

THE KOSMOS MARINA CLUB
HARTBESPOORT
FOUNDED 1979
CONSTITUTION, RULES and BYE-LAWS
(As amended March 2004)

THE KOSMOS MARINA CLUB
HARTBEESSPOORT
FOUNDED 1979

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THE KOSMOS MARINA CLUB

HARTBESPOORT

FOUNDED 1979

CONSTITUTION

(As amended March 2004)

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THE KOSMOS MARINA CLUB

HARTBESPOORT

FOUNDED 1979

CONSTITUTION

(As amended March 2004)

1. NAME OF CLUB

The name of the club shall be “The Kosmos Marina Club”.

2. CLUB FLAG

The Club flag shall be a rectangular white flag with the emblem of the Club in the colour of Cerise being a yacht in the centre and with a Cosmos flower.

3. AIMS AND OBJECTS OF CLUB

3.1. The objects of the Club shall be: -

- 3.1.1. Primarily to provide for members common launching, storage and club facilities convenient for boating from the Club site or sites.
- 3.1.2. To enter into leasehold agreements with individual members establishing their entitlement to exclusive use of Boathouses and shade cloth parking areas
- 3.1.3. To fulfil all the usual objects of a marina, an outdoor and indoor social club which shall at all times be non-political and non-racial

3.2 For the carrying out of the above three objects the Club’s further objects shall be: -

- 3.2.1. To control membership, with preference being given to property owners and residents of the defined area of Kosmos, use of boats and facilities in such a way as to avoid over utilisation of the available facilities
- 3.2.2. To establish rules governing types of boats permitted, boating and other behaviour, in conjunction with boating rules on the Hartbeespoort Dam
- 3.2.3. To provide as far as possible for the security of member’s boats and equipment\

3. AIMS AND OBJECTS OF THE CLUB (continued)

- 3.2.4. To establish terms, conditions, clauses and rules pertaining to leasehold agreements for individual members exclusive use of specific boathouses and shadecloth parking areas
- 3.2.5. To establish the terms, conditions, clauses and rules pertaining to lease agreements with individual members for their lease of specified moorings
- 3.2.6. To provide for entrance fees and subscriptions to be paid by members and the amount thereof
- 3.2.7. To appoint staff and dismiss them
- 3.2.8. To arrange or vary the terms of reciprocity with other clubs
- 3.2.9. To arrange or promote entertainment and functions and allocate such funds of the Club as may be necessary for payment of prizes in connection therewith
- 3.2.10. To purchase, lease or otherwise acquire immovable property or any share therein, or shares in a company the assets of which consist wholly or substantially of immovable property, and to provide and equip buildings for the purpose of the Club and to sell, mortgage, transfer or otherwise dispose of the same.
- 3.2.11. To borrow such sums or sums of money as may be necessary for the purposes of the Club.
- 3.2.12. To invest such funds of the Club as are not immediately required for the operations of the Club, by purchasing immovable property or any share therein, or shares in a company the assets of which consist wholly or substantially of any South African Government, Eskom or Municipal stocks, or approved building society or any registered South African banking institution, or otherwise upon such security as may be deemed sufficient.
- 3.2.13. To institute or defend proceedings at law.
- 3.2.14. To purchase or acquire supplies for the Club.
- 3.2.15. To make such call or calls upon members as may be necessary for the proper operation of the Club.
- 3.2.16. To elect Presidents and Vice Presidents and to qualify them in those capacities either for Life or such period as may be thought proper from time to time, and also to make appointments Honorary or otherwise.
- 3.2.17. To make, amend or repeal the Constitution and Rules of the Club.
- 3.2.18. To carry out all such undertakings, acts, matters, legal steps or things as are incidental or conducive to the attainment of the said above objects, or that may be necessary or incidental to the attainment or for the promotion of the aforesaid aims and objects.

4. CONSTITUTION

The Club shall be non-proprietary and at no time shall assets or profits of the Club be distributed amongst its members, provided that nothing therein contained shall be construed as in any way prescribing or restricting the payment of interest on debentures or on loans.

In the event of a dissolution of the Club, or should the Club cease to exist, the available funds and equipment, after all debts have been settled, shall be paid to an institution or institutions having similar objects to that of the Club, or to a charity linked to the Kosmos community and as determined by members assembled at an extraordinary General Meeting. All fixed property of the Club shall pass to the local administering authority in terms of the lease agreement for the property.

5 FLAG OFFICERS

The officers of the Club shall be: -

- 5.1 The Commodore and Vice-Commodore. These officers shall be known as the Flag officers of the Club. The duties of the Commodore shall be to oversee the running of the Club, schedule all meetings and Chair these meetings, assist other committee members with allocated projects and represent the Club in any meetings or formal occasions with external parties such as municipal authorities regarding leases or other Clubs of similar activities and interests. The Vice-Commodore shall assume the duties of the Commodore in the absence of the Commodore.
- 5.2. The Flag officers shall be elected annually by the members of the General Committee at the first meeting of the General Committee after the Annual General Meeting of the Club after having been duly proposed and seconded by members of no less than two years continuous membership.
- 5.3. In the event of the death or resignation of the Commodore, the Vice-Commodore shall immediately assume the office of Commodore.
- 5.4. In the event of the death or resignation of the Vice-Commodore, the General Committee may elect from its members a replacement who shall assume the office of the Vice-Commodore.

6. GENERAL COMMITTEE

- 6.1. The affairs of the Club shall be managed by a General Committee consisting of the Flag Officers and four committee members, and in addition the immediate past Commodore in an ex-officio capacity, if such past Commodore is available and continues to be a member of the Club. If the past Commodore is not available, an additional member shall be nominated as a committee member.
- 6.2. The General Committee shall have such powers as may be prescribed from time to time by the members in General Meeting or as stated in the Constitution and Rules.
- 6.3. At every Annual General Meeting of the Club two members shall be elected to the Committee for a period of two years. In the case of the first Annual General Meeting after the adoption of this constitution, two of the four committee members shall be elected for two years and two committee members shall be elected for one year.
- 6.4. Any Ordinary, Honorary Life or Life Members shall be eligible for election to the General Committee.
- 6.5. The Flag Officers shall be the sole and final arbiters as to whether a matter concerns Club policy.

7. ELECTION OF MEMBERS TO COMMITTEES

- 7.1. Notwithstanding the provisions of clause 6 hereof, should more than the stated number of vacancies exist on any committee of the Club at any Annual General Meeting they shall all be filled by election.
 - 7.1.1 In such cases those positions falling vacant in the normal course shall be filled for a period of two years by the candidates gaining the highest number of votes while the other successful candidates shall fill the remaining vacancies for a period of one year.
 - 7.1.2 Any retiring members of a Committee shall be eligible for re-election.

