

# **CONSTITUTION OF THE** **"DEUTSCHER TURN- UND SPORTVEREIN"**



## **RULE 1**

### **Name:**

The name of the Club is the "DEUTSCHER TURN UND SPORTVEREIN" (DTS), hereinafter referred to as the "VEREIN", with its seat in Windhoek, Namibia.

## **RULE 2**

### **Objects:**

The objects of the "VEREIN" shall be to:

- (1) Teach or cause to be taught any branch of Sport for which purpose sub-sections the control of such sport branches are to be established within the "VEREIN";
- (2) Co-operation with other Sport bodies;
- (3) To raise and maintain a fund by means of subscriptions, donations and otherwise, to be applied in accordance with the RULES of this Constitution and to establish and maintain a spirit of sociability and to promote friendly relations among the members;
- (4) Generally establish, take control of and maintain any activity for the benefit of members.

## **RULE 3**

### **Membership:**

- (1) Entitled to membership of the "VEREIN" are persons who have attained a minimum age of 18 years.
  - (a) No discrimination will be allowed in regards to race, colour or religion.
  - (b) Persons under the age of 18 years may with written consent of their parents or guardian become members of the "VEREIN" but shall not be entitled to claim the rights applicable to members over the age of 18 years.
- (2) An application for membership shall be submitted on a prescribed form, obtainable from the Secretary, and proposed and seconded by two members of the "VEREIN".
- (3) No person shall be admitted to membership within 14 days of the receipt of his/her properly completed application form or before his/her application has been screened on the premises of the "VEREIN" for at least 7 days, and provided that the Committee has not received a written objection against the applicant's membership. The Committee has to investigate such objection and must decide for or against admission of the applicant as a member.

- (4) Application forms to be accompanied by the full membership fee and the application fee, the amount of which will be determined by the Executive Committee, are to be submitted to the "VEREIN". The application fee is not refundable and is forfeited in case of rejection of the application. The balance of the membership fee will be refunded to the applicant.
- (5) Should a member not be able to settle the required annual membership fee at once, an instalment plan of (12) twelve months can be processed through the relevant sport section. The sport section is responsible for settling entire amount to the club manager at once.
- (6) The Committee will decide whether or not to admit an applicant as a member and has the right to reject applications for membership without giving any reason therefore.
- (7) The successful applicant shall upon acceptance of the application receive a membership card as prove of paid up membership.
- (8) The spouse of a member shall automatically be a member of the "VEREIN" enjoying all the rights of an ordinary member of the "VEREIN" except voting rights unless he or she has paid full membership fees.
- (9) The applicant understands that the "VEREIN" will not be held responsible for any loss arising from theft, damage or demolition of property, malicious or otherwise, fire and flood damages, or damages caused by riot or revolt actions.
- (10) The applicant further understands that the "VEREIN" will not be held responsible for any personal injuries irrespective of the severity thereof, that may be sustained, while on the premises or extended premises (facilities tended elsewhere) of the "VEREIN", and during any activity of any nature, official and otherwise for or on behalf of the "VEREIN" and that no claim of any nature will be instituted against the "VEREIN", its management and executive committee.
- (11) Membership terminates:
  - (a) when a member has deliberately made a false declaration in his/her application form;
  - (b) when a member's conduct becomes intolerable to the "VEREIN". The termination of his/her membership in this case requires a majority decision by the Committee;
  - (c) when a member resigns from the "VEREIN", in which case the resigning member has to notify the Committee in writing to this effect;
  - (d) when a member has not paid his/her membership fee in full within one month after his/her fee was due.

In none of the cases mentioned above, the membership fee or part thereof shall be reimbursed to the out-going member.

- (12) Membership of the "VEREIN" shall be valid from the 1st January till the 31st December.

- (13) **Honorary members** have all the rights applicable to ordinary members but are exempted from membership fees.
- (14) **Life Membership:** can be obtained by one single payment of an amount as determined from time to time by a general meeting. This membership relates to the main club only. The amount paid i.r.o. Life Membership is not refundable.

Where a Life Member is part of a family, the membership is applicable to the life member only. Additional family members are still required to pay annual membership fees.

A Life Member, as any other ordinary member, is subjected to the rules of this constitution.

Life Membership entitles to TWO votes at Annual General Meetings and Extra-Ordinary General Meetings, on condition that the Life Member is present at that meeting, otherwise only one vote is permitted.

