

**2020**

**ZX10 Masters Cup Club  
Constitution**



# CONSTITUTION OF THE KAWASAKI ZX10 MASTERS CUP CLUB

## GENERAL

The Kawasaki ZX10 Masters Cup is a series that was created for a specific group of people. The first objective of the series is to accommodate a group of motorcycle enthusiasts that are at any skill level. It is also for a specific age group, over 30 years of age. The idea to create, within a one make series, a competitive well organized racing club. Because this series is limited to a specific group and also the number of entrants, all participants must belong to the Kawasaki ZX10 Masters Cup Club.

### 1. NAME

The Club shall be known as the Kawasaki ZX10 Masters Cup Club.

### 2. OBJECTIVES

- 2.1 To provide members with the opportunity to take part in motorcycle racing.
- 2.2 To arrange at least one recreational monthly meeting for members.
- 2.3 To inform members of matters of interest to the Masters Cup Club.
- 2.4 To promote the good image of motorcycling in general and that of the riders of Kawasaki motorcycles in particular.

### 3. MEMBERSHIP

- 3.1 Right of admission is reserved and is at the sole discretion of the Kawasaki ZX10 Masters Cup Club.
- 3.2 There shall be no discrimination on the basis of race, colour or creed when considering applications for membership.

### 4. APPLICATION FOR MEMBERSHIP

- 4.1 All applications shall be submitted online on the website of the Kawasaki ZX10 Masters Cup Club.
- 4.2 Applications for membership is subject to the following:
  - 4.2.1 No person will be eligible for membership of the Kawasaki ZX10 Masters Cup Club unless he is already 30 years of age on the 1<sup>st</sup> day of January of that year in which he applies for membership. .
  - 4.2.2 The application of a Member shall be considered by the Committee after the applicant has submitted an application, been interviewed by the Committee / Chairman or has been nominated by a current member.
  - 4.2.3 The Committee / Chairman of the Kawasaki ZX10 Master Cup Club may contact any third party with regards to information, or as character witness for the applicant.
  - 4.2.4 Any member shall have the opportunity to object to the Committee against the acceptance of an applicant, in which event the Committee shall have the right to interview such objector in camera.
  - 4.2.5 The Committee shall, nevertheless, be empowered to refuse or admit any application at its sole discretion. Any unresolved disputes in this regard shall be referred to Motorsport South Africa (MSA) for adjudication.
  - 4.2.6 To become a member of the Kawasaki ZX10 Masters Cup Club, all new applicants can, after the new applicant has been nominated by an existing member of at least one

calendar year and in good standing and seconded by at least three other existing members, apply.

- 4.2.7 Existing club members may apply for renewal of membership at the beginning of each year.

## **5. MEMBERSHIP AND RACE ENTRY FEES**

- 5.1 An annual membership fee shall be payable by each person that wishes to become a member of the Kawasaki ZX10 Masters Cup Club. This membership fee will be fixed from time to time by the Club.
- 5.2 It is a prerequisite for a person to become a member, to pay the membership fee. Payment of the membership fee shall entitle the member, upon acceptance, to receive a copy of the Club's Constitution and Club benefits.
- 5.3 Annual subscriptions must be paid before 1 February each year. New members will be liable for the full year's subscription in respect of applications made before 31 December of that specific year. There will be no PRO RATA discount for fees.
- 5.4 Current members of the Club will be deemed to have terminated their membership if the subscription has remained unpaid for a period of three months from such due date. Any person whose membership has thus lapsed must re-apply as a new member.
- 5.5 Membership fee for 2020 is R7 000.00
- 5.6 The Club will pay the entry fees for all riders for events, dependent on the availability of funds / sponsorships. In the event where the Club has paid the entry fee for a rider for an event and the rider does not participate in an event and do not have an acceptable reason for not attending the event, the rider will be personally responsible to refund the Club / pay the organizers of the event for the forfeit of the event. A rider, who does not participate in a minimum number of events as per the discretion of the Committee, will not be eligible to have his/her entry fees paid for by the Club.

## **6. FINANCIAL YEAR**

The financial year shall run from 01 January to 31 December.

