

# CONSTITUTION

## 1. NAME:

1.1 The organisation hereby constituted will be called:

**THE CART HORSE PROTECTION ASSOCIATION**

1.2 Its shortened name will be: **(CHPA)**

1.3 Its Logo will be:

1.4 Body Corporate

1.4.1 The organisation shall:

1.4.2 Exist in its own right, separately from its members;

1.4.3 Continue to exist even when its membership changes and there are different office bearers;

1.4.4 Be able to sign contracts and enter into other relationships;

1.4.5 Be able to own property and other possessions;

1.4.6 Be able to sue and be sued in its own name only;

1.4.7 Pay members or office bearers a reasonable amount for the work done on behalf of the organisation;

1.4.8 Reimburse a member or office bearer of the organisation for monies paid on behalf of the organisation provided sufficient supporting information is provided;

1.4.9 Pay out salaries and/or wages for the purpose of furthering the aims of the Cart Horse Protection Association as agreed by members at a Special Members meeting held on 11 February 1997;

1.4.10 The sole object of the organisation will be carried out in a non-profit manner and with an altruistic or philanthropic intent;

1.4.11 No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration;

1.4.12 At least 85% of the public benefit activities, measured either in cost or time spent, must be carried out for the benefit of persons in the Republic;

1.4.13 At least three persons, who accept fiduciary responsibility for the organisation, will not be connected persons in relation to each other, and no single person may directly or indirectly control the decision making powers relating to such organisation;

1.4.14 No funds will be distributed to any person other than in the course of undertaking any public benefit activity;

1.4.15 No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation;

1.4.16 No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and



will not economically benefit any person in a manner which is not consistent with its objects;

- 1.4.17 The organisation shall not: Give any of its money or property to its members or office bearers unless in special circumstances and solely dependent on Committee approval.

## **2. OBJECTIVES:**

The aims for which the Association is established are:

- 2.1 To improve the working conditions and care of all cart horses by educating the owners and drivers of horse drawn vehicles;
- 2.2 To provide care (including Feed, Farrier, Harness and Veterinary services) wherever possible, to cart horses;
- 2.3 To improve the legislation and standards concerning horse drawn vehicles on public roads and to ensure that it is implemented;
- 2.4 To promote diversification alternatives for cart horse owners and drivers;
- 2.5 To inform the public about the Cart Horse Protection Associations work;
- 2.6 To promote, foster and encourage the observance of the provisions of the Animal Protection Act (Act No 71 of 1962) or of any subsisting statutory modification or amendment thereof;
- 2.7 To aim for the abolition of animal abuse within the carting industry utilising the legal processes available;
- 2.8 To provide adequate facilities to support the steps taken to achieve 2.7 above;
- 2.9 To work in collaboration with other organisations that deal with animal welfare.

## **3. AREA OF OPERATION AND FUNDRAISING**

- 3.1 The area of operation shall be The Western Cape;
- 3.2 The area of Fundraising will have no restrictions nationally or internationally;
- 3.3 The area of consultancy and education on working equines will have no restrictions nationally or internationally.

## **4. MEMBERSHIP**

- 4.1 The membership of the Association shall comprise all current Adopters and Donors (in cash or in kind); Management Committee Members and Volunteers (approved by the Management Committee). These members shall have voting rights at the AGM, Special Members Meetings or a General Meeting.
- 4.2 Members shall not become personally liable for any obligations and liabilities of the Association solely by virtue of their status as members of the Association.
- 4.3 Members will be bound by the Constitution.
- 4.4 Special Membership comprises of:
  - 4.4.1 Honorary members - The Committee may from time to time at its discretion admit Honorary Members, whether for a period or for life, who have served the Association for some considerable period or in some meritorious manner, or who have promoted and assisted in the furtherance of the Associations aims or who have performed such acts and services as in the opinion of the Committee merit bestowal of honorary membership. These members shall have voting rights at the AGM, Special Members Meetings or a General Meeting.
  - 4.4.2 Honorary organisations – The Committee may from time to time at its’ discretion admit organisations as members, whether for a period or for life. These organisations may have more than 1 (one) representative at the Associations meetings, however, they will only be granted 1 (one) vote per organisation at the AGM, Special Members meeting or a General meeting.

**5. COMMITTEE**

- 5.1 The management of the Association shall be vested in a committee of not less than 5 (five) and not more than 10 (ten) members.
- 5.2 A Committee shall be elected for each year at the Annual General Meeting.
- 5.3 Any casual vacancy occurring in the Committee may be filled by the Committee from amongst Members of the Association in good standing.
- 5.4 The Association may vary the number of Committee Members from time to time, by means of a 75% (seventy five per centum) majority in number, present in person or by proxy and voting as such, at an Annual General Meeting, provided that the number of Committee members shall never be less than 5 (five).

