



CONSTITUTION

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1. Definitions and interpretation

1.1 Definitions

<i>“Administrator/Official”</i>	means full-time or contracted employee.
<i>“Agents”</i>	means an individual or body registered with Basketball SA as a player representative as defined in the Internal Regulations.
<i>“AGM”</i>	means the Annual General Meeting referred to in clause 3.3.
<i>“Anti-doping Regulations”</i>	means Anti-doping Regulations as referred to in clause 9.1.
<i>“Associate Members”</i>	means district organisations having basketball in their programme as defined in this constitution, and fully recognised by UBA
<i>“Basketball SA”</i>	means Basketball South Africa, the organisation, the membership of which is defined in clause 2.1 of Basketball South Africa Constitution
<i>“Bill of Rights”</i>	means the Bill of Rights as in the Constitution of the Republic of South Africa of 1996, as amended
<i>“UBA”</i>	means Umkhanyakude Basketball Association, the organisation, the membership of which is defined in clause 2.1 of this Constitution
<i>“Charter”</i>	means the Terms of Reference of the Commissions referred to in the Constitution
<i>“Club”</i>	means a body or organisation which is affiliated to a member of Basketball SA, KZNBA and UBA
<i>“Colours”</i>	means the colours of KwaZulu-Natal Basketball Association as in Article 13
<i>“Companies Act”</i>	means the Companies Act, No 71 of 2008, as amended
<i>“Constitution”</i>	means this Constitution of UBA
<i>“Days”</i>	means all calendar days
<i>“District Associations”</i>	means members of district associations
<i>“Employee”</i>	means full-time or contracted employee
<i>“Ex-officio”</i>	means serving on a body by virtue of holding another higher office
<i>“FIBA”</i>	means International Basketball Federation
<i>“FIBA AFRICA”</i>	means FIBA in Africa
<i>“Good Standing”</i>	means a member that has complied with all requirements of UBA as defined in this Constitution and the Internal Regulations of UBA

<i>“Honorary Membership”</i>	means membership granted to a retired member of
<i>“Individual Members”</i>	means persons who are members of clubs affiliated to Local Municipal Associations, UBA and KZNBA
<i>“IOC Medical Code”</i>	means the medical code of the International
<i>“League/s”</i>	means Leagues recognised by UBA in terms of this Constitution
<i>“League Organisations”</i>	means Leagues recognised by UBA in terms of this Constitution
<i>“Life Membership”</i>	means life membership granted to a retired individual
<i>“Member”</i>	means a structure recognised by this Constitution
<i>“Notice”</i>	means unless the context indicates otherwise, a written communication delivered to a recipient by hand, ordinary post, registered post or telefaxed
<i>“Patron”</i>	means an honorary position bestowed upon an individual for services rendered to basketball as determined in the Internal Regulations
<i>“Premier Basketball League”</i>	means the premier basketball league as in clause 2.1.1
<i>“District Associations”</i>	means the Basketball Associations recognised from time to time by UBA as the bodies controlling Basketball in the respective municipality of Umkhanyakude.
<i>“District Executive Committee”</i>	means the <u>office bearers</u> duly elected by the District General Council.
<i>“Provincial Government”</i>	means the provincial government as determined in the Constitution of the Republic of South Africa
<i>“Quorum”</i>	means the minimum number required to be assembled to establish legal competence for the transaction of business
<i>“Registered Players”</i>	means fully paid-up players as it appears on the database of UBA, KZNBA and/or its Members
<i>“Regulations”</i>	means the Internal Regulations of UBA
<i>“Republic”</i>	means the Republic of South Africa
<i>“SASCOC”</i>	means the South African Sports Confederation and Olympic Committee
<i>“Secretary General”</i>	means that person elected by the National General Council, to assist in attaining the Objects of KZNBA
<i>“SANDFBA”</i>	means the South African Defence Force Basketball Association
<i>“SAMBA”</i>	means the South African Master’s Basketball Association

“School Sports”	means the School Sport section of the Department of Education “Special Member” means the Professional League as mandated in clause 3.9
“SRSA”	means Department of Sport and Recreation South Africa
“Statutes”	means the rules and regulations of, UBA, KZNBA, BSA and FIBA
“USSA Basketball”	means University Sport South Africa Basketball
“WADA Anti-Doping Code”	<i>means the anti-doping code adopted by the World Anti-Doping Agency from time to time</i>
“WBSA”	means Wheelchair Basketball South Africa
“3x3 Promoters”	means the 3x3 basketball promoters who has been registered by FIBA and accredited by Basketball SA

1.2 Interpretation

When interpreting this Constitution, unless inconsistent with the context, the masculine includes the feminine gender, the singular includes the plural, and persons shall include bodies corporate.

The headings of clauses are for reference purposes only and shall not be taken into account in construing the Constitution.

2. ARTICLE 1: Composition and purpose

2.1 Name

- 2.1.1 This organisation shall be **Umkhanyakude Basketball Association** (herein after referred to as **UBA**).

2.2 Legal status

- 2.2.1 It is recorded that UBA is a non-profit organisation that does not pursue any object for its own gains.
- 2.2.2 UBA is a voluntary association of persons with legal personality and independent existence and has the capacity to sue or to be sued in its own name.
- 2.2.3 UBA is the sole competent authority for the sport of basketball (and all disciplines thereof, including without limitation 3x3 basketball) throughout Umkhanyakude District and is recognised as such by KZNBA.
- 2.2.4 UBA maintains absolute political and religious neutrality and does not tolerate any form of discrimination.
- 2.2.5 Every office-bearer, official or employee of UBA shall be indemnified by UBA against all costs and expenses which he/she may incur or become liable for by reason of any act or omission in the discharge of his/her duties, unless the loss in question is caused by his/her gross negligence, dishonesty or intentional actions which may bring UBA into disrepute.
- 2.2.6 No person or Member shall have any rights to claim assets belonging to UBA, nor incur any liabilities for its obligation.
- 2.2.7 Except for reasonable compensation for authorised and approved services rendered to the organisation, UBA may not allow any of its monies or properties to be used for personal use by its members or employees.
- 2.2.8 All legal proceedings shall be brought by or against UBA, and UBA may authorise any member of the District Executive Committee or employee to act on its behalf and give him/her full authority on that matter and proceedings.
- 2.2.9 All bodies and officials of UBA must observe the Constitution and Internal Regulations, policies, rules and regulations, and decisions of UBA.

