



## NELSPRUIT MARATHON CLUB



+27 (83) 951 0380



[info@nelspruitmarathonclub.com](mailto:info@nelspruitmarathonclub.com)



1 Bafana Road, Mattafin, 1205  
Mpumalanga, South Africa

# CONSTITUTION of NELSPRUIT MARATHON CLUB

## 1. NAME

1.1 The club will be known as NELSPRUIT MARATHON CLUB, hereinafter called the Club

1.2 The Club will have its own legal personality and carry its own legal liability.

## 2. DEFINITIONS

2.1 Members: All persons that have subscribed to the Club, have paid all subscription monies in full and being approved and accepted by Management.

2.2 Club Year: The period from 1 January of any given year to 31 December of the following year.

2.3 Club Financial year: The period from 1 January to 31 December of any given year.

2.4 Day to Day / Executive: Consists of the (selected) Chairman, Vice Chairman X 2, Treasurer and Secretary. Refer to here after as the Executive.

2.5 Honorary Members: Members as approved by the Annual General Meeting in accordance with the approved criteria and prescribed procedure.

2.6 Social members: Persons that have paid subscriptions to the Club but are not licensed with the Mpumalanga Provincial Road Running governing body.



CHAIRPERSON: Jonathan Gininda

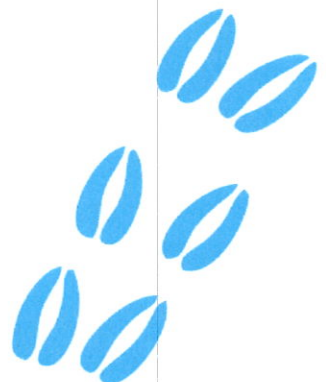


TREASURY: Helen Maria Vreken



SECRETARY: Morongwa Dlamini

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### 3. GOALS

- 3.1 The goals of the club are to manage, build and promote the interests of the Members.
- 3.2 To promote athletics in general and road running in particular in such a way that it is in accordance with the rules and regulations of Athletics South Africa.
- 3.3 To uphold the regulations regarding amateur status and the right of Members to participate in terms of such regulations.
- 3.4 To ensure that no religious, political, racial or other discrimination is allowed within the club and in road races under its control.
- 3.5 To promote road running, especially among the residents of Nelspruit and surrounding areas.
- 3.6 To exercise any functions with regards to the promotion of road running that may be required under the circumstances.
- 3.7 To obtain and receive funds on behalf of the Club, and to undertake and meet financial obligations for, or in connection with, the execution of any of the duties or activities of the Club.

### (4 PROMOTION OF GOALS

In order to achieve the above objectives, the club is entitled to, amongst others, perform the following:

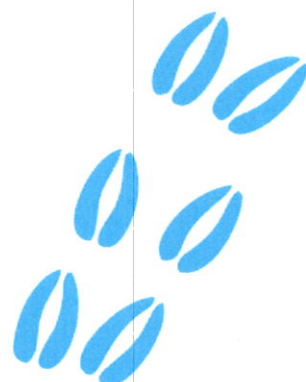
- 4.1 Acquisition and / or creation of suitable grounds, buildings, equipment and other facilities required ( to accommodate a clubhouse) and for the hosting and organizing of amateur races.

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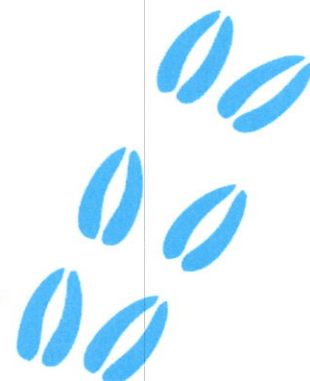
- 4.2** Entering into negotiations and execution of contracts and agreements as may be necessary For the promotion of races and all matters related to running and the club. Formal agreements will be negotiated and signed, at all times, between the Executive and the sponsors.
- 4.3** Investigating any offence or irregularities regarding the constitution of the club and of ASA, and to initiate appropriate actions.
- 4.4** Hosting annual Championships over such distances as may be determined from time to time by the Management and sponsorships permitting.
- 4.5** Hosting and presenting monthly club league team competitions, social events and time trials over distances as prescribed by the Management from time to time.
- 4.5.1** Hosting and presenting the annual NMC 3-in-1 race in March and the annual KaapseHoop 3-in-1 race
- 4.6** Awarding honorary colors, trophies, medals and certificates as determined by the Management, within the framework of such conditions as apply and as may be amended from time to time.
- 4.7** To work with other clubs and organizations to promote road running in Nelspruit and surrounding areas.
- 4.8** To levy and collect fees, and to acquire sponsors (and host races) to reach the identified prescribed goals.
- 4.9** To elect patrons, honorary presidents, vice presidents, honorary chairpersons and honorary Members, provided that any nominations be submitted and motivated, as per the approved framework, at the Annual General Meeting.

