



The Constitution of The South African Rugby Referees' Association

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The Constitution of The South African Rugby Referees' Association

1. PREAMBLE

- 1.1 The SA Rugby Referees' Association fully accepts, adopts and subscribes to aims, principles and objectives embodied in the Constitution of South African Rugby Union having bearing on its own operations.
- 1.2 The Association applies the laws of the game as interpreted or prescribed by World Rugby and South African Rugby Union and must advise its members of these laws, interpretations and rulings from time to time. Until such time as they are amended, such laws, interpretations and rulings are binding on all its members.

2. DEFINITIONS

In this Constitution

- 2.1 "SARU" shall mean the South African Rugby Union;
- 2.2 "Association" shall mean the SA Rugby Referees' Association.
- 2.3 "Associate Member" shall mean a person, association, society or body of persons affiliated to SARU and or the SA Rugby Referees' Association.
- 2.4 "Council" shall mean the council as described in 11 comprising of the chairpersons of each Society;
- 2.5 "Constitution" shall mean this Constitution.
- 2.6 "Days" shall mean all calendar days;
- 2.7 "Simple Majority" shall mean 50% + One (1);
- 2.8 "Employee" shall mean a paid official of SARU;
- 2.9 "Executive" shall mean the Executive Committee referred to in 12;
- 2.10 "Laws of the Game" shall mean The Laws of the Game of Rugby as framed by World Rugby;
- 2.11 "Ordinary Member" shall mean a member as described in 10.1;
- 2.12 "Province" shall mean a rugby province as defined in the constitution of SARU;

- 2.13 *“Referee”* shall mean a referee on any SARU referee panel or squad, including but not limited to Assistant Referees, Selectors, Performance Reviewers, Coaches and Television Match Officials or any other panels or squads that may be constituted from time to time by the Association;
- 2.14 *“Referee Manager”* shall mean the person who is a full time employee of SARU allocated to attend to refereeing matters;
- 2.15 *“Society”* shall mean the Referee’s Society of the respective Provincial Rugby Union of SARU;
- 2.16 *“South Africa”* shall mean the area presently demarcated as the Republic of South Africa governed in terms of the Constitution of the Republic of South Africa, Act No 108 of 1996.

Expressions in the Constitution referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and all other modes of representing or reproducing words and figures in a visible form.

Unless the context otherwise requires, words in the Constitution implying the singular shall include the plural and vice versa, and words implying the masculine gender shall include the feminine gender and vice versa.

The headings appearing in the Constitution shall not be treated as forming part of the Constitution; as such headings are for convenience of reference only.

3. STATEMENT OF PRINCIPLES

The Association subscribes to the SARU Constitution and all its decisions rules and regulations, and all its policies pertaining to referee matters.

The Association hereby observes and abides by the following principle:

- *THAT “South Africa”, for purposes of controlling and administering the game of rugby, should comprise the area presently demarcated as the Republic of South Africa;*
- *THAT rugby should be played, administered and promoted on a non-racial, non-political and democratic basis;*
- *THAT all persons, irrespective of race, colour, creed or gender, should have the right in whatever capacity to participate, in the game of rugby;*
- *AND THAT this Statement of Principles is and shall form part of this Constitution.*

4. NAME AND LEGAL STATUS

The Association is and shall be a juristic person and can act and be acted against in its own name.



5. MEMBERSHIP TO SOUTH AFRICAN RUGBY UNION

- 5.1 The Association is an associate member to SARU who shall enter into a memorandum of understanding setting out the rights, privileges and obligations of the Association, which may not include provision for the Association to submit a motion for the consideration of any of SARU's organs of governance, or to second a motion submitted to any of SARU's organs of governance, or to have a vote at a meeting of any of SARU's organs of governance.
- 5.2 The constitutions, rules, regulations and decisions of the Association shall not be inconsistent with those of SARU and, in the event of any such inconsistency, those of SARU shall prevail.
- 5.3 The constitution of SARU shall mutatis mutandis be applicable to the Association and its members and person affiliated to the members.

6. AFFILIATION TO WORLD RUGBY AND OTHER ORGANISATIONS

The Association subscribes to any requirements applicable to SARU due to SARU membership to any entity it is affiliated to.

