

CONSTITUTION OF THE OLD MUIRITE UNION

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CONSTITUTION OF THE OLD MUIRITE UNION

1. NAME:

The name of the Union shall be 'THE OLD MUIRITE UNION', hereafter referred to as 'THE UNION'.

2. MEMBERSHIP:

(1) The membership of the Union shall be at least 50 (fifty) Members and the following shall qualify: -

- i) All past scholars of Muir Academy, Muir College, Muir College Boys' High School (hereinafter referred to as Muir College) and Muir College Boys' Primary School, Uitenhage, Cape Province (hereinafter referred to as Muir Primary), provided in all cases that they were bona fide scholars of one of these schools for a period of not less than one academic year.
- ii) All male teachers, both past and present, who have been or were teachers for at least one academic year on the staff of the aforementioned Schools.

(2) Membership may be conferred

- i) in terms of subsection (1), upon application therefor to the Management Committee as hereinafter constituted, in such form as it may from time to time approve, or
- ii) by resolution of the said Committee.

The Management Committee shall not be bound to grant any such application or to assign any reason for refusal.

(3) Life Membership may, at the discretion of the Management Committee, be conferred upon application therefor by any member who qualifies in terms of subsection (1) or subsection (2) hereof, subject to payment of such subscriptions as may be decided upon at the Annual General Meeting.

(4) Notwithstanding the provisions of the preceding subsections, a General Meeting, upon recommendation by the Management Committee, may by resolution appoint Honorary Life Vice-Presidents or confer Honorary Annual Membership or Honorary Life Membership upon any individual, whether or not a past scholar or teacher, in recognition of Yeoman service he may have rendered to either school, or for any other good reason. Such Honorary Members shall be permitted to participate in any General Meeting, but not to vote thereat unless he be qualified under subsections (1). (2) hereof.

5. Only members as stated above are permitted to pay for facilities, liquor or refreshments offered by The Union at the Muirite (As described in section 5).
6. Members may sign guests (other than family members) into the Muirite. A guest register as required will be kept. No more than 5 (five) guests at any one time will be allowed per member.
7. A membership list will be available at all times at the Muirite.
8. No ordinary Member may be elected as a member of the Union unless a period of 14 (fourteen) days has expired after his nomination or that his name has been displayed on the premises of the Muirite for a period of at least 7 (seven) days.
9. The election of such a member will be effected by either the Management Committee or all the members of the union, excluding any member of the union disqualified to vote as a result of his being in arrear with any payment in connection with the Union.
10. Nobody will be eligible to be elected as an honorary, temporary or a reciprocal member of the Union in the event of him residing within 30 (thirty) kilometre radius of the premises of the Union unless:
 - i) He in any event is eligible because of his holding an official position or he is a bona fide candidate for membership or he effected an extraordinary service to the Union or
 - ii) He is allowed to enjoy the privileges of membership of the Union while he participates in a competition or a match that has been approved of by the Union.

3. SUBSCRIPTIONS

- (1) Members of the Union shall upon admission be required to pay an annual subscription of such amount as may be decided upon at the Annual General Meeting, subject in the case of Life Members to the provisions contained in subsection 2. (3) hereof. The amount of such annual subscriptions shall ensuing years continue at the same level unless altered by resolution at the Annual General Meeting, such alterations not being binding on Members paid up for the current year.
- (2) The Management Committee shall have power in any special or individual cases to make concessions in regard to subscriptions, whether as to amount, due date, or otherwise, as it may in the exercise of its discretion, see fit.
- (3) Members liable for subscriptions who have not paid in full up to 31 December of the preceding year shall be regarded as not in good standing and shall forfeit the right to vote, either in person or by proxy, at the next Annual General Meeting or at any General Meeting, until the liability has been discharged in full.