2.3 Jurisdiction

- 2.3.1 The area of jurisdiction of UBA shall be the Umkhanyakude District.
- 2.3.2 The area of jurisdiction of each Local Municipality Basketball Association shall be the geo-political boundaries as prescribed in the Constitution of the Republic of South Africa.
- 2.3.3 The area of jurisdiction of each Associate member shall be the specific constituency as described in 1.3.1 of this constitution.

2.4 Headquarters

- 2.4.1 The headquarters of UBA shall be as determined by the District General Council from time to time.

2.5 Main object

- 2.5.1 The Main Object of UBA is the independent promotion, encouragement, organisation, development and support of all

levels of the sport of basketball throughout the Umkhanyakude District with Members and others; as well as to act as the sole controlling body of basketball in the Umkhanyakude District.

2.6 Ancillary objects

2.6.1 The Ancillary Objects of UBA include but are not limited to:

- (a) Operating and functioning as the autonomous controlling and administrative body of the sport of Basketball within the area of its jurisdiction.
- (b) Developing a governance structure capable of delivering to all Members' services desirable or necessary to achieve all the objectives set out in this Constitution from time to time.
- (c) Furthering the education of all individuals in basketball by encouraging and enabling their participation and involvement in basketball in the district, province and the country.
- (d) Ensuring that the sport of basketball is a transparent, modern and inclusive activity that promotes sound ethical principles in all aspects of the game.
- (e) Promoting and maintaining political and religious neutrality in the sport and not tolerating any form of discrimination.
- (f) Promoting, fostering, encouraging and regulating equity and a democratic dispensation for all persons at district and all other levels of basketball, irrespective of place of origin, race, or gender.
- (g) Committing to the promotion of the Bill of Rights as outlined in the Constitution of the Republic of South Africa of 1996, as amended.
- (h) Applying for and maintaining membership of the International Basketball Federation (FIBA), FIBA Africa, BSA and any other National or international basketball association or organisation, SASCOC, provincial sports confederations and district.
- (i) Representing the sport of basketball before its members, BSA, KZNSC, SASCOC, SRSA, the National Lottery Board, other National Federations, FIBA, FIBA Africa and any organisation that will contribute to the attainment of the Objects of UBA.
- (j) Generating adequate financial resources in order to develop basketball throughout the area of jurisdiction.
- (k) Setting up a unified and comprehensive domestic competition structure for all categories of basketball in the District.
- (l) Conducting elite District level competitions for both males and females.
- (m) Fielding representative teams in KZNBA and BSA sanctioned competitions and tournaments.
- (n) Regulating and approving the national and international transfer of players in compliance with KZNBA, BSA and FIBA regulations.
- (o) Establishing internal transfer and eligibility regulations in the best interests of basketball.
- (p) Developing and providing competitions, camps, seminars, conferences, courses, clinics, examinations, development programmes, events, campaigns, and other promotional activities for its Members.
- (q) Providing a mechanism to resolve all disputes, guaranteeing the right of defence and impartiality (fairness).
- (r) Developing and maintaining all Internal Regulations related to basketball.
- (s) Ensuring that UBA activities are exclusive to licensed/registered members only.
- (t) Promoting and developing the standard of coaching, refereeing and basketball administration.
- (u) Promoting basketball for commercial, government and public recognition and benefits.
- (v) Encouraging the provision and development of appropriate facilities for participation in basketball.
- (w) Fostering and developing democratic, non-racial and non-sexist structures in all organisations which may seek and obtain affiliation to Basketball SA.

- (x) Protecting the recognition by KZNBA of UBA as the only district basketball administration in the district of Umkhanyakude.

2.7 Powers

2.7.1 UBA shall have the power to do all such actions or activities as are incidental to the attainment and advancement of the Main Object and Ancillary Objects and in particular shall be empowered to:

- (a) Be the sole, competent district authority of basketball in Umkhanyakude District.
- (b) Establish and maintain a uniform approach throughout the district of Umkhanyakude to the rules and administration of Basketball.
- (c) Admit new members and withdraw, suspend or otherwise terminate membership, or impose/set penalties for the breach of any rule or Internal Regulation of UBA and KZNBA or the bringing of UBA or basketball into disrepute by any member, individual, club, official, team, administrator, employee, affiliated association or member, administrator or employee of such club or team or affiliated association or member.
- (d) Control, administer and promote basketball within local municipality and district levels.
- (e) competitions and championships, where applicable and to delegate to any of its affiliates and other bodies or organisations thereof.
- (f) Hear and adjudicate upon appeals from decisions and/or actions of municipality associations, associate members and the special member; the right of appeal not necessarily being confined to affiliates or members thereof provided that such appeals have been notified by the appellant to the members concerned in line with the Internal Regulations. The Appeals Committee shall have the power to veto any decision that has been referred to it.
- (g) Suspend, disqualify, fine or otherwise deal with any member or officer thereof which or who has committed any breach of this Constitution or of the Internal Regulations made thereunder, or practised, counselled or sanctioned any conduct which is in the opinion of UBA or KZNBA unruly, unbecoming or contrary to the interests of basketball.
- (h) Provide for the representation of Umkhanyakude basketball at provincial, national or International meetings and events.
- (i) Impose and receive fees, dues and levies.
- (j) Conduct its commercial activities within the district of Umkhanyakude and other provincial activities involving but not limited to all its district basketball teams and its support staff; its high-performance programmes, its brand-building and brand-protection, merchandising, sponsors and official suppliers, marketing, event management, investments and the management of tours, tournaments and competitions.
- (k) UBA shall own, control and manage all basketball rights in its area of jurisdiction with the proviso that Associate Members and the Special Member may by mutual agreement with UBA manage identified media rights in the promotion of their specific programmes. Subject to the aforementioned. UBA shall manage and control its media rights, including but not limited to, entering into, taking over, negotiating or otherwise acquiring any contract with any person for the right to broadcast which shall mean, for the purpose of this clause, the transmission and/or recording and/or otherwise storing of coverage of or other reproduction of a match or matches under its jurisdiction in any medium and any use or exploitation of the same by any means in any electronic media now known or in any time in the future developed, including, but not limited to, all forms of television (which will include, without limitation, video, DVD, CD-ROM, cloud storage and/or other audio-visual recorded viewing medium) and all forms of interactive and/or on-line transmissions via the internet or any other system, radio and all other audio-only media (which will include all forms of recordings and/or interactive and/or online audio transmissions via the internet or any other system) whether live or deferred and whether in whole or in part throughout the world or any part thereof.
- (l) Purchase, take on lease, or in exchange, hire or otherwise acquire real or personal property and hold, occupy, use, employ, sell, lease, license, hire-out, manage, grant, convey, and surrender real or personal property.
- (m) Develop or turn into account any land acquired by or in which UBA is interested, and to construct, reconstruct, alter, pull-down, decorate, maintain, furnish, fit-up and improve building works of all kind which KZNBA may think directly or indirectly conducive to the development of any property in which it is interested.