If a Life Member happens to be a member of any of the Committees of the "VEREIN", then he/she will only be permitted to one vote on that Committee.

Application for Life Membership will be dealt with according to RULE 3 of this Constitution.

- (15) **Guest Player**

"DEFINITION OF A GUEST PLAYER"

A guest player is defined as a player with an approved member pass who is not listed as a rostered player for the DTS team with which the player is participating in a particular event.

**Members of the DTS are welcome to also invite guest players, in order to meet the minimum roster requirements and to avoid a forfeit.**

Guest Players: All sub sections shall have the obligation to notify EXCO in advance of intended Guest Players wishing to use the DTS sport facilities for training. EXCO shall at their discretion apply a Guest Player fee applicable which will then be reimbursed by the associated sub section.

Student and/or holiday Players which visit the club during holiday can play as guest players which will then fall under the Rule 3, Membership 16.

- (16) **Beginner / Newcomer**

"DEFINITION OF BEGINNER / NEWCOMER"

A person who has recently arrived in a place and/or generally players who have played for less than a year and have not taken part even in friendly matches. May be able to execute proper strokes and footwork but lack success in match situations.

Beginners and/or newcomers: All sub-sections may bid up to a four (4) consecutive week introduction to all beginners for free of charge. Thereafter shall each sport section have the obligation to collect either a normal membership fee or a monthly Beginners and/or Newcomer fee from such persons wishing to use the DTS sport facility for training purposes. It is, however, understood that no person may be a beginner and/or newcomer for longer than three (3) consecutive months a year, whereupon such person shall either be requested to become a DTS member or to

refrain from using the DTS' facilities. Beginners and/or newcomers fees will be reviewed annually.

- (15) Membership cards: Members are required to produce their current membership card at any time when entering the DTS premises.

#### **RULE 4**

##### **Membership fees:**

The annual membership fee shall be the amount as determined by the Executive Committee.

Fees are to be reviewed annually and members are to be informed of any proposed amendments. Giving members one month during which to respond in writing, the final amounts will be determined, taking due consideration of all such responses and fees will thus become legal once published in a circular to members.

Membership fees are to meet the requirements in terms of the Liquor Ordinance in force.

The annual membership fee for *bona fide* pupils, university or college students shall be half the amount as determined in terms of the above paragraph.

New application(s) for membership and the payment of membership fees will be as follows:

- January to December: Monthly pro rata of membership fee to be made.

#### **RULE 5**

##### **Management:**

- (1) The administration and control of the "VEREIN" shall be vested in the Committee. The Committee shall consist of members of the "VEREIN", duly elected for two (2) years, at the Annual General Meeting. The following will form the Committee:
  - (a) Chairman
  - (b) Vice-Chairman
  - (c) Secretary
  - (d) Treasurer
  - (e) Public Relations Officer
  - (f) A maximum of **four** and a minimum of **two** additional Committee members
  - (g) One delegate from each sub-section, these delegates, however, shall not be elected during the Annual General Meeting.
- (2) Powers and duties of the different Committee members shall be as follows:
  - (a) The duties of the members of the Executive Committee comprising of the Chairperson, Vice-chairperson, Treasurer, Secretary, PRO and two additional members shall be as set out in the job description annexed hereto.
  - (b) The delegate of the respective sub-section represents the interests of his sub-section on the Committee.
- (3) Powers and duties of the Committee shall be as follows:
  - (a) To consider all applications for membership;

