

**CONSTITUTION**

**OF THE**

**SUNSETBEACH NEIGHBOURHOOD WATCH**  
**(VOLUNTARY ASSOCIATION)**

*APPROVED BY THE MEMBERS OF THE ASSOCIATION, BY ELECTRONIC POLL,*

*On 10<sup>th</sup> October 2019*

1. Name 1.1 The name of the Association shall be the **SUNSET BEACH NEIGHBOURHOOD WATCH** (hereinafter referred to as “the Association”).

2. Legal Status 2.1 The Association is and shall continue to be a distinct and separate legal entity from its members in perpetual succession and shall have the capacity to acquire rights and obligations.

2.2 Save as provided for in clause 8.3 below, all actions or suits, proceedings at law or any arbitration shall be brought by or against the Association in the name of the Association and the committee may authorise any person or persons to act on behalf of the Association and to sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.

**2.3 Non-profit Association** 2.3.1 Notwithstanding anything to the contrary herein contained: 2.3.1.1 The Association is not formed and does not exist for the purposes of carrying on any business that has for its object the acquisition of gain by the Association or its individual members.

2.3.1.2 The income and assets of the Association shall be applied solely for investment and for the promotion of the objects for which it is established.

2.3.1.3 No part of income or assets of the Association shall be paid, directly or indirectly, by way of dividend or otherwise, to any person.

2.3.1.4 The Association shall not be entitled to carry on any trading or other profit-making activities or participate in any business, profession or occupation carried on by any of its members or provide to any of its members’ financial assistance or any premises or continuous services or facilities for the purpose of carrying on any business, profession or occupation.

3. Objects of the Association 3.1 The objects of the Association shall be to:- 3.1.1 nurture a sense of unity, dedication and good neighbourly relations among the residents of the Cape Town suburb of Sunset Beach;

3.1.2 serve as a watchdog for its community and the local police services, thereby assisting the local police services to safeguard its community against criminal activities and strive for a safe and secure environment;

3.1.3 provide a channel through which local communities can play a meaningful role in crime prevention in a manner that is ethical and non-violent;

3.1.4 create public awareness with regard to safety, crime prevention and protection of families and their property;

3.1.5 encourage the community to work in close co-operation with the South African Police Services and other structures such as local authorities who are involved in law enforcement;

3.1.6 ensure that the neighbourhood watches act within the framework of the law; and

3.1.7 unite a diverse residency in creating a stable and crime free environment.

4. Powers of the Association 4.1 Subject to the provisions of clause 2 above, the Association shall have all such powers as are necessary for the proper attainment of the objects set out in clause 3 above and shall, in particular, have the following express powers: 4.1.1 to establish and publish a newsletter for the benefit of its members and/or interested persons;

4.1.2 to acquire any movable or immovable property (if applicable) for the Association calculated to benefit the Association and to advance its objects and to maintain, improve and alter any of the Association’s property;

4.1.3 to institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or its officers, or otherwise concerning the affairs of the Association;

4.1.4 to open bank accounts in the name of the Association and to draw, accept, endorse, make and execute bills of exchange, promissory notes, cheques and other negotiable instruments connected with the business and affairs of the Association;

4.1.5 to invest and deal with any monies of the Association not immediately required for the daily administration of the Association;

4.1.6 to secure the fulfilment of any contracts or engagements entered into by the Association by the mortgage of all or any part of the property of the Association (if applicable);

4.1.7 to establish, promote or assist in establishing or promoting and subscribe to or become a member of the Association or any other association or society whose objects are similar or partly similar to the objects of the Association, or the establishment or promotion of which may be beneficial to the Association, provided that no subscription be paid to any such other association out of the funds of the Association except *bona fide* in furtherance of the interests of the Association;

4.1.8 promote and subscribe to any institution or society which may be for the benefit of the Association or for its members whether past or present;

4.1.9 to borrow or raise and give security for money for the issue of bonds, borrow or raise to give security for money by the issue of bonds, debentures, debenture stock, bills of exchange, promissory notes or other obligations or securities of the Association or by mortgage of all or any part of the property of the Association (if applicable);

4.1.10 subject to the provisions of clause 2 above, to make donations, loans, exchanges, leases and any other forms of contract whatsoever including sales and purchase of property of any kind whatsoever.

