

DURBAN SKI BOAT CLUB
29th NOVEMBER 2023

CONSTITUTION

1. NAME

The name of the Club shall be The Durban Ski Boat Club.

2. DEFINITION OF TERMS

In these rules, unless the context otherwise requires:-

- a) Words importing the singular only shall also include the plural and vice versa.
- b) Words importing the masculine gender shall also include the feminine.

3. OBJECTS

The object of the Club shall be:-

- a) To promote, foster and control the sport of ski-boat, kayak and all craft-based angling.
- b) To regulate and control the standard of safety for ski-boats, kayaks and all craft and the competency of their Skippers.
- c) To encourage marine conservation and support research into marine resources.
- d) To fulfil all the objects of a social, beach affiliated lifestyle, sporting and outdoor club through the facilities of and the areas available for use of club members for the furtherance of such objectives.
- e) To affiliate to the Natal Deep Sea Angling Association and to subscribe to and abide by the Association's Constitution and Regulations.
- f) To acquire or dispose of immovable property and any other assets and to do all such things as may be necessary to promote, or incidental to, the above objects.
- g) To promote social and competitive offshore angling.

4. MEMBERSHIP

The membership of the Club shall consist of persons who subscribe to the objects of the Club and have been duly elected in terms hereof, and shall comprise the following categories:-

- a) Ordinary Member – Angling Affiliated (NDSA levy applicable) and Ordinary Member - Recreational Sporting (Non-Angling Affiliated) shall mean a person over the age of eighteen (18) years who ordinarily resides, carries on business or is employed in the Republic of South Africa. Non-Affiliated Ordinary Members and, children of all Ordinary members (whether Angling-Affiliated or not) under the age of eighteen (18) years who shall have the same privileges, and responsibilities as Junior Members, shall not be entitled to vote.
- b) Country Member shall mean a person over the age of eighteen (18) who neither ordinarily resides, nor carries on business, nor is employed within a radius of 90 kms of club premises. A person who qualifies for both Ordinary and Country Membership shall be entitled to select his category of membership. A Country Member may launch a maximum of Ten (10) times per annum without being required to pay a Visitors Fee.

- c) Junior Member shall mean a person between the ages of six (6) and eighteen (18) years, whose parents or sponsors have in writing, accepted responsibility for the conduct of and any amount owing by the Junior Member to the club.
A Junior Member who has been a member for a period of not less than one (1) year on 1 September immediately following the year during which he attained the age of eighteen (18) years, shall be entitled to admission as an Ordinary Member upon payment of the subscription, applicable to Ordinary Members.
Junior Members shall not be entitled to vote.
- d) A Retired Social Member shall mean a Member who has attained the age of sixty-five (65) years and has not less than three (3) years continuous Membership. Retired Membership shall be granted by the Committee on written application by suitably qualified members. Retired Social Members shall not be entitled to vote.
- e) A Retired Ordinary Member shall have the same privileges and responsibilities as an Ordinary Member, **including** the right to a registration number but shall only qualify as a Retired Ordinary Member provided he has had no less than three (3) years continuous Membership as an Ordinary Member. Retired Ordinary Members shall be entitled to vote at General Meetings.
- f) Life Member shall mean an Ordinary Member, who, for outstanding service to the Club, merits the distinction and has been proposed as such by unanimous resolve of the Committee and ratified by a three-fourths majority at an Annual General Meeting. Such member shall have the same privileges and responsibilities as an Ordinary Member but shall be exempt from payment of annual subscription.
- g) Honorary Member shall mean a person elected as such at the discretion of the Committee in terms of the Bye-Laws.
- h) Temporary Member shall mean a person elected as such at the discretion of the Committee, in terms of the Bye-Laws.
- i) Student Members shall mean an Ordinary Member who has not attained the age of Twenty five (25) years and is a bona fide full time scholar or student who is attending lectures at a University, Technikon or other recognised educational institution on an annual basis. Student Membership shall be granted by the Committee on written application by suitably qualified Members. A Student Member shall have the same privileges and responsibilities as an Ordinary Member but shall not be entitled to vote at General Meetings.
- j) A Social Member shall mean any person over the age of eighteen (18) years.
- k) Club 100 shall mean an Ordinary Member whose age and length of membership calculated together should achieve 100 points. The member shall have the same privileges as an Honorary Member.
- l) A spouse or a life partner of any Ordinary, Country, Retired Social or Retired Ordinary, Social member or Club 100 member shall be entitled to take up a spousal or life partner membership in such category for a fee determined in accordance with paragraph 6. Such spouse or life partnership members shall enjoy the same privileges as their full spousal or life partner member in such category, but shall not be entitled to vote at meetings.

