



MAVUBA FAMILY SOCIETY CONSTITUTION

TO SIGNIFY OUR COMMON PURPOSE TO BRING TOGETHER AND UNITE OUR FAMILIES IN THE EVENT OF JOY AND PAIN, WE ADOPT THE FOLLOWING CONSTITUTION, WHICH SHALL BIND EVERY MEMBER OF THE SOCIETY

PREAMBLE

We, representing the various branches of the Jiyane Family Tree, commit ourselves to work and co-operate towards the achievement of the goals, objectives of our society's constitution and promote unity in the family.

WHEREAS, the prevailing disunity in our family tree has caused hardship during the times of grief. In recognition of the need to promote unity, a commitment to the espoused values of our constitution is necessary.

NOW THEREFORE, we hereby establish a society, which shall be known as the "MAVUBA FAMILY SOCIETY"¹⁾ whose services shall be reserved solely to its members and dependants.

1 DEFINITIONS

"Calendar month" means a period extending from the first to the last day, both days inclusive of any one of the twelve months of the year.

"Chairperson" means the chairperson elected in terms of section 11.

"Executive committee" means the committee elected and constituted in terms of section 16.

"Member" means a person referred to in section 5 and who has been accepted as such to the society.

"Regional coordinator" means the Regional coordinator appointed in terms of section 15.

"Secretary" means the secretary who is elected in terms of section 13 and includes an acting secretary appointed by the chairperson in terms of section 13.1.

"Society" means the MAVUBA FAMILY SOCIETY.

"Treasurer" means the treasurer who has been elected in terms of paragraph 14.

¹⁾ *As approved during the meeting of the 12th April 2015.*

2 GOALS AND OBJECTIVES OF THE SOCIETY

The society shall endeavour at all times to attain the following goals and objectives:

To assist members in the event of death of a member or his/her dependent in proportion to the benefits in terms of section 10. Such assistance may be of monetary value and / or in kind.

- a) To promote the interest of members and the unity of the Jiyane family.
- b) To inculcate a spirit of unity and solidarity among members of the society during an event of joy and grief thereby creating a profound society through programs aimed at promoting the growth and development of the Society.
- c) To foster and encourage a spirit of goodwill among the members of the society.

3 SOCIETY A LEGAL PERSON

The society is a legal person with perpetual succession and has the power to act in its own name as plaintiff and defendant in law, to acquire, to possess, alienate movable, immovable property, to do all acts which may be necessary or incidental to the attainment of its objectives, the performance of its activities, and the exercise of its powers.

4 OFFICES OF THE SOCIETY

The main office of the society shall be based at a place approved by the society.

The main office of the society may have regional offices as determined by the demography of the membership of the society. Such regional offices shall be managed by a Regional Coordinator appointed in terms of section 15.

5 QUALIFICATION OF MEMBERSHIP

5.1 A person may become a member of the society under the following conditions:

- a) If a person makes an application for membership and such application is accepted by the society;
- b) If an applicant has the "Jiyane" surname or such surname as approved by the society, including daughters and if married their husbands;²⁾
- c) If a person upon the acceptance of his/her membership by the society pays a prescribed joining fee and monthly subscriptions;
- d) An applicant must be of age or self-supporting.

5.2 A member may register as many dependents as he/she wishes.

5.3 An applicant shall submit a baptismal certificate or birth certificate before a dependent is registered with the society.

5.4 Notwithstanding the provisions of sub-paragraph 5.3, the Executive Committee may require any other proof of dependency before the registration or acceptance of such dependent.

6 JOINING FEE AND MONTHLY SUBSCRIPTION

6.1 A member shall be liable for a joining fee of R500.00 or such amount as may be determined from time to time by the Society upon the acceptance of his or her membership to the society.

²⁾ As approved by the Annual General Meeting of the Society held on 2nd December 2018.

- 6.2 A member shall pay a monthly subscription of R120.00 from the 1st February 2019³⁾ or such amount as may be determined from time to time by the Society. All contributions paid in this regard shall not be refundable upon termination of such membership.⁴⁾
- 6.3 The subscription fee shall become payable on or before the end of each calendar month but not later than the 10th of the following calendar month.
- 6.4 Any member who loses his/her membership on account of non-payment of the subscription fees and wishes to rejoin the Society, shall pay an application fee of R1000-00 and be eligible for the benefits payable in terms of section 10 after the elapse of a period of six months from the date of the re-application, or alternatively such member may pay the outstanding subscription fees which do not exceed a period of six months in order to qualify for the aforesaid benefits.⁵⁾
- 6.5 Any member who joins the Society after its inception shall qualify for the full benefits in terms of section 10 of the Constitution after a period of six months being a member of the Society or if such a member is prepared, upon joining, to pay the subscription fees for a period of six months in advance.