7. LAWS OF THE GAME, BYE-LAWS AND REGULATIONS OF WORLD RUGBY

- 7.1 In terms of its membership to World Rugby, SARU has agreed to bind itself and all its affiliated members (including the Association) to abide by the Bye-Laws, Rules and Regulations and Laws of the Game and to accept and enforce decisions of World Rugby (unless and until revoked or set aside) in respect of the playing and/or administration of the Game throughout South Africa and within the jurisdiction of SARU.
- 7.2 Notwithstanding anything to the contrary contained in the above clause, the Association shall introduce and enforce any such new or experimental laws, together with such interpretations and rulings in relation to such new or experimental laws, as determined by and in the discretion of SARU, provided that the approval of the World Rugby is obtained prior to the introduction of such new or experimental laws, interpretations and/or rulings.
- 7.3 All such new or experimental laws thus promulgated by World Rugby shall be binding on SARU and all members and associate members of SARU, including the Association.

8. POWERS AND OBJECTIVES

The powers and objectives of the Association are and shall be:

- 8.1 To act as a co-ordinating body for all the Provincial Referee Societies, Associations, or bodies admitted to ordinary membership or associate membership of the Association.**
- 8.2 To be the custodian of all refereeing matters associated with rugby union and under the jurisdiction of SARU.**
- 8.3 To adopt and enact such measures which, in the opinion of SARU will foster, promote, regulate and encourage the game of rugby and more specifically refereeing matters in South Africa and outside South Africa as SARU may decide amongst all persons, irrespective of race, colour, creed or gender, and to eliminate any discrimination and inequality amongst referees and officers alike.**
- 8.4 To recommend policies and procedures to its members.**
- 8.5 To implement its own policies and procedures.**
- 8.6 To monitor adherence to its procedures and policies.**
- 8.7 To formulate Rules and Regulations and a Code of Conduct that governs the Association and all its members and to bind its members and associate members to all such Rules and Regulations, including the Code of Conduct.**
- 8.8 To adopt and enforce disciplinary procedures and to recommend sanctions where applicable.**
- 8.9 To do everything necessary or reasonably possible to assist SARU to promote, encourage and develop a high standard of rugby within South Africa.**
- 8.10 To protect all members of the Association against unfair and destructive criticism and treatment, and to promote goodwill amongst its members.**
- 8.11 To adopt such means of making known the objectives of the Association as may seem expedient, and to encourage and assist the dissemination of literature and all forms of information which may further the aims of Association and the interests of rugby.**
- 8.12 To manage all refereeing aspects and affairs of the Association.**
- 8.13 To reorganise its structures and activities when necessary in such a manner as to achieve its objectives.**
- 8.14 To market the profile of the Association and that of its members.**
- 8.15 To subject its members and associate members to a programme of development and upliftment of skills.**
- 8.16 To provide on-going training for all its members, associate members (in its broadest context) of the Association.**
- 8.17 To compile and distribute to its members all relevant training material to achieve the objectives of the Association.**



- 8.18 To assign portfolios and/or to engage members of the Association to be of assistance to the Association, to make recommendations in connection with observing, training and grading of referees, or in connection with any other matter which the Executive considers to be beneficial for the realisation of the Association's objectives or the carrying out of its business.
- 8.19 To implement, enforce and govern the Laws of the Game of rugby, including any new or experimental laws, as introduced and approved by the World Rugby and SARU, and to originate and promote improvements in the laws affecting the said game.
- 8.20 To determine from time to time on the qualification required to become a Referee, including but not limited to the theoretical examinations and practical examinations, attendance of meetings and laws discussions, availability for appointment to games, and assistance in the training and observing of other referees.
- 8.21 To assign responsibilities to any person(s) with the necessary qualities.
- 8.22 To conduct correspondence and negotiations with SARU and other bodies of persons.
- 8.23 To do all such other things as are incidental or conducive to the attainment of the above objectives.

9. LIMITATIONS OF OBJECTIVES AND POWERS

The foregoing objectives and powers are all subject to the following express stipulations:

- 9.1 The Association shall not have the power to carry on any business, undertaking or trading activity for commercial purposes.
- 9.2 The Association shall not have the power to accept any funds or participate in any financial transaction whatsoever without the express approval of SARU.
- 9.3 The Association's financial requirements shall be conducted in conjunction with and under the auspices of SARU.