5. ELECTION OF MEMBERS

- a) Each Candidate for election shall be proposed and seconded by two Ordinary Members in good standing, who have been members of the Club for at least one (1) year. The Candidate shall have been known personally to the Proposer and Secunder for at least one (1) year. The Committee shall have the right to waive this provision where a Candidate or potential Member Applicant is unable to obtain proposal and seconding but is able to provide motivation to the satisfaction of the Committee, who may consider and waive proposing and seconding based on such motivation.
- b) All proposals for membership shall be made on a form prescribed by the Committee, and shall be signed by the Candidate, the Proposer and the Secunder and shall be accompanied by the amount of the Entrance Fee, Subscription, any levy payable.
- c) The Committee shall consider all proposals for membership in the order in which they are received and shall also determine the number of proposals to be considered during any period.
- d) A Candidate whose proposal is accepted by the Committee shall be notified by a representative of the Club/Committee in writing and informed of his admission to membership.

6. ENTRANCE FEES AND/OR SUBSCRIPTIONS PAYABLE ON APPLICATION (ALL INCLUSIVE OF VAT)

Entrance and Annual Subscription Fees shall be determined by the Committee from time to time.

7. LEVIES

The Committee shall have the right, at any time, to recommend the imposition of a levy for such purposes as it may deem expedient. Such levy, provided that it shall have been ratified by a 51% majority vote at a General Meeting called for that purpose, shall be treated as an additional subscription and shall be payable by all members upon written notification to those members, except Junior and Student members.

8. CLUB YEAR

The Club's Financial Year shall run from the 1st August – 31st July each year unless amended by Resolution of not less than 75% of the Committee members voting in favour of such amendment.

9. LIABILITY FOR SUBSCRIPTIONS AND ACCOUNTS

- a) Annual Subscriptions shall be due and payable on 1 August of each year.
- b) A Member whose subscription or other liabilities to the Club are in arrears for a period of one (1) month, shall cease to be a member of the club and written notice of this fact shall be addressed by registered post to such person.
- c) The Committee shall have the power to reinstate any such person upon payment of such arrears subscriptions or other liabilities and any other amounts which would have been payable by him had he remained a member. Provided that the period from the date of ceasing to be a member, to the date of reinstatements,

does not exceed one (1) year. Such person's membership shall be considered as continuous from the date of his original admission as a member.

- d) The Committee may by Resolution of not less than 75%, reinstate a person who has ceased for whatever reason to be a member upon re-application of such person supported and substantiated by a written motivation to the Committee to explain both the circumstances under which membership ceased and the motivational reasons for the reinstatement thereof.

10. RESIGNATION OF MEMBERSHIP AND REINSTATEMENT.

- a) A member failing to give written notice to the Secretary before 31st July in any year, of his intention to resign, shall be liable for the following year's subscription.
- b) Any member desirous of resigning his membership must tender his resignation in writing to the Committee who shall accept same, provided that all amounts due by such members shall have been paid including his subscription to the last day of the club year during which the resignation is received. The Committee shall have the power to reinstate on such conditions as it may think fit, a member who has resigned in good standing, and who has applied to be reinstated.
- c) Provided that the period from the date of resignation to the date of reinstatement does not exceed one (1) year, such person's membership shall be considered as continuous from the date of his original admission as a member.

11. ADDRESSES OF MEMBERS

- a) The Members shall be responsible for notifying the Club of their addresses and/or any changes thereto.
- b) The Club shall be entitled to communicate with members via any commonly used form of communication including but not specifically limited to, normal post, registered post, email, Whatsapp or sms.
- c) It shall at all times be the Member's responsibility to ensure that their contact details are up to date and the Club shall not be responsible for any members failing to receive any communication of whatsoever nature, or for whatsoever reason.

12. ALTERATION OF CLASSES OF MEMBERSHIP

- a) A Country Member shall become an Ordinary Member when he ordinarily resides or carries on business or is employed within a radius of 90 kms of Durban and shall thereupon pay the difference between the subscriptions currently payable by Ordinary and Country Members, subject to a reduction in terms of rule 6 if applicable.
- b) An Ordinary Member shall become a Country Member when he neither ordinarily resides nor carries on business nor is employed in Kwa-Zulu Natal, but shall not be entitled to any refund of Entrance Fee or of subscription paid for that year.
- c) An Ordinary Member may become a Country Member on written application to the Committee when he neither ordinarily resides nor carries on business, nor is employed within a radius of 90 kms of Durban, but ordinarily resides or carries

on business or is employed in KwaZulu-Natal, but shall not be entitled to any refund of Entrance Fee, or of subscription paid for that year.

- d) It shall be the obligation of the Member to inform the Club of any change to such Member's status to qualify as a class of membership and specifically in respect of Members who qualify or are obliged to change from Country to Ordinary or Social Membership or vice-versa.