8. MEMBERSHIP

Rights of Membership

Membership of the Club does not and shall not give any member of any class any right, title, interest, claim or demand in or to any of the money's property or assets of the Club, but only confers upon such member the right and privilege of entering in and upon the grounds and erections of the Club, and of using same in accordance with the use to which the same are denoted by the Committee of the Club, and subject to such restrictions and charges as the Committee may from time to time impose and subject to the Rules and Bye-Laws of the Club from time to time in force.

Members Bound by the Rules

The payment by or on behalf of a member of his or her first subscription shall be acknowledgment on the part of such member that he or she is bound by the Rules of the Club, and all Bye-Laws that have been or may hereafter be made by the Committee, and he or she accepts the ruling of the Committee in all cases and no person shall be absolved from the effects of the Rules and Bye-Laws on the plea of not having received a copy of them.

The membership of the Club shall be open, subject to availability of amenities and facilities, on a preferential basis and on an individual basis only, to property owners and their immediate families and residents who reside permanently ("a resident") within the area East of the Kosmos barrier gate in the area known as Kosmos Village and comprising the former Kosmos Municipal Boundaries as at 31st May 1994 ("the defined area").

Membership of the Club for non-residents of the defined area shall be governed by the principles set out in Clause 8.5 of this constitution.

Membership cannot be granted on a corporate or consortia basis.

Membership is automatically terminated if a member ceases to be a property owner or resident of the defined area. The membership fees paid or due for the year in which the termination takes place, are not refundable and are forfeited by the terminating member.

Membership is not transferable in the event of a property owner disposing of their property or a resident ceasing to be a resident of the defined area.

Membership will change when the member advises the Club of changes within his/her family or when such change becomes known to the attention of the Club. A member who has failed to advise the Club of any such change will be liable for all payments due back-dated to the date that the change occurred

Members shall consist of the following classes of membership; Reference under this and any other clause of the constitution to the masculine gender shall include the feminine gender, save where the context indicates otherwise.

8. MEMBERSHIP (continued)

8.1. Ordinary Members

8.1.1 Those persons who are a property owner, or are a resident in the defined area and such others, excluding Junior Members, not falling within this definition as desire the privilege of ordinary membership, who have been elected as such or who have transferred to this class of membership and who consist of only one joining member who shall have one vote and be eligible to stand on the General Committee. An ordinary member shall be entitled to the use of all the facilities of the Club as may exist from time to time and he shall be entitled to upgrade to a family membership as contained in paragraph 8.2 without payment of any additional entrance or joining fee. An ordinary member shall be entitled to change his membership to that of a social member as set out in Clause 8.4, but without refund of any entrance fee.

8.1.2 Those persons who are members of the Club at the time of adoption of this amended constitution, but who are not residents or property owners in the defined area of Kosmos, but are property owners or residents of the neighbouring developments of Mount Kos, Montego Bay, Kosmos Ridge, and Caribbean Beach.(“non-resident ordinary member’). A non-resident ordinary member shall have one vote and be eligible to stand on the General Committee. An ordinary member shall be entitled to the use of all the facilities of the Club as may exist from time to time, but shall cease to be a member when they are no longer residents or property owners in the above mentioned neighbouring developments.

8.2. Family Members

Those persons constituting a family unit and comprising a husband, wife and any children thereof under the age of twenty-one. Either the husband or the wife, but not both, may be the person nominated on joining or transferring to this category, who shall be entitled to vote as one vote at meetings of members and to stand for Club office and on the General Committee. All family members shall enjoy the facilities of the Club as may exist from time to time.

8.3. Junior Members

8.3.1 An unmarried person who is a child of a member, and is over the age of eighteen years but under twenty-one years old at the date of receipt by the Club of completed application forms, provided however, that should such member become married, both the person and his or her spouse shall be classified as adults irrespective of age.. He or she shall be entitled to upgrade to ordinary membership as set out in paragraph 8.1 without payment of any additional entrance or joining fee.

8.3.2 Those persons between the ages of eighteen and twenty-one years old who are not children of members but are resident in the defined area, and subject to payment of an entrance fee.

The aforesaid member shall be entitled to one vote and be eligible to stand on the General Committee or any other Committee and to use the facilities of the Club as they may exist from time to time.

8. MEMBERSHIP (continued)

8.4. Social Members

Those persons who are limited to the use of the social facilities of the Club and are excluded from the use of all boating related facilities. This category of membership shall not have any vote and cannot stand on the General Committee. This category of membership is not upgradeable, other than in the instance of the clause 8.4.1.

8.4.1 An existing social member who has in the past paid an entrance fee, and not having ceased to be a member, may re-instate their ordinary or family membership on written request to the General Committee.

8.5. Temporary Membership

8.5.1. The Club will permit membership to residents of the defined area on a temporary basis if it is the intention of such person to utilise their Riparian rights attached to their Kosmos property and build their own boathouse and launching facilities. Such members shall enjoy the facilities of the Club as they may exist from time to time, but shall not be eligible to vote or stand on any committee or sub-committee. A temporary membership shall be granted on advance payment of prescribed temporary membership fees for a six-month period.

8.5.2 The Club will permit membership, subject to availability and first preference being given to residents of the defined area of Kosmos, to property owners and residents of the neighbouring developments of Mount Kos, Montego Bay and Kosmos Ridge, on a temporary basis, until such person has been able to arrange for marina and boating facilities of their respective developments. Such members shall enjoy the facilities of the Club as they may exist from time to time, but shall not be eligible to vote or stand on any committee or sub-committee. A temporary membership shall be granted on advance payment of prescribed temporary membership fees for a six-month period.

8.6 Honorary Life Members

Honorary Life Membership may only be conferred upon a member considered by the General Committee to have conferred some special benefits on the Club or to have rendered exceptional services to or on behalf of the Club. The conferring of such Honorary Life Membership shall be on recommendation by the General Committee to members in General meeting, and subject to a two-thirds majority of those members present and voting. Honorary Life members shall be free from liability for future subscriptions, but shall in all other respects be entitled to the benefits conferred by and be subject to the Rules and Bye-Laws of the Club.

8.7 Life Members

Those members who have been Ordinary or Family members for a total period of twenty-five years and have become Life members on payment of the prescribed fee. The period of Ordinary membership may be broken by a period of temporary absence from the defined area, but not as a result of resignation or default. The Life membership shall only endure for so long as the member is a resident of the defined area of Kosmos.

8. MEMBERSHIP (continued)

8.8. Honorary Members

Honorary membership may be conferred by the General Committee upon any person holding Public Office or who has conferred some benefit upon the Club, or such other person as the General Committee shall decide, provided that such Honorary Membership may be terminated by the General Committee at any time for reasons which it may deem sufficient. No entrance fee or subscription shall be payable by an Honorary Member. Honorary Membership shall be conferred for a period of one year only, but may be renewed from time to time by the General Committee.