10. MEMBERSHIP

10.1 ORDINARY MEMBERS

- 10.1.1 The Ordinary Members of the Association shall be the Referee Societies of the following Provincial Unions:

- Blue Bulls Rugby Union
- Boland Rugby Union
- Border Rugby Union
- Eastern Province Kings Rugby Union
- Free State Rugby Union
- Valke Rugby Union
- Golden Lions Rugby Union
- Griqualand West Rugby Union
- Mpumalanga Rugby Union



- KwaZulu-Natal Rugby Union
- Leopards Rugby Union
- Griffons Rugby Union
- South Western Districts Rugby Union
- Western Province Rugby Union

10.2 HONORARY LIFE MEMBERSHIP

10.2.1 The Council may from time to time at an Annual General Meeting grant life membership to any person for exceptional services rendered to the Association.

10.2.2 An Honorary Life Member shall not have any voting rights.

10.3 ASSOCIATE MEMBERSHIP

10.3.1 Any association, society or other body of persons which has as its principal object the administration, playing and promotion of the game, or variations thereof, may apply for associate membership, provided that -

10.3.1.1 it is able to show that it enjoys substantial support amongst the stakeholders within its area of jurisdiction;

10.3.1.2 the application for associate membership is proposed by or seconded by the Ordinary Member(s) in whose area(s) of jurisdiction the applicant for associate membership has its seat; and

10.3.1.3 the applicant for associate membership is seconded by no fewer than two (2) other Ordinary Members.

10.3.2 An application for associate membership may only be considered at an Annual General Meeting and such membership will be granted to an applicant only if supported by a majority of at least seventy-five per cent (75%) of the representatives present and voting.

10.3.3 An associate member shall not have any voting rights.

11. THE COUNCIL

Subject to 8, the Council shall have the power to carry out all the objects and functions of the Association.

The Council will comprise of:

11.1 The Chairperson of the Association as elected by the Council who shall have an ordinary vote, and in the event of an equality of votes, he shall have a casting vote on condition he has exercised his deliberate vote;

11.2 A Deputy Chairperson as elected by the Council who shall have an ordinary vote;

11.3 A Vice Chairperson as elected by the Council who shall have an ordinary vote;

11.4 Two (2) additional representatives on the Executive Committee as in 12.2.5 below who shall have an ordinary vote;



- 11.5 One representative from each of the Ordinary Members, being its Chairperson, with one (1) vote;
- 11.6 The SARU employee tasked with the general management of referee matters (the Referee Manager) who is an ex officio member and shall have one vote;
- 11.7 A secretary, appointed by the Referee Manager who is an ex officio member and shall not have any voting rights;

12. THE EXECUTIVE COMMITTEE

- 12.1 The powers of the Executive Committee are and shall be to attend to the daily activities and affairs of the Association, and to attend to any other matters as it may be tasked by the Council and / or SARU.
- 12.2 The Executive Committee will comprise of:
 - 12.2.1 The Chairperson of the Association who shall also act as Chairperson of the Executive Committee.
 - 12.2.2 The Deputy Chairperson of the Association and who shall serve as the Acting Chairperson in the event that the Chairperson is unavailable.
 - 12.2.3 The Vice Chairperson of the Association.
 - 12.2.4 The Referee Manager.
 - 12.2.5 Two (2) additional representatives as in 13.3 below.

13. CHAIRPERSON, VICE AND DEPUTY CHAIRPERSONS, AND REPRESENTATIVES OF ORDINARY MEMBERS

13.1 CHAIRPERSON

- 13.1.1 The Chairperson of the Association shall be elected by the Council.
- 13.1.2 The Chairperson shall be elected from the chairpersons of the Ordinary Members and the members of the current Executive Committee (excluding the Referee Manager).
 - 13.1.2.1 The Chairman of an Ordinary Member whose term expired prior to elections at the Association's Annual General Meeting in a particular year, may be nominated for election.
 - 13.1.2.2 Such nomination must be approved by the relevant Ordinary Member and be submitted by the chairperson of such Ordinary Member.
- 13.1.3 The appointed Chairperson shall surrender his position as Chairperson of the Ordinary Member, or any other office, for the duration of him being the Chairperson. The Chairperson shall be required to remain a member of a Society.
- 13.1.4 The term of office of the Chairperson shall be for four (4) years, where after the Chairperson shall be eligible for re-election. The Chairperson shall be elected at the Annual General Meeting held at the end of the year during which the Rugby World Cup (seniors) takes place.