5. Membership 5.1 Membership of the Association shall be limited to classified members. For the avoidance of any doubt the qualification for membership of the Association shall be determined in accordance with the provisions of Annexure "A".

5.2 Applications for membership shall be in writing on such form or forms as the committee may from time to time prescribe and shall contain such information and particulars, together with such verification thereof, as the committee may require.

5.3 The committee shall have the right from time to time to vary, amend or alter the form or forms of application and/or proposal for membership and (if applicable) may prescribe different forms for different classes of membership.

5.4 Candidates for membership shall be elected by a majority vote of the committee of the Association or a sub-committee appointed by it. For the purposes of the election of candidates for membership, the quorum of the committee or of the sub-committee shall be not less than 3 (three) members.

5.5 In no circumstances shall the committee, the sub-committee or any member thereof be requested or required to give any reason for any decision in connection with any such application for membership.

5.6 Should any ineligible candidate be inadvertently admitted as a member in any class of membership, the committee may declare his/her election void, and shall give him written notice to that effect, and it may in its sole discretion return to such candidate any membership fee (if applicable) paid by him and he/she shall cease to be a member in any such class of membership to which he/she was inadvertently admitted, and his/her name shall be erased from the register of members.

5.7 If at any time after the election of a candidate it shall appear that he/she has been elected under a misrepresentation or mistake as to identity, or owing to incorrect information having been given, the committee shall have the power to cancel such election. The person whose election is thus cancelled in terms of this clause 5.7 shall cease to be a member of the Association and his/her name shall be erased from the register of members and he/she shall have no claim against the Association for damages, return of membership fee, deposit or subscription, on any grounds whatsoever, but the committee shall be entitled to make such *ex gratia* refund of membership fee, deposit or subscription (if applicable) as it may consider proper.

5.8 Any candidate whose application for membership has been rejected shall have a right to re-apply and the committee shall exercise its discretion to reconsider such application.

5.9 Upon election, a member shall be entitled to a copy of the constitution, code of conduct and by-laws of the Association.

6. Membership Fees 6.1 The annual membership fee (if any) for membership in any class shall be such sum as prescribed in the application form for membership, or as the committee may from time to time determine.

6.2 Such membership fees (if any) shall be paid with the lodging of the application for membership.

6.3 All annual membership fee (if applicable) shall become due on the first day of March in each year.

6.4 A member who has not paid his/her membership fee (if applicable) within 3 (three) months after it becomes due shall, in the discretion of the committee, not be allowed to continue as a member while his/her membership fee is unpaid, and any such person shall forthwith cease to be a member of the Association, without notice, and his/her name shall be erased from the register of members.

**7. Transfer in class, reinstatement and readmission of Members** 7.1 The committee may reinstate a defaulting member on payment by such person of all arrear membership fees and any amounts owing to the Association, on such conditions as the committee may deem fit.

7.2 The committee shall have the power to readmit a member, who for any reason has relinquished membership of the Association, on such terms and conditions as the committee shall determine in each particular case.

7.3 A member of any class of membership may, on making written application to or with the consent and approval of the committee, transfer from one class of membership to another as from commencement of any financial year. Such change of membership from one class to another shall be upon such terms and conditions as the committee in its sole discretion may impose.

**8. Rights & Liabilities of Members** 8.1 Membership of the Association in any of the classes of membership does not and shall not give any member of any class a right to any of the monies, property or assets of the Association, but only confers upon such members the privilege of membership subject to such charges and reasonable restrictions as the committee may from time to time impose and subject to the provisions of this constitution and the by-laws in force for the time being.

8.2 A member whose application for membership has been accepted shall be bound by the constitution, code of conduct, rules and by-laws of the Association, and of any branch or section thereof, which are then in force, or which subsequently may be altered or amended and be in force at any future time. No member shall be absolved from the effect and application of the constitution, code of conduct, rules and/or by-laws by reason of the fact that he may not have received a copy thereof.

8.3 The Association shall not be responsible for civil or criminal acts/omissions perpetrated by any member. Individual members of the Association act in their own capacity and shall be liable in that capacity.