8.9. Day or Weekend Visiting Members

Those persons who have been signed in for the day or the weekend by a member, and who have paid the prescribed fee for use of the boating and Club facilities.

These persons must be accompanied by the aforesaid member unless prior arrangements have been made with the General Committee or the designated Club employee empowered by the General Committee to authorise the Day or Weekend Visiting Membership.

9. PROMOTION OF JUNIOR MEMBERS

- 9.1. A Junior Member, whose membership was as a result of being a member by virtue of their relationship to an ordinary of family member, shall, upon attaining the age of twenty-one, ipso facto, cease to be a junior member of the Club and he shall thereupon be eligible (to apply in writing to the General Committee) for admission as Ordinary Member without payment of an Entrance Fee.
- 9.2. A member whose application for promotion to an Ordinary Member has been granted shall be obliged to pay a pro rata proportion of the relevant membership subscription to the end of the then current financial year, calculated from his date of birth.
- 9.3. Should a Junior Member not apply as provided for above promotion to the Class of Membership for which he has become eligible within three months of so becoming eligible, the General Committee shall have the authority to declare such a person to have been promoted to the class for which he is then eligible and to retrospectively levy upon such Member the subscription payable under such Class of Membership pro rata from the date of such Member's birth date to the end of the then current financial year.

10. FINANCIAL LIABILITIES OF MEMBERS

In the event of the Club being wound up, there shall be no liability incurred by any member other than in respect of his or her unpaid subscription and any money he or she may be owing to the Club.

The financial liability of each member is limited to: -

- 10.1. Such payment in respect of Entrance fees and Annual Subscriptions or Levies as shall be prescribed from time to time by members in the Annual General or Special General Meeting and as stated in the Rules, but subject to each member being a member at the date of any such meeting.
- 10.2. The amount of his or her Club account, whether for refreshments, fuel supplied for power watercraft, or any other items or reasons.

11. BOOKS AND ACCOUNTS

The General Committee shall cause true accounts to be kept of the sums of money received and expended by the Club, and the manner in respect of which such receipts and expenditure take place and of the property, credits and liabilities of the Club. The annual accounts of the Club shall be prepared in accordance with Generally Accepted Accounting Practices

12. PAYMENTS TO BE MADE BY CHEQUE OR ELECTRONIC TRANSFER

- 12.1. All monies of the Club shall be paid into a Bank as the General Committee may appoint. All payments, other than petty and wages paid in cash, shall be made by cheque or electronic transfer, signed or under the control of a Flag Officer or Trustee, and the Treasurer.
- 12.2. In the case of the salary and wages account, those cheques and/or electronic transfers shall be signed or under the control of a Flag Officer, Trustee, the Treasurer or the Manager.

13. SIGNING OF DOCUMENTS

All documents, which are required to be executed on behalf of the Club, shall be deemed to have been correctly and properly executed if signed by a Flag Officer and the Secretary.

14. POWERS OF CLUB

Without prejudice to the foregoing general powers, and without limiting the same in any way, the Club shall have the following powers:-

- 14.1 To acquire by purchase, exchange, lease, sub-lease or otherwise, immovable property of all kinds, including lands, stands and buildings.
- 14.2 To erect, construct, carry out, maintain, improve, alter, manage and control any buildings or other erections.
- 14.3 To sell, lease, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property and rights of the Club.
- 14.4 To buy, sell and deal in all kinds of movable property and to supply all kinds of provisions, liquid and solid, required by members and their guests.
- 14.5 To lay out gardens and for recreation, sporting and other purposes, land acquired or controlled by the Club.
- 14.6 To apply to any competent authority for any licence which the Club may require for the purpose of carrying on its business, or for the renewal of such licence or licences held by the Club, and to hold and accept transfer of any such licence or licences.
- 14.7 To arrange pension schemes for the benefit of and to grant pensions, allowances, gratuities and bonuses to employees or ex-employees of the Club; or the dependants of such persons, and to support or subscribe to any charitable or other institutions, clubs, societies or funds.

The General Committee may, upon being authorised by a Resolution passed by a majority of not less than two-thirds of the members present and voting at a Special General Meeting of the Club: -

- 14.8 To Borrow or raise such sums of money as may be required for the proper upkeep of the Club, or additions or improvements to the Club's property upon such terms, conditions and security as may by such Resolution be fixed or otherwise as the General Committee in its discretion may think fit and as security for any moneys so borrowed, provided that due notice be given in terms of the Rules dealing with the Annual Ordinary or Special Meetings, stating the amount proposed to be borrowed and the purpose of the loan.
- 14.9 Carry out the sale, mortgage, leasing or other disposition of any property of the Club.
- 14.10 Purchase, lease or otherwise acquire immovable property or any share therein, shares in a company the assets of which consist wholly or substantially of immovable property, for the purpose of investing such funds as may have been accumulated from time to time in the Amortisation Fund or from any other investment or generally, as may be necessary to carry out the objects of the Club.
- 14.11 Impose a levy or levies on members as may be required for the proper upkeep of the Club, or for additions or improvements to the Club's property upon such terms and conditions as may by such resolution are determined. Such sum or sums of money received shall be invested in an account in the name of the Trustees with an approved Building Society or registered South African Banking Institution and shall be known as the "Building Fund"

14. POWERS OF CLUB (continued)

Notwithstanding the above, the General Committee may authorise the borrowing of such sum or sums of money from a bank or building society as may be required at any time for the administration of Club affairs on the security of Club funds invested for a fixed term in such bank or Building Society.

15. AUDIT

- 15.1. It shall be the fiduciary responsibility of the Flag Officers and General Committee members to determine and implement appropriate systems of internal control for the administration and protection of the Club's assets, as well as the annual reporting to members of the state of affairs of the Club. Such systems should be sufficient to provide reasonable but not absolute assurance as to the integrity and reliability of the financial statements and to safeguard and maintain accountability of the Club's assets and to detect and minimise significant fraud, potential liability, loss and material misstatement while complying with applicable laws and regulations, and with generally accepted accounting principles.
- 15.2. The Trustees shall be supplied with copies of the income and expenditure accounts and Balance Sheet intended to be laid before the Club at the Annual General Meeting a reasonable time before the meeting to which the same are to be submitted, and it shall be their duty to examine the same with the accounts and vouchers relating thereto and to report to the Club thereon at the Annual General Meeting of the satisfactory existence of the Club's assets.
- 15.3. The Trustees shall have access to the books and accounts of the Club at all reasonable times, and may in relation thereto examine the General Committee or other Officers of the Club. If in the opinion of the Trustees sufficient grounds exist or they are unable to obtain satisfactory explanations, they may, at the expense of the Club, call upon a firm of registered public accountants and auditors to examine the books and records of the Club, and report on their findings to members of the Club in General Meeting.

16. LEGAL PROCEEDINGS

All actions or suits at law brought by or against the Club shall be in the name of its Flag Officers for the time being.