- (4) Any member who on 1 January of any year is in arrears with his subscription for the preceding two years shall cease to be a member of the Union. He may, However, be accorded reinstatement at the discretion of the Management Committee upon application in writing, provided that such application be accompanied by a remittance for the current year's subscriptions. The Management Committee may accept or reject such application without assigning any reason therefore.
- (5) All members in good standing shall be entitled to receive a copy of the Muir College Magazine of the current year and any Newsletter or other publication during the currency of the following year, provided that this shall be subject to the payment of such additional sums as the Management Committee may feel obliged to impose on account of escalation in costs.

4. **OBJECTS OF THE UNION:**

The objects of the Union shall be

- i) to promote and foster the spirit of fellowship amongst past scholars of Muir College and Muir Primary and to keep such past scholars in touch with one another and with their old Schools.
- ii) To promote, in the tradition of Muir, the interests and enhance the prestige of both Schools and their scholars and of the union within its means and authority,
- iii) To establish and administer Bursary or Scholarship funds, or devise other methods within its authority for the assistance of scholars and Members in the pursuit of their studies or careers.
- iv) To secure representation on the respective School committees, Parent/Teacher Associations, and any other bodies relevant to the welfare of either School or the advancement of the union.

5. **HEADQUARTERS:**

The Official address of the Union shall be that of the current Secretary. The Headquarters of the Union shall be at Uitenhage, which shall be its domicilium citandi et executandi.

6. **BADGES AND INSIGNIA:**

- (1) The Badge of the Union shall be the Badge of Muir college, with the additional words "OLD MUIRITE" on a scroll, as approved and protected by Certificate of registration No. 138 dated 18th June 1947, issued in terms of the Protection of Names, Uniforms and Badges Act, No. 23 of 1935.
- (2) The Uniform of the Union shall be a plain Oxford Blue blazer, with the said badge on the breast pocket. The pocket badge shall not be worn on any garment other than the prescribed blazer.

- (3) The Tie of the Union shall be plain Oxford Blue in colour, with a miniature of the said badge woven therein.
- (4) No person other than a member of the union shall be permitted to acquire or to wear the uniform or other insignia thereof, and no person shall sell or otherwise dispose of any item of insignia abovementioned to any person other than a member in good standing as contemplated by section 3 (3) hereof.

7. **OFFICE BEARERS:**

- (1) The Office-bearers of the union, to be elected as hereinafter provided, shall be:

- i) The President
- ii) The Vice-President
- iii) The Secretary
- iv) The Assistant Secretary
- v) The Treasurer
- vi) Two Trustees
- vii) The Honorary Life Vice-Presidents
- viii) Six other members
- ix) One male teacher from Muir College
- x) One male teacher from Muir Primary

- (2) With the exception of (1) vi); (1) ix) and (1) x), Office-bearers shall be elected from members in good standing at every Annual General meeting.

They shall hold office until the next annual general meeting (subject to the provisions of subsection 10 (1) hereof), but shall be eligible for re-election.

- (3) Nominations for the office of President, Vice-President, Secretary and treasurer, shall be in writing, bearing the signatures of the proposer and the seconder, and of the nominee to signify acceptance, and shall be submitted to the Secretary prior to the Annual General Meeting, provided that failure of observance of this stipulation may, with the consent of the meeting, be condoned. The offices of President, Vice-President, Secretary and Treasurer may not be retained continuously for a period exceeding 5 (five) years.

- (4) The offices of secretary and Treasurer may be combined.

8. **ADMINISTRATION AND CONTROL:**

- (1) The administration and control of the affairs of the union shall be conducted by a Management committee consisting of the Office-Bearers as specified in the preceding section. In addition, the principals of Muir College and Muir Primary shall ex officio be Honorary Vice-Presidents of the union and members of the Management committee, and the Chairman of any officially recognised branch of the union or his accredited alternate shall ex officio be members of the management committee.

9. (1) The incoming management Committee shall at its first meeting be chaired by the President and shall elect a Chairman and a vice-Chairman, who shall hold office until the next Annual General Meeting.

