



## **social development**

Department:  
Social Development  
REPUBLIC OF SOUTH AFRICA

Private Bag X901, Pretoria, 0001, 134 Pretorius Street, HSRC Building, Pretoria  
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# **CONSTITUTION EXAMPLE**

## **1. NAME**

**1.1** The name of this Organisation shall be ?????????????????????? (hereinafter referred to as the Organisation / NPO).

The acknowledged abbreviation shall be.??????????

## **2. VISION**

**2.1** The ??.

## **3. AIMS AND OBJECTIVES**

**3.1** In the pursuance of this purpose the NPO may adopt such methods and perform such acts as it shall consider fit, inclusive particularly of all or any of the following –

**3.1.1** Organizing or otherwise assisting in the organization??

**3.1.2** To stimulate co-operation, free from any aesthetic, political or other bias????????????????????????????

**3.1.3** To improve the position of ????????????????????? and to defend their rights.

**3.1.4** To render assistance to ????????????????????? institutions in and out of the community, when and wherever possible.

**3.1.5** To participate in the organization and administration of events pertaining to the ??????????.

**3.1.6** The Committee may arrange functions promoting the NPO's objectives.

## **4. HEAD OFFICE AND AREA OF OPERATION**

**4.1** The Head Office of the NPO shall be at such place as may be decided upon by its members from time to time.

**4.2** The main area of operation of the NPO shall be the Republic of South Africa

## **5. LEGAL STATUS**

**5.1** The NPO may be sued in its name. It shall be represented in any legal proceedings by any person or persons appointed for the purpose by the Executive Committee.

**5.2** The NPO shall have an identity and exist distinct from its members or office bearers.

**5.3** The NPO shall continue to exist notwithstanding changes in the composition of its membership or office bearers.

**5.4** The NPO will be able to own property and assets and will keep records of all assets.

**5.5** Members or office bearers shall have no rights in the property or other assets of the



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NPO solely by virtue of them being members or office bearers.

**5.6** The NPO's income and property shall not be distributable to its members or office bearers except as reasonable compensation for services rendered.

**5.7** The NPO will keep records of all income and expenditure.

## **6. MEMBERSHIP**

**6.1** Membership of the NPO shall be unequivocally open to all who share a common interest in the ??????????, who subscribe to the aims and objectives as defined in the Constitution and pay the prescribed fees. ????????????????????

### **6.2 Application and Cancellation**

**6.2.1** Application for membership shall be made according to the requirements of the NPO.

**6.2.2** Discretion to accept or reject any such application is vested in the Committee of the NPO.

**6.2.3** The Committee concerned may cancel such membership, subject to appeal to a General Meeting of the NPO whose decision shall be final.

### **6.3 Categories of Membership**

**6.3.1** Categories of membership as well as the subscriptions to be paid shall be determined by the NPO.

**6.3.2** Ordinary Member

**6.3.3** Affiliated Member

**6.3.4** Pensioner & Student ????????????????????

**6.3.5** Scholars ????????????????????

**6.3.6** Honorary Members and Patrons ????????????????????

### **6.4 Membership Fees**

**6.4.1** The annual subscription fees for each category of membership shall be determined by the Committee and approved by the NPO before such subscription becomes effective.

**6.4.2** Membership fees are not refundable.

**6.4.3** Failure to renew membership within 2 months from date of Annual General Meeting will result in membership automatically being cancelled..

**6.4.4** Subscription shall fall due on ??????????of each year. Members joining during the year (after the 1st quarter) will be subject to paying a pro-rata fee to be determined by the Committee.

## **7. VOTING RIGHTS**

**7.1** All members in good standing shall be entitled to one vote at the Annual General



Meeting.

- 7.2** An affiliated member in good standing shall be entitled to one vote at the Annual General Meeting.
- 7.3** Proxies shall be allowed provided the proxy form is submitted to the Committee 48 hrs prior to the Annual General Meeting.

## **8. ADMINISTRATION AND COMMITTEE**

- 8.1** The Committee shall consist of – the Chairperson, Deputy Chairperson, Treasurer, Secretary and Deputy Secretary.??
- 8.1.1.** In the absence of the Chairperson, the Deputy Chairperson shall preside over all General and Committee Meetings of the NPO.
- 8.1.2.** The Committee shall have the power to co-opt members and to appoint sub-committees as may be considered desirable and/or delegate particular duties to such sub-committees.
- 8.1.3.** Minutes will be kept of every meeting to record the Committees' decisions. The minutes of each meeting will be given to Committee Members prior to the next meeting. The minutes shall be confirmed as a true record of the proceedings and shall therefore be signed by the Chairperson.

### **8.2 Eligibility**

- 8.2.1** Any member in good standing of the NPO shall be eligible for election to any of the offices of the Committee.

### **8.3 Nominations**

- 8.3.1** Nominations for the posts of the office bearers of the NPO shall be in writing and shall be accompanied by the written consent of the candidate.
- 8.3.2** Nominations shall be received not later than 60 (sixty) days prior to the date of the election.