- (n) Promote, endorse, supply or deal in goods including to purchase, lease, sell or hire (with or without an option to purchase) or otherwise dispose of any goods.
- (o) Apply for, obtain and acquire by purchase, license, hire, lease or otherwise any patents, licenses, rights, privileges, inventions, improved or secret processes, trademarks or names, copyrights, applications for patents, trademarks or names which may seem capable of being dealt with or used for any of the Objects of UBA or the acquisition of which may seem to UBA calculated to benefit basketball and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so required.
- (p) Use, sell, exercise, develop, assign, grant licences in respect of, deal with, dispose of or
- (q) otherwise turn to account any of the matters mentioned in the last preceding paragraph and accept royalties and fees in relation thereto.
- (r) Accept any legitimate sponsorship or gift whether subject to a special trust or not which will contribute to the attainment of the Objects of UBA.
- (s) Execute and deposit powers to attorney.
- (t) Make gifts, subscriptions and donations to any authorities, institutions or associations in accordance with the Internal Regulations of UBA.
- (u) Make provision for the operation of leagues or any other league associations in accordance with this Constitution and the Internal Regulations of UBA.
- (v) Appoint full-time employees to assist in attaining and promoting the Objects of UBA.
- (w) Approve or reject district teams (from local municipalities) by members if they do not meet basic team requirements.
- (x) Authorise tours by members fully recognised, District Associations/ Associate Members/Clubs/Teams to other districts within the province and national.
- (y) Effect insurance of all descriptions, including insurance against accidents of any description, against liability to pay compensation for injuries happening to or sustained by an employee, administrator or player of or connected to it, against liability to pay damages to any person in consequence of such accident, and to pay the premiums and other monies required to keep such policies of insurance of full force and effect.
- (z) Protect the rights and interests of UBA and its members against any and all infringements from external parties and/or persons.
- (aa) Assign the rights associated with UBA membership to officials and manage the interactions between members and UBA as it relates to UBA sanctioned activities.

3. ARTICLE 2: Membership

3.1 Composition

- 3.1.1 UBA shall be composed of municipality associations, Associate Members and the Special Member - being the recognised KwaZulu-Natal basketball leagues.
- 3.1.2 Honorary or lifetime membership may be granted to individuals who have made exceptional contributions to, UBA, KZNBA & Basketball South Africa. Such membership shall be the only class of individual membership of UBA.
- 3.1.3 UBA shall ensure that only SA Citizens shall be elected to the portfolios of UBA provided that such SA Citizens is serving or has served on the Executive Committee of an Association directly affiliated to UBA.
- 3.1.4 Membership of UBA shall consist of:
 - (a) Municipality Associations as per Annexure One,
 - (b) Associate Members as per Annexure One, and
 - (c) Any other duly approved member that has submitted an application to UBA, which has been duly approved and accepted.

3.2 Admission to membership

- 3.2.1 An applicant seeking membership of UBA must be the controlling body of basketball in a local or any other recognised body meeting the membership requirements of UBA.
- 3.2.2 A maximum of three local basketball associations per municipality shall be admitted to membership of UBA.
- 3.2.3 Before admitting an applicant as an Associate Member to membership of UBA, the District Executive Committee shall satisfy itself that the applicant Member controls and governs both men's and women's basketball in its constituency, is in good standing in terms of governance and is not in competition with or a breakaway from a Member of UBA.
- 3.2.4 Strict observance of the UBA official Basketball Rules and of the provisions contained in the Internal Regulations of UBA, both in spirit and letter, is the primary condition for obtaining and maintaining membership of UBA.
- 3.2.5 The district Executive Committee shall enact appropriate Regulations dealing with admission procedures as part of the Internal Regulations of UBA.
- 3.2.6 The acceptance of membership of UBA by a Member shall bind such Member to the Constitution and Internal Regulations of UBA and shall accept and enforce all decisions of UBA made in conformity therewith.
- 3.2.7 Each Member must maintain a database of its affiliated members, clubs and individual members registered with it in accordance with the Internal Regulations and must submit annually such database to UBA or upon request by the District Executive Committee in such means as may be required for consolidation of the national database. This database of members may be maintained as per the accepted membership system as mandated by UBA.

3.3 Obligations of members

- 3.3.1 Members must remain in good standing (including in good financial standing) with UBA and participate in official UBA activities and competitions.
- 3.3.2 Members shall strictly observe all Regulations and decisions of UBA and ensure that their members also comply with them.
- 3.3.3 The Constitution, Rules and Regulations of Members shall comply fully with and be aligned to the Constitution and Internal Regulations of UBA. Internal Regulations of UBA automatically form part of the Constitution of UBA. In the event of doubt or conflict, the Constitution and Internal Regulations of UBA shall prevail.