7 CATERING FEE

A member shall pay a catering fee of R50,00 including a contribution of R50.00 for the Annual General meeting or such amount as may be determined from time to time by the Society in advance of the date of the next meeting.⁶⁾

8 TERMINATION OF MEMBERSHIP

- 8.1 A membership of a member may be terminated on the following conditions:
- a) If a member fails to pay his/her joining fee or the monthly subscription fees and becomes in arrear with his/ her payments for four months. Provided that the Executive Committee shall have the right to decide on the termination of the membership of such member.
 - b) Upon the death of a member in the event the successor in title is unwilling to continue with the membership of the Society:

Provided that the successor in title shall give notice to the Executive Committee within thirty days upon the death of a member of his/her intention to continue with the membership. If the successor in title elects to continue with the membership, he/she shall continue to pay a monthly subscription fee reduced by fifty percent.
 - c) If a member resigns from the Society by giving a thirty (30) days notice.
 - d) If a member acts contrary to any provision of the Constitution and is found guilty by the Executive Committee and is expelled from the Society.

9 ESTABLISHMENT OF A FUND AND PAYMENT OF BENEFITS

- 9.1 A fund known as MAVUBA BURIAL FUND is hereby established.

³⁾ As approved during the AGM held on 2nd December 2018.

⁴⁾ As approved during the 2nd Quarterly Meeting held on the 3rd July 2016.

⁵⁾ As approved during the 1st Quarterly Meeting held on the 6th April 2014.

⁶⁾ As approved during the 3rd Quarterly Meeting held on the 6th October 2014.

- 9.2 All moneys collected or received from members shall be deposited into the fund held in the bank account of the society by the Treasurer.
- 9.3 All payments and withdrawals from the fund shall be authorized by the Chairman and the withdrawal to be signed by the persons with signing authority.
- 9.4 The responsibility for the collection, custody, banking and management of the moneys of the society shall vest in the Treasurer.
- 9.5 The fund shall after six months of the establishment of the society or after the accumulation of enough capital, start paying out the benefits mentioned below.

10 PROCEDURE OF PAYMENT OF BENEFITS

- 10.1 The benefits become payable only in the event of death of a member or his/her dependent registered with the society subject to the provision of section 10.5.
- 10.2 A member or his/her relative shall immediately after the occurrences of death give notice the Executive Committee, who shall make arrangement for the payment of benefits to the bereaved family. **All payments of benefits to be done upon submission of a death notification or death certificate to the Secretary of the Society.**⁷⁾
- 10.3 The Executive Committee shall have a right to determine an amount of benefit payable to a member who may have been in arrears with the payment of the monthly subscription fees for a period not longer than two (2) calendar months but below three (3) months.
- 10.4 The benefits payable to a member or dependent upon death are as follows:-
 - a) R8 000.00 - to a member or his/her spouse
 - b) R4 000.00 - to a dependent of a member registered with the society.
- 10.5 The amounts mentioned in sub- paragraph 4 shall be reviewed from time to time by the Executive Committee who may recommend an amendment of the benefits to the society.

11 CHAIRPERSON AND VICE-CHAIRPERSON

- 11.1 The members of the Society shall, at its first meeting and whenever necessary, elect a Chairperson and a Vice-Chairperson from amongst its members, and each shall occupy office for a period of three (3) years provided that the Society may, in the absence of the Chairperson or Vice-Chairperson, appoint another person to act in his/her place.
- 11.2 The outgoing Chairperson and Vice-Chairperson shall be eligible for re-election.
- 11.3 If the office of Chairperson or Vice-chairperson becomes vacant, the provisions of sub-paragraph (1) shall mutatis mutandis be applicable to the filling of such vacancy.

The person elected in terms of sub-paragraph (a) shall occupy his/her office for the unexpired period of his/her predecessor's term of office.