13. CONSTITUTION OF COMMITTEE

- a) The Management of the Club and all its business and affairs shall vest in the Officers and Committee Members, who together shall comprise the Committee, which shall be subject to the control of members in General Meeting.
- b) The Officers of the Club shall be the Commodore, Vice-Commodore, Treasurer and the Club Captain. The Commodore shall be the Chairman of the Committee. The Officers shall report to the members in General Meeting on all the affairs of the Club. The Officers of the Club shall be Ordinary Members of at least two (2) years standing and shall hold office for a period of two (2) years.
- c) The Committee shall consist of a total of eight Members including the Officers of the Club, all of whom shall be Ordinary Members of at least two (2) years standing and whom shall hold office for a period of two (2) years. Notwithstanding what is set out herein the Committee shall be entitled from time to time to co-opt additional members to the Committee for specific purposes and specific periods of tenure, and no co-opted members co-option to the Committee shall extend past the next Annual General Meeting after such co-option. Notwithstanding this, such co-opted member may again be co-opted after such Annual General Meeting if the new Committee consider it necessary and appropriate.
- d) All Committee Members shall be in possession of valid Competency Certificates authorising them to launch vessels from the Club Launch Site.
- e) Nominations for the Officers and Committee Members shall be made on a form prescribed by the Committee, shall be signed by the Proposer and Secunder who shall be Ordinary Members, and accepted in writing by the Candidate and shall be handed to the Secretary at least five (5) days prior to the date of the Annual General Meeting / General Meeting. The name and photograph of each Candidate and the office for which he is nominated shall be posted on the Club notice board by the Secretary, upon receipt by him of the nomination and acceptance and shall remain on the board until the date of the Annual General Meeting / General Meeting.
- f) In the event of there being more nominations for Officers or Committee Members than the number of vacancies required to be filled, an election by ballot shall take place from 09h00 on the day of the Annual General Meeting / General Meeting until the time the Meeting commences. A member shall vote for the same number of candidates as there are vacancies, failing which the scrutineers shall reject such voting paper an invalid.
- g) In the event of any Member of the Committee being absent from two (2) consecutive monthly Committee Meetings, without having, prior to the meetings, furnished the Commodore or Vice-Commodore with a reason acceptable to the Committee for being unable to attend, he shall automatically cease to be a

Member of the Committee and the Committee shall advise him in writing to that effect. If he is an Officer then an alternate Member of the Committee shall be elected to such position and if necessary a further replacement Committee Member co-opted to the Committee until the following Annual General Meeting. Notwithstanding what is stated hereinbefore, all Committee Members are expected to attend a minimum of seven (7) Committee Meetings per annum.

- h) The outgoing Commodore may remain on the Committee in a role of an advisory capacity for a period deemed appropriate by the current Committee. The outgoing Commodore shall not be required to attend all Committee meetings, bar those of requested attendance, and shall be exempt from clause 13(g).

14. POWERS AND DUTIES OF THE COMMITTEE

In addition to its general powers and duties, the Committee shall have the following powers and duties:-

- a) To meet at least once in each calendar month and cause to be kept proper Minutes of its meetings. At all Meetings of the Committee, six (6) shall form a quorum and the Chairman shall have a casting vote as well as a deliberative vote.
- b) To act notwithstanding any vacancy or vacancies in the Committee provided that the quorum provided for shall be present for all meetings
- c) To appoint any eligible member to fill, until the next Annual General Meeting, any vacancy occurring in the Committee and to co-opt other members to serve on the Committee or Sub-Committees, provided that the appointment of a member to fill the vacancy shall not affect the position of those members of the Committee who are due to retire by rotation in terms of Rule 13 at the end of the then current period of office.
- d) To enter into Agreements of Lease with any persons upon terms and conditions which the Committee deems fit, including leases of land to be utilised as a ski-boat base.
- e) Subject to the approval by a three-fourths majority of members in General Meeting, entitled to vote and voting, to acquire or dispose of immovable property.
- f) Subject to the approval by a three-fourths majority of members in general Meeting, entitled to vote and voting, to borrow or secure the payment of money and for those or other purposes to pledge or mortgage all or any part of the assets of the Club.
- g) To invest and deal with the money or assets of the Club not immediately required to be used, in such a manner as it may deem fit.
- h) To appoint and dismiss Bankers, Officials and Servants of the Club, and to determine the powers, duties, salaries and conditions of employment of the Club's employees.
- i) To control the receipt and expenditure of Club funds and to provide that all payments shall be authorised by any two (2) of the following persons, namely the Treasurer, Vice-Commodore or Commodore.
- j) To make, vary or repeal Bye-Laws for the carrying out of the provisions contained in these Rules, for the management of the affairs of, and the use of the premises or equipment of the Club and generally for all matters connected with the Club, provided that such Bye-Laws do not conflict with the Rules.