- 3.3.4 Members shall respect and observe the Official Basketball Rules as established by FIBA. No deviation from such rules shall be allowed except through the express approval as obtained from the technical commission on a case-by-case basis.
- 3.3.5 Members shall pay the prescribed fees by the due date.
- 3.3.6 Members shall recognise the Internal Regulations and ensure that the latter's decisions are legally binding for Municipal Associations, Associate Members, the Special Member, clubs, leagues, players, managers, officials and agents.
- 3.3.7 Members shall ensure that their policies, programmes, rules and regulations are in compliance with the World Anti-doping Code.
- 3.3.8 Members shall ensure that their organs shall be either elected or appointed in terms of their respective Constitutions. Their statutes shall provide a procedure that guarantees the complete independence of the election or appointment process.
- 3.3.9 Members shall be held liable for all financial obligations of their own members or bodies towards UBA.
- 3.3.10 Members shall be responsible and accountable to UBA for fulfilling its respective obligations under the Strategic Plan of UBA, as revised from time to time.
- 3.3.11 Members shall provide UBA with copies of its audited/ independently reviewed annual financial statements, annual report and associated documents immediately following its respective Annual General Meetings.
- 3.3.12 Members shall provide UBA with copies of its business/strategic plans and budgets from time to time upon request and within fourteen days after such business/strategic plans and budgets having been adopted by a meeting of the Member.
- 3.3.13 Members shall advise UBA as soon as possible of any significant administrative, operational or financial difficulties, assist UBA in investigating those issues and cooperate with UBA in addressing those issues in whatever manner, including by allowing UBA to appoint an administrator to conduct and
- 3.3.14 manage its business and affairs, or to allow UBA itself to conduct all or part of the business or affairs of the relevant Member and on such conditions as UBA considers appropriate.
- 3.3.15 Non-compliance with these provisions may lead to sanctions provided for in the Internal Regulations of UBA.

3.4 Limited membership

- 3.4.1 A Member that has not paid its fees by the prescribed date shall forfeit its rights as a fully recognised Member of UBA, and have limited membership as determined by the District General Council from time to time, including but not limited to the suspension of voting rights. Such a decision shall be taken by the District Executive Committee. The District General Council must be informed thereof.
- 3.4.2 A Member that is not active (no organised competition and actively registered players and/or clubs and/or members) in their constituency and has also not submitted an approved Constitution and Annual Reports by the prescribed date shall forfeit its rights as a fully-recognised Member of UBA, and have limited membership as determined by the District General Council from time to time, including but not limited to the suspension of voting rights. Such decision shall be taken by the District Executive Committee. The District General Council must be informed thereof.
- 3.4.3 Such Members, including its clubs, players and officials whose rights have been limited in terms of Clauses 3.4.1 and 3.4.2 may not participate in official competitions or activities until such time that the limited membership status is remedied. The District Executive Committee shall enact appropriate Regulations dealing with limited membership.

3.5 Suspension and cessation of membership

- 3.5.1 Failure by a Member to pay all or part of its affiliation fees decided by the District General Council on or before due date for two successive years, shall entail the automatic suspension of the Member in default. The suspension may be set aside, with the defaulting Member restored to membership, by the District General Council.

- 3.5.2 Such a decision by the District General Council to set aside an automatic suspension shall require a two-thirds majority and only if satisfied that the affiliation fees including arrears of fees and other amounts due to UBA have been paid in full at the time of the District General Council setting aside the suspension, or
- 3.5.3 The District Executive Committee may set aside such a suspension, on full payment of the money in arrears and of such fines as may be deemed appropriate by the District Executive Committee.
- 3.5.4 Any violation by a Member of the Constitution and Internal Regulations of UBA or of any order made in conformity therewith shall render such Member liable to suspension from UBA by the District Executive Committee until the next meeting of the District General Council, at which meeting the Member may be liable for appropriate disciplinary action.
- 3.5.5 Any Member of UBA may on the motion of the District Executive Committee, be liable for expulsion for:
- (a) Any violation of the Constitution and Internal Regulations of UBA or any order made in conformity therewith,
 - (b) Conduct unbecoming a Member,
 - (c) Conduct not in the interest of UBA and the promotion of its Objectives.
- 3.5.6 Expulsion of a Member under clause 3.5.5. shall be decided by the District General Council and shall require,
- (a) 50% plus one of the representatives present at such meeting.
 - (b) At such meeting of the District General Council, the Member who is the subject of the motion to be expelled shall be given the right to address the District General Council. The District Executive Committee shall cause such Member to have given notice of the proposed motion for expulsion and a short reason therefore, at least 21 days prior to the meeting in question.

4. ARTICLE 3: Structures

4.1 District General Council

- 4.1.1 The composition of the district general council shall be composed of the following:
- (a) Representatives of each Municipality Association (office bearers),
 - (b) Representatives of School Sport Basketball
 - (c) The District Executive Committee
 - (d) The Representatives shall be duly authorized to represent their Municipality or Associate members and the general rules under 3.17 shall apply with regards to the calibre of representative that Municipality and Associate members may send to the District General Council.

4.2 Rights and powers of the District General Council

- 4.2.1 Shall be the highest decision-making body of Basketball in Umkhanyakude District and its decisions are final.
- 4.2.2 To adopt, modify and change the Constitution and the Internal Regulations of UBA.
- 4.2.3 To elect the District Executive Committee and fill any vacancies arising on the District Executive Committee for the remaining period before the end of term of office.
- 4.2.4 To examine, review and approve all reports including but not limited to the strategic plan, activity report, the annual report and the financial report.
- 4.2.5 To approve annual financial statements and to vote on the budget of UBA.
- 4.2.6 To adopt the interpretation of the Constitution and its Internal Regulations.
- 4.2.7 To designate the auditors and/ or renew the term of auditors/ independent reviewers.
- 4.2.8 To elect the Secretary and to ratify the appointment of the Chairperson.
- 4.2.9 To grant title of Patron and bestow Honorary and Life Membership to individuals on recommendation of the District Executive Committee.
- 4.2.10 To deal with matters referred to it by the District Executive Committee.
- 4.2.11 Delegate or assign any of its powers to the District Executive Committee.
- 4.2.12 To dissolve UBA.

4.3 Business of District General Council meetings

- 4.3.1 There shall be at least three (3) District General Council meetings in each calendar year, one (1) of which shall be designated as the Annual General Meeting. The Annual General Meeting shall be convened within 9 months after the end of the financial year to approve audited/ independently reviewed financial statements and transacting such business as required of the District General Council. Such meetings may be held in person or by electronic means.
- 4.3.2 Notice, as well as the Agenda of the AGM shall be given at least 40 calendar days prior to the meeting.
- 4.3.3 Motions for the AGM must be forwarded to the Secretary in writing not less than 21 days prior to the AGM. The Secretary will forward all the motions and the Audited / Independently Reviewed Financial Statements to Members not later than 14 days prior to the AGM.