- (2) The Chairman shall preside at all meetings of the management committee, and in his absence the Vice-chairman, and failing him a member elected by those present.
- (3) The Management Committee shall meet at least once every calendar month, provided that for good reason it may resolve otherwise in respect of any specific month
- (4) Voting at such meetings shall be by show of hands, provided that any member shall be entitled to demand a ballot. The Chairman or Acting chairman may, in the event of an equality of votes, exercise a casting vote.
- (5) Six members of the management committee shall constitute a quorum, and if no quorum be present within 30 minutes of the time notified for the commencement of the meeting, the members present shall postpone the meeting to a suitable date, no more than seven days hence, and the members present on that date shall be a quorum.
- (6) Leave of absence for good cause shown may be granted to any member unable to attend. Should any member absent himself from three consecutive meetings without such leave, he shall forfeit his membership of the management committee, provided that it shall not be obligatory on the part of the trustees, Honorary Life Vice-President, Honorary Vice-Presidents and ex officio members to attend or seek leave of absence.

10. **DUTIES AND POWERS OF MANAGEMENT COMMITTEE:**

The Management Committee shall, in addition to such other powers specifically allocated elsewhere herein, be empowered

- (1) to suspend or expel from membership of the union, any member, including a any Life Member, for such reasons as may be thought appropriate in the circumstances of the case, provided that such member shall have the right to appeal to a General Meeting;
- (2) to reinstate any such suspended or expelled Member, on good cause shown;
- (3) to open and to operate upon current banking account or savings account at an approved Commercial Bank or building society, in the name of the Union.
- (4) to designate annually two or more of its Members to operate upon such account or accounts;
- (5) in consultation with the Trustees of the Union, to invest such of its funds as may become available for the purpose, and in such manner to operate in the best interest of the union, and to decide upon the manner in which the interest accruing from such investments shall be dealt with.
- (6) to promote fund-raising schemes in furtherance of the objects of the Union;

- (7) to appoint sub-committees for any purpose, whatsoever in relation to the union's activities and to invest them with the necessary authority;
- (8) to authorise the establishment of such Branches of the union in other centres as may be desirable and practicable, and make rules for the conduct of the same, and to disband any such branch for reasons which appear to it to be cogent;
- (9) to implement any resolution or directive approved at any general Meeting and to pursue any line of policy in regard to Union affairs which may be so indicated;
- (10) to fill any vacancy on the roll of office-bearers or of its own membership arising from any cause;
- (11) generally to conduct any other business and to administer the affairs of the union to the best advantage and within the scope of such authority as may be deemed to be that of a Management Committee.

11. **DUTIES OF THE SECRETARY:**

The duties of the Secretary shall be

- (1) to attend all General and Management Committee meetings wherever possible and to keep proper minutes thereof with particular regard to
 - i) attendances
 - ii) apologies
 - iii) confirmation of previous minutes
 - iv) proposals made and resolutions taken
 - v) correspondence placed before the meeting
 - vi) enrolment of new members
 - vii) such other portions of the proceedings deemed necessary
- (2) to give adequate notice, accompanied by an Agenda, of all such meetings;
- (3) to maintain a Roll of Members, with their addresses, and to annotate this as occasion arises;
- (4) generally, to comply with directions given at any meeting and to perform such duties as normally pertain to his office.

12. **FINANCE, AND DUTIES OF TREASURER:**

- (1) The Financial year of the Union shall run from 1 January to 31 December each year.
- (2) The duties of the Treasurer shall be
 - i) to collect any monies due to the Union, and to account for same;

- ii) to notify members in writing of amounts owing by them;
- iii) to pay any amounts owing by the Union as authorised by the Management Committee;
- iv) to maintain such proper system of accounting as may be approved by the Management Committee, and records appropriate thereto;
- v) to submit at every Management Committee meeting, or when so requested, a Statement of Income and Expenditure and such other information as the Management Committee may request;
- vi) to investigate and advise the management Committee as to the most advantageous manner of investment of the Funds of the Union;
- vii) to submit all accounting records to the appointed auditor for the purposes of year end verification and when so instructed by the Management Committee;
- viii) to submit to the Annual General Meeting, or earlier if so required, a properly audited Balance Sheet and Statement of Income and Expenditure for the previous Financial Year or Period.