- k) To appoint, dismiss and regulate the procedure of Sub-Committees and to delegate any of the powers of the Committee to such Sub-Committee.
- l) To frame from time to time, tariffs of fees and charges.
- m) To enter into or terminate agreements with other Clubs with similar objects, for reciprocal honoraria membership, subject to such conditions as may be deemed expedient.
- n) To expel or suspend for such period as the Committee thinks fit, any member who wilfully contravenes any of the Rules or Bye-Laws of the club, or who shall, after due enquiry by the Committee, be found guilty of conduct unbecoming a lady or gentleman or conduct calculated to be prejudicial to the interest or reputation of the Club.
- o) To settle any matter in dispute between members, and which has been submitted by those members to the Committee for that purpose.
- p) To make Bye-Laws for the admission of Honoraria, Temporary or Reciprocity Members provided that no person residing within twenty (20) kilometres of Durban shall be eligible for such membership save where such person holds public office, is the President or Chairman of a Club with similar objects, has conferred some special benefit on the Club, is engaged in any competition held at the Club, is a bona fide candidate for membership or is a guest of any member attending a Club function.
- q) To remove from the membership register the name of any member who has ceased to be a member of the club for any reason.
- r) To keep registers of :-
 - i) the names of persons admitted as members, their class of membership and any alterations hereto.
 - ii) members to who boat registration numbers have been allocated
 - iii) members to who Skipper Tickets have been issued
 - iv) co-ownerships approved by the Committee and the date of such approval
 - v) members to whom temporary boat registration numbers have been issued
 - vi) all Club assets, and the date and cost of acquisition
- s) To enquire into any incident involving a ski-boat or its operation, or any breach of Rules and Bye-Laws of the Club and to impose such penalties or fines, including the withdrawal or suspension of registration numbers and/or Skipper's Tickets as it may deem fit.
- t) To resolve any doubt or dispute as to the proper construction of any of the Rules or Bye-Laws of the Club.
- u) When acting in terms of rules of the Constitution, an Officer of the Club shall be empowered to act on behalf of the Committee and any such decisions taken shall be ratified at the next Committee Meeting.

15. ANNUAL GENERAL MEETING

- a) An Annual General Meeting shall be held not later than 30 November of each year of the purpose of receiving the report of the Committee and the Financial Statements, transacting any special business of which due notice has been given and discussing generally the affairs of the Club.
- b) The Chairman shall allow discussion on any matter which may be raised at the meeting.

16. NOTICE OF ANNUAL GENERAL MEETING

Notice of the Annual General Meeting and the business to be transacted thereat shall be posted to all members at least fourteen (14) days before the date of the meeting.

17. NOTICE OF MOTION BY MEMBERS

Any Ordinary, Retired or Life Member who wishes to have any special business considered at any Annual General Meeting, shall give notice in writing to the Secretary by not later than 7 October and such notice of motion shall contain the terms of the resolution to be proposed.

18. GENERAL MEETING

The Committee may, at any time, call a General Meeting and it shall do so upon a requisition signed by at least ten percent (10%) of the number of Ordinary Members rounded off to the nearest ten (10), specifying the object for which such a meeting is required.

19. NOTICE OF GENERAL MEETING

Notice of General Meeting and the business to be transacted thereat, shall be posted to all Members at least seven (7) days before the date of the Meeting. In the case of a requisition by Members, the notice shall convene the General Meeting for a date not later than thirty (30) days after receipt of such requisition.

20. QUORUM

The quorum at General Meeting shall be any twenty-five (25) Ordinary, Retired or Life Members. Should a quorum not be present at any general Meeting after fifteen (15) minutes the appointed time of the meeting, such meeting shall stand adjourned for fourteen (14) days and notice of the date and time of such adjourned meeting shall be posted on the Club Notice Board. The eligible members present at such adjourned meeting shall be a quorum.

21. CHAIRMAN AT GENERAL MEETING

The Commodore, failing whom, the Vice-Commodore, and failing whom, a Member of the Committee appointed by the Meeting, shall take the chair at any General Meeting. If none of the foregoing is present and willing to preside, the Members present shall choose one of their Members to be Chairman of the Meeting. The Chairman shall have a deliberative as well as a casting vote.

22. VOTING AT GENERAL MEETING

- a) Only Ordinary, Retired Ordinary and Life Members may vote at General Meetings.
- b) Only Members allocated an S number or holding a Proxy from a Member allocated an S number who is unable to attend the Meeting, may vote on any matter affecting the operation of ski-boats. A Proxy shall be in writing, signed by the Member with the S number and handed to the Secretary at least twenty-four (24) hours before the meeting.

- c) A simple majority vote shall bind the minority, except where otherwise provided in these Rules.
- d) All matters submitted to a General Meeting shall be decided by a show of hands, unless a ballot be demanded by five (5) or more Members present, in which event the ballot shall be taken forthwith.

23. REVERSAL OF DECISION

No decision of a general Meeting upon a matter in respect of which notice has been given in the notice calling the Meeting, passed within the preceding twelve (12) months shall be reversed by a subsequent General Meeting, except with the sanction of a three-fourths majority of the Members present entitled to vote and voting at such subsequent Meeting

24. ACCOUNTS

- a) The Committee shall cause full and true accounts to be kept of the whole of the assets, liabilities, receipts and expenditure of the Club.
- b) At each Annual General Meeting the Committee shall present to Members Financial Statements for the past year, duly audited, and signed by the Chairman, Treasurer and Secretary, and certified by the Auditors.