4.3.4 The Business of the AGM shall be as following:

- (a) Opening and Welcome
- (b) Credentials and Apologies
- (c) Minutes of Previous AGM
- (d) Matters Arising from the Minutes
- (e) Chairperson's Address
- (f) UBA's Organisational Report
- (g) Financial Report
- (h) Appointment of Auditors/ Independent Reviewers
- (i) Amendments to the Constitution and Internal Regulations
- (j) Election of the District Executive Committee (every four years)
- (k) Business of which due notice would have been given at least 14 days prior to the AGM
- (l) Closure

4.3.5 The other two (2) District General Council meetings shall be ordinary general meetings of Members.

4.3.6 The aforesaid District General Council Meetings shall be held at such times as may be determined by the District Executive Committee, the District General Council or the Chairperson.

4.3.7 Each member of the District General Council shall have the right to vote at the District General Council meeting. This right shall vest with the representative(s) of the member as present at the District General Council meeting. The first representative of a local member shall cast both of the votes of the local member which vote may not be split. The second representative of the district member shall not have the ability to cast a vote.

4.3.8 All members of the District Executive Committee shall attend such District General Council meetings and shall have the right to vote, subject to clauses 4.3.5 and 4.3.6.

4.3.9 Notice of District General Council meetings shall be forwarded to each Member by the Secretary/Chairperson at least 21 calendar days prior to the meeting as well as published publicly on the official website and social media accounts of UBA on the same day.

4.3.10 District General Council meetings shall be competent to deal with and dispense of all matters prescribed by this Constitution. The Secretary, in consultation with the Chairperson, shall determine the items on the Agenda for such meetings.

4.4 Special District General Council meetings and Chairperson's meetings

4.4.1 A Special District General Council Meeting of UBA shall be called for a specific purpose upon written request of 50% plus 1 of Members.

4.4.2 The District Executive Committee may call a Special District General Council meeting as and when it deems it necessary as agreed to by the District Executive Committee.

4.4.3 The Chairman shall convene such a Special District General Council meeting within 40 calendar days of receipt of such a request.

4.4.4 The notice of a Special District General Council meeting shall contain the nature and grounds of the reason for the meeting.

4.4.5 A copy of the notice shall be forwarded to each Member by the Secretary/Chairperson at least 21 days prior the meeting,

as well as published publicly on the official website and social media accounts of UBA on the same day.

- 4.4.6 The business at the Special General Council meeting shall be the sole reason it was called for.

4.5 Municipality Associations

- 4.5.1 Municipality Associations shall be constituted in terms of the Constitution and Internal Regulations of UBA. One Association only shall be admitted to UBA from each Municipality of Umkhanyakude District.
- 4.5.2 Each Municipality Association shall retain powers of the administration (assisted by UBA) and control of basketball within its Municipality, subject to the provisions of this Constitution and the Internal Regulations of UBA.
- 4.5.3 It is the duty of a District Association to:
- (a) Ensure that Local Municipality Basketball Associations are established and affiliated with the District Association.
 - (b) Ensure it fulfils its role as custodian of Basketball in the Local Municipality; no other parties should be allowed to promote, develop or conduct any basketball activities in the Local Municipality without prior authorisation from the District Executive Council.
 - (c) Promote and develop the sport of basketball in line with UBA objectives.
 - (d) Effectively carry out the enforcement of the Constitution and Internal Regulations of UBA in their Local Municipality, and other decisions of the organisation.
 - (e) Effectively implement the development policies of UBA.
 - (f) Register with the relevant Local Sports Confederations as a member in its Municipality.
 - (g) Accept as affiliated members, and to provide representation within its own structures for all Local Municipality Associations desiring affiliation, competent to conduct basketball competitions under the Official Rules of UBA and willing to accept the obligations of membership as provided in the Constitution of UBA and as well as the Constitution and Internal Regulations of the District Associations as approved by UBA General Council.
 - (h) To be responsible and accountable to UBA for fulfilling its obligations pursuant to UBA's strategic plan as revised from time to time.
 - (i) To manage and invest funds donated, granted or paid to the Local Municipality Association by UBA, the District or Local Government or any other source or as a result of UBA's directions and/or policies made from time to time by the District Executive Committee or the District Executive Council.
 - (j) The District Executive Committee shall have the authority to grant interim affiliation to Municipality Associations, such affiliation being subject to ratification by a forthcoming District General Council.
 - (k) To operate or cause to operate the Municipality Level competitions required to fulfil its mandate and as prescribed by the Competition Commission.
 - (l) To collect such fees and dues as prescribed by their Constitutions.
 - (m) The District Association shall ensure that no District Association Executive Committee Member shall be elected to the District Association Executive Committee unless such proposed District Executive Committee Member is serving or has served on the Executive Committee of an Association directly affiliated to such District Association.

4.6 Disbandment of a Municipality Association

- 4.6.1 If a Municipality Association is disbanded according to the procedure set out in the Internal Regulations of UBA, a new Municipality Association may be recognised only in terms of the provisions of this Constitution.
- 4.6.2 If a disbanded Municipality Association was not in good financial standing with UBA at the time of its disbandment, the new Municipality Association shall take over all the financial obligations of the former Municipality Association towards

UBA and towards the relevant District Structures, unless the District Executive Committee decides otherwise.

4.7 Clubs, Other bodies and Leagues

- 4.7.1 The various bodies of District Associations (including clubs) may pursue their activities within the limits of their own Municipality Association only, and with the latter's recognition and permission.
- 4.7.2 No basketball activity of such bodies shall be permitted without the authorisation of the competent District Associations and without the approval of the District Executive Committee of UBA for inter-District activities, or of the UBA District Association affected by District activities.
- 4.7.3 Municipality Associations and their clubs or leagues may not play in the territory of another Municipality Association without the latter's approval and without that of UBA for inter-Municipalities activities, and of the UBA's Municipalities Associations affected by District activities.
- 4.7.4 UBA and Municipalities Associations may impose sanctions for breaches of this rule.
- 4.7.5 The District Executive Committee shall enact appropriate Regulations governing League Organisations at District and Municipality levels.
- 4.7.6 In order to avoid conflicts of interest, Municipalities Associations or organisations affiliated or otherwise connected with Municipalities Associations are not authorised to take over or participate directly or indirectly in the management or exploitation of marketing, merchandising, or similar rights of another Municipality Association.
- 4.7.7 UBA is the only body ceased with the responsibility of establishing District Leagues or may permit such to be established by third parties as necessary for the promotion of basketball in the District.
- 4.7.8 There will be no individual Municipality League which will be recognized, as UBA is the only structure to be responsible for the League within the District. Clubs from the Municipality Associations will participate in the District League.