13. **PROFITS FROM SALE OF LIQUOR / UTILISATION OF UNION INCOME**

Except under:

- * (1) Any written agreement approved by the Minister of Trade and Industry or a person acting under his discretion, no profit from the sale of liquor by the club shall accrue to any individual; and
- (2) Any written agreement approved by the Minister of finance or a person acting under his discretion, all income earned by the club shall be solely utilised to defray expenditures directly incurred for the union's benefit or for investment on the union's behalf or the furtherance of the objects for which the union has been established.

14. **TRUSTEES:**

- (1) There shall be two Trustees of the Union who shall be elected at the Annual General Meeting and shall continue in office from year to year without re-election until such a time as they may resign or become deceased, provided that the Management Committee sitting as such, shall have the power by resolution to terminate such appointment during the currency thereof. Such resolution shall be taken only upon a majority of two-thirds of the votes of members present, and provided that notice of such proposal shall have been given in the notice convening such meeting and to the Trustees,
- (2) The trusteeship of the assets of the Union, both movable and immovable, shall vest in the Trustees, and they shall also in this capacity represent the union in any legal proceedings instituted by or against the Union. They shall be

empowered to deal with the assets of the Union as directed by the Management Committee.

15. **ACQUISITION, DISPOSAL AND/OR MORTGAGING OF ASSETS:**

- (1) The Union shall be entitled to acquire property, movable and immovable wheresoever situate, by either purchase, exchange, gift or in any other manner, and shall likewise be entitled to sell or in any other manner dispose of such property.
- (2) The rights conferred upon the union in terms of the preceding sub-section shall vest in the Management Committee under whose authority the Trustees of the union shall be empowered to act for all such purposes as may be required.
- (3) Immovable property acquired by the Union shall be registered in the name of the Trustees for the time being.
- (4) The Union shall not be entitled to mortgage, pledge, or in any other manner encumber the assets of the Union as security for debt or otherwise, except in so far as it shall be authorised by resolution of a General Meeting and adopted by a majority of not less than two-thirds of those members present and entitled to vote, or represented by proxy.

16. **ANNUAL GENERAL MEETING:**

- (1) There shall be an Annual General meeting of members of the Union, and such meeting shall be held at headquarters not later than 31 March every year, unless the Management Committee, for sufficient reason, decide upon some later date.
- (2)
 - i) The meeting shall be convened by written notice, which shall include the Agenda, and invite nominations of members as office bearers, and be posted to every member at his last known address at least 21 days before the date of the meeting.
 - ii) The exact text of any motion proposed to be introduced, duly signed by the proposer and the seconder, shall reach the Secretary at least 35 days before the said date, save that it shall suffice as authority for the presentation at the meeting of any motion standing in the name of the Management Committee that resolution to move such motion was adopted and minuted at a properly constituted Management Committee Meeting prior to the date of the Annual General Meeting, and shall be included verbatim in the Agenda.
- (3) The President of the Union shall preside at the Annual General Meeting, and in his absence, the Vice-President, the Chairman or the Vice-Chairman of the Management Committee, in that order of precedence. Failing all of these the meeting shall elect a Chairman from those members present.

- (4) i) Voting at the meeting shall be by show of hands, provided that any member may demand a ballot.

Voting by proxy shall be permitted, provided the proxy be in writing, signed by the member according to it.

- ii) The Chairman of the meeting shall have a casting as well as a deliberative vote.

- (5) TWENTY MEMBERS (20) present in person and in good standing as contemplated by section 3 (3) hereof, shall constitute a quorum. Should such quorum not be present within thirty minutes of the time notified for commencement, the meeting shall stand adjourned to some other date, no more than 7 days hence, to be decided upon by those present.

