

METRO SCHOOLS CHESS: CONSTITUTION

1. NAME

1.1. The name of the Association is and shall be: Metro Schools Chess

1.2. The abbreviated name of the Association is and shall be: MSC

2. STATUS

2.1. MSC is a voluntary association of members joined together in the pursuit of its main objects as described herein.

2.2. MSC is a separate juristic entity capable of suing and being sued in its own right and name and shall have existence independent of its members and office bearers with perpetual succession and with the capacity to acquire rights and incur obligations and hold assets in its own name and distinct from that of its members.

3. INTERPRETATION

3.1. In this Constitution, unless the context requires otherwise, the following words shall have the following meanings:

3.1.1. Chess:

The game or sport of chess, whether played in the presence of the opponent or by way of correspondence or by means of the Internet or computer software programs or otherwise.

3.1.2. Chess Federation:

A regional chess body established in a province or part of a province for the purpose of organising and co-ordinating chess activities in that region.

3.1.3. FIDE:

The World Chess Federation known as Fédération Internationale des Échecs, being the supreme controlling body of chess at global and continental levels.

3.1.4. Provincial Chess Body:

A body consisting of more than one chess Federation within a Province associated with each other for the special and specific purpose of liaison and communication with the sporting codes of that Province and the Department of Sport for that Province (DCAS).

3.1.5. SASCOC:

The South African Sports Confederation and Olympic Committee, being the controlling body for high performance sport in South Africa.

3.1.6. South Africa:

The Republic of South Africa unless otherwise stated and the abbreviations "SA" and "RSA" shall have the same meaning.



3.1.7. Provincial:

The demarcation as explained by the demarcation board according to the nine provinces of our country.

3.1.8. Region:

Sports regions as determined by the DCAS, namely Cape Winelands, Overberg, Metro, West Coast, Eden and Central Karoo

3.1.9. District:

Educational units as described by the education department noting that we have FOUR districts: Metro North, Metro South, Metro East, Metro Central.

3.1.10. Circuit:

Smallest unit as described by the educational department.

3.2. Unless the context otherwise requires, any words importing the singular number only shall include the plural number and *vice versa*, and words importing any one gender shall include the other gender.

4. MAIN BUSINESS

4.1. The main business of MSC is to act as the controlling body of Schools Chess in Cape Metro.

4.2. MSC holds membership of Western Cape Schools Chess WCSC as the controlling body for schools chess in Western Cape and shall control and enforce the playing rules of FIDE for schools chess in Western Cape.

4.3. No member shall establish or maintain contact with FIDE or any other international chess body without the knowledge and approval of MSC, WCSC, SASC and CHESSA.

4.4. MSC shall maintain membership of WCSC and any other bodies established by Government or sporting codes to govern sport in South Africa.

5. MAIN OBJECTS

The main objects of MSC shall be:

5.1. To coordinate, administer and promote chess as a sport, recreational and educational activity in Western Province schools and foster a spirit of healthy competition among players of all races, gender, ages and special needs.

5.2. To coordinate, administer and promote chess in a non-discriminatory and democratic way, providing equal rights and opportunities to all chess players, administrators, managers, arbiters, coaches and tournament directors within schools throughout the Western Province.

5.3. To represent its members and to promote and advance the interests of its members.

5.4. To create, build and maintain communities of chess players throughout the Western Province and to encourage the active involvement of volunteers in the administration and management of chess in schools.

5.5. To cooperate with other chess organisations, on a local, regional, provincial, national and international level.

5.6. To increase the number of chess playing schools and individuals particularly among schools within previously disadvantaged communities.

5.7. To encourage the appointment of coaches in schools and on private and public levels in South Africa.

5.8. To assist teachers to become knowledgeable and involve at all levels with the organisation and administration of chess.

5.9. To select players to represent Western Province in national school competition and decide upon the nature, award and protection of Regional and other colours.

