting.

10.2 EXCO shall deal with:-

10.2.1 Such matters as are delegated to it by the Council of the Board.

10.2.2 Such matters of the Board which, within its discretion, require attention in between meetings.

10.3. EXCO shall exercise all the powers and duties of the Council and any decision of the EXCO shall be ratified at the next Council Meeting.

10.4 EXCO shall have the right to appoint a Commission of Enquiry on any matter referred to it by Clauses 20, 21 and 22 herein. If the calling of an EXCO meeting is impractical or inconvenient for good reasons, the EXCO may (by consultation with each other) appoint a Commission of Enquiry to hear and decide on such matters. Alternately, the Council may appoint such a Commission to hear and decide on such matters. The members of such Commissions need not be members of the Council.

## **11 SUB-COMMITTEES:**

11.1 The Board may appoint sub-committees and confer on such sub-committees all or any of the powers vested in it under this Constitution. However, all reports and findings of sub-committees must be submitted to the next Council/EXCO meeting.

11.2 All Commissions of Inquiry shall be considered to be sub-committees of the Board.

## **12. ANNUAL GENERAL MEETING (AGM):**

12.1 The Annual General Meeting of the Board shall be held during the month of May each year and the date shall be decided at the last Council Meeting of that season. The General Secretary shall give at least one month's notice of the date thereof to all Units and shall at the same time furnish each Unit with a copy of the agenda.

**12.2 The Agenda for the Annual General Meeting shall be :-**

- 12,2,1 To receive delegates' credentials and to confirm affiliations of Units.**
  - 12.2.2 To consider applications for new affiliations, if any.**
  - 12.2.3 To read and confirm or otherwise deal with the minutes of the last Annual General Meeting.**
  - 12.2.4 Correspondence.**
  - 12.2.5 Presidential address.**
  - 12.2.6 To receive and consider the reports of the General Secretary and the March & Records Secretary and to receive and adopt the annual audited statements of account for the period under review.**
  - 12.2.7 Amendments to the Constitution.**
  - 12.2.8 To elect officials.**
  - 12.2.9 To elect an auditor/s and fix his/their remuneration.**
  - 12.2.10 To conduct the election of sub-committees.**
  - 12.2.11 To transact such special business of which due notice shall have been given.**
  - 12.2.12 To transact general business.**
- 12.3 Notice of intention to introduce any special business at the AGM shall be given to the Secretary at least fourteen (14) days before**

14.3 The quorum of the Executive Committee Meeting shall be over fifty (50) percent of its members at any such meeting.

## **15. VOTING:**

15.1 Each EXCO member except the President shall have a deliberative vote. The President shall only have a casting vote.

15.2 All affiliated Units shall have two (2) deliberative votes per Unit. (i.e. one (1) per representative).

## **16. PROCEDURE AT MEETINGS:**

At all meetings of the Board the President shall preside. If the President is absent the Vice-President shall preside and if he is also absent, the members shall appoint a Chairman for the meeting from amongst themselves.

## **17. MINUTES:**

17.1 Minutes of meetings shall be forwarded to Secretaries of all Units and to the Members of the Executive Committee within 30 days of such meeting.

17.2 Minutes of Council Meetings shall be confirmed at the following Council Meeting.

17.3 Minutes of all EXCO Meetings shall be confirmed at the next EXCO Meeting and minutes of Special General Meetings shall be confirmed at the next Council Meeting.

17.4 Minutes of the Annual General Meeting shall be verified at the following Council Meeting and confirmed at the next AGM.

the AGM. Such notice shall be signed by the proposer and Seconder, who shall not be from the same unit.

### **13. SPECIAL GENERAL MEETINGS (SGM):**

13.1 The Secretary shall convene a Special General Meeting within 21 days,

13.1.1 On the direction of the President.

13.1.2 On the direction of the EXCO or the Council.

13.1.3 On receipt of a requisition signed by the Secretaries of at least five (5) affiliated Units.

13.2 On receipt of such a directive or requisition the Secretary shall convene the S.G.M. within 21 days, the venue of which shall be decided by the President and General Secretary with mutual consent of the Host Unit.