17. **BUSINESS AT ANNUAL GENERAL MEETING:**

- (1) The business of the annual General Meeting shall include
- i) Notice of meeting
 - ii) Apologies
 - iii) Confirmation of minutes of previous Annual General Meeting and of any General Meeting since held.
 - iv) Correspondence
 - v) Presentation by President of his Annual Report
 - vi) Presentation by the Chairman of his Annual Report
 - vii) Presentation by the Treasurer of audited Financial Statements
 - viii) Motions of which notice in terms of this Constitution has been given
 - ix) Election of Office Bearers
 - x) Appointment of Auditor, who shall not be a member of the Management Committee
 - xi) General

18. **SPECIAL GENERAL MEETINGS:**

- (1) Special general meetings of the union may be convened by resolution of the management Committee or on requisition in writing signed by not less than twenty members in good standing.

- (2) Such meeting shall be convened in the same manner as the Annual General Meeting and the purpose thereof shall be clearly stated in the notice. No Special General Meeting shall be empowered to take any decision upon any matter other than that for which it was convened.
- (3) The provisions of section 16 hereof shall in all respects apply mutatis mutandis to Special General Meetings.

19. **LIMITATION OF RIGHTS AND LIABILITIES OF MEMBERS:**

Membership of the Union shall not give any member any proprietary right, title or claim in the property or assets of the Union, and no member shall incur and personal liability, financial or otherwise, arising from such membership, except as herein provided, and he shall be exempt from any claim against the Union of whatsoever nature and irrespective of origin.

20. **BRANCHES:**

- (1) Branches of the Union established by authority of the Management Committee in terms of section 10 (9) hereof shall elect a Chairman and such other office-bearers as may be deemed necessary and shall function in terms of such rules as may be prescribed by the Management Committee from time to time, especially in regard to finance, but shall, subject to subsection (2) hereof, otherwise be autonomous in regard to general conduct and administration of their own affairs, whilst conforming to the general trend and spirit of this Constitution,
- (2) Branches shall at all times work in close collaboration with the Management Committee and shall implement any directives which that body may require.
- (3) The President of the Union and the Chairman of the Management Committee shall ex officio be members of all such Branch Committees.
- (4) Each branch shall submit, through its chairman, annual reports to the
- (5) Management Committee seven days prior to the Annual General Meeting.

21. **CONSTITUTION:**

- (1) Every member of the union in good standing shall be entitled to receive a copy of this Constitution upon its adoption, or in the case of new members, upon admission to the Union.
- (2) This Constitution shall not be amended in any respect, whether by deletion, addition, or substitution, except, after due notice in terms of section 16 hereof, by an annual General meeting, or by a Special General Meeting called for the purpose in terms of section 18, and at which a majority of at least two-thirds of the votes cast, including proxy votes, shall have been cast in favour thereof or of any permissible amendment of the original motion. This stipulation shall always be subject to the special provisions of section 22 (1) hereof.

22. **DISSOLUTION OF THE UNION:**

- (1) Dissolution of the Union shall take place only upon a resolution to that effect taken by a majority of at least three-fourths of those present in person or represented by proxy at a Special general Meeting called for this purpose in terms of section 18 hereof, provided that notice of such meeting shall have been posted to every member at least 60 days before the date fixed therefor.
- (2) Should dissolution be approved, the meeting shall give such directions in regard to the disposal of its assets, whether they be in cash or in kind, as the majority may by resolution decide. Furthermore, the meeting shall give such directives for the proper winding-up of its affairs as circumstances may dictate.

We hereby certify that the foregoing represents the true text of the Constitution of the Old Muite Union as adopted at the General Meeting held on

WITNESSES:

1. PRESIDENT

2. VICE PRESIDENT

.....)
) TRUSTEES
.....)

3. **DATE:**

1999-11-22