25. AUDIT

- a) An Auditor, who shall be elected at the Annual General Meeting each year, shall certify the Club's Annual Financial Statements and for this purpose shall only be required to carry out a limited audit in order to verify the assets and liabilities of the Club. A Member of the Committee may not be elected as Auditor.
- b) In addition to the extent of the audit provided in sub paragraph (a), the Committee shall, at any time, be empowered to require the Auditor to carry out such further audit or investigation as it may consider necessary.
- c) The Auditor shall have all the usual powers of an Auditor and in particular shall at all reasonable times have access to the books and records of the Club and may in relation thereto examine the Committee or other officials of the Club.
- d) Any casual vacancy in the office of Auditor shall be filled by the Committee appointing an eligible person.
- e) The Auditor's remuneration shall be determined by the Club.

26. REGISTRATION NUMBERS.

- a) The total number of ski-boat registration numbers which may be allocated to members, shall be as determined by Transnet (or the relevant authority), provided that the Committee may further restrict the number of registration number as circumstances may require.
- b) Any Ordinary, Life Member and Retired Ordinary Member may make written application to the Committee for the allocation of a registration number. Applications shall be dealt with by the Committee in the order in which they are

received. In the event of there not being a registration number available on receipt of an application, the Member's name and date of the receipt of the application shall then be dealt with in date order, as and when a registration number becomes available for allocation.

- c) Registration numbers shall be at all times remain the property of the Club and may only be allocated or transferred by resolution of the Committee.
- d) Registration numbers may only be allocated to Ordinary or Life Members and shall not be transferable from one member to another, except as specifically provided for in these Rules. Any member who for any reason ceases to qualify and be registered as an Ordinary or Life Member shall forthwith forfeit his registration number.
- e) Only one (1) ski-boat may be registered in terms of this Rule, under one (1) registration number.
- f) A Member to whom a registration number is allocated or transferred, (referred to as the Registered Owner), shall within ninety (90) days of the date of allocation, produce to the Club's Boat Examiner, a ski-boat, which, if approved by the examiner in terms of the Rules and Bye-Laws, shall be if registered under the registration number allocated. In the event of a ski-boat not being registered under the registration number allocated within the above period, the Member shall forfeit the registration number, provided that the Committee may extend the period by not more than thirty (30) days upon good cause being shown by the Member.
- g) A Registered Owner who is desirous of replacing his ski-boat which is registered with the Club, shall, before being entitled to operate the replacement ski-boat, cause it to be registered with the Club in terms of sub-rule (f) hereof.
- h) A Registered Owner who disposes of a ski-boat which is registered with the Club and who fails to effect registration of a replacement ski-boat within the period stipulated in sub-rule (f) hereof, shall forfeit this registration number.

27. TEMPORARY REGISTRATION NUMBERS.

- a) The total number of temporary ski-boat registration numbers which may be issued to Members shall be as determined by the South African Transport Services Transnet (or relevant authority), provided that the Committee may further restrict the number of temporary registration numbers as circumstances may require.
- b) The conditions relating to the allocation and use of temporary registration numbers shall be regulated by the Committee and contained in the Club Bye-Laws.

28. VISITOR'S REGISTRATION NUMBERS.

- a) The total number of visitor's ski-boat registration numbers which may be issued, shall be as determined by the South African Transport Services (Transnet or any other duly authorised authority), provided that the Committee may further restrict the number of visitor's registration number as circumstances may require.
- b) The conditions relating to the allocation and use of temporary registration numbers shall be regulated by the Committee and contained in the Club Bye-Laws.

29. TRANSFER OF REGISTRATION NUMBERS

- a) The Committee may, on written application by a member allocated a registration number (S registration or S number), transfer his registration number to another member provided same accompanies sale of the vessel originally allocated the S number. Alternatively, an S number registered over a vessel may be transferred to a new or replacing vessel of the owner to whom the original S number was registered with the written consent of the Committee, and the appropriate cancellation of the previous registration details in respect of such S number.
- b) The Committee shall not recognise nor be required to recognise any ownership of boats by way of syndication or partnership and the member to whom any S number is allocated shall, from the Committee and Club's perspective, be solely responsible in respect of such boat and its registration, as a DSBC boat. It is recommended that in the instance of syndicated ownership of the boat or partnerships, there is an internal document signed by the syndicated members or partners confirming that upon any specific event or the death of the member to whom the S number registration is allocated, that such registration be transferred to an identified member of the syndicate or alternate partner of the partnership, as the case may be, who must at the time be a paid up Ordinary Member of the Club. In such event the Committee in exercising its discretion may allocate such registration number to such nominated alternate party.