13.3 Fourteen (14) days notice convening a SGM together with the notification of all business to be discussed at the meeting shall be circulated to the Secretaries of affiliated Units.

13.4 A SGM shall deal with the specific business for which such meeting had been convened.

### **14. QUORUM AT MEETINGS:**

14.1 A majority of Units shall, together with four members of the Executive Committee, form a quorum at the Annual General Meeting or any other General Meeting including a Special General Meeting of the Board.

14.2 Any Unit may appoint in writing, a proxy who shall be provided by the host unit, to represent it at any meeting of the Board.

constitution or any of the rules, by-laws and regulations of the Board or of misconduct, the Council may refer the matter to its Executive, or to a Commission of Inquiry appointed in terms of Clause 10.4 aforesaid for trial and judgement.

21.2 EXCO or a Commission of Inquiry shall call for such evidence as it deems necessary and as is presented to it by the person/s so charged or indicted in order to come to a just decision.

21.3 The EXCO/Council shall have the powers to reprimand, fine, suspend, expel or impose any other penalty/punishment it may deem fit on any official, member of Council, player, club, union or association affiliated to any member unit upon any member unit found guilty of any charge or indictment.

21.4 Any person or body aggrieved, by the penalty/verdict imposed by EXCO/Commission of Enquiry shall have the right to appeal to the Council and to make representations in writing within 14 days of being notified of the penalty/verdict clearly stating his or its reasons why the sentence/verdict should be varied, altered or amended. However, the penalty imposed shall remain in force until the appeal has been finalised.

21.5 Any person or body who has been fined or suspended or expelled by EXCO shall not be eligible to participate in any matches or other activities of the Board or any of its member unit until such time as:-

## **18. RECORDS:**

18.1 The General Secretary shall keep proper records of all meetings of the Board as well as records of all correspondence.

18.2 The Match & Records Secretary shall keep proper records of all players registered with the Board as well as records of all matches organised by the Board.

18.3 The Finance Secretary shall keep proper books of accounts and shall deposit all funds of the Board at its approved banking institution. Payments on behalf of the Board shall be made by means of cheques signed by two of the following officials: Finance Secretary and President or General Secretary.

## **19. ANNUAL AUDIT:**

19.1 The financial year of the Board shall end on the 31 March each year.

19.2 The accounts of the Board shall be audited annually by the Board's auditors who shall not be members of the Board.

## **20. DISPUTES BETWEEN AFFILIATES:**

All disputes between affiliated units shall be settled by a Commission of Inquiry appointed in terms of Clause 10.4 aforesaid.

## **21. BREACH OF RULES OR MISCONDUCT:**

21.1 Upon a charge or indictment made by the Council against any official, member of Council, player, club, Union or Association affiliated to any member unit or against any member unit itself, of contravening the



- 21.5.1 In the case where a fine has been imposed, when the said fine has been paid to the Board.
- 21.5.2 In the case where the person or body has been suspended for a specific period of time, when the said period has lapsed or the Council has reviewed the matter and the period of suspension has been reduced.
- 21.5.3 In the case where the person or body is expelled or suspended for life, when the Council has reviewed the matter and has decided to reinstate the said person or body.
- 21.6.1 Suspension or expulsion of membership shall not extinguish any debts due by a Unit to the Board.
- 21.6.2 All Units shall undertake to make good all debts owed to the Board within 14 days of notification of suspension or expulsion of membership.

## **22. APPEALS:**

- 22.1 Each member unit shall manage its own affairs and settle all disputes between its Unions, Clubs, Players or Officials under its jurisdiction, but the decision of any member unit may be appealed against to the Board.
- 22.2 The procedure to be adopted by the appellant shall be as follows:-

22.2.1 The Appellant through his unit, shall lodge the appeal with the Secretary of the Board, together with seven (7) copies of same duly signed by the Chairman and Secretary of the Union or Club concerned or in the case of a member, official or player, by the Appellant himself, within twenty-one (21) days of being notified of the decision by the Provincial Unit.