13.1.5 When a serving Chairperson vacates the office before expiry of his term, on account of resignation, death or whatsoever other reason, the Deputy Chairperson shall act as the Chairperson until such time as the next election in terms of this Constitution takes place.

13.2 DEPUTY AND VICE CHAIRPERSONS

13.2.1 The Deputy and Vice Chairpersons shall be elected by the Council from the chairpersons of the Ordinary Members and the members of the current Executive Committee (excluding the Referee Manager).

13.2.1.1 The Chairman of an Ordinary Member whose term expired prior to elections at the Association's Annual General Meeting in a particular year, may be nominated for election.

13.2.1.2 Such nomination must be approved by the relevant Ordinary Member and submitted by the chairperson of such Ordinary Member.

13.2.2 The terms referred to in 13.1.3 to 13.1.5 applies mutatis mutandis to the Deputy and Vice Chairpersons.

13.2.3 At the expiry of their term of office they may be elected as Chairperson, or re-elected as deputy or vice-chairperson, by the Council.

13.3 ADDITIONAL REPRESENTATIVES

13.3.1 The two (2) Additional Representatives will be nominated by the Council.

13.3.2 At the time of election, the Additional Representative has to be a Chairperson of an Ordinary Member.

13.3.3 When elected the Additional Representative need to resign with immediate effect as chairperson of an Ordinary Member for the term of offices and submit proof thereof within three (3) days of the election, failing which, the position shall become vacant.

13.3.4 The Additional Representatives continues to be a member of the Ordinary Member.

13.3.5 The terms referred to in 13.1.4 to 13.1.5 applies mutatis mutandis to the additional representatives.

14.ORGANISATIONAL COMPOSITION

14.1 In order to achieve the objectives of the Association, the Executive Committee shall adjudicate portfolios to it's Executive Members to oversee the following objectives of the Association:

14.1.1 Appointments and Transformation

14.1.2 Performance Measurement / Selection and Grading

14.1.3 Disciplinary

14.1.4 Performance Enhancement

14.1.5 Society matters



14.2 In doing so, the executive committee shall take into consideration any relevant structures of SARU.

15. MEETINGS

15.1 ANNUAL GENERAL MEETINGS

The powers of the Council are limited to the matters to be conducted at an Annual General Meeting as in 15.1.5 hereunder.

15.1.1 The Annual General Meeting of the Association will take place after the final of the Currie Cup Premier Division on such date, time and place as may be determined at an Executive Committee meeting, on condition that it shall not take place later than 31 December of that year.

15.1.2 The Annual General Meeting shall consist of the members as in 10.

15.1.3 Written notice of the Annual General Meeting shall be sent to all Ordinary Members and all Associate Members of the Association as well as to SARU, at least thirty (30) days before the date fixed for such meeting, setting out the place, the day and the time of the meeting, the business to be transacted thereat and enclosing copies of the minutes of the preceding Annual General Meeting.

15.1.3.1 The notice referred to in this clause may be given personally or by sending it by mail, facsimile, e-mail or other medium to the addressee's last known address. Where a notice is sent by mail, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting same.

15.1.3.2 The term of the notice referred to in this clause shall be exclusive of the day on which the notice is posted, and also exclusive of the day in which the meeting mentioned in the notice is to be held.

15.1.3.3 Notice of any matter or proposal other than an amendment of the constitution, must reach the secretary in writing at least fourteen (14) days prior to the Annual General Meeting. Such notice must be signed by at least the proposer and the seconder.

15.1.4 The unintentional omission to give notice of an Annual General Meeting to, or the non-receipt of such notice by, any Member or Associate Member or person entitled to receive notice shall not invalidate the proceedings at that meeting.

15.1.5 MATTERS FOR CONSIDERATION AT THE ANNUAL GENERAL MEETING

At the Annual General Meeting the following matters shall inter alia be dealt with:

15.1.5.1 Ratification of the minutes of the previous Annual General Meeting and consideration of matters, which arise there from.