**9. Indemnity** 9.1 Each member (who voluntarily becomes a member of the Association) is required to sign a form indemnifying the Association from any illegal actions by and/or against the member.

**10. Resignations** 10.1 A member may resign his/her membership by notice to the secretary of the Association given prior to the date upon which his/her next membership fee becomes due.

**11. The Committee** 11.1 Subject to clause 12 below, the committee shall consist of: 11.1.1 a chairperson, vice-chairperson, treasurer and secretary; and 11.1.2 not more than five (5) additional persons whom the elected members

of the committee may nominate and appoint to the committee; 11.2 The Committee shall have the powers of co-option under clause 14.3 below.

12. Election of Committee 12.1 Each elected member of the committee shall hold office for the period concluding with the end of the annual general meeting of the Association after that in which she was elected and, upon the expiry of such period, such member shall automatically retire from the office but shall be eligible for nomination and re-election as a member of the committee, provided that he/she retains his/her qualification.

12.2 Nominations in writing for the office of member of the committee shall be signed by two ordinary members of the Association (save for the retiring members of the committee) and delivered to the secretary at least 2 (two) days before the date fixed for the holding of the annual general meeting of the Association at which election shall take place.

12.3 No member, save for a retiring elected member of the committee, may stand for election as a member thereof unless nominated in terms of clause 12.2 above.

12.4 At the annual general meeting voting for the election of members of the committee shall be by way of ballot of those members present or by a show of hands as the chairperson may decide.

13. Management of the Affairs of the Association 13.1 The management and control of the affairs of the Association shall vest in the committee which shall have full power and authority to do anything which could be done by the Association excepting such matters as are in the rule specially reserved to be dealt with at a general meeting of members. In addition to the general powers and authorities hereby conferred on the committee, and without in any way limiting such powers and authorities, the committee shall have the following further special powers: 13.1.1 to appoint such agents, officers, clerks and servants for management, temporary or special services as they think fit and to invest them with such powers as they may think expedient, and to determine their duties and fix and vary their salaries or emoluments (if any) and to require security in such instances, and to such amounts, as they may think fit, and to suspend or discharge any such persons at their discretion;

13.1.2 to execute in the name of the Association any contracts;

13.1.3 to refer any claim or demand by or against the Association to arbitration and to perform, or refuse to perform, the award;

13.1.4 to make and give receipts, releases and other discharges for monies payable to the Association and for the claims and demands of the Association, to appoint persons who shall be entitled, on behalf of the Association, to sign bills of exchange, cheques receipts and negotiable instruments;

13.1.5 to make, vary and repeal by-laws for the regulation of the affairs of the Association, its officers and servants, or the members of any class of the Association, provided that such are not inconsistent with or contrary to the provisions of this constitution;

13.1.6 to delegate to sub-committees all or any of the authorities conferred on the committee by the constitution and such sub-committees shall have such powers as may be conferred on it at the time of its appointment, or thereafter, by the committee of the Association and to be subject in all respects to such rules and by-laws or instructions as may from time to time be framed, given or approved by the committee;

13.1.7 to appoint from time to time the Association's auditor(s) and legal adviser (if applicable); and

13.1.8 to fix the remuneration of the Association's auditors and legal adviser (if applicable).

13.2 The Association in a general meeting may review, approve or amend any decision of the committee, but no such decision of the Association shall invalidate any *bona fide* action taken by the committee in accordance with this constitution.

13.3 Given the powers vested in and responsibility imposed on the committee to manage the affairs of the Association, all committee members shall forthwith declare any direct or indirect interest in or conflict of interest which he/she (whether personally or through a juristic person, trust, other legal entity or corporate body) and or immediate family member may have in/with service providers and/or other third parties with whom the Association contracts or has contracted at the time of his/her appointment as committee member.

14. Termination of Office of Committee Members 14.1 Any member of the committee absenting herself without leave of the committee for more than two (2) consecutive meetings of which due notice has been given, shall cease to be a member of the committee.

14.2 Any member of the committee, who ceases to hold the necessary qualification, shall cease to be a member of the committee.