17. INDEMNITY

The General Committee, the Trustees, Flag Officers, the Manager and any other Officers and office bearers for the time being of the Club, and every one of them and every one of their heirs, executors and administrators shall be indemnified and held harmless out of the assets, funds and property of the Club, from and against all actions, costs, charges, losses, damages, and expenses

17. INDEMNITY (continued)

which they or any of them, their heirs, executors or administrators shall or may incur or sustain by and by reason of any act done, concurred in or omitted in or about the execution of their duties, or supposed duty in their respective offices, except such, if any, as they shall incur or sustain by or through their own wilful neglect or default respectively and none of them shall be answerable for the acts or defaults of the others or others of them or for any bankers or other persons with whom any monies or effects belonging to the Club may be lodged or deposited for safe custody or for the insufficiency or deficiency of any security upon which any monies of or belonging to the Club shall be placed out or invested or for any loss, or losses, misfortune or damage which may sustain in the execution of the respective offices or in relation thereto except the same shall happen by or through their own wilful neglect, dishonesty or default respectively.

18. ALTERATION OF CONSTITUTION, RULES AND BYE-LAWS

This constitution shall not in any way be rescinded, amended, altered or added to, except by Resolution passed at a Special General Meeting, notice of which shall have been posted to members at least twenty eight days prior to the meeting, as well as being posted on the notice board of the Club for at least twenty eight days before such meeting, stating the intention to deal with and specify the nature of the rescission, alteration or amendment. Such resolution shall only be deemed to be passed if assented to by not less than three-quarters of the members present and voting.

All amendments, alterations, additions to and deletions from the Constitution shall, unless therein otherwise provided, be and become effective from the date of the passing thereof. A certificate under the hand of the Commodore certifying the Constitution as amended or setting forth the amendments, alterations, additions and deletions therein shall be final and conclusive evidence thereof for all parties.

The adoption of the Constitution as amended shall be without prejudice to the validity of any act done under the Constitution heretofore in force.

The Bye-Laws may be made or amended by the Committee.

19 ANNUAL GENERAL MEETING

The Annual General Meeting of the Club shall be held not later than the last week in the third month after each financial year at which the election of Officers for the ensuing year shall take place, and the General Committee's report, together with the Accounts and Balance Sheet, and the report of the Trustees, shall be presented.

20 NOTICE OF ANNUAL GENERAL MEETING

The Secretary shall, not less than twenty one days prior to the Annual General Meeting, post a notice to each member at his last registered address, stating the date, place and time of the meeting and specifying the business to be dealt with at such meeting.

The non-receipt of such notice by any member shall not invalidate the proceedings of any meeting. Notice of meetings shall also be posted on the notice board of the Club twenty-one days prior to the meeting.

21 SPECIAL GENERAL MEETING

The General Committee may convene a Special General Meeting of members at any time provided notice of such meeting is posted to members at least twenty one days prior to such meeting to each member at his last registered address, and by notice posted on the notice board of the Club for a period of twenty one days, stating the object of the meeting and/or the general nature of the business to be transacted thereat. The non-receipt of such notice by any member shall not invalidate the proceedings of any such meetings.

The General Committee shall convene a Special General Meeting as provided above upon being required to do so by a requisition signed by not less than twenty percent of the ordinary, Honorary Life or Life members in good standing and addressed to the Secretary of the Club. Such requisition shall state the object of the proposed meeting and/or the nature of the business to be transacted thereat.

Notwithstanding the foregoing, the General Committee shall not be required to convene a Special General Meeting on requisition if the object of the proposed meeting is to consider a proposal or a resolution substantially similar to any proposal or resolution which has been considered by a General Meeting during the twelve months preceding the date of the requisition.

22 QUORUM FOR GENERAL MEETING

The Quorum at a General Meeting shall consist of fifteen members or fifteen percent of the membership of the Club in good standing; whichever is the greater, present in person or represented by proxies, subject to the provisions of Clause 25.

If within a quarter of an hour from the time appointed for holding any general meeting the quorum of members shall not be present, the meeting, if convened upon the requisition of members, shall be disallowed. In any other case it shall stand adjourned until the same day and hour of the following week, and the members then present shall form a quorum.

22 QUORUM FOR GENERAL MEETING (continued)

Any member who is unable to attend a General Meeting of members may complete a Proxy form which will detail each resolution to be tabled at the General Meeting. The Proxy form will be circulated with each notice of a General Meeting, and should be completed by the member who is unable to attend and forwarded to the Club Secretary prior to the start of the General Meeting.

23 TRUSTEES

- 23.1 There shall, at all times be three Trustees, who shall be members of the Club. In the event of any of the Trustees dying, or becoming disqualified, another Trustee shall be elected in his place, either at the first General Meeting of the Club held after such death or disqualification, or at Special General Meeting called in terms of the Constitution for the purpose.
- 23.2 A Trustee shall be disqualified if: -
- 23.2.1 He ceases to be a member of the Club, or
 - 23.2.2 He gives notice of his resignation from his office, or
 - 23.2.3 He becomes insolvent or assigns his Estate for the benefit of his creditors, or
 - 23.2.4 He is found lunatic or becomes of unsound mind.
- 23.3 The duties of the Trustee shall be: -
- 23.3.1 To hold all the Club's immovable property
 - 23.3.2 To hold the surplus funds as may be committed to them by the Club in General Meeting assembled or by the General Committee for the Club upon such objects as may be then defined.
 - 23.3.3 To see that the property and funds of the Club so committed to their charge are dealt with only in accordance with the Constitution of the Club or any directions which may be given by a General Meeting of the Club in terms of any resolution which may be passed by the General Committee of the Club in accordance with any powers vested in it for that purpose.
 - 23.3.4 To examine the annual accounts and records of the Club, which are the fiduciary responsibility of Flag Officers and General Committee members, and report to members on the satisfactory maintenance by the Flag Officers and General Committee members of controls and records to protect the assets of the Club, and the satisfactory existence of Club assets at the financial year end as well as the liabilities of the Club.

23. DISSOLUTION AND WINDING UP

The Club may be wound up by a resolution of not less than three fourths of the members present at a Special General Meeting provided that no less than thirty days notice shall have been given, setting out the business of the meeting and at least sixty per cent of all the members eligible to vote being present or by proxy.

If upon the dissolution or winding up of the Club there remains after all debts have been settled, any available funds or property whatsoever, the same shall not be paid to or distributed to any person but shall be given or transferred to some other institution or institutions having similar objects to that of the Club, or to a charity linked to the Kosmos community, as determined by members assembled at an Extraordinary or Special General Meeting. All fixed property of the Club shall pass to the local administering authority in terms of the lease agreement for the property.