## **7. GENERAL MEETINGS**

- 7.1 Only members in good standing shall be permitted to vote at a General Meeting, and no vote may be cast by proxy, except as per paragraph 7.2.
- 7.2 A vote via proxy may be allowed for those members that are not resident in the Gauteng area. If a member cannot attend the meeting in person he must notify the Chairman of the committee 48 hours before the meeting that he will not be able to attend. The proxy to represent that person and to cast a vote can only be given to one of the committee members.
- 7.3 A quorum shall consist of 25% of members eligible to vote and shall include at least two Committee members. In the event that there is no quorum, the meeting shall be adjourned for a period of fifteen minutes, and then failing a quorum, the meeting shall stand adjourned for a period of one week whereupon the members present at such meeting shall form a quorum.
- 7.4 Voting shall be by means of a show of hands (except in the case of the election of the Committee).
- 7.5 The Club shall hold an Annual General Meeting within 4 months of the end of each financial year. Business shall be conducted in the following order:
- Notice convening the Meeting
  - Attendance

- Apologies
  - Financial Report
  - Motions submitted
  - Election of Committee
- 7.6 The Secretary shall e-mail written notice of the AGM or Special General Meeting to each paid-up member of the Club at least 21 days prior to such meeting. Such notices shall be addressed to each member's last known e-mail address and shall specify the business to be conducted at the meeting.
- 7.7 The Constitution of the Club may be amended by resolution with a 75% Majority vote at any General Meeting. Any such amended constitution shall be submitted to MSA for approval.
- 7.8 A special General Meeting may be called by the Committee, or upon requisition of 10 members of the Club. Such meeting shall be convened within 1 month of such requisition and no business other than that stated in the requisition shall be conducted at the meeting.

## **8. ELECTION OF THE ZX10 CLUB COMMITTEE**

- 8.1 The Committee shall consist of 4 Permanent Members and shall comprise of:
- Chairman (2 votes)
  - Member (Operational Portfolio – 1 vote)
  - Member (Marketing Portfolio – 1 vote)
  - Member (Disciplinary Portfolio – 1 vote)
- 8.2 A Committee shall be elected every three (3) years, with the three year term coinciding with MSA's term of Committee, which is 2015 to 2017, 2018 to 2020 and so forth. Election will be as follows:
- 8.2.1 Nominations will be called for via e mail before the last race meeting of the last year that the current committee is elected for.
- 8.2.2 If more than 4 persons are nominated, voting shall be done via e-mail.
- 8.3 The Committee shall have the authority to co-opt any member or any person either on a temporary basis or to fill a permanent position which has been vacated.
- 8.4 No member of the Committee shall be eligible for election for more than 5 consecutive years, except when so voted for at the AGM.
- 8.5 The Committee shall be entitled to formulate regulations and rules from time to time, these rules will be circulated amongst current club members.
- 8.6 The Committee shall have the full power to manage all the business and other activities of the Club in the manner set out in this Constitution and shall further have authority:
- 8.6.1 To open and operate banking and other accounts.
- 8.6.2 To invest in such manner as they shall deem fit, such funds which are not immediately required by the Club.
- 8.6.3 To purchase, hire or otherwise acquire any movable or immovable property.
- 8.6.4 To sell, exchange or otherwise dispose of any movable or immovable property.
- 8.6.5 To employ the funds of the Club in such a manner as is consistent with the aims and objectives thereof.
- 8.7 Any legal action shall be initiated or defended by the Club in its own name, and the Chairman, as advised by the Committee, shall have the power to represent the Club in all such proceedings.
- 8.8 Two signatories to all accounts opened in the name of the Club shall be required. At least one of the signatories shall be the Chairman or the Financial Portfolio Member of the Club.

- 8.9 No cash will be drawn from any Club account and all payments will be made via EFT or cheque. The bank account of the club will be known as the ZX10 Masters Cup Club Trust Account.
- 8.10 All committee members must attend at least 80% of meetings arranged by / with organizers of events / sponsors; or any other meetings of importance to the Club. If a committee member is not able to attend a meeting, apology should be made ahead of time, except under uncontrollable circumstances.

## **9. LIABILITIES**

- 9.1 No member shall be personally liable for the debts of the Club.
- 9.2 The Club shall in no circumstances whatsoever be held liable for any loss or damage to property of any member, guest or any other person whether occasioned by negligence, theft or otherwise, neither shall the Club be liable for personal injury or harm suffered by any member, guest or any other person.
- 9.3 The Club or any member for that reason will not be liable for any costs incurred by any member, guest or any other person that may be affected by the racing of motorcycles or any aspect thereof.