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### 5 COLOURS

**5.1** The color of the running vest will be royal blue. The full emblem of the Club will be displayed on the back and / or front of the vest through printing or embroidery. The Club emblem, the "koedoespoor" pattern and the lettering will be in White

**5.2** The shorts will be old gold or nearest available color. Running tights (ski-pants) must be royal blue or yellow if worn independently, but may be black if worn underneath old gold shorts.

**5.3** Tracksuits, T-shirts, golf shirts, caps or any other Club clothing accoutrements will be as determined and accepted by the Management, (taking the club colors into consideration).

**5.4** No badges of any kind are allowed on the official Club clothing, except as prescribed by ASA.

**5.5** Any change to club colors may only be made at an Annual General Meeting or Special

General Meeting, if affirmed by a two-thirds (three quarter / 75 %) majority of members present at such a meeting.

### 6. MEMBERSHIP

Admission as a Member of the Club is subject to the following:

**6.1** Members must submit an application to management and apply to be registered with the Mpumalanga provincial road running governing body, by whichever name it is known at the time, and Athletics South Africa.

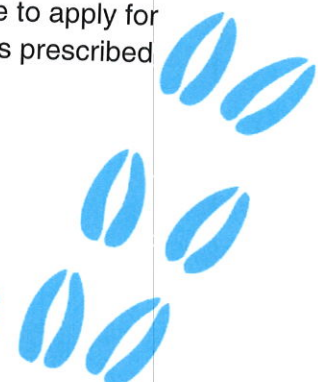
**6.2** Social members must submit an application to management but do not require to apply for registration with the Mpumalanga Provincial Road Running Governing Body as prescribed under Paragraph 6.1

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**6.3** All applications for membership are subject to the approval of the Management (and if approved, membership will only be effective once all required club fees and levies have been paid in full.)

**6.4** Application for membership must be submitted annually, in writing on the prescribed form.

### 7. MEMBERSHIP FEES

**7.1** Annual membership fees are payable in full, in advance.

**7.2** Annual membership fees for any given year will be determined and approved at the last Annual General Meeting of the previous year.

**7.3** Membership fees for any given calendar year will be payable on or before 1 January of that year.

**7.4** Members who join the Club during the course of any given financial year become Members for that year only from the date the club fees are paid in full. Management may take a decision to reduce annual membership fees on a Pro rata basis in such cases.

### 8. MANAGEMENT

Management shall consist of 9 members i.e.:

**8.1** Chairperson

**8.2** Vice-Chairperson – Operations

**8.3** Vice-Chairperson – Events

**8.4** Secretary

**8.5** Treasurer

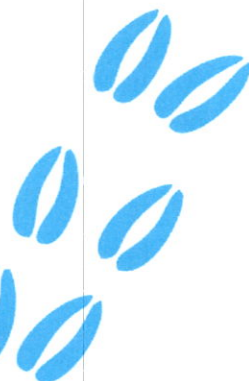
**8.6** Club Captain

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### 8.7 Public Relation Officer (PRO)

### 8.8 Additional Member

### 8.9 Additional Member

Additional Members may be co-opted by Management at any time if necessary.

The members of the Management, sub – committees and or Officers of the Club shall be indemnified in respect of any claims against the Club, the Committee or its members, both individually or collectively, arising out of their activities in their capacities as members and officers.

## 9. VOTING AND VOTING RIGHTS OF MANAGEMENT

9.1 Each Member of Club Management has only one vote

9.2 The Chairperson has the deciding vote when voting is tied.

9.3 Voting will be by way of a show of hands unless at least one third of the Members present request or accept a secret ballot.

9.4 Voting by proxy is not permitted

## 10. RULES OF MANAGEMENT MEETINGS

10.1 At all Management meetings, the meeting will be chaired by the Chairperson, or in his/her absence the Vice-Chairperson, or in the absence of both, such Member as elected by the meeting.

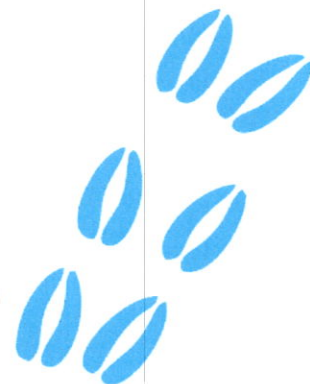
10.2 Five members of the management will form a quorum.