- (b) To execute the business and interests of the "VEREIN" and to represent the aforesaid business and interests externally;
  - (c) To appoint special commissions and disciplinary committees to attend to special problems, to receive and consider reports of such commissions or disciplinary committees and the dissolution of such commissions or disciplinary committees.
  - (d) To appoint members for vacant seats on the Committee, except the seat of the Chairman;
  - (e) To institute, defend or compromise any action or proceeding at Law in any Court by or against the "VEREIN", or its officers or member, or assist any such officer or member in any such action or proceeding at Law, as far as the "VEREIN" might be concerned;
  - (f) To open an account with a Commercial Bank, maintain the account, to deposit, save and make payments of available funds of the "VEREIN", on behalf and in the name of the "VEREIN";
  - (g) To appoint an authorised auditor who is to audit all books and accounts of the "VEREIN" annually and who is to file a report of his audit inspection with the Annual General Meeting;
  - (h) Convene the Annual General Meeting and Extra-Ordinary Members Meeting;
  - (i) To appoint representatives to sport controlling bodies;
  - (j) To investigate complaints and objections and take necessary steps to avoid recurrence of such;
  - (k) Further powers and duties as stipulated under **RULE 9** of this Constitution.
- (4) The Committee shall meet as occasion demands, but at least once a month. Minutes of all these meetings must be kept.
- (5) Voting at Committee meetings:
- (a) Every member of the Committee is entitled to vote at such meetings;
  - (b) Voting takes place by raising of hand, unless one or more Committee members request voting by secret ballot;
  - (c) Decisions to be taken require the majority vote of Committee members;
  - (d) In the event of equal number of votes, the Chairman shall have a casting vote in addition of his ordinary vote;
  - (e) A quorum at any meeting of the Committee shall be constituted when at least two-thirds of the Committee members are present;

(6) Vacation of seats by Committee members:

- (a) A member of the Committee vacates his/her seat if he/she:
  - (i.) Dies
  - (ii.) Becomes insane
  - (iii.) Resigns from the Committee
  - (iv.) Absents him- or herself at two consecutive Committee meetings
  - (v.) Ceases to be a member of the "VEREIN"
  - (vi.) By expulsion
  - (vii.) Is prohibited by Law to be a member of the Committee
- (b) The Committee has the power to appoint a suitable member of the "VEREIN" as a Committee member for the vacated seat, except the seat of the Chairman. The thus appointed member shall in all respects be a member of the Committee until the next Annual General Meeting, unless he/she vacates his/her seat as set out in **RULE 5(6)a** of this Constitution.
- (c) The Committee member who vacated his/her seat as set out in **RULE 5(6)a.(ii) - (vii)** of this Constitution has no rights and cannot claim his/her vacated seat, nor can he/she be appointed a member of the Committee during the year in which he/she vacated his/her seat.

## **RULE 6**

### **Annual General Meeting:**

- (1) The Annual General Meeting must be convened once a year, but not later than the 31<sup>st</sup> May, by the Committee in accordance with **RULE 5(3) (h)** of this Constitution. The Annual General Meeting is properly constituted if it has been convened by a twenty-one (21) calendar days published in all communication methods, i.e. Windhoek newspaper, Facebook and others. In addition to the public notice a circular notice and agenda must be sent out to all members at the same time.
- (2) Nominations for committee members of the Executive Committee shall be lodged with the club secretary in writing, duly proposed and seconded, and with the Nominee's consent 14 days before the Annual General Meeting.
- (3) The names of the Nominees and their Proposers' and Seconders' shall be posted on the clubs notice board for public scrutinising 14 days prior to Annual General Meeting.
- (4) Any nominated member not elected to the nominated position shall be eligible, if he or she so desires, for any other position within the DTS Executive Committee.
- (5) In the event of a position still vacant by the date set for the AGM, the Committee shall be empowered to accept nominations until such time as the meeting is held.
- (6) The agenda for the Annual General Meeting shall be:
  - (a) Opening by the Chairman
  - (b) Submission and approval of the minutes of the previous Annual General Meeting and any Extra-ordinary Meetings
  - (c) Submission and approval of the report of the Chairman
  - (d) Submission and approval of the financial report

- (e) Appointment of election committee
  - (f) Voting for and appointing the following Officers and Committee members:
    - (i.) Patron(s)
    - (ii.) President
    - (iii.) Vice-President
    - (iv.) Chairman
    - (v.) Vice-Chairman
    - (vi.) Secretary
    - (vii.) Treasurer
    - (viii.) Public Relations Officer
    - (ix.) Two additional Committee members
    - (x.) Honorary members
    - (xi.) Amendments to the Constitution of the "VEREIN"
    - (xii.) General
- (7) Voting at the Annual General Meeting
- (a) Every member of the "VEREIN" has the right to vote.
  - (b) Members present at the Annual General Meeting shall constitute a quorum.
  - (c) At the Annual General Meeting all decisions are taken by majority vote, except those concerning the Constitution of the "VEREIN", the latter requires a two-third majority vote of the members present.
  - (d) Minutes of the Annual General Meeting must be kept in accordance with **RULE 5(2)b** of this Constitution and after approval the minutes must immediately be signed by Chairman. Every minute signed by the Chairman of any meeting to which such minutes relate, shall be sufficient evidence of the facts stated therein.
  - (e) The Annual General Meeting has the power to:
    - (i.) Elect or discharge the Committee
    - (ii.) Elect honorary members
    - (iii.) Alter the Constitution, subject to **RULE 6(3)c.** of this Constitution
    - (iv.) Accept the reports of the Chairman and auditor