4.8 Associate Members

- 4.8.1 Associate Members shall be constituted in terms of the Constitution and Internal Regulations of which shall include the roles and responsibilities of all Associate Members, being USSA Basketball; Schools Sport Basketball; Wheelchair, Basketball of KZN; KZN Masters Basketball Association.
- 4.8.2 Each Associate Member shall retain powers of the administration (assisted by UBA) and control of basketball within its jurisdiction, subject to the provisions of this Constitution and the Internal Regulations of UBA.
- 4.8.3 It is the duty of an Associate Member to:
 - (a) Ensure it fulfils its role as custodian of Basketball in its area of jurisdiction; no other parties should be allowed to promote, develop or conduct any basketball activities in its area of jurisdiction without prior authorisation from the District Executive Committee.
 - (b) Promote and develop the sport of basketball in line with UBA Objectives.
 - (c) Effectively carry out the enforcement of the Constitution and Internal Regulations of UBA in their area of jurisdiction, and other decisions of the organisation.
 - (d) Effectively implement the development policies of UBA where such policies are applicable.
 - (e) Register and keep a database of Players, Coaches, Referees, Administrators and all relevant people of Basketball on an individual basis in the Associate Member.
 - (f) Accept as affiliated members, and to provide representation within its own structures for all District and Local Municipality Associations desiring affiliation. In addition, the Associate Member must ensure that such affiliate

members are competent to conduct basketball competitions under the Official Rules of UBA and be willing to accept the obligations of membership as provided in the Constitution of Basketball SA as well as the Constitution and Internal Regulations of the Associate Member as approved by UBA's District General Council.

- (g) To be responsible and accountable to UBA for fulfilling its obligations pursuant to UBA's strategic plan as revised from time to time.
- (h) To manage and invest funds donated, granted or paid to the Associate Member by UBA, National or Provincial or Local Government or any other source or as a result of Basketball SA's directions and/or policies made from time to time by the District Executive Committee or the Associate Member.
- (i) The District Executive Committee shall have the authority to grant interim affiliation to Associate Members, such affiliation being subject to ratification by a forthcoming District General Council meeting.
- (j) Associate Members shall ensure that they comply with their constitutions to the effect that they are represented in all Districts and Local Municipality Basketball Structures. Should this not be the case, UBA shall have the option of limiting the membership of the Associate Member until such time that this is rolled out.

4.8.4 Duties and powers of Associate Members

4.8.4.1 The Executive Committees of Associate Members shall have certain rights and powers, with commensurate duties and obligations as defined herein and in their respective Constitutions.

4.8.4.2 Constitutions must be approved by the District Executive Committee of UBA.

4.8.4.3 The rights, powers and duties of Executive Committees of Associate Members include:

- (a) To elect an Associate Member Executive Committee to manage the affairs of the Associate Member between the meetings of the Associate Member Executive Council
- (b) The authority to open and operate banking accounts with a registered financial service provider.
- (c) The authority to raise funds by means of sponsorships, donations or any other means as approved by the Associate Member.
- (d) To promote the Objects and business of UBA and the Associate Member.
- (e) To run viable programmes for the Associate Member with the view of promoting Basketball and the selection of District, Provincial Teams and other Teams.
- (f) To award Associate Member colours to deserving Basketball players and officials as approved by their General Council.
- (g) To submit to the District Executive Committee of UBA progress reports on a six-monthly basis, including a report on its financial status.
- (h) To organise their General Council meetings as per their Constitution and submit a full report to the District Executive Committee within 21 days of such General Council meeting being held.
- (i) To facilitate development programmes together with the provincial's structures concerned.
- (j) The Internal Regulations of each Associate Member shall be subject to the approval of the District Executive Committee of UBA and shall be aligned to the Internal Regulations of UBA.
- (k) Give guidance to their respective provincial affiliates and other members.

4.8.5 Disbandment of an Associate Member

- 4.8.5.1 If an Associate Member is disbanded according to the procedure set out in the Internal Regulations of UBA, a new Associate Member may be recognised only in terms of the provisions of this Constitution.
- 4.8.5.2 If a disbanded Associate Member was not in good financial standing with Provincial at the time of its disbandment, the new Associate Member shall take over all the financial obligations of the former Associate Member towards UBA, unless the District Executive Committee decides otherwise.

4.9 District Executive Committee

- 4.9.1 Between the meetings of the District General Council, the powers of the District General Council as per this constitution is exercised by the District Executive Committee.

- 4.9.2 The District Executive Committee shall comprise of the following:

- (a) Chairperson
- (b) Deputy Chairperson
- (c) Treasurer
- (d) Secretary
- (e) Deputy Secretary
- (f) Head of Technical Commission
- (g) Head of Competition Commission
- (h) Head of Coaching Commission
- (i) Head of Transformation Commission
- (j) Any other ex officio, without voting rights.

- 4.9.3 The District Executive Committee does have the power to:

- 4.9.3.1 Adopt and modify the UBA Internal Regulations;
- 4.9.3.2 Establish the Official Basketball Rules;
- 4.9.3.3 Approve the audited financial statements (subject to ratification by District General Council);
- 4.9.3.4 Approve the development and updates of UBA's long-term strategic plan;
- 4.9.3.5 Review the final text of proposed amendments to these General Statutes;

- 4.9.4 Duties and responsibilities of District Executive Committee Members

- 4.9.4.1 Chairperson

- (a) The Chairperson shall communicate policy approved by the District General Council on behalf of UBA.
- (b) Preside over all meetings of UBA with a final casting vote.
- (c) Take care of the general affairs of UBA.

- (d) Ensure that all decisions of UBA are properly carried out.
- (e) Act as a signatory to the legal and financial documents of UBA.
- (f) Be the representative of UBA at other meetings where we are invited as KZNBA.
- (g) The Chairperson shall chair all District General Council meetings and District Executive Committee meetings.
- (h) In the absence of the Chairperson, the Deputy Chairperson shall assume the duties and responsibilities of the Chairperson. In addition, the Deputy Chairperson shall have such duties and responsibilities as determined by the District Executive Committee from time to time. This responsibility shall devolve to the Secretary in the event of both the Chairperson and the Deputy Chairperson being indisposed.