5.10. To develop Western Province Schools as the foremost schools chess-playing community in South Africa.

5.11. To organise or facilitate Regional schools championships for school going juniors;

5.12. To establish and maintain, to develop a Regional database of schools chess in the Western Province and to have records of all schools chess.

5.13. To actively market the sport of chess in the Western Province and to increase the awareness of the public of chess as a social, recreational and educational activity.

5.14. To further chess education and development initiatives in schools in the Western Province.

5.15. To hear and decide appeals against the decisions of its members and to resolve disputes between any-one involved in schools chess in the Western Province.

6. MEMBERSHIP

6.1. Membership of MSC shall consist of and be limited to all schools chess players/learners according to their Educational Districts.

7. REGISTRATION OF PLAYERS

7.1 Schools will pay an annual registration fee.

7.2 Learners will complete a registration form when entering for a tournament. No fee for learner registration. Learners will only pay a nominal tournament fee.

8. FUNCTIONS AND POWERS OF THE REGIONAL COMMITTEE

8.1. Subject to the express provisions of this Constitution and its policy, rules and procedures in force from time to time, the Regional Committee shall have full powers in the management and direction of the business affairs of MSC and, save as may be expressly provided in this Constitution, may exercise all such powers of MSC and do all such acts on behalf of MSC, as may be exercised and done by MSC itself.

8.2. Without limiting the generality of the above, the Regional Committee shall have the following specific functions and powers:

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8.2.1. To determine the policy of MSC for the execution of which the Regional committee shall be responsible;

8.2.2. To fix conditions and fees for membership of MSC ;

8.2.3. To consider and approve or reject applications for membership of MSC and to deal with the conduct of members at all levels, including expulsion from membership;

8.3. Without limiting the generality of the above, the Regional Committee is empowered on behalf of MSC :

8.3.1. To purchase, lease, exchange, hire or otherwise acquire any movable and/or immovable property, which may be deemed necessary or convenient for any of the purposes of MSC ;

8.3.2. To improve, manage, develop, exchange, let or lease, mortgage, sell, dispose of, or otherwise deal with all or any part of the property and rights of MSC ;

8.3.3. To borrow or raise money in such manner as MSC shall deem fit and in particular to secure the repayment of any money so borrowed, by means of pledge, charge or lien upon the whole or any part of MSC 's property or assets;

8.3.4. To operate banking accounts and to draw, accept, endorse and discount cheques, do electronic payments as well as other negotiable documents and/or instruments;

8.3.5. To enter into any arrangements with any State Authority or other Authority or any corporation, company, society, organisation, entity or person that may be conducive to the objects of MSC;

8.3.6. To pay all or any expenses incurred in connection with the promotion and functioning of MSC;

8.3.7. To promote any other trust, company or concern, for the purpose of acquiring all or any of the property and/or undertaking any of the liabilities of MSC;

8.3.8. To associate with any other foundation, institution, society or trust having the same or similar objects to those of MSC ;

8.3.9. To purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the associations, institutions, societies, or trusts with which MSC is authorised to amalgamate;

8.3.10. To ensure and protect the interests and property of MSC and by obtaining the necessary insurance policies from a registered insurance company;

8.4. Notwithstanding anything herein contained, it is recorded that:

8.4.1. MSC's income and property are not distributable to its regional schools chess body members or office bearers. Refer to paragraph 12.1.

8.4.2. Regional chess body members or office bearers have no rights in the property or other assets of MSC solely by virtue of their being members or office bearers;

8.4.3. MSC is a non-profit organisation and will not carry on any business, undertaking or trading activity, save to the extent permitted in terms of section 30 of the Income Tax Act, 1962;

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8.4.4. MSC shall not have any authority to contract on behalf of any regional schools chess body member or to bind the credit of any regional schools chess body member;

8.4.5. MSC's financial transactions shall be conducted by means of a banking account or banking accounts opened and maintained at the direction of the Regional Committee.

9. MEETINGS

9.1. Ordinary meetings

The Regional Committee shall hold at least two ordinary meetings in each calendar year.