14.3 In the event of any member of the committee elected to such office at any annual general meeting ceasing to hold the necessary qualification or ceasing to be a member of the committee for any reason whatsoever, the committee shall have the power to co-opt any member to fill such vacancy for the remainder of the period of office of such member.

15. Meetings of the committee 15.1 The committee shall meet at least 4 (four) times in each year. At least 7 (seven) days' notice shall be given of all meetings of the committee unless all members of the committee agree to accept shorter notice.

15.2 The committee may, by written resolution set the dates for and a standard agenda for their future meetings and delivery of a copy of such resolution to the members of the committee shall be adequate notice of such future meetings.

15.3 The quorum for a meeting of the committee shall be three (three) members of the committee at the commencement of and throughout the meeting.

15.4 Any decision of the committee shall be by majority vote by show of hands of those members of the committee present. Each person entitled to be present and to vote shall have one vote and the chairperson of the meeting shall, in the event of a deadlock, have a casting vote in addition to his/her deliberative vote, it being specifically provided that a committee member with an interest or conflict of interest (referred to in clause 13.3 above) shall not be entitled to vote on matters relating to such interest or conflict of interest and may be asked to leave the meeting during such discussion. No voting by proxy shall be permitted.

15.5 The secretary of the Association shall convene a special meeting of the committee on the instructions of the chairperson of the Association or upon the written request of at least 2 (two) members of the committee.

15.6 The committee shall cause to be kept: 15.6.1 a register of all members of the Association, together with their identity numbers, addresses and contact particulars;

15.6.2 proper accounting records;

15.6.3 minutes of the appointment of officers and names of members of the committee present at any meeting; together with minutes of all proceedings, resolutions and decisions taken at any such meeting. All such minutes shall be properly kept. Any such minutes, or an extract therefrom, signed by the chairperson, shall be received as *prima facie* evidence of the matters therein stated.

15.7 Members of the committee shall serve in their personal capacity and not as representatives of any members or organisations.

15.8 A resolution in writing which is signed by the majority of members of the committee and inserted in the minute book of the committee shall be as valid and effective as if passed at a meeting of the committee. Any such resolution may consist of several documents in the same form, each of which is signed by one or more members of the committee, and shall be deemed (unless the contrary appears from that resolution) to have been passed on the date on which it was signed by the last member of the committee entitled to sign it.

15.9 All acts done by any meeting of the committee or by any person acting as a member of the committee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such member or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the committee.

15.10 The inadvertent omission to give notice of any meeting of the committee shall not invalidate the proceedings at any such meeting.

15.11 The proceedings of the committee shall be valid notwithstanding any temporary vacancy in the committee.

15.12 A committee member with an interest or conflict of interest (referred to in clause 13.3 above) shall abstain from voting in matters relating to such interest or conflict of interest.

16. Annual general meetings of the Association ("AGM") 16.1 The AGM of members of the Association shall be held at such time and place as the committee may determine but as soon as may be after the first day of November in each year.

16.2 Notice of the date, time and place for the holding of the AGM shall, at least 14 (fourteen) days before the date fixed for the holding of such AGM, be delivered by hand and/or posted by registered mail and/or sent by electronic mail to each of the members of the Association at his/her registered address/electronic mail address as appearing in the register of members and displayed on the Association's public notice boards.

16.3 The inadvertent omission to send by post or electronic mail (where available) or deliver by hand any such notice to any member shall not invalidate the holding of the meeting, or the passing of any resolution thereat.

16.4 Notice of the terms of any resolution to be proposed at an AGM, other than concerning ordinary or general business, shall be lodged with the secretary at least 7 (seven) days before the date fixed for such meeting.

16.5 Notice of any proposed resolution adding to, repealing or amending any of these rules or any part of this constitution shall be given as provided in clause 28.2 below.

17. Proceedings at AGM 17.1 At the AGM the committee shall present an audited balance sheet and income statement drawn as at the last day of February of the preceding financial year, together with its report.