4.9.4.2 Treasurer

- (a) Shall monitor and control the implementation of the financial policy and procedures of UBA.
- (b) Shall have the power of the signature with Chairperson and the Secretary on all financial transactions of UBA.
- (c) Shall supervise the current account of income and expenditure of UBA.
- (d) Shall use the UBA Procurement policy on all purchases.
- (e) Shall prepare the four-year budget together with the Secretary for consideration by the District Executive Committee.
- (f) Shall be responsible for the assets and funds of UBA within the framework of the Constitution and Internal Regulations of UBA.
- (g) Together with the Secretary, he/she will prepare the Audited Financial Reports for the Annual General Meeting, District General Council and District Executive Committee meetings. He/she shall also prepare monthly management accounts of UBA and other requirements as outlined in the Financial and Procurements Policies of UBA.

4.9.4.3 Other District Executive Committee Members

- (a) The duties of the District Executive Committee Members shall be defined in accordance to the Commission of which such member is the head of.

4.9.4.4 Secretary

- (a) The Secretary shall be responsible for all administrative work of UBA and shall be the head of administration and fulfil the role of Company Secretary.
- (b) He/she shall have the power of the first signature on all financial transactions of UBA.
- (c) The Secretary shall prepare and submit documents/proposals for the District Executive Committee, AGM and District General Council meetings.
- (d) The Secretary shall ensure co-ordination of UBA events.
- (e) The Secretary shall maintain contact with the District Executive Committee and all Members.
- (f) The Secretary is responsible to the District Executive Council for his/her efficiency of administration.

4.9.5 Functions of the Commissions

4.9.5.1 Technical Commission

- (a) The District Executive Committee Technical Commission Head will oversee the portfolio of the Technical Commission as Chairperson.
- (b) The Technical Commission Chairperson will submit a written report to each District Executive Committee and District General Council meeting on the activities of the Technical Commission, which shall incorporate an account of income and expenditure for the preceding period, supported by appropriate documentation.
- (c) The Technical Commission is the competent body for all matters concerning the application of the Official Basketball Rules, League Rules and Participation Rules.
- (d) The Technical Commission's Charter shall be approved by the District Executive Committee. Nothing contained within that Charter may be incongruent with the Constitution, Rules and Regulations of UBA, KZNBA, Basketball SA, SASCO and FIBA.
- (e) The Technical Commission shall submit annual proposals to the District Executive Committee for incorporation into the Strategic Plan of UBA.
- (f) It is the responsibility of the Technical Commission in the first instance to ensure that District Associations and Associate Members align their technical portfolio efforts, plans and the implementation thereof with the national Strategic Plan of UBA.
- (g) The Technical Commission shall devise and implement on behalf of UBA, education programmes approved by UBA to further the development in the Province & South Africa of basketball refereeing, scoring, timekeeping, coaching and statistics; and devise and implement a District Grading System in terms of the Referees, Table Official and Coaching programme for technical personnel.
- (h) The Technical Commission is the body competent for all matters concerning the interpretation and application of the Official Basketball Rules and the state of the game in South Africa.
- (i) Shall be the primary contact between KZNBA and UBA Technical – ensuring that all technical matters are addressed. This shall include but not be limited to the authorization of BSA & FIBA Accredited Training, Courses and Investigations.
- (j) Other Duties and Responsibilities of the Technical Commission are:
 - i. To draft the text of the Official Basketball Rules, League Rules and Participating Rules, draft amendments to these rules for adoption by the District Executive Committee, give the official interpretation of the Rules and solve doubtful cases or cases not clearly covered by the Rules themselves.
 - ii. To be responsible for the training, examination and qualification of all UBA District referees, supervisors, table officials, statisticians, coaches, instructors and commissioners as well as for preparing them for national competitions for men's and women's basketball.
 - iii. Receive and consider requests from the Recognised Leagues or any other body, for variations to the Official Playing Rules and to submit recommendations thereon to the District Executive Committee.
 - iv. Invite referees to attend Local and District Championships or competitions organised or controlled by UBA or KZNBA.
 - v. Nominate for approval by the District Executive Committee, referees who in its opinion qualify in standard for the awarding of Umkhanyakude, KZN, South African and FIBA badges.

- vi. Maintain appropriate records.
- vii. Make recommendations to the District Executive Committee on the structure of fees to be paid to all Technical Officials.
- viii. Nominate referees to officiate at District, Provincial, National, continental and international competitions, where such nominations are required, provided that such nominees have met the minimum requirements for officiating at the appropriate level as may be determined from time to time by the National Technical Commission in accordance with UBA, KZNBA, BSA and FIBA requirements.
- ix. Determine minimum standards for playing facilities for District, Provincial and International events, and where necessary carry out inspection of same.
- x. Notwithstanding the preceding Clauses, the Technical Commission shall remain the primary custodian of technical officiating standards of basketball in Umkhanyakude, accountable to the District Executive Committee.

4.9.5.2 Competitions Commission

- (a) The District Executive Committee Competitions Commission Head will oversee the portfolio of the Competitions Commission as Chairperson.
- (b) The Competitions Commission Chairperson will submit a written report to each District Executive Committee and District General Council meeting on the activities of the Competitions Commission; which shall incorporate an account of income and expenditure for the preceding period, supported by appropriate documentation.
- (c) The Competitions Commission's Charter shall be approved by the District Executive Committee. Nothing contained within that Charter shall be incongruent with the Constitution, Rules and Regulations of UBA, KZNBA, Basketball SA, SASCOC and FIBA.
- (d) The Competitions Commission shall submit annual proposals to the UBA Executive Committee for incorporation into the Strategic Plan of UBA.
- (e) It is the responsibility of the Competitions Commission in the first instance to ensure that District Associations, Associate Members and the Special Member align their competition portfolio efforts, plans and the implementation thereof with the District Strategic Plan of UBA.
- (f) The Competitions Commission shall devise and implement on behalf of KZNBA, a national calendar and national programme approved by the District Executive Committee to have a uniform system in Umkhanyakude on Competitions.
- (g) Other duties and responsibilities of the Competitions Commission are:
 - i. To determine for approval by the District Executive Committee, the regulations governing all national competitions, as well as approve the regulations established by other Members of UBA for District competitions, in accordance with KZNBA, BSA or FIBA requirements
 - ii. To prepare draft systems of competition for District basketball tournaments for men and women;
 - iii. To receive submissions on competitions from the Transformation Commission;
 - iv. To prepare draft systems of competitions for all Inter-District Championships of UBA.
 - v. To review and recommend the UBA calendar.
 - vi. To review all official competitions of UBA.
 - vii. To develop recommendations for change(s) to the manner and method of conduct of the official competitions;