9.1.1. The first ordinary meeting of each year shall be held by no later than 30 April of that year.

9.2. Special meetings

9.2.1. A special meeting of the Regional Committee shall be held when requested by:

9.2.2. The reasons for the special meeting shall accompany the request.

9.3. The Regional committee shall fix the dates and venues of meetings of the Regional Committee.

9.4. Except when the Regional Committee decides otherwise, as in the case of motions to amend the Constitution whereby a two-thirds majority is required, a simply majority vote shall be adequate to carry a motion.

9.5. Quorum at meetings of the Regional Committee

A meeting of the Regional Committee shall be quorate if:

9.5.1. at least one-half of the executive committee members are present; or

9.5.2. if a meeting of the Regional Committee of which proper notice has been given is inquorate, the meeting may still be held, but all decisions taken at such inquorate meeting shall require confirmation according to the procedure set out in Article 9.7 below.

9.6. Voting on the Regional Committee

Executive members have equal voting powers.

9.7. Confirmation of decisions at inquorate meeting

Motions passed at an inquorate meeting of the Regional Committee shall require confirmation by the procedure set out below:

9.7.1. The General Secretary shall notify every absentee executive committee member of the motions, which were provisionally adopted at the meeting, and the name of the proposer and seconder of each such motion. These notifications shall be despatched within ten 10 working days of the meeting.

9.7.2. Each executive committee member thus notified shall, for each of the motions concerned record either an abstention or a vote for or against the motion. The absentee Regional schools chess

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member shall return his record of his voting to the General Secretary within 14 days of receiving the notification.

9.7.3. A motion shall be confirmed if the total number of votes cast in favour of it at the meeting, together with those cast in terms of the above procedure, is at least one-half of the total votes plus one, of the available votes of the Regional Committee at the time of the meeting.

10. General:

10.1 Attendance of meetings

If an elected member failed to attend 3 meetings in a row without apologies, that member will receive a letter of ending of duties from the Chairperson or Vice Chairperson if that member is the Chairperson without warning.

If an elected member failed to attend 3 meetings in a row with apologies, that member will be contacted by the Chairperson or Vice Chairperson if that member is the Chairperson to confirm that member's availability for the position.

10.2 Duties during tournaments

If an elected member failed to fulfil his/her duties at 2 tournaments in a row without apologies, that member will receive a letter of ending of duties from the Chairperson or Vice Chairperson if that member is the Chairperson without warning.

If an elected member failed to fulfil his/her duties at 2 tournaments with apologies, that member will be contacted by the Chairperson or Vice Chairperson if that member is the Chairperson to confirm that member's availability for the position.

11. THE REGIONAL COMMITTEE

11.1. Powers

11.1.1. The administrative functions of MSC shall be the responsibility of the Regional committee. In addition, the Regional committee shall deal with any matters referred to it by the Regional Committee and shall report to the Regional Committee;

11.1.2. The Regional committee shall decide on the executive structures and administrative procedures of MSC as may be required from time to time.

11.1.3. The Regional committee controls and oversees the work of its own management committee, as well as the work of all commissions and technical committees and has to ratify all their decisions of a major nature.

11.1.4. The Regional committee shall have the power to co-opt additional members for short-term and project-orientated appointments to the Regional committee.



11.2. Composition

The Regional committee shall be composed of the following portfolios

1	Chairperson
2	Secretary
3	Ass Secretary
4	Deputy Chairperson
6	Primary School Coordinator
7	High School Coordinator
8	Treasurer
10	Technical Coordinator
11	Caoches Coordinator
12	LSEN & Disibility coordinator
13	Event & Project Coordinator
14	Ex Officio Chess WP

11.3. District representation: each district should have at least one representative on the Regional Committee.

11.4. Vacancies

11.4.1. If the position of Chairperson is vacated, the first Vice-Chairperson shall vacate his position and become acting Chairperson of MSC until the next meeting of the Regional Committee.