25. LEGALITY OF CONSTITUTION AND RULES

Should any clause of the Constitution or rules be in conflict with the Liquor Act 1928 as amended, or any Act passed in place thereof, then such clause or Rule shall be automatically altered, modified or replaced so as to comply with the provisions of such Act.

In the event of a dispute arising as to the meaning or effect of any of the provisions of the Constitution and Rules, such dispute shall be referred to the General Committee for clarification. The decision of the General Committee shall be referred to the next General Meeting for confirmation, if requested by the disputing member.

THE KOSMOS MARINA CLUB
HARTBEESSPOORT
FOUNDED 1979
RULES

(As amended March 2004)

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THE KOSMOS MARINA CLUB
HARTBEESSPOORT
FOUNDED 1979
RULES

(As amended March 2004)

1. COMMITTEES

1.1. NOMINATIONS FOR OFFICE AND COMMITTEES

Nominations for all Officers and Committees must be handed to the Secretary on a "Proposal for Office" form before the commencement of the Annual General Meeting, each form to be signed by the member nominated, and by one other voting member of the Club.

Nominations of members for an Office or Committee of the Club shall not be made by members of less than one years standing in the case of nominations for Committees and less than two years in the case of nominations for an Office of the Club.

1.2. EX OFFICIO MEMBERS OF COMMITTEES

The "Flag Officers" shall be ex officio members of all standing committees.

1.3. CHAIR AT MEETINGS

The Senior Flag Officer present shall preside at all meetings of the Club and should none be present, the meeting shall appoint a Chairman. In the case of equality of votes, the Chairman shall have a casting vote, as well as a deliberation vote.

1.4. CONVENING OF COMMITTEE MEETINGS

The Commodore, or his/her duly delegated Flag Officer, shall convene all meetings of the Committees. On the application of at least three members of a Committee, the Commodore or Senior Flag Officer shall convene a meeting of the particular Committee concerned. All members of Committees shall receive at least forty-eight hours notice of a meeting, except in the case of an emergency meeting.

The Committee of the Club shall meet at least once in each calendar month.

1.5. CASUAL VACANCIES IN COMMITTEES

Should a casual vacancy occur in any of the Committees, the Committee may appoint an eligible member to fill the vacancy until the next Annual General Meeting. Furthermore a Committee may at any time co-opt one or more members to assist in a specific task or tasks.

1. COMMITTEES (continued)

1.6. MINUTES OF COMMITTEE MEETINGS

The Minutes of any meetings of any Committee shall be confirmed at the next meeting of that Committee.

1.7. ABSENTING COMMITTEE MEMBERS

Should any Committee member absent himself/herself from two consecutive meetings without reasons satisfactory to the Committee, his/her seat may be declared vacant by the Committee concerned.

1.8. MINUTES OF GENERAL MEETINGS

The Minutes of all Annual and Special General Meetings shall be approved at the first subsequent meeting of the General Committee and confirmed at the next Annual General Meeting of Members.

1.9. QUORUM AND POWERS OF GENERAL COMMITTEE

Four members of the General Committee shall form a quorum.

The General committee shall have full power and authority to do the following acts, matters and things necessary in and about the management of the Club, and the carrying out of objects of the Club:-

- 1.9.1 To conduct and supervise elections of Members, Officers and Committee members.
- 1.9.2 To enquire on the conduct of any member, and should it be deemed necessary, to suspend or expel such member.
- 1.9.3 To levy fines on those who, in the opinion of the Committee have broken the Club's Regulations as published and amended from time to time. The member shall have the right of appeal against such fine, but should the General Committee find the fine to be just, the General Committee will have the right to increase the original fine.
- 1.9.4 To appoint or dismiss staff, including a secretary and a treasurer, and determine the duties, salaries or remuneration of such secretary, treasurer and staff. No staff member, other than a secretary or treasurer, shall be a member of the Club.
- 1.9.5 To make, add to, amend or annul any Bye-Laws not inconsistent with the Rules for the time being in force, and such new Bye-Laws, addition, amendment, or annulment shall remain in force until amended, or annulled by the Committee or by members at the Annual or a Special General meeting of members.
- 1.9.6 To carry out and give effect to resolutions passed by members at General Meetings.
- 1.9.7 To appoint sub-committees and delegate any of its powers to such sub-committees.
- 1.9.8 To arrange from time to time terms of reciprocity with other clubs and vary such terms of reciprocity.

1.9. QUORUM AND POWERS OF GENERAL COMMITTEE (continued)

- 1.9.9 To institute or defend proceedings at Law in the name of the Secretary for the time being in all cases where it may be deemed necessary.
- 1.9.10 To fix the price at which fuel, oil and any refreshments or items may be sold and other charges levied on members in respect of Club activities.
- 1.9.11 To regulate, control and make rules for the admission of visitors.
- 1.9.12 To have the custody and control of the funds and other property of the Club, other than those funds and property as defined in Clause 23.3 of the Constitution of the Club which vest in the Trustees of the Club.
- 1.9.13 With the authority of a Special General Meeting of members, to take such action, or actions as may be necessary to carry out the management of the Club, or to discharge any debts or liabilities which the Club may have incurred.
- 1.9.14 To invest any funds of the Club not immediately required for the purposes of the Club and to withdraw or receive advances on such funds in any or all of the following classes of security:-
 - 1.9.14.1 On fixed deposit with any Bank or Building Society
 - 1.9.14.2 On call or in a saving s account with any Bank or Building Society.
 - 1.9.14.3 In Government or Municipal stocks
 - 1.9.14.4 In a quoted Mutual Fund.
- 1.9.15 To purchase all furniture, glass, crockery, linen, provisions, supplies and other such things as may be necessary for the management of and carrying out the objects of the Club.
- 1.9.16 To arrange the privileges applying to junior members from time to time.
- 1.9.17 To waive compliance, in full, or in part, with the provisions of rules 2.2, 2.6, 2.7, 3.1, and 3.2.
- 1.9.18 Generally to conduct, regulate and manage the affairs of the Club, to carry out the objects and purposes and to do all things necessary and incidental thereto, and at all times use its discretion within the parameters of this Constitution and Rules and in the best interests of the Club.

1.10 DISCRETION

The Management Committee shall at all times use its discretion within the parameters of this Constitution and in the best interests of the Club and its members.

2 MEMBERSHIP RULES**2.1 DEFAULTING MEMBERS**

Any member who fails to discharge his/her duty to the Club, as defined by Clause 10 of the Constitution, within twenty-one days after written notice warning him/her of the General Committee's intention has been posted to the address last registered by him/her with the Club, may be declared to be a defaulting member by the General Committee as from the date of expiration of such twenty-one days notice. The General Committee shall thereupon remove from the list of members the name of any such member declared a defaulter in terms of the Clause, and shall be empowered to place the names of the defaulting members on a list provided for that purpose on the Club's notice board.