⁷⁾ *Amendment comes into effect with retrospective application as approved during the 2nd Quarterly meeting of the Society held 3rd July 2016.*

12 POWERS, PRIVILEGES AND FUNCTIONS OF CHAIRPERSON

- 12.1 The Chairperson shall preside at all meetings of the society.
- 12.2 If, for any reason the chairperson is unable to perform his/her functions, the vice-chairperson shall act in his/her stead.

13 SECRETARY AND VICE-SECRETARY

- 13.1 The Secretary of the society shall be elected in the same way as provided in paragraph 11.1: Provided that the Chairperson may appoint another person in the absence of the secretary or vice-secretary to act in his/her place.
- 13.2 The secretary shall act as electoral officer at all meetings of the society.
- 13.3 The Secretary shall be responsible for all administrative matters of the society including the taking of minutes of the meetings.
- 13.4 The Secretary shall attend all meetings of the society and may participate in the discussions but shall not vote.
- 13.5 The provisions of sub-paragraph 11.1 and 11.2 shall be applicable to the position of the Secretary as well.
- 13.6 The Secretary shall be responsible for all secretarial duties resulting from the activities of the society and in particular for the following:
 - a) The execution of the orders and decisions of the Executive Committee.
 - b) The keeping of a register of members.
 - c) The keeping of files, books and documents relevant to the activities of the society.
 - d) The taking of minutes during meetings.

14 THE TREASURER

- 14.1 The Treasurer of the society shall be elected in the same way as prescribed in paragraph 11.1 *supra*.
- 14.2 The outgoing Treasurer shall be eligible for re-election.
- 14.3
 - a) If the office of the Treasurer becomes vacant the provisions of sub-paragraph 14.1 shall *mutatis mutandis* be applicable to the filling of such vacancy.
 - b) The person elected in terms of sub-paragraph (a) shall occupy his/her office for the unexpired period of his/her predecessor's term of office.
- 14.4 The Treasurer shall keep a record of every money or property of the society.
- 14.5 Any payment from the moneys of the society shall be authorized by the chairperson: Provided that cheques drawn on the society's account shall be signed by two members of the Executive committee - designated by the Executive Committee for that purpose, or by the Treasurer and Secretary. The Executive Committee may designate an alternative member(s) for that purpose.
- 14.6 An account in respect of the Society's moneys shall as soon as practicable be opened by the Treasurer at any bank with the approval of the Executive Committee.
- 14.7 The Treasurer shall deposit all money collected or received from members into the bank account of the society within seven days from the date of receipt.

- 14.8 The Treasurer shall as soon as practicable after the end of each month, cause statements to be available to the Executive committee showing the receipt into and payments from the bank account of the society during the period from the first day of the relative month to the end of that month as well as the balance in the account as the beginning and at the end of such period.
- 14.9 The Treasurer shall as soon as possible, but not later than four (4) months after twelve (12) months, prepare and submit to the meeting of the society for examination, a financial statement in respect of such year showing the receipts into and payments from the bank account of the society during the period from the first month of the relative year to the end of that year as well as the balance in the account at the beginning and at the end of such period.

15 REGIONAL COORDINATOR

- 15.1 The Executive Committee shall, whenever is necessary, appoint Regional coordinator in respect of each region, who has been nominated by members of the society for a period of three (3) years. **The Regional Coordinators shall be *ex officio* members of the Executive Committee of the Mavuba Family Society and invited to its meetings upon invitation.**⁸⁾
- 15.2 a) If the position of a regional coordinator becomes vacant, the provisions of sub-paragraph 15.1 shall *mutatis mutandis* be applicable to the filling of such a vacancy.
b) The person appointed in terms of sub-paragraph a) shall occupy such office for the unexpired period of the predecessor's term of office.
- 15.3 The Regional Coordinator shall act as a liaison between the main office and the relevant region.
- 15.4 The Regional Coordinator or his/her delegate shall represent the society in his/her region and shall be responsible for the distribution of the assistance given by the society to its members in the relevant region.
- 15.5 The Executive Committee may task the Regional Coordinator with any assignment it deems fit.

16 EXECUTIVE COMMITTEE

- 16.1 The members of the society may at its meeting elect additional members to serve in the executive committee for a period of three (3) years.
- 16.2 If for any reason a vacancy occurs, the provisions of sub-paragraph 16.1 shall be applicable.
- 16.3 The members of the society shall have a right to elect any person to fill the vacancy for the unexpired period of the predecessor's term of office.
- 16.4 The Executive committee shall consist of the following persons:

⁸⁾ As approved during the 2nd Quarterly Meeting of the Society on the 3rd July 2016.