15.1.5.2 Consideration and approval of the Chairperson report, with or without amendment and matters which may arise there from.

- 15.1.5.3 To elect a Chairperson of the Association, subject to 13.1, The Chairperson of the Association shall also act as the Chairperson of the Executive Committee;
- 15.1.5.4 To elect a Deputy and a Vice Chairperson of the Association, subject to 13.2;
- 15.1.5.5 To appoint two (2) additional representatives, subject to 13.3;
- 15.1.5.6 To consider and to pass, with or without modification, any matters or resolutions concerning the affairs of the Association.
- 15.1.5.7 To consider and to pass, with or without modification, any resolution adding to, rescinding or amending, any part of the Constitution, of which due and proper notice is given.
- 15.1.5.8 Matters or proposals put forward by any member or proposed for consideration at the Annual General Meeting, after proper notice thereof was submitted to the secretary.
- 15.1.5.9 Ratification of any resolution passed during the year.
- 15.1.5.10 Any matters for which special notice is not needed.
- 15.1.5.11 To ratify the membership of additional representatives to the Council.

15.1.6 PERSONS ENTITLED TO RECEIVE NOTICE AND ATTEND ANNUAL GENERAL MEETING OF THE COUNCIL AND TO VOTE THERE AT

All representatives, as mentioned in 11, shall be entitled to receive notice and to attend and vote at all Annual General Meetings.

15.1.7 QUORUM

- 15.1.7.1 At least 75% of the members eligible to vote and present in person, or by written proxy handed to the Chairperson prior to the commencement of the meeting shall constitute a quorum at an Annual General Meeting.
- 15.1.7.2 An alternate, whilst acting in the place of an Ordinary Member, shall exercise and discharge all duties and functions of the person he/she represents.
- 15.1.7.3 If within thirty (30) minutes from the time appointed for any Annual General Meeting of the Association a quorum is not present the meeting shall be postponed to the same time, on the same day and same place during the following week.
- 15.1.7.4 If there is no quorum within thirty (30) minutes at the start of the postponed meeting, the members present shall constitute a quorum.
- 15.1.7.5 No business shall be transacted at any Annual General Meeting unless a quorum is present.

15.1.8 CHAIRPERSON OF ANNUAL GENERAL MEETING

The Chairperson of the Association, or failing him the Deputy Chairperson, or failing him the Vice Chairperson shall preside as Chairperson at any Annual General Meeting of the Association.

15.1.9 ELECTION

At any Annual General Meeting the election of the persons referred to in 12.2 shall be done by way of ballot and shall require a simple majority of the votes of all persons present and entitled to vote at such meeting. Their appointments shall become effective as from the close of the meeting at which they have been elected.

15.1.10 MOTION PUT TO THE VOTE

Any motion put to the vote at any Annual General Meeting shall be decided on a show of hands unless a secret ballot is demanded, before or on the declaration of the result of the show of hands by the Chairperson of the meeting.

15.2 COUNCIL MEETINGS

15.2.1 Except for the Annual General Meeting, a Council meeting will be held at least once a year, or as and when required by the Executive Committee, at a time, place and venue to be determined by the Executive Committee.

15.2.2 At least seven (7) days written notice of the Council meeting shall be sent to all Ordinary Members.

15.2.3 Any matters pertaining to refereeing in general (day-to-day / operational issues) not covered under the Annual General Meeting shall be discussed.

15.2.4 All voting members in terms of 10.1.1 and 12.2 and present at a Council Meeting will have the right to vote. A decision will be carried in the event of a simple majority of votes of the members present.

15.2.5 Any motion put to the vote at any Council Meeting shall be decided on a show of hands unless a secret ballot is demanded, before or on the declaration of the result of the show of hands by the Chairperson of the meeting.

15.2.6 QUORUM

15.2.6.1 At least 75% of the Members eligible to vote and present in person, or by written proxy handed to the Chairperson prior to the commencement of the meeting shall constitute a quorum at the Council Meeting.

15.2.6.2 An Alternate, whilst acting in the place of an Ordinary Member, shall exercise and discharge all duties and functions of the person he/she represents.