**6. POWERS OF THE COMMITTEE**

- 6.1 The Committee shall be empowered, subject to the provisions of this Constitution and the provisions thereof enforced from time to time, to exercise for and on behalf of the Association and to control and manage the business and the affairs of the Association's and to appoint voluntary or paid officers of the Association for such periods and on such terms and conditions as the Committee may deem fit.
- 6.2 The Committee shall further be empowered to frame provisions for the Associations activities and the conduct of its affairs and from time to time at the Committee's discretion to amend, vary, alter or add to any such provisions.
- 6.3 The Committee may delegate any of its powers to a sub-committee consisting of such members of the Association, as it may think fit. Any sub-committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the Committee.
- 6.4 The Committee shall further be empowered:
  - 6.4.1 To acquire and to maintain, any appropriate or necessary lands, buildings or property, movable or immovable and where-so-ever situated.
  - 6.4.2 To canvas for and accept from members only, unless granted authority to collect contributions in terms of the provisions of the Fund Raising Act 1978, any donations, gift, endowment or bequest made to or for the Association and to carry out any trust or condition attaching to any such donation, gift endowment or bequest.
  - 6.4.3 To sell, improve, manage, develop, exchange, lease, dispose of turn, to account or otherwise deal with all or any part of the property of the Association and in particular to build and establish buildings, clinics and stables.
  - 6.4.4 To borrow or raise money on mortgage or otherwise and to secure the repayment thereof.
  - 6.4.5 To invest and deal with monies of the Association.
  - 6.4.6 To draw, make, accept, endorse, execute and issue promissory notes, bills of exchange or other negotiable or transferable instruments.
  - 6.4.7 To keep proper books of account and records of the financial and other affairs of the Association as shall be required in compliance with all applicable laws.
  - 6.4.8 To do all such other lawful things as are incidental or conducive to the attainment of the above or any of them.

**7. PROCEEDINGS OF THE COMMITTEE**

- 7.1 The Committee shall meet at least 4 times annually (or at such longer or shorter intervals as it may from time to time decide) for the dispatch of business.
- 7.2 At the first meeting of the Committee after the Annual General Meeting in each year, the Committee shall elect from its members, a Chairperson and Vice-Chairperson, Secretary and Treasurer, each of whom shall hold office as such until the next Annual General Meeting. The Chairperson or in his/her absence, the Vice-Chairperson, shall preside at

all meetings. If the Chairperson or Vice-Chairperson is not present within ten minutes of the time appointed for holding the same, Members present may choose one of their numbers to be Chairperson for the meeting.

- 7.3 The Chairperson at any meeting of the Committee shall in the case of an equality of votes be entitled to a second or casting vote. Until otherwise determined by the Committee the quorum necessary for the transaction of the business of the Committee shall be 4 (four).

## **8. ANNUAL GENERAL MEETING**

The Annual General Meeting of members of the Association and of which the secretary shall give at least 21 (twenty one) days written notice, shall be held once in each calendar year, but not later than 15 (fifteen) months after the date of the preceding annual general meeting.

The business of the Annual General Meeting shall be:

- 8.1 To establish if a quorum is present;
- 8.2 To note apologies and proxy votes;
- 8.3 Welcome from the Chairperson;
- 8.4 To confirm the minutes of the preceding Annual General Meeting;
- 8.5 To consider matters arising from the minutes of the previous Annual General Meeting;
- 8.6 To consider the Treasurers report; which shall include consideration and approval of the Annual Financial Statements of the Association for the immediately preceding financial year and to appoint Auditors;
- 8.7 To consider the Chairperson's report;
- 8.8 To consider the General Manager's report;
- 8.9 To consider the Fundraiser's report;
- 8.10 To consider the Field report;
- 8.11 To nominate and elect a Management Committee for the ensuing year;
- 8.12 To consider any special business raised by members of which 7 (seven) days prior written notice has been given to the secretary.

## **9. SPECIAL MEMBERS MEETING**

The Committee may at any time convene a special meeting of the Association. 14 (fourteen) clear days notice of such special meeting shall be given to all members specifying the business to be discussed thereat.

## **10. QUORUM AT GENERAL MEETING**

No business shall be transacted at the Annual General Meeting or at a special meeting unless a quorum of members is present at the time when the meeting proceeds to business. 10 (ten) members personally, or virtually, present shall constitute a quorum

## **11. VOTING AT ANNUAL GENERAL MEETING**

- 11.1 On a show of hands every member present in person, or virtually, and in good standing shall have 1 (one) vote. On a poll, every member present in person, virtually, or by proxy shall have 1 (one) vote.
- 11.2 If a member is unable to attend the Annual General Meeting, they may, in writing or e-mail, appoint the Chairperson of the Management Committee or another member to vote on their behalf, acting as a proxy. A proxy shall be lodged with the secretary 7 (seven) days prior to the commencement of the meeting.
- 11.3 Questions arising at the meeting shall be determined by majority of votes but in the case of an equality of votes whether on the show of hands or on a poll, the Chairperson of the meeting at which the show of hands takes place or which the poll is demanded shall be entitled to a second and casting vote.
- 11.4 Members shall be entitled to bring friends to the Annual General Meeting but they shall not participate in any discussion or have any power to vote.