17.2 The ordinary business to be done at an AGM shall be as follows:- 17.2.1 to confirm the minutes of the previous AGM and any special general meeting held since the previous AGM and/or general meeting (as the case may be);

17.2.2 to receive and consider the report of the committee and the financial statements for the preceding financial year with the auditor's report thereon;

17.2.3 to elect a chairperson, vice-chairperson, treasurer and secretary of the Association nominated by the committee at every AGM;

17.2.4 to elect the other members of the committee at every AGM (if applicable); and

17.2.5 to consider and to pass, with or without modification, any resolutions concerning the affairs of the Association of which due and proper notice has been given and any other business concerning the affairs of the Association.

18. Special general meetings ("SGM") 18.1 The committee may at any time, through the secretary, call an SGM of members by giving not less than 14 (fourteen) days' notice to members specifying for what object(s) the meeting is called.

18.2 The secretary shall convene an SGM of members of the Association, upon receiving a requisition in that behalf signed by not less than 5 (five) members, specifying their resolution(s) proposed to be moved or other business to be discussed. The secretary shall post or deliver by hand to each member at his/her registered address or send by electronic mail (where available) a copy of such notice at least 14 (fourteen) days prior to the holding of the meeting.

18.3 The omission to send any such notice to any member shall not invalidate the holding of the SGM, or the passing of any resolution thereat.

19. Quorum at general meetings 19.1 The quorum for a general meeting of members shall be one third of the members entitled to vote thereat; provided that if no quorum be present within 15 (fifteen) minutes after the time fixed for the meeting, it shall, in the case of an AGM or an SGM called by the committee, be postponed to the same day and hour in

the following week and at such adjourned meeting, the members present shall be deemed to be a quorum for the transaction of the business of the meeting.

19.2 In the case of an SGM called by requisition of members, if no quorum is present upon the date fixed, and within 15 (fifteen) minutes after the time fixed for the meeting, it shall be dissolved.

20. Chairperson at general meetings 20.1 The chair at all general meetings of the members of the Association shall be taken by the chairperson of the Association or, in his/her absence, by the vice chairperson. Should both be absent, the members present shall elect a chairperson for that meeting from among the other members of the committee present (if any) or, failing their presence, a chairperson shall be elected, being a person who is entitled to vote at an AGM, from among those members present.

21. Adjournment of general meetings 21.1 The chairperson of any general meeting may, with the consent of the meeting decided by majority vote, adjourn the meeting from place to place and from time to time but no business shall be transacted at any adjourned meeting other than that business left unfinished at the meeting from which the adjournment took place.

22. Voting 22.1 At any general meeting of the Association, including an AGM or an SGM, as well as in any electronic poll, each member shall have 1 (one) vote.

22.2 In connection with the election of members of the committee, the voting shall take place as provided in clause 12 above.

22.3 Save as otherwise specifically provided in this constitution, any business, resolution or question submitted to such a meeting for decision shall be decided by majority vote of those members present and entitled to vote and, in the first instance, by a show of hands, alternatively by electronic poll. No proxies shall be permitted. The chairperson of any such meeting shall have a casting vote (in the event of a deadlock) as well as a deliberative vote, provided however that voting by ballot may be demanded by not less than 5 (five) members present at the meeting. Should any such voting by ballot be demanded, it shall be taken in such a manner and at such time and place as the chairperson of the meeting may direct.

22.4 A declaration by the chairperson of the meeting of the result of a show of hands or a ballot (as the case may be), alternatively the result of an electronic poll shall, save for a manifest error, be conclusive.

23. Misconduct of members 23.1 A member of the Association shall be guilty of misconduct should he/she, in the opinion of the committee: 23.1.1 commit any breach of this constitution, code of conduct, the rules and/or by-laws of the Association; or

23.1.2 be guilty of any improper conduct; or

23.1.3 fail to make payment of any money due to the Association after due notice; or

23.1.4 be guilty of conduct in any way offensive to members of any class or to the committee; or

23.1.5 introduce into the Association or any meeting of the Association any person whose presence therein shall be prejudicial to the interests and reputation of the Association or objectionable to the members as a whole; or

23.1.6 fail to abide by the rules of communication relating to media channels used by the Association and/or its Members (including but not necessarily limited to the use of 2-way radios, WhatsApp alert groups, social media platforms and the like); or

23.1.7 be guilty of behaving in a manner unbecoming a member of the Association or prejudicial to the interests and reputation of the Association, whether within the Association's premises or outside them, or without cause or justification behave in a manner which is offensive or unbecoming towards any other member, or guest, or the staff employed by the Association.