## **RULE 7**

### **Extra-Ordinary meetings of members:**

- (1) An Extra-Ordinary meeting of members is to be convened:
  - (a) by the Committee when an important decision, concerning the "VEREIN, is to be taken; **or**
  - (b) when one-third of the members so demand.
- (2) An extra-Ordinary meeting of members is properly convened by:
  - (a) 24 hours' notice given to the members; **or**
  - (b) 14 days' notice given to members in case of amendments to the "VEREIN's" Constitution

- (3) The regulations as set out under RULE 6 of this Constitution are mutatis mutandis applicable to Extra-Ordinary Meetings of members.

## **RULE 8**

### **Rights and Duties of Members:**

- (1) Including all other provisions of this Constitution, members also have the following rights and duties;
- (a) To express their opinion freely at meetings
  - (b) To participate in all functions and training sessions of the "VEREIN"
  - (c) To make use of all establishments and equipment rented by or belonging to the "VEREIN"
  - (d) To enquire at any time about the use of finances and property matters of the "VEREIN"
  - (e) To comply with the RULES of this Constitution
  - (f) To comply with decisions taken by the "VEREIN"
  - (g) To pay membership fees punctually
  - (h) To behave in public in such a manner that the prestige of the "VEREIN" is not impaired.

## **RULE 9**

### **Finance:**

- (1) The Financial Year of the "VEREIN" shall commence on the 1st January and terminate on the 31st December of each year.
- (2) In accordance with **RULE 5(3) (f)**. of this Constitution a bank account shall be opened. All monies received on behalf of the "VEREIN" shall be paid into this bank account without delay. The Chairman, or in his absence the Vice-Chairman, together with the Treasurer or Secretary shall have signing power.
- (3) The bookkeeping, accounts and cash monies shall be examined annually in accordance with **RULE 5(3) (g)** of this Constitution and costs therefore be paid to the firm of auditors.
- (4) No member of the "VEREIN" or any other individual shall be offered or receive any loan from the funds of the "VEREIN", nor shall any member of the "VEREIN" or any other individual benefit from the profits accrued from the sale of Liquor or otherwise.
- (5) The Committee may, at its discretion, hire any person(s) to perform service(s) relating to the management and maintenance of the "VEREIN" and remunerate such persons accordingly.

## **RULE 10**

### **Minutes:**

- (1) Minutes shall be kept of all Committee and "VEREIN's" meetings in accordance with **RULE 5(2) (b)**. **RULE 5(4)** and **RULE 5(3)(d)** of this Constitution. After the Chairman has signed a minute, it shall be kept in safe custody.



## **RULE 11**

### **Sub-sections:**

- (1) In accordance with **RULE 2**(1) of this Constitution, sub-sections for any branch of sport can be established within the "VEREIN".
- (2) Each sub-section shall vote for and appoint:
  - (a) its own Chairman
  - (b) its own Selection Committee
  - (c) its team captain and vice-captain
  - (d) its representative to the Committee of the "VEREIN".
- (3) The RULES of this Constitution also binds the sub-sections.
- (4) At a meeting of a sub-section only the members of such sub-section shall have a say in the affairs concerning their sub-section. The selection committee shall be responsible for selecting teams and its decision shall be binding on all players.
- (5) Important financial commitments by a sub-section require the approval of the Committee of the "VEREIN" before these commitments are entered into.
- (6) All sub-sections shall have the right to raise funds by means of special fees, donations and otherwise as the sub-section Committee may decide. Each sub-section shall keep records of all monies received and paid over to the Club. All sub-sections shall on a monthly basis submit a financial report to the Committee of the "VEREIN" and shall pay over all surplus monies to the Club.
- (7) All sub-sections shall as soon as the season for their particular branch of sport has closed, but not later than the 30th November of each year, hold it's Annual General Meeting.
- (8) The team-captain, or in his absence the vice-captain, shall have the right to deny a player (member of the "VEREIN") participation if this player is guilty of the following infringements:
  - (a) Does not appear in the official colours of the "VEREIN" on occasions of official games.
  - (b) Be a cause of behaviour unbecoming to a sportsman which can harm the reputation of the "VEREIN"
  - (c) Has not paid his subscription fees
  - (d) Absents himself from training sessions without leave
- (9) The team-captain, or in his absence the vice-captain, shall have the following duties:
  - (a) Complete the Team>Returns
  - (b) Receive and return jerseys, balls and other sport equipment from and to the Committee member appointed for the maintenance of equipment of the "VEREIN".
  - (c) Organise trips of his team