## **10. DISSOLUTION OF THE KAWASAKI ZX10 MASTERS CUP CLUB**

- 10.1 The dissolution of the Club may only be affected by a resolution passed at a Special General Meeting. Such resolution shall require a 75% majority vote of members eligible to vote.
- 10.2 Upon dissolution of the Club, its remaining assets shall be donated, after all liabilities have been discharged, to one or more charitable institutions serving the interest of motorcyclists.

## **11. CODE OF CONDUCT**

Any member of the Club may be suspended from the Club as a result of inappropriate behaviour or infringement of the Kawasaki ZX10 Masters Cup Club rules and regulations. *It is expected of Club Members to promote the highest standard of sportsmanship, see that "Fair Play" be paramount at all times and they compete in the "spirit" the Cup is intended.*

- 11.1 The Club reserves the right to suspend or cancel the membership of any member who is considered, in the opinion of the Committee, to have acted contrary to the interest and aims of the Club or have acted outside the code of conduct as set out in Section 11. (Code of Conduct)

**GROSS MISCONDUCT includes the following example but is not restricted to it:**

- Refusing to display sponsor logos in designated areas.
- Any violent behaviour.
- Abuse of officials.
- Assault.
- Intoxication from alcohol, drugs or any other narcotic or similar substances during an event.
- Causing damage to property.
- Intentional Disruption of a Racing Event.
- Making of and/or presenting false documents, information or evidence for personal gain.
- Altering, falsifying or misrepresenting official Club documents, with the intent to defraud or try to defraud.
- Intimidation or victimization.
- Any Disorderly conduct.

- Negligence that can cause injury or damage to a person or equipment including but not restricted to motorcycles.
- Breach of Kawasaki ZX10 Masters Cup Club Rules, regulations or procedures.
- Any conduct by a member or his guest that is offensive or that can damage the name or reputation of the club or its sponsors.
- Non participation for more than three consecutive race meetings without an acceptable excuse.
- Non-payment of accounts and fees.
- Dishonesty or cheating by any member or team member or any other person involved with that member that is relevant to motorcycle racing.

## **12. DISCIPLINARY ACTIONS AGAINST MEMBERS**

Motorcycle Racing is a dangerous sport and it is therefore important that every aspect of the sport is strictly controlled. No action or negligence which can endanger any person or member will be tolerated. It is therefore important that the strictest discipline is MAINTAINED!

- 12.1 If any member is found to be in contravention of any regulation and or any other form or misconduct he will appear before a disciplinary hearing within 7 days the incident happened or became known to the Committee.
- 12.2 The disciplinary committee will consist of at least two Committee members, any one other member of the club or any other such person as deemed to be necessary to conduct a proper and fair hearing.
- 12.3 No form of representation will be allowed.
- 12.4 The member being charged before the disciplinary committee will receive the charge against him no later than 48 hours before the disciplinary hearing.
- 12.5 Any decision by the disciplinary committee is final and no appeal or review procedures are allowed except if the member can bring new evidence before the committee that will alter the outcome of the committee's decision.

## **13. RULES AND REGULATIONS MSA (The White book)**

- 13.1 All rules and regulations issued by the club will form an integrated part of this document and may be changed from time to time to accommodate new rules and/or developments in the sport or club.
- 13.2 It is acknowledged that the rules and regulations governing South African Motorsport in general will at all times be applicable to the Kawasaki ZX10 Masters Cup Club.

The ZX10 Masters Cup club however is an entity with specific and unique membership qualifications which are not specifically addressed by the General Rules governing South African Motorsport and therefore has noted specific criteria for membership. This criterion is specifically initiated to protect and insure the prolonged existence of the Kawasaki ZX10 Masters Cup Club and its contribution to South African Motorsport.

I acknowledge that I have read and understood the constitution. I therefore apply my signature to this document with the understanding that I will adhere to all the rules and regulations as sanctioned by this constitution.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

at \_\_\_\_\_

Signed \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Witness 1

\_\_\_\_\_  
Witness 2