Notwithstanding the fact that a member has been declared a defaulter in terms of this clause, his/her liability to the Club, at the date of the declaration of default shall nevertheless continue until discharged.

Furthermore, the Club shall be entitled to attach and hold as security any property or watercraft owned by the Member and located on the Club's property or moored in the mooring area of the Club on the Hartbeespoort Dam, as a Landlord's hypothec for any amounts owing by the member to the Club. The Club may after publishing the fact on the Club's notice Board and in the local newspaper, give notice that the member's property will be disposed of to defray the costs and recover the amounts owing by the member to the Club.

2.2 RE-INSTATEMENT OF DEFAULTING MEMBERS

Application by a defaulting member for re-instatement must be accompanied by a remittance for the full amount owing at the date of declaration of default. Such application shall be posted on the Club notice board for a period of seven days, after which the General Committee shall use its discretion in respect of the admission or otherwise of the applicant as a member and any interest or penalty payable for the period from which the financial liability was originally due to the Club to the date of full settlement.

2.3 PRIVILEGES OF JUNIOR MEMBERS

The privileges of Junior Members shall be the use of such of the Club's premises as the General Committee may decide upon.

2.4 PRIVILEGES OF TEMPORARY MEMBERS

Temporary members will be subject to all the conditions applicable to members of the Club. Violation of any of the Club Rules or Bye-Laws or the rules of the Hartbeespoort Dam Association for boating on the Hartbeespoort Dam, will result in immediate cancellation of membership without any opportunity for a disciplinary hearing.

2. MEMBERSHIP RULES (continued)**2.5 PRIVILEGES OF MEMBERS**

Ordinary, the nominated family member, Honorary Life and Life members shall enjoy the full privileges of the Club, provided no member shall propose or second any person for membership of the Club, nor may he nominate or second a member for any committee of the Club until he shall have completed one year of membership, or for any office of the Club until he shall have completed two years of membership.

Honorary members shall enjoy the full privileges of the Club, with the exception of voting or attending at meetings, proposing or seconding any new members, becoming Flag Officers or members of any committee, and enjoying credit facilities save with the approval of the General Committee.

2.6 EXCLUSION FROM PRIVILEGES

No member shall take part in the proceedings at any meeting of the Club, or make use of the Club House, or the facilities of the Club, while under suspension, or while he/she is a defaulting member.

Any member who fails to pay his/her current year's subscription by the last day of the second month in any such current Club year, shall be debarred from enjoying the privileges of the Club as set out in the preceding paragraph or participating in a General meeting until such current year's subscription shall have been paid. Should any member incur any liability other than his/her subscription to the Club and fail to discharge such debt on due notice, the Committee shall have the right to deal with such member under this clause as though such debt were an annual subscription remaining unpaid on the last day of the second month of any current Club year.

2.7 RESIGNATION FROM MEMBERSHIP

Any member wishing to resign membership of the Club must intimate such intention, in writing, to the Secretary prior to the end of the financial year of the Club, otherwise he/she will be liable for the following year's subscription. No notice of resignation of any member shall be of any force and effect should the resigning member be liable to the Club, at the date of notice of resignation, in respect of any items provided by Clause 10 of the Constitution (Financial Liability of Member). Notwithstanding the fact that a member has resigned his/her membership, he/she shall nevertheless be liable for any debts incurred by him/her while a member.

Any ex-member who was in good standing when his/her resignation was accepted may, at the discretion of the General Committee, rejoin within a period of five years from his/her resignation, as an Ordinary member without payment of an entrance fee.

2. MEMBERSHIP RULES (continued)

2.8 CONDUCT OF MEMBERS

Should the conduct of any member, either in or out of the Club House, upon being reported to the General Committee, be in its opinion (after full enquiry) unseemly, unsportsmanlike or injurious to the character and interests of the Club, or should any member persistently refuse to conform to any Rules, Regulations or Bye-Laws, which may from time to time be in force, the General Committee may expel, suspend or request such member to resign. Should he not comply with a request that he resign, within fourteen days from the date of the letter to him containing such request, the General Committee shall be empowered to remove his name from the List of Members.

The General Committee shall also be empowered to place the name of any such expelled or suspended member on a list provided for that purpose on the Club Notice Board.

2.9 INSOLVENCY OR CRIMINAL CONVICTION OF A MEMBER

2.9.1 Should any member –

2.9.1.1 become bankrupt, either individually or as a partner of a firm, or should he/she or his/her firm surrender his/her or its' estate or assign it for the benefit of creditors;

2.9.1.2 be a controlling shareholder of a company or a majority holder of a member's interest in a close corporation which, because of its insolvent circumstances, is placed in provisional or final liquidation;

2.9.1.3 otherwise be brought under the insolvency laws of the Republic of South Africa, the General Committee may require such member to satisfy it, by written representation delivered within fourteen days that such insolvency in no way affects his/her honour, upon receipt of which representation the General Committee shall decide whether such member's membership shall be suspended, terminated, or be subject to such curtailment of privileges for a period it deems fit.

2.9.2 The foregoing procedure shall also apply to any criminal conviction of a member which the General Committee, by two-thirds majority, considers *prima facie* to affect the honour of a member.

2.10 EXPULSION

Any member of the Club who may have been suspended or expelled for misconduct or default by any other Club in South Africa, shall *ipso facto* cease to be a member of the Club. He/she shall, however, have the right of appeal to the General Committee, which may re-instate such member, should a satisfactory explanation of the matter be forthcoming.

2. MEMBERSHIP RULES (continued)

2.11 RIGHT OF APPEAL

Any member whose membership may have been dealt with under Rules governing Defaulters, Unseemly Conduct, Insolvency or Expulsion shall have the right of appeal to a Special Committee consisting of three members. This committee shall be selected as follows:-

ONE member to be nominated by the General Committee

ONE member to be nominated by the member concerned with the dispute, who shall not be the member concerned or a member of his immediate family.

ONE of the Honorary Vice-Presidents of the Club selected by the Flag Officers, who shall be the Chairman of the Committee.

The decision of this Special Committee shall be deemed to be final and binding upon all parties.

2.12 ACCEPTANCE OF MEMBERS

The method of acceptance of members is vested solely in the General Committee, and the General Committee shall publish rules relating to the acceptance of members from time to time.

The admission of new members will be limited in relation to the facilities being available, and at the discretion of the General Committee.

Membership is also subject to the submission of a completed application form.

2.13 DISCIPLINARY ACTIONS

Should any member or their visitor refuse to conform to the Constitution, Rules and Bye-laws of the Club, and rules governing boating on the Hartbeespoort Dam, the member will be summoned to a disciplinary hearing. The member shall be entitled to representation at the hearing. The disciplinary committee will consist of the Commodore or Vice Commodore plus two other committee members. A decision regarding the member's violation may only be decided by the full management committee. It may consist of a written warning, suspension or cancellation of membership. The member will be entitled to appeal which must be submitted in writing within fourteen days of notification of the committee's decision.