11.4.2. A vacant position on the Regional committee, other than the Chairperson, shall be filled by the Regional committee either from amongst its other members or by appointment of a person not then on the Board.

11.4.3. If the Regional Committee does not ratify the appointments by the Regional committee, it shall make an appointment to the vacant positions, this being approved by a simple majority of those present.

11.4.4. An acting Chairperson of MSC, if ratified by the Regional Committee shall be given the title of Chairperson of MSC.

12 REMUNERATION

12.1 Members of the Regional committee shall be entitled to be repaid all reasonable and *bona fide* expenses incurred by them respectively in or about the performance of their duties but, save as aforesaid, shall not be entitled to any other remuneration, fees or salary in respect of the performance of such duties. An adjustable flat fee petrol allowance paid as an honorarium.

13 ELECTION OF THE REGIONAL COMMITTEE

13.1.1 All the positions shall be filled through election by the Regional Committee.

13.1.2 Regional Committee will hold office for FOUR years.

13.2 Notices

A handwritten signature in a cursive style, followed by the initials 'MA' written below it.

No less than 30 days before the election date, the General Secretary shall send by certified or electronic mail, a notice to every regional schools chess member:

- (a) informing it that the elections for the Regional committee are to take place at the next meeting of the Regional Committee and of the date and place of this meeting;
- (b) calling for nominations for each position on the Regional committee to be filled by election;

13.3 Nominations and Voting

13.3.1 Nominations for each position on the Regional committee to be filled by election shall be made individually, provided that a person can be nominated for more than one position.

13.3.2 The closing date for such nominations shall be set by the Regional committee.

13.3.3 Any members of an officially elected District Schools Chess Committee may be nominated, committees must be able to present proof of election/ acceptance by Regional School Sport Body.

13.3.4 At least 3 members of all District Schools Chess Committees must be available to vote.

13.3.5 Final vote strength can be confirmed at the meeting depending on attendance.

13.3.6 Each district must determine their voting representatives.

13.3.7 In order to be accepted as a valid nomination, each nomination shall:

- (a) be signed by the nominator who is a member of a regional schools chess executive;
- (b) be signed by a seconder who is a member of a different regional schools chess executive;
- (c) be accompanied by a signed acceptance of the nominee;
- (d) reach the General Secretary by no later than the closing date for nominations.

13.4 Election procedure

The election shall take place according to the following procedure:

13.4.1 All voting shall be by show of hands except that upon the request of any person entitled to vote, the voting shall be by secret ballot.

13.4.2 The voting shall commence with the position of Chairperson and shall proceed thereafter in the order set out above.

13.4.3 The nominee who is successful by commanding a majority vote shall be appointed to the position.

13.4.4 The unsuccessful nominee shall not be passed to other positions unless he was properly nominated for those positions.

13.4.5 Election will be by a simple majority of those voting.

13.4.6 In the event of a tie, further ballots will be held with only the tied candidates until a clear outcome is obtained.



13.4.7 If the outcome remains tied, a casting vote will be offered to the existing Chairperson.

13.4.8 If the Chairperson declines to cast a vote, it will be offered to the other existing members of the Regional committee in the order set out above. If this procedure still fails to resolve the tie, then the representatives of chess members who are present will be offered the casting vote in alphabetical order of their surnames.

13.4.9 Once the new Regional committee has been elected, the new Chairperson shall chair the meeting.

14 CHESS DEVELOPMENT

14.1 Development is an integral part of schools chess aims and part of year program. No specific funding for development are received on a continuous basis.

14.2 All development activities are planned by the MSC EXCO and executed by the event coordinators according to availability of funds in the MSC account.

14.3 Activities include:

- Chess teacher training
- Development tournaments for specific chess players groups
- Purchase of equipment for the Metro Districts for tournament purposes
- Purchase of equipment for schools – according to needs and financial criteria
- Next level participation

15 SELECTION

15.1 It is the ultimate responsibility and prerogative of MSC to approve the selection of Regional teams and individuals representing Metro Schools Chess only.