30. BOAT INSPECTION

- a) In addition to the original inspection of boats for registration in terms of Rule 26, all boats shall be presented annually at the Club's Base for inspection by the Club's Examiners or Committee and shall not be re-registered unless approved in terms of the Rules and Bye-Laws.
- b) The date and times of the Annual boat Examination shall be determined by the Committee and notified to all Registered Owners.
- c) No member may, after 31 December, operate a ski-boat unless it has been re-registered.
- d) Any Registered owner who fails to have his boat re-registered at the Annual Boat Examination or within such period thereafter as the Committee may on application allow, shall forfeit his registered number.
- e) The Club boat Examiners or the Committee or its authorised representative shall at any time be entitled to require any Registered Owner to submit his ski-boat for inspection. In the event of a ski-boat being found to be unseaworthy or in any way failing to comply with these Rules or Bye-Laws, the Registered Owner's registered number shall forthwith be suspended and unless the ski-boat be approved within a period to be determined by the Committee, the registered Owner shall forfeit his registration number.
- f) Any ski-boat which sustains accident damage or damage from any other cause, or is re-modelled or structurally altered, shall not be operated until it has been approved by the Club Boat Examiner in terms of the Rules and Bye-Laws.

31. SKIPPER'S TICKET (CERTIFICATE OF COMPETENCY)

Any member who operates a ski-boat launching from or beaching at the Club launch site must be in possession of a suitably appropriate Certificate or Certificates of Competency (Skipper's Ticket) issued by the relevant authorities, specifically including

but not limited to a Certificate of Competency qualifying the member operating the ski-boat to launch from a sheltered launch and that such person is qualified in respect of any radio operating requirements applicable from time to time.

32. BOAT SPECIFICATIONS AND EQUIPMENT

A ski-boat shall not be approved and registered with the Club unless it complies with all or any relevant or applicable law or regulation as amended from time to time by the Club and any Legal Authorities.

33. OPERATION OF SKI-BOAT

- a) No ski-boat may be operated from the Club's base unless:
 - (i) it has an allocated club registration number, alternatively a valid registration number if it is a visiting boat; and
 - (ii) it is under the control of a member, alternatively if it is a visiting boat, a non-member, who qualifies with all the requirements of the appropriate and relevant authorities with regards to the operation of a boat from the Club base, specifically including but not limited to Skipper's Ticket requirements in the form of a Certificate of Competency to launch from a sheltered launch site, as well as all or any Radio Operator's Licences and equipment as required from time to time; and
 - (iii) apart from its registration number and prefix, it displays a current seaworthy decal and has on board a certified copy of its Seaworthiness Certificate and Buoyancy Certificate, both of which shall be currently valid at time of operation.
 - (iv) All boats which are operated by a non-member shall be subject to launch fees and tractor fees as applicable by the Club from time to time, which must be paid in advance and prior to the operation of the boat from the Club's premises, and the Club's discretion in allowing any visiting boat or visiting Skipper to operate from the Club's premises shall be in the sole and unfettered discretion of the Club and its representatives, specifically including but not limited to the Committee, the person in charge of the launch site on the day in question and any appointed safety officer.
- b) A ski-boat may not put to sea with more persons aboard than the number for which it was registered.
- c) It shall be the duty of each Registered Owner, or the Skipper if the Registered Owner is not aboard, to log out before launching and log in immediately on return to base in accordance with the procedure which shall be prescribed by the Committee including completion of the launch register.
- d) Should any Member wish to use or permit a registered ski-boat to be used for any commercial purposes or as a means of livelihood for himself or in any fashion to derive income for himself or any other person, or should any other party at any time in charge of any boat do so, same shall not be permitted unless full and appropriate motivation thereof has been made, in advance, to the Committee who may in their discretion agree thereto on such terms and conditions as they may in writing determine. The Committee shall levy a fee on any person using a

ski-boat operated from the premises for any commercial purpose, which shall include compensation in respect of towing and launching fees. Any such operation of a vessel shall at all times be within the ambit of any appropriate law or rule or regulation applicable at the time of such operation.

- e) The Skipper of a ski-boat shall at all times operate the boat, in a seaman like manner, in accordance with these Rules, International Rules and Procedures and at all times in accordance with any law, be it common law or statute, applicable to the operation of such vessel and with due regard for the safety of his crew and all other persons.
- f) The Member allocated the S registration number of the vessel, any Member, any visitor or guest, the Skipper and the Crew (and their heirs and executors), as the case may be, shall have no claim against the Club and its employees whatsoever for any loss of whatsoever nature and howsoever caused arising from the operation, launch, beaching, retrieval of any ski-boat and the operation thereof, which Indemnity shall extend from immediately prior to entrance to any Club facilities and/or the beach site, and until after the exit of such persons and the ski-boat from the premises and facilities of the Club including the launch site, and such parties shall be deemed to have accordingly indemnified the Club and its employees against any claim.