On cancellation of membership, no refund of subscriptions already paid or due will be applicable and the member must remove all of his/her boating equipment immediately.

3. GENERAL RULES

3.1 ENTRANCE FEES

Entrance fees shall be payable by Ordinary, Family, Social and Junior members at prescribed rates, save where the exemption is permitted in terms of this rule or is granted in whole or in part by the General Committee in circumstances which they consider are in the interests of promoting the objects of the Club.

The entrance fees shall be determined each financial year by the General Committee and approved by the members in General meeting.

3.2 SUBSCRIPTIONS

Subscriptions shall be payable by Ordinary, Family, and Junior members.

The annual subscription shall be determined by the General Committee without calling a General Meeting of members, provided that:-

- 3.2.1** It does not adjust any category of subscription for the ensuing year by more than fifteen percent of the amount then currently payable for that category
- 3.2.2** This power is not exercised by The General Committee more than once in respect of any financial year.
- 3.2.3** That members are advised by mail of such adjustment at least thirty days before the commencement of the next financial year.

Annual subscriptions shall be due and payable on the first day of the first month in each and every Club year and upon application for membership. Any member elected after the commencement of the current financial year shall pay subscriptions proportionately on a pro rata basis according to his/her date of acceptance.

The prescribed fee for Life Members shall be an amount as shall be the equivalent of ten times the last ordinary member's subscription payable, and shall be subject to the conditions as laid down in Clause 8.7 of the Constitution.

Honorary Life and Life members shall be issued with a distinctive membership card. Ordinary, Temporary, and Junior members, on payment of their annual subscription, and new members on election, shall receive a membership card, which card shall be valid for the current year.

The fee payable by visiting members will be set out from time to time by the General Committee.

3.3 DUE DATE OF SUBSCRIPTIONS

Subscriptions payable by Members shall become due and payable on the first day of the first month in each and every Club year, without notice.

3. GENERAL RULES (continued)

3.4 INSIGNIA

The Club insignia shall be worn on such apparel as may be approved by the General Committee from time to time.

3.5 FINANCAL YEAR

The financial year, ("Club year") shall be from the first day of January to the last day December each year.

3.6 PRESIDENTS AND VICE-PRESIDENTS

The nominations for the office of Honorary Life President, and Honorary Life Vice-President, shall be made in terms of Rule 1, subject to the prior approval of the General Committee. The number of Honorary Vice-Presidents shall be limited to three.

3.7 HONORARIA

No Honoraria shall be given except on the recommendation of the General Committee to members in General Meetings, to any member who has attained a meritorious performance by virtue of outstanding service to the Club over a period, which may include an administrative contribution.

3.8 NOTICES

Any notice posted on the Notice Board of the Club by the authority of the General Committee shall be deemed to have been duly served upon each member of the Club within seven days of it being posted on the Notice Board.

3.9 ALTERATION OF RULES

Any member of the General Committee wishing to propose any alteration of, or amendment, or addition to the Rules of the Club shall notify the Secretary of such intention and the nature of the proposed alteration, amendment or addition, by the last day of the financial year preceding the next Annual General Meeting. The General Committee shall thereupon post such proposal upon the Club Notice Board for fourteen clear days before the said General Meeting. Should such proposal be moved, seconded and either in part or as a whole, passed as a general resolution by members in General Meeting, the Rules of the Club shall thereupon be deemed forthwith to be altered, amended, or added to, as the case may be.

Notwithstanding the provisions of the Rule, the General Committee may, at any time convene a Special General Meeting of members in terms of Clause 21 of the Constitution for the purpose of considering, and if thought fit, making any proposed alteration, amendment, or addition to the Rules of the Club.

3. GENERAL RULES (continued)

3.10 MOTOR BOATS AND YACHTS REGISTRATION

Every member shall register with the Manager of the Club any craft owned or acquired by him either individually or jointly with any other member, either directly or through a registered company, close corporation, partnership or trust.

Every such craft so registered shall be recorded by the Secretary in a book or electronic file kept for that purpose which shall record the owner's name, distinguishing flag, name of craft, registration number and class, dimensions and tonnage, motor and engine capacity, as the case may be.

Any member who has not so registered his craft and any newly elected member, shall forthwith register any such craft. Failure to register such craft will result in the member not being allowed to launch his craft from the Club premises.

In addition, every member shall register with the Hartbeespoort Dam authorities, and obtain upon payment of the prescribed fee, a clearance certificate and registration number in respect of any craft owned or acquired by him individually or jointly with any member, and position on his water craft according to the relevant Hartbeespoort Dam regulations. Failure to register such craft will result in the member not being allowed to launch his craft from the Club premises.

3.11 RE-REGISTRATION

In the event of any change of name, flag, number, class or design, such shall be notified forthwith to the Secretary by the owner, and the Secretary shall thereupon amend the Register accordingly without fee.

3.12 DISPOSAL OF CRAFT

Any member disposing of his craft or resigning from the Club as a member shall forthwith notify the Secretary accordingly, who shall thereupon amend the Register.

3.13 BOATING REGULATIONS

All members must comply with regulations in accordance with paragraphs (b), (c) and (j) of Article 70 of the Water Act of 1956 (Act 54 of 1956) on State Dams. The Club will comply with the general rules laid down by local authorities for Hartbeespoort Dam, which will deal with day to day issues involved with the running of the Club and which will be administered by The Kosmos Marina Club and published in the bye-laws of the Club.

3. GENERAL RULES (continued)**3.14 OUTSTANDING PAYMENTS**

All amounts owing to the Club become payable on renewal of membership. Failing full payment will result in privileges being suspended and additional percentage per month, as determined by the Committee each year, will be applicable. Similar penalties will apply for any other amounts due and payable to the Club for items such as petrol purchases, Club house refreshments and shade net.

3.15 LOCKING OF BOATS

Members who have not paid annual subscriptions or any monies outstanding, will not be accorded any boating privileges. Boats will be suitably identified and marked, and remain so until all payments due are made.

4. HOUSE RULES**4.1 MANAGEMENT**

The whole control and management of the Club shall be vested in the General Committee.

4.2 HOUSE COMMITTEE

The General Committee shall appoint from its number a House Committee for the day to day issues of the management and running of the Club House.

4.3 SLEEPING ON THE CLUB PREMISES

Sleeping is not allowed in the Club House or on the Club premises after closing time.

4.4 LIST OF MEMBERS

A list of members of the Club shall be available in the Club House for reference.

4.5 INTRODUCING VISITORS TO THE CLUB

Members may introduce guests to the Club and such guests shall be entitled to remain upon the premises only so long as the introducing member is also on the premises.

The number of guests shall not be limited, provided that the members are in no way inconvenienced, but no member shall introduce more than ten guests at one time without prior arrangement with the Manager.