15.2.6.3 No business shall be transacted at any Council Meeting unless a quorum is present.

15.2.7 CHAIRPERSON OF THE COUNCIL MEETING

The Chairperson of the Association, or failing him the Deputy Chairperson, or failing him the Vice Chairperson shall preside as Chairperson at any Council Meeting of the Association.

15.3 EXECUTIVE COMMITTEE MEETINGS

- 15.3.1 The Executive Committee will meet, as and when required, at a time and place to be determined by the Chairperson or Referees Manager. The meeting may also be conducted by means of telephonic or video conferencing facilities.
- 15.3.2 At least seven (7) days' written notice of the Exco meeting shall be sent to all Executive Committee members.
- 15.3.3 Any matters pertaining to refereeing in general shall be discussed at an Executive Committee meeting.
- 15.3.4 All Executive Committee members present at the meeting will have the right to vote.
- 15.3.5 A decision will be carried with a simple majority of votes of the Executive Committee members present.
- 15.3.6 Any motion put to the vote shall be decided on a show of hands unless a secret ballot is demanded, before or on the declaration of the result of the show of hands by the Chairperson of the meeting.
- 15.3.7 QUORUM
- 15.3.7.1 At least four (4) of the Executive Committee Members, present in person, shall constitute a quorum at the Executive Committee meetings.

15.4 MINUTES

The Association shall cause minutes of all meetings to be kept, at the headquarters of SARU.

15.5 INSPECTION

The minutes of proceedings at all meetings and of all other committees of the Association shall at all times be open to inspection, at the headquarters of SARU, by all Members.

16.CONSTITUTION AND AMENDMENTS

- 16.1 This Constitution shall not be amended, rescinded or added to except at an Annual General Meeting and with the prior written approval of SARU.
- 16.2 Notice of the intention to amend, rescind or add to the Constitution must be given, in writing, by the intended mover thereof (which must be an Ordinary Member of the Association, or the Executive Committee), to the Referee Manager not later than twenty (20) calendar days prior to the date fixed for such meeting, and the Association shall give written notice of the intended amendment, rescission or addition to all Ordinary Members and to all the persons entitled to receive notice and to attend such meeting and vote thereat, mentioned in 10, at least ten (10) days prior to the date of the relevant meeting.

- 16.3** Any amendment, rescission or addition to the Constitution, to be effective, shall require the support of at least seventy-five per cent (75%) of all persons present in person or by proxy and entitled to vote at the meeting concerned.
- 16.4** The Constitution and any amendments will be kept at the offices of SARU, where any Members may have access to it.
- 16.5** This Constitution or any amendments thereto has to be certified by the Chairperson in writing.

17.RESOLUTIONS IN WRITING

A resolution in writing, signed by all persons for the time being entitled to receive notice of and to attend and vote at an Annual General Meeting of the Association shall be as valid and effective as if the same had been passed at such Annual General Meeting of the Association duly convened and held.

18.INDEMNITY

- 18.1** The Association shall be indemnified from and against all losses, charges, costs, damages and all and every other expense or liability which it may incur or be put to concerning or about the bona fide execution of the respective duties and actions of and on behalf of the Association by the members of the Council and the members of the Executive Committee, all ad hoc committees and members thereof.
- 18.2** The Association shall be indemnified from all losses, charges, costs, damages and all and every other expense or liability which it may incur or be put to concerning the actions or lack of actions by a Referee or a referee affiliated to an Ordinary Member in the execution of his duties as a referee, including officiating as a referee in a match.

19.INTERPRETATION

- 19.1** The interpretation of this constitution and all rules, regulations and decisions made thereunder is the responsibility of the Executive Committee of the Association whose interpretation shall be final and binding on all Members of the Association.
- 19.2** Should the constitution be translated into one or more other languages, the English version shall prevail in the event of any inconsistency between it and any other version thereof.

20.COMMENCEMENT AND REPEAL OF PREVIOUS CONSTITUTION

The amendments of the constitution shall be considered at the AGM after ratification thereof by SARU, or such later date as may be decided upon.

Approved by the Ordinary Members on this the 16 day of February 2017:

A handwritten signature in black ink, appearing to read "K. Hendriks".

Keith Hendriks

Chairperson: South African Rugby Referees' Association