34. DISPOSAL OF FISH

- a) The sale of fish on the Club premises is prohibited;
- b) The cleaning and disposal of any fish remains shall at all times be conducted in accordance with the rules relating thereto as issued by the Committee or management of the facility from time to time.
- c) Any party failing to comply with either of the above provisions shall be subject to disciplinary procedures, and in the event of serious transgression such disciplinary procedures may result in a sanction of suspension or even cancellation of membership.

35. LIMITATION OF LIABILITY

- a) The liability of any Member shall be limited to the amount due by him to the Club.
- b) No liability shall attach to the Club in respect of the property of any Member or his guest, which may be lost, damaged or stolen on or from the club premises.
- c) In respect of any act or omission by the Member, no liability shall attach to the Club and its employees in respect of any claim of whatsoever nature and howsoever cause and by whomsoever made and Members shall be deemed to have indemnified the Club and its employees against any such claim.

36. INDEMNITY

Members of the Committee, the Auditor and Officials of the Club shall not be liable for anything done or omitted to be done in the exercise of their duty or supposed duty unless due to their own wilful neglect or default and they shall be indemnified by the Club for any liability they may incur to any other person unless that liability arose from their own wilful neglect or default.

37. WINDING UP

- a) The Club may be wound up by a resolution passed by the three-fourths majority of Members present, entitled to vote and voting at a General Meeting of the Club, of which at least thirty (30) days notice has been given to all Members.
- b) The Members in General Meeting shall appoint Liquidators and may give directions as to the method of winding up and the distribution of assets, provided that the assets remaining after the satisfaction of liabilities shall only be given or transferred to a company, Society or Association with objects similar to the objects of this club.

38. PROFIT ON SALE OF LIQUOR

No profit derived from the sale of liquor or any other undertaking by the Club shall accrue to any individual or Member.

39. PAYMENT FOR LIQUOR OR OTHER REFRESHMENT

Only Members of the Club, including the bona fide reciprocity members, shall be permitted to pay for liquor or refreshments supplied within the Club.

40. ACTION BY AND AGAINST THE CLUB.

The Club may sue and be sued in the name of the Commodore.

41. MATTERS NOT DEALT WITH BY THE CONSTITUTION

Any matter not specifically provided for in these rules shall be dealt with or decided upon by the Committee, whose decision shall be binding on Members.

42. ALTERATION OF RULES

The Rules contained in this constitution may only be altered by a resolution passed by a two-thirds majority of Members present, entitled to vote and voting at a General Meeting of the Club. Due notice of the General Meeting and the proposed resolution shall be given in terms of these Rules to all Members.

43. KWAZULU-NATAL COLOURS

Any Member of good standing who is awarded KwaZulu-Natal Senior Colours (angling only) for the first time, shall be honoured by the Club by being presented with a KwaZulu-Natal Blazer. The purchase of any such blazer shall be effected by the Club Treasurer and no monies shall be paid out in lieu of a blazer. The same privilege shall be afforded to anglers attaining full National Colours (Protea) for the first time.

DURBAN SKI BOAT CLUB BYE-LAWS

1. VISITING SKI-BOAT OPERATORS

- a) Only legally registered, seaworthy boats complying with all laws, bye-laws, rules and regulations are allowed to operate from the Durban ski-boat base. All visiting ski-boats operating from the base operate at the discretion of the Durban Ski-Boat Club and in particular at the discretion of the designated Club Launch Site Operator and Club Safety Officer. All visiting ski-boats must be in possession of a valid copy of a Seaworthy Certificate, Buoyancy Certificate and/or any other legal requirements such as required radio equipment together with the documentation and licence, if applicable, for possession and operation of such radio equipment. All visiting skippers must be in possession of the relevant Certificate of Competency and/or any other documentation legally required to qualify them to operate a ski-boat from the base.
- b) All visiting ski-boat operators shall make themselves conversant with the rules and bye-laws of the Club before putting to sea, a copy of which are on the Durban Ski-Boat Club website.
- c) All visiting ski-boat operators indemnify the Club, its Members or employees against any claim for loss or damage by or to the visiting skipper, his dependants, crew or any other person accompanying him, arising from any accident or other circumstances whatsoever which may occur whilst he is utilising the Club facilities, services and/or the launch site.

2. TEMPORARY MEMBERS

- a) Visitors may be admitted as Temporary Members upon application to the Secretary or upon introduction in writing by two Members, subject. In both cases, to the approval of two Members of the Committee.
- b) The election of any Temporary Member may be cancelled at any time by resolution of the Committee.
- c) The period of temporary membership shall be at the discretion of the Committee. The temporary membership fees shall be at the same rate as the visitors fees paid by Members.
- d) Temporary Members shall not have the privilege of attending any General Meeting of the Club.