15.2 For the aforesaid purpose, the MSC shall appoint individuals as members of the Regional Selection Committee and further sub-committees for the selection of players, as well as managers and coaches for national team events, and shall approve and publish the selection criteria in force from time to time.

15.3 The responsibility for selection may be delegated to the appropriate commission with the express understanding that the Regional Committee of MSC subject to ratification by the Regional Selection Committee appoints selections by such commissions.

15.4 Insofar as it is within the control of MSC, no member of a Western Province Schools team shall be denied the opportunity to represent the Western Province because of an inability to afford the full cost involved.

16 RULES, PROCEDURES AND PROTOCOLS

16.1 The Regional committee shall formulate and publish the rules and procedures in force from time to time in accordance with which the affairs of MSC will be conducted. A copy of the rules and procedures in force at any time shall be kept by the General Secretary and made available, upon request, to any chess [union] Federation or regional or Regional chess body member or player or other individual registered with CHESSA.

16.2 The rules and procedures shall include, but not be limited to, the following:

16.2.1 MSC's selection criteria;

16.2.2 the MSC code of conduct for office bearers including a disciplinary procedure;

16.2.3 the MSC code of conduct for players and other registered individuals including a disciplinary procedure;

16.2.4 the MSC grievance procedure.

16.3 Substitution and amendment of the rules and procedures will be effected by the Regional committee upon approval by a two-thirds majority of the members of the Regional committee.

17 FINANCE

17.1 The financial year-end of MSC is the last day of December in each year.

17.2 The Treasurer shall give a financial feedback report at every MSC executive meeting.

17.3 The Regional committee shall be responsible for monitoring the accounts of tournaments organised by member bodies. This shall not imply any restriction in the right of such bodies to control their own affairs or the affairs of their member bodies.

17.4 Signing rights will be issued to the Chairperson, Treasurer and General Secretary

17.5 All income and expenses must have receipts.

17.6 All expenses above R1500 must be approved by the Regional committee. If not approved at a meeting, written approval must be issued by the members.

18 DISPUTE RESOLUTION

18.1 Any dispute arising out of, or in connection with, the enforceability of the Constitution, or the application and interpretation of the provisions thereof, or any dispute involving members of MSC and registered players or other individuals including disputes with MSC itself, shall be dealt with in terms of the grievance procedure of MSC as amended from time to time.

18.2 Should the above procedure fail to lead to an acceptable resolution, the matter shall be referred to the Arbitration Foundation of South Africa AFSA for mediation or expedited arbitration in terms of the rules and procedures for the resolution of disputes in sport, prevailing at the time when such dispute is so referred.

18.3 In the event of such arbitration, the decision on arbitration shall be final and binding on the parties to the dispute.

18.4 In recognition of the desire to resolve all disputes in the sporting fraternity as amicably and effectively as possible, it is required of all existing and future members of MSC to incorporate in their constitutions and to include in any agreements they may enter into a dispute resolution clause in terms substantially the same as the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided for.

19 CHANGE OF CONSTITUTION

19.1 An amendment to the Constitution shall be approved at an ordinary or special meeting of the Regional Committee by at least two-thirds of the total number of votes available to all chess Federation members at the time of the meeting.



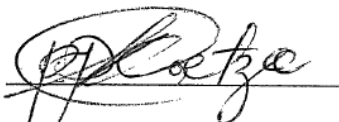
19.2 A motion for an amendment to the Constitution shall be circulated to all members of the Regional Committee at least 21 days before the meeting of the Regional Committee at which it is to be proposed.

19.3 A motion for amendment to the Constitution shall be accepted without change or rejected.

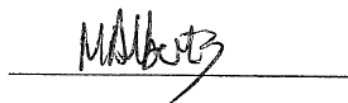
20 DISSOLUTION OF MSC

Dissolution will take place on request by Western Cape Schools Chess.

Amendment date: 8 November 2019



CHAIRPERSON



GENERAL SECRETARY