22.2.2 The Appellant shall with his appeal lodge with the Secretary a deposit of Two Hundred Rand (200,00) which shall be retained by the Board pending the decision of Appeal.

22.2.3 Within twenty-one (21) days of the lodging of the appeal the Secretary of the Unit against whose decision the appeal is made shall lodge with the Secretary of the Board seven (7) copies of the record of the evidence led before the Provincial Unit's Enquiry Board or Committee and its findings, all of which shall be duly certified by the Provincial Unit. The Secretary of the Board shall forward one (1) copy of the record to each of the Appellant and the Respondent.

22.2.4 Upon receipt of an appeal which complies with the afresaid requirements, the Board shall refer the appeal to a Commission of Inquiry appointed in terms of Clause 10.4 aforesaid for the hearing of the

23.5 Any decision arrived at after review shall not be open to review and rescind during the same season.

#### **24. ALTERATION TO CONSTITUTION:**

24.1 No part of this Constitution shall be amended altered or rescinded except at the AGM or at a Special General Meeting called for that purpose.

24.2 Notice of any proposed alteration shall be sent in writing at least sixty (60) days prior to such meeting and the Secretary shall send a copy of such notice to all affiliated Units at least thirty (30) days before such meeting.

24.3 No part of this Constitution shall be altered amended or rescinded except by a resolution of a two-thirds (2/3) majority of those present and eligible to vote.

#### **25. DISSOLUTION:**

25.1 The Board may be dissolved at any time by a resolution in favour of dissolution by a majority of not less than three-fourths of members present in person entitled to vote at a Special General Meeting called specifically for such purpose and of which 30 clear days notice specifying the intention to propose such a resolution has been given.

25.2 Upon the dissolution of the Board the property of the Board not consisting of money shall be sold and the proceeds together with money shall be applied to the satisfaction of the debts and liabilities of the Board and subject thereto the balance shall be

appeal, at which hearing all parties shall be given an opportunity to make further representations provided however that no new evidence shall be led unless the Commission of Inquiry shall deem same to be necessary.

22.3 The Appellant shall forfeit the full deposit paid in respect of any appeal if such appeal does not succeed, or is not properly prosecuted.

### **23. FORCE OF RESOLUTIONS:**

23.1 Resolutions and decisions of the Board shall be binding on all affiliated units.

23.2 Notice of motion to review and rescind any resolution of the Board may be given at the meeting at which such resolution is arrived at and shall be confirmed in writing within fourteen (14) days after date of such meeting. Such a notice of motion to review and rescind shall be moved at the next meeting of the Board.

23.3 If a notice of motion to review and rescind has not been given at a meeting where such resolution is arrived at, then it shall be given in writing within 14 days thereafter, in which case the Secretary shall inform all affiliated units of the Board.

23.4 No resolution can be rescinded unless two-thirds of the members present vote in favour thereof.

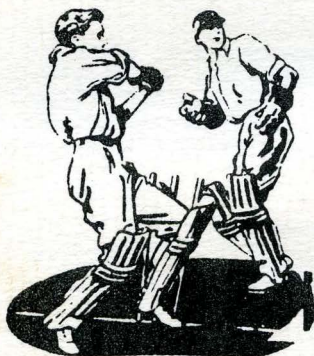
equally distributed amongst the affiliated units of the board.

## **26. INDEMNITY CLAUSE:**

No member of the Board shall be liable for the acts, neglect or default of any other member or officer or servant of the Board for any loss or expenses incurred by the Board or through the insufficiency, deficiency of any title to property acquired by the Board through the insufficiency or deficiency of any security upon which any of the money the Board has invested or for any loss or damage arising for the insolvency or tortious act of any person with whom money, securities or effects have been deposited for any loss or damage incurred by error of judgement on his part.

## **27. GENERAL:**

Any matter not provided for herein shall be dealt with by the Council.



**Established 17 November 1977**

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