3. GUESTS

- a) Only Ordinary Members may introduce non-members as guest provided that their names and addresses shall immediately on arrival be inscribed in the Visitor's Book and the entry shall be signed by the introducing members. A fee of R50.00 may be levied for guests that crew on any DSBC registered craft.
- b) No person may be introduced as a guest on more than two occasions during any one calendar month.
- c) No Member may introduce more than ten guests on any one day without prior notice and arrangement with the Manager of the Club or Club utilised facilities. Guests shall only remain on the premises while the introducing member remains present and the introducing member shall be responsible for the guests' conduct whilst on the premises.
- d) No member shall introduce anyone, nor shall any person use the premises:-
 - (i) whose presence in the opinion of the Committee is undesirable;
 - (ii) who has been rejected as a Member or expelled from membership of the Club;
 - (iii) who has been struck off the list of Members for non-payment of subscription or other liabilities.

- e) Any Member, Honorary Member, Temporary Member or Guest within the Club premises must give his or her name when requested to do so by any official or employee of the Club, or the management and staff of the facilities utilised by the Club.

4. HONORARY MEMBERS

The Committee may admit in terms of Rule 4(h) the following persons as Honorary Members:-

- a) Persons engaged in any match, competition or tournament held at the Club.
- b) Guests of Members attending any Club function
- c) Members of Committee or Officials of the sports associations to which the Club is affiliated, whilst such members or officials are at the Club on official business.
- d) Presidents and Captains of similar clubs who have introduced themselves to the Secretary.
- e) Any person who, in the opinion of the Committee, is deserving of this honour. The Honorary Membership of any person may be cancelled at any time by resolution of the Committee.

5. PARKING

Parking shall at all times be in accordance with and subject to the rules and regulations of the Club and/or the parties designated by the Club to regulate parking and parking facilities, and the Club and any designated parties shall not be responsible for any damage, loss or injury occasioned resultant parking at or upon the premises.

6. DRESS

Members, while in the public portions of the Club House, are required to conform in their dress to standards of good taste in conformity with the standing of the Club.

7. REMOVAL OF BOOKS, etc

No person shall remove the Club premises any books, pamphlets, newspapers, writing materials or other articles belonging to the Club, without the special sanction of the Committee.

8. BREAKAGES

All property of the Club broken or damaged by any Member or his guest shall be paid for by such Member.

9. SUGGESTIONS AND COMPLAINTS

Any suggestions or complaints a Member may have shall be made in writing to the Committee.

10. PAMPHLETS ADVERTISING, etc

No pamphlet advertising or circular of any description whatever shall be placed on the tables or posted within the precincts of the Club without the consent of the Committee.

11. BOATING

- a) Skippers must at all times operate their ski-boat with due regard for the safety of their crew **and** other users of the sea and shore.
- b) No boat may be fastened or anchored to the Shark Meshing Nets, and any boat owner interfering in any way with the nets will have this permission to operate withdrawn
- c) Boats crossing the Harbour mouth must clear it by at least 500m.
- d) A request for permission to launch must be made by radio, whether or not the launch site is manned and, in the event that the launch site is manned, no launch may occur until permission is granted by the launch operator. Permission must be requested by radio before beaching and in all cases, beaching instructions must be strictly adhered to.
- e) A speed limit of 15km/h must be strictly observed in the Vetch's Pier area together with compliance with its no-wake zone designation.
- f) The minimum trip length to qualify as a launch in terms of Rule 36 shall be two (2) hours.
- g) Skippers neglecting to log in as required by Rule 36(c) will only be recorded as launch duration of the minimum as allowed by Bye-Law 11(a).
- h) No party shall launch without completing the launch register and all Skippers on return shall complete their return to beach entries by entry in the launch register.

12. BOATING NIGHT TIME (Extended Hours)

- a) Skippers must have a Skippers Ticket endorsed for night operations.
- b) Craft, in addition to the DOT requirements, must have the following additional equipment required by the Port Captain.
 - A VHF radio and operator's licence
 - A set of Jumper leads
 - An additional hand held flashlight
- c) Skippers are to mark the launch register both prior to launch and after beaching.
- d) Durban Harbour radio must be advised on VHF Channel 16 when leaving and arriving back at the Vetch's basin. If the craft has been out during daylight hours, then contact Durban Harbour radio at sunset.

13. TRACTORS

- a) The primary task of tractors shall be the towing and launching of ski-boats and the retrieval upon beaching of ski-boats, and as such the tractors and all tractor operations shall fall under the ambit of ski-boat activity and all rules and regulations of the Constitution and these rules and bye-laws applicable to ski-boating shall be applicable in respect of the tractors, particularly insofar as voting in respect of tractor matters shall be considered in respect of a ski-boat operational matter.
- b) The rules, regulations and hours of operation of tractors, outside of hours, costs and fees leviable and various other rules and regulations governing the use and operation of the tractors shall be determined by the Committee from time to time, and a copy thereof shall be posted on the Club website.