4. HOUSE RULES (continued)

4.6 MEMBERS RESPONSIBLE FOR GUESTS

Members shall be responsible for their guest's observance of the Rules of the Club.

The Club accepts no responsibility for the property of members or their guests left on the Club premises.

4.7 REFRESHMENTS AND LIQUOR

Only members of the Club (including bona fide reciprocity members and visitors) are permitted to purchase liquor or refreshments supplied by the Club on the Club's premises. No other refreshments/liquor shall be allowed on the licensed premises unless a corkage fee is paid at the prescribed rates.

4.8 CREDIT FACILITIES

The General Committee shall at its own discretion make provision for the granting of credit facilities.

4.9 CONDUCT OF STAFF

The conduct of a Club staff member shall in no instance be made a matter of a personal reprimand by a member, but all complaints against staff must be made in writing to the Secretary, who shall bring the matter before the General Committee.

4.10 GRATUITIES TO STAFF

An annual year-end collection in aid of Club staff may be organised by the General Committee on such terms and conditions as the General Committee deem fit.

4.11 GAMBLING

No gambling is permitted on the Club premises.

4.12 ANIMALS

No dogs or other animals are permitted on the Club premises.

4.13 INFLAMMABLE MATERIALS

Paraffin, motor spirits, power fuels and lubricants are not allowed in the Club House.

4. HOUSE RULES (continued)

4.14 ADVERTISEMENTS

No notice or advertisements shall be posted in the Club House or on the Club premises without the sanction of the General Committee.

No member shall use the address of the Club in any advertisement connected with business or otherwise abuse the privileges of membership by using the Club's premises or its address for business purposes.

4.15 REMOVAL OR DAMAGE TO CLUB PROPERTY

No member shall remove from the Club's premises or shall damage or destroy any article belonging to the Club.

4.16 CHILDREN

No children under the age of sixteen years of age shall be left on the Club premises without the supervision of a responsible person who shall be a member or a member's guest.

4.17 SALVAGE OF DERELICT BOATS

The General Committee may authorise the sale or disposal of, salvage of derelict boats or other yachting equipment after due notice to the owner at his/her last known address or, if unidentifiable, by general notice to members in the Club Newsletter. A record shall be kept of the general nature of the items disposed of, including types of boat if any, the given name and description of the boat, the name of the purchasers thereof and the prices fetched, and such particulars shall be recorded in the Minutes of the General Committee

**THE KOSMOS MARINA CLUB
HARTBEESSPOORT
FOUNDED 1979**

BYE-LAWS

(As amended March 2004)

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THE KOSMOS MARINA CLUB
HARTBESPOORT
FOUNDED 1979

BYE-LAWS

(As amended March 2004)

The under mentioned rules are to ensure the rights and safety to every legal user of Kosmos Marina Club. Various types of water sport are enjoyed on the Hartbeespoort Dam and rules must be strictly observed. Any person who encroaches or disregards the rules exposes himself/herself to prosecution under Regulation R654 under Article 70 of the Water Act (No. 54 of 1956).

1. Use of Watercraft

- 1.1 Only boats with valid Northwest Province Permits issued in terms of Regulation 45 of the Nature Conservation Ordinance, 12 of 1983, will be launched from the Kosmos Marina Club premises.
- 1.2 The driver of any boat is responsible for the behaviour and safety of his/her passengers
- 1.3 Boats may only be used between half an hour before sunrise and half an hour after sunset.
- 1.4 Nobody under the age of 16 may be in control of a motorboat.
- 1.5 Nobody may be in control of a motorboat while under the influence of alcohol or any form of narcotics.
- 1.6 There must be enough life jackets for each person on board a motor boat or sailing boat of any type.
- 1.7 Each person on a rowing boat, canoe, windsurfer, any water recreational craft and all skiers must wear life jackets.
- 1.8 All travelling in and out of the Marina water shall be in an anti-clockwise direction.
- 1.9 All boats shall move at idling speed only in the demarcated Marina water area.
- 1.10 No skiers or other towed craft shall be pulled by or dropped from a ski rope within the demarcated Marina water area, but shall be taken to a spot outside this area.
- 1.11 Members wishing to authorise other family members using their boats must apply in writing and the applicable family members must be introduced to the manager. This applies to members whose relations are holidaying at Kosmos for longer than seven days. The onus rests on the member to make sure that the relative is aware of the Club and Hartbeespoort Dam rules and Bye-Laws

2. Club Premises and facilities

- 2.1 No vehicles or watercraft on trailers, or trailers may be parked on the slipway or left unattended in the water.
- 2.2 All cars and trailers shall be left in the demarcated areas provided. Trailers shall be removed immediately after the boat has been launched or taken from the water.
- 2.3 No parking of vehicles or boats will be allowed on lawn areas.
- 2.4 Only the Club tractors are authorised to launch any watercraft and no member or visitor may use his/her own vehicle.
- 2.5 Only authorised Marina staff may be in control of tractors for the purpose of launching or removing watercraft.
- 2.6 The tractors may only be used in the Marina premises.
- 2.7 Only authorised Marina staff may be in control of the Dinghy for the purpose of Club business only; e.g. inspecting moorings, transporting members to watercraft moored off-shore, repairs to moorings, jetties and demarcation buoys.
- 2.8 Only authorised Marina staff are to carry out routine servicing of moorings which will be done on a regular basis.
- 2.9 The entrance gate of the Marina site shall be closed and locked upon entering and leaving the site.
- 2.10 The Commodore. and Secretary will be authorised to have keys to the Club entrance gate, Club house, store room and fridges. The manager will be authorised to have keys to the entrance gate and Club House. The barman will be authorised to have keys to the Club House, store and fridges. The security staff will be authorised to have keys to the entrance gate which will be handed to the Marina staff when they report for duty. Any member may apply in writing for a key to the entrance gates stating his/her reasons. The application will be considered by the Management Committee and the member advised of the decision.
- 2.11 No dogs are allowed in the Marina Club grounds
- 2.12 No littering will be tolerated
- 2.13 The instructions of the Manager and Committee members must be obeyed at all times.
- 2.14 No fishing allowed from the jetties, deck or the grassed areas at all times.
- 2.15 No person may disturb any plant, bird or wildlife.
- 2.16 Visitors must be signed on for the day by a member and be accompanied by the member. A member is responsible for the visitor's behaviour.
- 2.17 No swimming is allowed in the demarcated area of the slipway and yacht mooring area of the Club
- 2.18 Members are required to produce their membership cards on demand, and in particular for access to the Club premises after hours when requested by the Security guard.

Deviation from any of the above rules will lead to cancellation of membership of the Kosmos Marina Club

THE KOSMOS MARINA CLUB
HARTBESPOORT
FOUNDED 1979
CONSTITUTION, RULES and BYE-LAWS
(As amended March 2004)

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