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**10.3** Minutes of the proceedings of all meetings will be taken, and the minutes of each meeting shall be circulated for inspection (to all members of management within 14 days after the meeting was held), and submitted for approval at the next meeting.

**10.4** The agenda and minutes of ( previous ) meeting are to be circulated to all Members of the Management , ( seven ( 7 ) days prior to the next management meeting.

### 11. ELECTIONS PROCEDURES FOR THE MANAGEMENT

**11.1** Nominations: Each nomination must be in writing and signed by the Proposer and one Secunder, both of whom must be Club Members. Each nomination must also be signed by the Nominee as formal acceptance of such a nomination. Nominations must be submitted to the secretary at least 24 hours before the start of the Annual General Meeting

**11.2** The Nomination is invalid if the form is incomplete or incorrect.

**11.3** Current management members are automatically nominated for their posts unless otherwise requested by themselves.

**11.4** Members (of Management) are elected by ballot at the Annual General Meeting.

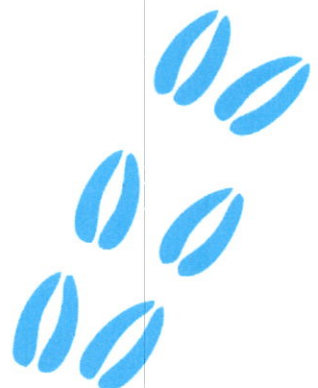
**11.5** Members of the Club may only be elected to serve on the Management if they have been full paid – up Club Members for at least 12 calendar months preceding such election.

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### 12. POWERS AND DUTIES OF THE MANAGEMENT

The Management is the highest legislative and executive authority of the Club. Its rulings and decisions are final.

The Management has the authority powers and duty to:

- 12.1 Obtain or receive any funds or donations which it considers can be used for the benefit and development of the Club and its goals.
- 12.2 Borrow monies or collect monies, at its discretion, that may be required for the benefit and development of the club.
- 12.3 To hear and consider all disputes between members and to pronounce a judgement.
- 12.4 Delegate its powers at its own discretion.
- 12.5 Hold Management meetings at such time and place as determined by the Management, as often as may be necessary, but at least 4 times per year after adequate notice is given and an agenda was compiled. Agendas and minutes of previous meeting must be circulated at least 7 (seven) days before the date of the meeting to all members on the Management.
- 12.6 Any vacancy on the Management must be filled by a co-opted qualified Member appointed by Management, within 21 days.
- 12.7 Additional Members may be co-opted by Management at any time if necessary.
- 12.8 Request a special general meeting and to motivate to have a Management member removed who has been absent for 2 or more meetings without a valid absent request or have not fulfilled the duties as required for that position held.
- 12.9 Management has the power to motivate the appointment of and honorarium payable to a secretary to the Annual General Meeting. Only the Annual General Meeting will have the power to approve such appointment. Such nominated person need not necessarily be a Club Member

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- 12.10** The Management is responsible to manages all financial aspects of the Club in accordance to the mandate given to them and budget approved at the Annual General Meeting.
- 12.11** Management has the duty to announce and arrange the Annual General Meeting before the end of March each year, present an audited set of financials for the past year, a budget for the next financial year together with the Chairperson's annual report at the Annual General Meeting.
- 12.11** The Management controls and is responsible for all activities of the Club, but has the right to appoint ad hoc committees for specified periods, to fulfil specified functions and or to arrange specific events, as and when required. Such ad hoc committees will take full responsibility and accountability for the fulfillment of their task. Such committees will remain under the jurisdiction of the Management and will report back to Management on the time periods and platforms set by management.
- 12.12.** In case of a resignation, the Executive will have the right to nominate and appoint a replacement as per 10

### 13. DISCIPLINARY COMMITTEE

- 13.1** The Disciplinary Committee shall consist of 3 members of Management, appointed by the Management of the day.
- 13.2** The Disciplinary Committee has the right to act against any Member who is found guilty of misconduct, fraudulent or unsporting behavior or any activity or behavior which may bring the Club into disrepute.
- 13.3** The Disciplinary Committee has the right to admonish a member and to suspend membership for a specified period, including permanently.
- 13.4** The Disciplinary Committee must follow accepted and correct procedures
- 13.5** In case of a serious infringement, or a serious punishment being imposed, the Mpumalanga provincial road running governing body must be informed as soon as is practical.