23.2 The hearing and investigation of any complaint as to the misconduct of a member, and the procedure to be adopted in connection therewith, shall be in the sole discretion of the committee, provided however that the member whose conduct is the subject of complaint and investigation shall be informed of the nature of the complaint, or the committee shall take any reasonable steps to bring to his/her notice the nature thereof, by and/or electronic mail and/or by delivering by hand and/or by posting a registered letter to his/her registered or residential address or otherwise, and provided that such member shall be afforded an opportunity of replying to any such complaint, whether in writing or in such other manner as the committee may determine.

23.3 The powers and duties of the committee as set out in this rule shall not be delegated to any other sub-committee or body.

23.4 In regard to a member who, in the committee's opinion, has been guilty of misconduct as described in sub clause 23.1 above or a member who has been found guilty of a criminal offence in a court of competent jurisdiction, the committee, after investigation, shall have the power to:- 23.4.1 expel such member, who shall be ineligible for re-election; or

23.4.2 temporarily deprive such member of any or all of the rights, benefits and privileges of his/her membership during such time or period as the committee in its absolute discretion may deem fit; or

23.4.3 call upon such member in writing and /or by electronic mail, through the secretary, to resign and, if he/she fails to tender his/her resignation within 7 (seven) days of the date of such request, to expel such member, who shall then be ineligible for re-election; or

23.4.4 to reprimand and/or censure such member; or

23.4.5 to caution such member; or

23.4.6 to impose such condition upon such member as to the use of the facilities of the Association as the committee may in its sole discretion determine; and/or

23.4.7 impose a penalty as the committee may deem reasonable in the circumstances and/or hold such member liable for damages suffered by the Association as a result of the conduct of such member.

23.5 The decision of the committee under this rule shall be notified to such member by delivering by hand and/or posting a registered letter to such member at his/her registered or residential address and/or to send a letter to the electronic mail address of the member where available.

23.6 Any member who is expelled or called upon to resign or otherwise dealt with by the committee in terms of this clause 23 shall have the right, within 21 (twenty one) days after the date of sending to his/her by the secretary a notice under clause 23.5 above, to lodge an appeal in writing against the decision of the committee, to an SGM of members which shall be convened forthwith by the secretary upon receipt of the notice of appeal and upon such member depositing with the secretary a sum of money sufficient, in the opinion of the committee, to cover the expenses which may be incurred in the convening and holding of such a meeting. Such deposit shall be returned to such member in the event of his/her appeal proving successful but, if such an appeal fails either wholly or in part, the expenses which may be incurred in the convening and holding of such meeting shall be borne by such appealing member and any refund of the deposit or part thereof shall be in the sole discretion of the committee.

23.7 The notice of an appeal shall not have the effect of suspending the operation of a decision referred to in clause 23.5 above, pending the hearing of the appeal.

24. Interpretation 24.1 "The rules/these rules" shall mean the rules of the Association as embodied in this constitution;

24.2 Unless the context clearly indicates a contrary intention an expression which denotes any gender includes the other genders and the singular includes the plural and vice versa.

24.3 When any number of days is prescribed in this Lease, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday.

24.4 Schedules or annexures to this Lease shall be deemed to be incorporated in and form part of this Constitution.

24.5 In case of *bona fide* doubt or dispute as to the meaning and interpretation of any of the rules, code of conducts and/or by-laws of the Association or in connection with any other matter whatsoever: 24.5.1 the committee for the time shall be the arbiter thereon; and

24.5.2 the committee's decision shall, save for a manifest error, be binding upon the members of the Association, subject to any resolution of a general meeting of the Association thereon.

25. Register of members 25.1 All members of the Association shall communicate their residential addresses, electronic mail addresses and other contact particulars, from time to time, to the secretary who shall keep a register of the names and contact particulars of members and their addresses.

26. General 26.1 A copy of these rules, code of conduct and/or bylaws and of any repeal or amendment thereto or new rule, code of conduct and/or bylaw effected from time to time shall be available for the inspection by any member upon written application to the secretary. Every person, upon becoming a member of the Association, shall upon request receive a copy of the rules of the Association as embodied in this constitution, or as amended from time to time, together with such code of conduct and by-laws as may be in force and/or amended from time to time.