**12. MINUTES**

The Committee shall cause minutes to be made;

- 12.1 Of all appointments of officers made by the Committee.
- 12.2 Of the names of the members of the Committee present at each meeting of the Committee.
- 12.3 Of all resolutions and proceedings at all meetings of the Association and all meetings of the committee.
- 14.4 Approved minutes shall be signed by two Committee members, Chairperson or Vice Chairperson and another, and made available as necessary.

**13. VENUE OF MEETINGS**

- 13.1 Meetings of the Committee and of the Association shall be held at such place as may from time to time be decided by the Committee.
- 13.2 In the case of Committee Meetings, reasonable notice thereof shall be given to each member of the Committee.
- 13.3 These meeting may be held in person, or virtually.

**14. BANKING**

- 14.1 A banking account shall be opened in the name of the Association with a registered commercial/merchant bank and all monies received by the Association shall be deposited to its credit in the said account.
- 14.2 Proper books of accounts are to be kept which shall be subject to annual audit by a practicing accountant who is not a member of the association.
- 14.3 Debit orders and payments made from the Association's account shall be signed by at least two (2) signatories who are nominated by the Committee, one of which must always be the General Manager or a Management Committee Member. In the event that the General Manager or Management Committee Member are not available to act as one of the signatories, written permission must be given by the Chairperson to staff signatories to act as both signatories.
- 14.4 Unbudgeted expenditure in excess of R 10 000.00 (Ten Thousand Rand) to both approved non-approved suppliers must be approved by the Committee Treasurer or in his/her absence, the Chairperson.
- 14.5 All monies generated shall be used for the sole purpose of furthering the aims of the Association and administrative costs.

**15. ASSETS**

- 15.1 All movable and immovable assets of the association shall be vested in trustees, being the Chairperson, Vice- Chairperson, Secretary and Treasurer during their terms of office or in the absence of any of them, such other members of the Committee as may be decided by the Committee.
- 15.2 The trustees shall stand possessed of the property of the Association and shall apply and dispose of the same for the furtherance of the Associations aims in such manner as the Committee shall in conformity with this Constitution direct.
- 15.3 All actions or suits at law brought by or against the Association shall be in the name of the Association, and no liability rests with the office bearers, members, and management.

**16. EXCLUSION OF LIABILITY**

It is recorded that members undertake fieldwork and other duties voluntarily and at their own risk. The Associations liability for claims arising from negligence of co-members, damage suffered or injuries sustained because of unrest in townships or any other ground, is hereby specifically excluded.

**17. ALTERATION TO CONSTITUTION**

- 17.1** Subject to the provisions of clause 19.2 below this Constitution shall be altered, amended or modified only at the Annual General Meeting or at a Special General Meeting convened for that purpose and then only by a 2/3 (two thirds) majority of members in good standing present, or virtually, or duly represented by proxy at said meeting.
- 17.2** At any such alteration, amendment or modification to the Constitution is subject to final approval by the Committee, who accordingly retain the right to veto any decision taken in this regard at an Annual General Meeting or a Special General Meeting, as aforesaid. Amendments to the constitution must be submitted to the Director for Fund-raising for ratification.
- 17.3** If there is no quorum at such general meeting the meeting shall stand adjourned for not less than 1 (one) week and the members attending such adjourned meeting shall constitute a quorum.
- 17.4** A copy of all amendments to the Constitution will be submitted to the Commissioner for the “South African Revenue Service”.

**18. DISSOLUTION CLAUSE**

- 18.1** The Association may be dissolved if at least 2/3 (two thirds) of the members present voting at a general meeting of members convened for the purpose of considering such matter are in favour of the dissolution. Not less than 21 (twenty-one) days notice shall be given of such meeting and the notice convening the meeting shall clearly state that the question of dissolution of the Association and the disposal of its assets will be considered.
- 18.2** If there is no quorum at such general meeting the meeting shall stand adjourned for not less than 1 (one) week and the members attending such adjourned meeting shall constitute a quorum.
- 18.3** On dissolution of the organisation, the remaining assets must be transferred to any similar public benefit organisation, which has been approved in terms of section 30 of the Act; or any institution, board or body which is exempt from the payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) of the Act”.

**19. FINANCIAL YEAR**


The financial year of the Association shall terminate on 31 March of every year.

**20. GENERAL**

In case of doubt as to the meaning or interpretation of any of the provisions of the constitution, the Committee of the Association shall be the final arbiters and their decision shall be binding on the Association and its Members.

**As per AGM held on 26 June 2024, all amendments approved by members present.**

Signed on 9 July 2024 after ratification at the Management Committee Meeting held on the same day.

Mpho Hlalele (Chairperson) 

Alison Feinhauer (Secretary) 