- a) Chairperson
- b) Vice-Chairperson
- c) Secretary

- d) Vice-Secretary
- e) Treasurer
- f) **(The Regional Coordinators shall be *ex officio* members of the Executive Committee with no voting powers.)**⁹⁾ The additional members elected by members in terms of sub-paragraph 16.1.

16.5 Any member of the Executive Committee may be removed from office by a resolution of at least seventy five percent (75%) of the members present at a meeting of the society on account of misconduct or incapacity to carry out his/her duties or any other reason the Society deems adequate.

16.6 The Executive Committee shall have a power to:

- a) Appropriate the funds of the society to realize the objects of the Society.
- b) Appropriate the funds of the society for such expenses as may be necessary and reasonable for the effective control and administration of the society.
- c) Appropriate the funds of the society for the making of a contribution or incurring of expenses in respect of any matter, which in the opinion of the Executive Committee, is deserving.
- d) Pay reasonable compensation for transport and subsistence expenses, not exceeding such amount as may from time to time be determined by the society, to a member of the society for any journey, which on the instructions of the Executive Committee such member of the society undertakes on behalf of the society.
- e) Purchase or hire movable or immovable property, which will be used to promote the objects of the Society.
- f) **Take disciplinary measures against any member of the Mavuba Family Society, including expulsion of such member from the Society. The Executive Committee in exercising this power shall follow the due process of the natural principles of justice.**¹⁰⁾

17 MEETINGS

17.1 Fifty percent (50%) of the member of the Executive Committee shall constitute quorum for a meeting of the Executive Committee.

17.2 The Secretary of the society shall give each Executive Committee member written notice, at least ten (10) days prior to the date for which the meeting and the time and place of such meeting, such notice shall be accompanied by a copy of the minutes of any previous meeting.

17.3 The presence of at least half of all the members of the society other than the Chairperson or other presiding member shall be necessary to constitute a meeting of the Society.

17.4 All questions before the meeting shall be by a majority of votes cast.

17.5 Members of the society shall honour the times of the meeting and no person shall be absent from a meeting without any valid excuse furnished to the Chairperson.

⁹⁾ As approved during the 2nd Quarterly Meeting held on the 3rd July 2016.

¹⁰⁾ As approved during the 2nd Quarterly Meeting held on the 3rd July 2016.

18 ANNUAL GENERAL MEETING

- 18.1 The financial year of the society shall run from 1st January to 31 December of each year.
- 18.2 The annual general meeting of the members shall be held each year at a place, time and on a date fixed by the Chairperson.
- 18.3 The notice convening the annual general meeting shall, together with the agenda, be transmitted to all members at least 30 days before the date of the meeting.
- 18.4 The non-receipt of a notice by members shall not invalidate the proceedings of an annual general meeting.

19 VOTING

- 19.1 Unless otherwise provided, all matters shall be decided by a simple majority of all members present.
- 19.2 The Chairperson shall have an ordinary and a casting vote: Provided that he shall not have a casting vote in the case of a secret vote.
- 19.3 The ruling of the Chairperson on any point of order or procedure shall be binding unless immediately challenged by a member, in which event such ruling shall be submitted without discussion to the meeting and in such event the ruling of the meeting shall be final.

20 ELECTION

- 20.1 The Chairperson of the society shall determine the date on which a meeting of the society takes place for the election of the Executive Committee: Provided that such meeting shall be held within thirty (30) days before the office of the Executive Committee becomes vacant by effusion of time.
- 20.2 The Secretary to the society shall give notice to every member of the society, at least two (2) months prior to the expiry of the Executive Committee's term of office, of the date, venue and time of the meeting contemplated in sub-paragraph (1).
- 20.3 The Chairperson shall announce the names of persons elected to the office of the Executive Committee immediately after such election.

21 DRAFTING, AMENDMENT OR REPEAL OF THE CONSTITUTION

No motion to draft, amend or repeal of constitution shall be of force and effect unless adopted by at least seventy five percent (75%) of the members present.

22 LOCUS STANDI

The Society shall have a right to sue and be sued in the name of the Chairperson of the society. The society may institute legal action against any member who acts contrary to the constitution.