26.2 A special notice or account to a member shall be properly delivered by hand or by posting it to the member's registered address or by sending it to the member at his/her electronic mail address as appearing in the register of members. In the event of any member failing to register (or update where necessary) his/her address and/or electronic mail address, or in the event of letters posted to the registered or electronic mail address being returned, such notice shall be considered as having been properly given.

27. Indemnity 27.1 Every member, officer or servant of the Association shall be indemnified by the Association against all costs, losses and expenses which he/she may incur or become liable for by reason of any act or thing done by his/her as such in the discharge of his/her duties, unless the loss in question is caused by his/her own wilful misconduct, gross negligence, dishonesty and/or breach of trust.

28. Amendments to the constitution 28.1 The constitution of the Association, or any part thereof, as herein contained, shall not be adopted, repealed or amended, and no new rules shall be made, save by a resolution adopted by a majority of two-thirds of the members of the Association by a show of hands: 28.1.1 present at an AGM or SGM of members of the Association of which due and proper notice has been given; or

28.1.2 by way of electronic poll of which due and proper notice has been given; or

28.1.3 by way of written resolution; or

28.1.4 a combination of 28.1.1 , 28.1.2 and 28.1.3 above

28.2 At least 21 (twenty one) days' written notice of the intention to propose and move a resolution for the adoption of a new rule or the repeal or amendment of an existing rule and setting out the terms of such proposed resolution, shall be given to the secretary, who shall forthwith notify the committee and deliver by hand and/or send a copy of such notice by post and/or electronic mail to each member of the Association at the address/electronic mail address of each member appearing in the register of members.

29. Winding-up 29.1 The Association may be dissolved by a resolution passed at the SGM called for that purpose, provided that such resolution is passed by a majority of two-thirds of the members present and entitled to vote at such meeting and, further, that such resolution is confirmed at a SGM held not less than four 30 (thirty) days thereafter by a majority vote of members entitled to be present and vote thereon. In the event of such resolution being passed at the second SGM, that meeting shall also have power to pass resolutions by a majority vote for the nomination of another service organisation to whom the disbursement of the surplus funds and assets of the Association after winding-up and

after the payment of all the debts and obligations of the Association shall be given or transferred. The nominated service organisation must have objects similar to those of the Association, exempt from tax under the laws relating to income tax and donations tax.

## **ANNEXURE A**

### **QUALIFICATION OF MEMBERSHIP**

1. A member of the Association is a person accepted for membership by the founding members of the Association or the committee as detailed in clause 5 of the Constitution.

2. Membership of the Association is based upon the principles of non-racism, non-sexism, non-sectarianism and democracy. Accordingly, membership of the Association is open to all irrespective of race, colour, religion, disability, age or sexual orientation, subject to the criteria as set out in this Annexure A.

3. Eligible for membership are all natural persons, residing within or having a business or direct interest in the geographical area of the Cape Town suburb of Sunset Beach, who:

3.1. are willing to support and implement the Objectives of the Association. Membership candidates should be sought among community leaders in a variety of activities; and

3.2. have willingly undergone a police clearance process and have been confirmed by the South African Police Service to not have been convicted of any criminal offence and maintains such status at all times; and

3.3. have signed the prescribed indemnity form.

4. The committee of the Association shall consider all proposals for membership and present the names of candidates to the Committee. On approval, committee chairperson shall extend a written invitation to the person accepted to become a member and notify the Association members. At the option of the committee, members of the Association may be informed of the candidates for membership before invitation to become a member is extended.

5. A member has all rights and responsibilities of membership, including the right to hold office and represent the Association at meetings, except as otherwise provided in the Constitution.

## **ANNEXURE B**

### **WESTERN CAPE PROVINCIAL CONSTITUTION AND CODE OF CONDUCT**

#### **FOR NEIGHBOURHOOD WATCH STRUCTURES**

1. In addition to the provisions of the constitution, rules, code of conduct and by-laws of the Association, as may be in force from time to time, all members shall adhere to the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures, as may be in force and as may be amended from time to time.