## **RULE 12**

### **Colours:**

- (1) The official colours of the "VEREIN" shall be red, white and black.

## **RULE 13**

### **Disciplinary Committee:**

- (1) In accordance with RULE 5(3) (c) of this Constitution, the Committee of the "VEREIN" can appoint a Disciplinary Committee to investigate infringements by members or conducts unbecoming to a sportsman. A thus appointed Disciplinary Committee shall act according to its instructions and shall file a written report of its findings and recommendations with the Committee of the "VEREIN". The Committee of the "VEREIN" shall consider these findings and recommendations and shall take the necessary steps as stipulated by this Constitution.
- (2) In a case of rude behaviour of a member, the Committee can expel this member from the "VEREIN" and no subscription fees shall in such a case be reimbursed to the expelled member.

## **RULE 14**

### **Bar:**

- (1) Only members of the "VEREIN" are entitled to pay for and receive refreshments.
- (2) All alcohol must be consumed on the licensed premises.
- (3) The Committee of the "VEREIN" is entitled to fix the prices for alcohol and other commodities.
- (4) The hours during which the Bar is open shall be determined by the Committee of the "VEREIN", having regard to the provisions of the Liquor licence.
- (5) The licence holder or members of the Committee of the "VEREIN" or appointed barman/lady are entitled to close the Bar at any time if he/they should deem this necessary.
- (6) Excessive consumption of alcohol on the premises of the "VEREIN" shall under no circumstances be permitted and in terms of the Liquor Ordinance, no alcohol may be served to a drunken person who may be ordered off the premises of the "VEREIN".
- (7) A member of the "VEREIN" may introduce his guest(s) to the "VEREIN" but no liquor shall be supplied to a member for consumption by his guest(s) unless the name and address of the guest(s) and the name of the member are entered clearly and legibly by the member in a guest-register which shall be kept in terms of the Liquor Ordinance. The number of guests shall be limited to two (2) per member, unless a team(s) is invited for social purposes before and/or after a sport event or competition in which members of the "VEREIN" participate (d).

- (8) No person under the age of 18 years shall be supplied with alcohol or shall be allowed in the restricted portion of the premises of the "VEREIN".

## **RULE 15**

### **House Rules**

The House Rules are applicable to all members of the "VEREIN" as well as to any visitors of the "VEREIN" and are attached hereto as Annexure "A".

## **RULE 16**

### **Dissolution of the "VEREIN":**

- (1) The "VEREIN" may be dissolved by resolution passed by a two-thirds majority of all members present at a duly convened meeting.
- (2) Existing properties and money owned by the "VEREIN" at the time of dissolution will be distributed as decided by the last General Meeting to any registered non-profit making organisation.

## **RULE 17**

### **Constitution:**

- (1) This Constitution can only be amended as set out under RULE 6(3)(c) of this Constitution, provided that proposed amendments are submitted to the Secretary of the "VEREIN" in writing 14 calendar days prior to the Annual General Meeting or Extra-Ordinary Meeting of members.
- (2) In the event of any doubt arising as to the interpretation, meaning or intention of the RULES of this Constitution, the ruling of the Committee of the "VEREIN" shall be final and binding on all members.
- (3) Should any RULE(s) of this Constitution be in conflict with the Liquor Ordinance (Ordinance No. 2 of 1969), as amended or any Ordinance passed in place thereof, then such RULE(s) shall automatically be altered, modified or repealed so as to comply with the provisions of such Ordinance.

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This Constitution was adopted during the Annual General Meeting held on:

**DATE:** 24 April 2018

**PLACE:** DTS Windhoek

**CHAIRMAN:** Axel Dainat

**SECRETARY:** Karin Curschmann