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### 14. FINANCE

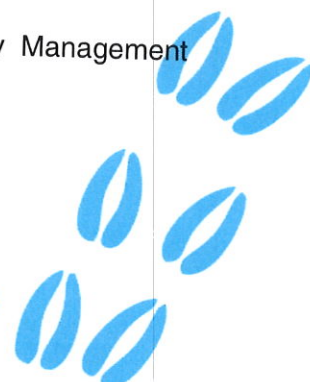
- 14.1** All the finances-financial policies and day to day financial functions of the Club will be managed by the Treasurer.
- 14.2** A cheque and / or savings account will be opened and operated at a recognized financial institution as approved by the Annual General Meeting.
- 14.3** The Treasurer and two (2) of the Chairperson, Vice-chairpersons, Secretary, have signing powers at the bank.
- 14.4** The Management may approve travel or accommodation expenses, or other expenses occurred by a member of the club out of private funds, directly related to the activities of the club, as deemed necessary.
- 14.5** All purchases or payments must be approved by the Management in accordance to the constitution and or mandate given and budget approved at the last Annual General Meeting. Purchases or payments approved not on management meetings, must be placed on record at the next management meeting.
- 14.6** The 3 quotation system should be used for all procurements over R 3000
- 14.7** The Treasurer will sanction payments for normal operating costs and any other expenses approved by the Management
- 14.8** Funds collected, or donations made or collected by any Member for the Club, must first be deposited in the Club account and may not be used directly by the recipient.
- 14.9** It is the responsibility of the Treasurer to ensure that all affiliation fees be paid annually as well as the registration of all members.<sup>4</sup>
- 14.10** The Treasurer must report in writing on the Club's finances at every Management meeting.

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### 15. MEMBER MEETINGS

**15.1 Annual General Meeting (AGM):** A general meeting of all members will be held before the end of March of each year and shall be known as the Annual General Meeting.

**15.1.1 Club** Members must be notified of such a meeting in writing or electronically, at least 14 days before the designated meeting.

**15.1.2** A quorum shall consist of at least 10 Club Members and at least half of the Management.

**15.2 Special General Meeting:** All meetings except Management meetings and the Annual General Meeting will be called Special General Meetings

**15.2.1 Club** Members must be notified of such meeting in writing or electronically, at least 14 days before the designated meeting.

**15.2.2 A** quorum shall consist of at least 10 Club Members and at least half of the Management.

**15.2.3 A** Special General Meeting may be called by the Management on its own initiative or at the written request of at least 10 Members.

### 15.3 Voting

**15.3.1 Voting** rights will be awarded to all Members who comply with the membership requirements as defined in Section 2 and 6.

**15.3.2 Social** Members as defined in Section 2 do not qualify for voting rights at an Annual – or Special General Meeting.

**15.3.3** Each member over the age of 16 years has one vote per portfolio.

**15.3.4 Voting** by proxy may occur. Only 1 (one) vote per member is so allowed.

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### 15.4 Quorum

**15.4.1** No decisions may be taken at any meeting unless a quorum is present.

**15.4.2** If there is not a quorum present at the appointed meeting, the meeting must be postponed for one week. If at the 2nd meeting a quorum is not present, then the members present shall form a quorum.

## 16 THE CONSTITUTION

**16.1** Interpretation - a decision of the Management on the meaning, interpretation and application of any of the provisions of this constitution is binding and must be recorded in the minutes.

**16.2** The Constitution may only be changed at an AGM or a special general meeting. Changes must have the approval of at least 75% of the members present to be accepted.

## 17. INJURIES OR LOSSES

Nelspruit Marathon Club shall not be responsible in any manner whatsoever for any injury, damage or loss to any person or property suffered or sustained by any members of guests whilst on the Club's premises or during any of the Club's activities or while representing the Club in any way whether on the Club's premises or elsewhere.

## 18. DISSOLVING OF THE CLUB

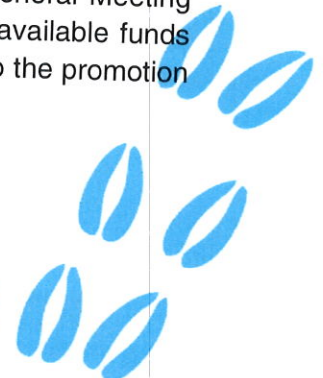
If the club ceases to function, the Club can be dissolved at a Special General Meeting through a majority decision of Members present. Upon dissolution, any available funds of the Club are to be divided amongst institutions or agencies dedicated to the promotion of sport.

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Original constitution with changes approved at the Special General Meeting held on 1st April 2023 at the Club House, Mbombela Stadium , Nelspruit.

Signed

Chairman:

Date 19/06/2023

Secretary:

Date 19/6/23

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