### **8.4 Elections**

- 8.4.1** Election shall be by ballot paper by all members in good standing.
- 8.4.2** A candidate with the most number of votes cast shall be elected. In the event of a draw a re-vote is required.
- 8.4.3** The result of the election shall be disclosed at the Annual General Meeting.

### **8.5 Co-option**

- 8.5.1** The Committee may co-opt a maximum of 2 (two) additional members to assist it in the efficient running of the affairs of the NPO.

### **8.6 Term of office**



**8.6.1** The term of office for elected members of the Committee shall be for 2 (two) years.

**8.6.2** Out going members shall be eligible for re-election. ??????????????????????

### **8.7 Resignation and filling of vacancies**

**8.7.1** Members of the Committee shall notify the Chairperson in writing 2 (two) months in advance of their intention to resign.

**8.7.2** Should the chairperson resign, the Committee, in consultation, shall have the power to nominate an acting Chairperson until such time as an election can be arranged.

**8.7.3** Vacancies that may occur in the Committee during a term of office, may be filled by means of co-option until the next Annual General Meeting when that meeting may resolve on the appointment of the office bearers concerned.

### **8.8 Removal from Office**

A Committee member may be removed from office for any one or more of the following reasons –

**8.8.1** Absence without adequate reason from 3 (three) consecutive meetings of the Committee.

**8.8.2** As result of negligence or serious breach of duty.

**8.8.3** As a result of the findings of a disciplinary committee that has been especially appointed.

### **8.9 Duties and Powers**

**8.9.1** The officers of the NPO individually and collectively shall perform such duties as are normally expected of the different offices, and such other duties as may from time to time be agreed on by the Committee.

**8.9.2** The Chairperson or, in his absence, the Deputy Chairperson shall preside at all General and Committee meetings of the NPO.

**8.9.3** The Committee shall be empowered to draft and amend Standing Rules and Bylaws and formulate the activities of the NPO, provided that such Standing Rules and Bylaws will lapse if not ratified at the following Annual General Meeting, and the activities are not inconsistent with the Constitution.

**8.9.4** The Committee shall be empowered to appoint Standing and Special Committees and to define their duties in the Standing Rules.

**8.9.5** The Committee shall be empowered to engage and dismiss from time to time an Office Bearer and other such officials as in its opinion may be required and to determine their status and duties.

## **9. MEETINGS AND QUORUMS**

**9.1** Annual General Meeting shall be held.

**9.2** The Annual General Meeting of the NPO shall be held each year within 6 (six)



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months of the end of the financial year.

- 9.3** The Executive officer shall forward to each member in good standing written notice and the agenda of the Annual General Meeting at least 60 (sixty) days prior to the date of the meeting.
- 9.4 Any member wishing to place any item on the agenda, shall forward the proposed resolution, together with any supporting documents to the Chairperson at least 30 (thirty) days prior to the date of the meeting.
- 9.5 The Committee shall present to the Annual General Meeting a full report of the transactions of the NPO, and the Treasurer shall present the audited financial report of the Association.
- 9.6 The Executive shall meet once a month at a date to be defined by the Committee.

### **9.1 QUORUMS AT MEETINGS**

- 9.1.1** A quorum at General Meetings shall be a minimum of 1/3 (one third) of the delegates in good standing, attending in person or represented by proxy.
- 9.1.2** If a quorum is not present within 30 (thirty) minutes of the notified starting time, the meeting – shall be cancelled

### **10. ADMINISTRATION**

- 10.1** The NPO shall have the authority to draft and amend its Constitution, Standing Rules and Bylaws.

### **11. FINANCIAL MATTERS**

- 11.1** The NPO shall establish its own subscription fees for each category of membership.
- 11.2** All immovable and movable property, gifts, collections and other funds, which may be acquired or received by the Association shall be held, controlled, used and dealt with as its own property in conformity with the aims and objectives of the NPO and in accordance with the Constitution and Bylaws of the NPO, subject to the terms or conditions under which such property, gifts, bequests, collections and other funds may have been acquired or made.

### **12. FINANCE**

- 12.1** The financial affairs of the NPO shall be controlled by the committee, which shall operate a bank account as required by the Constitution, Standing Rules and Bylaws.
- 12.2** The financial year of the NPO shall commence?????? and terminate ??????????.

### **13. SIGNATORIES**

- 12.1** All accounts shall be operated on the signatories of at least 2 (two) members of the Committee.



### **13. ASSETS**

- 13.1** The NPO may acquire, hold, control and dispose of whether by sale or otherwise, such immovable and movable property and funds as may accrue to it by purchase, gift, bequest or collections.

### **14. APPOINTMENT AND DUTIES OF TREASURER**

- 14.1** The Treasurer shall keep a full record of financial affairs of the NPO and shall conduct correspondence pertaining thereto and shall keep the Committee informed of the financial status of the NPO.
- 14.2** The Treasurer shall prepare an annual budget for notification to the Annual General Meeting.
- 14.3** The Treasurer shall prepare the annual balance sheets and statements of receipts and expenditure prior to the date of the Annual General Meeting.
- 14.4** Write out, sign, keep a copy of and give receipts for all the money that the NPO receives.
- 14.5** Pay the NPO's accounts.
- 14.6** Be responsible for collecting membership fees from all members.

#### **14.1 APPOINTMENT AND DUTIES OF THE CHAIRPERSON**

The Chairperson as the leader of the NPO, chairs all the meetings that he /she attends. He / she must:-

- 14.1.1** The Chairperson will be the Spokesperson for the NPO.
- 14.1.2** See that the members adhere to the principles of the Constitution.
- 14.1.3** Chair meetings in such a way as to keep order.
- 14.1.4** Sign minutes of meetings when members have agreed they are accurate.
- 14.1.5** Check that accounts show correct spending of the NPOs' money and agree to the accounts being paid.
- 14.1.6** Sign all funding agreements.
- 14.1.7** Generally supervise and keep a check on the NPOs' affairs.
- 14.1.8** Make sure that all officers and committees complete what tasks they have agreed to and within the time agreed to.
- 14.1.9** Make sure that meetings take place regularly as set down in the Constitution.
- 14.1.10** Write the Annual Report.

#### **14.2 APPOINTMENT AND DUTIES OF THE DEPUTY CHAIRPERSON**

The Deputy Chairperson takes over the Chairperson's tasks and duties when he / she is not available. The Deputy Chairperson shall:-



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**14.2.1** Take on the duties and functions which have been passed on to him / her.

### **14.3 APPOINTMENT AND DUTIES OF THE SECRETARY**

The Secretary is responsible for making sure that the NPOs' administration runs smoothly. The Secretary must:-

**14.3.1** Keep proper records and minutes of all meetings.

**14.3.2** Deal with letters and other correspondence that the NPO receives and sends.

**14.3.3** Prepare and send out notices of all meetings of the NPO.

**14.3.4** Prepare the venue for meetings.

**14.3.5** Keep proper records of all names of members and donors.

### **14.4 APPOINTMENT AND DUTIES OF THE DEPUTY SECRETARY????????????????????**

The Deputy Secretary takes over the Secretary's tasks and duties when he / she is not Available. The Deputy Secretary shall:-

**14.4.1** Take on the duties and functions which have been passed on to him / her.

### **15. AUDIT**

**15.1** The accounts of the NPO shall be audited annually by an auditor appointed by the Committee.

### **16. LIABILITY OF MEMBERS**

**16.1** The liability of members of the NPO shall be limited to the payment of any amount owing by them to the NPO in terms of this Constitution.

### **17. EXPENSES OF OFFICERS**

**17.1** The traveling and subsistence allowance of the Committee and those of the Executive Members will be determined by the Committee.

### **18. DISSOLUTION**

**18.1** The Chairperson shall give 30 (thirty) days notice in writing to all members of a Special General Meeting at which the dissolution of the Association will be considered.

**18.2** Upon the winding-up and dissolution of the NPO there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, it or the value thereof shall not be paid to or distributed among the office bearers of the NPO but shall be given or transferred to such other body or bodies having purposes similar to those of the NPO.

**18.3** Any property which may have been acquired or received shall be dealt with in like manner.



**19. AUTHORITY OF AND AMENDMENTS TO THE CONSTITUTION**

- 19.1** The Committee shall decide on all questions relating to procedure not covered in this Constitution, provided it is not inconsistent with the Constitution.
- 19.2** Amendments to the Constitution may be proposed by the Committee.
- 19.3** Written notice of the proposed amendments or a draft of the proposed revision shall be given to all Members.
- 19.4** Such proposed amendments shall be adopted or defeated by a 66% vote of members in good standing at an Annual General Meeting or Special Meeting which due notice has been given.
- 19.5** The results shall be determined by the Committee on reports certified by the Chairperson on the number of votes cast for and against such proposed amendments to the Constitution.
- 19.6** This Constitution shall come into effect at its adoption or at such other time as may be decided upon by the meeting at which it has been adopted.

**20. POWERS OF THE ORGANISATION**

- 20.1** The Committee has the power and authority to raise funds or to invite and receive contributions and may be used by the Committee to further the aims and objectives of the NPO.
- 20.2** The Committee does, however, have the power to buy, hire or exchange any property that it needs to achieve its objectives.
- 20.3** The Committee has the right to make bylaws for the proper management, including procedure for application, approval and termination of membership.
- 20.4** The NPO will decide on the function of office bearers. Office bearers and members shall not be permitted to make use of letterheads / addresses or any other item from the NPO in order to promote personal or their business aims.
- 20.5** A postal box shall be opened in the name of the NPO and shall be used for all purposes with regards to the NPO. ??????????????????????

This Constitution was approved and accepted by members of ??????????????????????

At a special meeting held on.....





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Signature :-.....  
Chairperson

.....  
Secretary