- viii. To study the regulations governing all National and international competitions, as well as the regulations established by other divisions of KZNBA, BSA and FIBA for international competitions and to develop feedback to KZNBA, BSA or FIBA along with a proposed implementation plan for UBA.
- ix. To ensure that the specific interests and development of women's and youth basketball in Umkhanyakude are taken into account when making recommendations.
- x. To make recommendations relating to the transition of players from youth to senior competitions.
- xi. To ensure that both the traditional 5x5 and 3x3 competitions are included in the considerations as stated above

4.9.5.3 Transformation Commission

- (a) The District Executive Transformation Commission Head will oversee the portfolio of the Transformation Commission.
- (b) The Transformation Commission Chairperson will submit a written report to each District Executive Committee and District General Council meeting on the activities of the Transformation Commission; which shall incorporate an account of income and expenditure for the preceding period, supported by appropriate documentation.
- (c) The Transformation Commission's Charter shall be approved by the District Executive Committee. Nothing contained within that Charter shall be incongruent with the Constitution, Rules and Regulations of UBA, KZNBA, Basketball SA, SASCOC and FIBA.
- (d) The Transformation Commission shall submit annual proposals to the District Executive Committee for incorporation into the Strategic Plan of KZNBA.
- (e) It is the responsibility of the Transformation Commission in the first instance to ensure that District Associations, Associate Members and the Special Member align their women, youth and development portfolio efforts, plans and the implementation thereof with the Provincial Strategic Plan of UBA.
- (f) The Transformation Commission shall advise the District Executive Committee on the special education and development needs of players in the Junior Age groups, as defined by FIBA. Such needs to be established in consultation with the Coaching Commission.
- (g) Other duties and responsibilities of the Transformation Commission are:
 - i. To propose to the Provincial Executive Committee any measures deemed necessary to promote the development of Mini-Basketball; to ensure the transition to the youth categories and the development of youth activities nationwide;
 - ii. To propose to the Competitions Commission any measures affecting the official national competitions for youth categories;
 - iii. To draft a Women's Development Policy with regard to the participation of women in Official competitions and a Child Protection Policy with regard to the participation of youth in Official competitions of UBA for consideration by the District Executive Committee;
 - iv. To foster the development of basketball, especially with regard to women and youth and to encourage regular basketball competitions at all levels of the game;
 - v. To work with DSR, KZNSR, KZNSC and other development agencies, local municipalities associations, and the private associations with a view to ensuring the inclusion of basketball development programmes in all mass participation programmes;
 - vi. To provide technical assistance with the resuscitation and establishment of clubs in districts.

- vii. To encourage the development and support of leaders, teachers and coaches in mini basketball; encouragement of greater participation; and ensuring that such developments align with the philosophy and approaches of KZNBA, BSA and FIBA.
- viii. To encourage the development and support of women as leaders, teachers and coaches in basketball; encouragement of greater participation by women; and ensuring that such developments align with the philosophy and approaches of KZNBA, BSA and FIBA.

4.9.5.4 Coaching Commission

- (a) The District Executive Committee Coaches Commission Head will oversee the portfolio of the Coaching Commission as Chairperson.
- (b) The Coaching Commission Chairperson will submit a written report to each District Executive Committee and District General Council meeting on the activities of the Coaching Commission; which shall incorporate an account of income and expenditure for the preceding period, supported by appropriate documentation.
- (c) The Coaching Commission is the competent body for all matters concerning the coaches and matters relating to coaching of basketball in Umkhanyakude.
- (d) The Coaching Commission's Charter shall be approved by the District Executive Committee. Nothing contained within that Charter may be incongruent with the Constitution, Rules and Regulations of UBA, KZNBA, Basketball SA, SASCOC and FIBA.
- (e) The Coaching Commission shall submit annual proposals to the District Executive Committee for incorporation into the Strategic Plan of UBA.
- (f) It is the responsibility of the Coaching Commission in the first instance to ensure that District Associations, Associate Members and the Special Member align their coaching portfolio efforts, plans and the implementation thereof with the national Strategic Plan of UBA.
- (g) The Coaching Commission shall devise and implement on behalf of UBA, education programmes approved by UBA to further the development in Umkhanyakude of basketball coaching; and devise and implement a Coaching Grading System in terms of the Coaching personnel.
- (h) Shall be the primary contact between UBA, KZNBA, Basketball SA, FIBA Coaching – ensuring that all coaching matters are addressed. This shall include but not be limited to the authorization of BSA and FIBA Accredited Training, Courses and Investigations for coaches.
- (i) Other duties and responsibilities of the Transformation Commission are:
 - i. To set coaching standards within the District,
 - ii. Ceased with the responsibility of identifying talent (both players & coaches),
 - iii. To be the primary structure which selects district representatives for provincial/ national tournaments,
 - iv. To assist with training on latest rules and trends,
 - v. To maintain comprehensive players database within the district, and
 - vi. To conduct coaching clinics within the district.

4.9.6 Election of the District Executive Committee

- 4.9.6.1 The District Executive Committee shall be elected at the Quadrennial District General Council Meeting, which may be held in person or by electronic means.
- 4.9.6.2 All District Executive Committee members shall be elected for a period of four (4) years, where after they shall be eligible for re-election.
- 4.9.6.3 Calendar days before the date of the QNGCM, the District Secretary shall circulate notice of the meeting, nomination forms for the District Executive Committee and

acceptance of nomination forms to all Members. The notice should also be published publicly on the official website and social media accounts of UBA on the same day. The closing date and time shall be specified in a circular distributed by the District Secretary, with the nomination forms.

- 4.9.6.4 An independent individual and two scrutineers shall be appointed by the District Executive Committee to administer and oversee the process of elections of the District Executive Committee.
- 4.9.6.5 Only individuals who are part of the executive committee structures in their Local Municipality or Associate Associations at the time of their nomination shall be eligible for nomination to the District Executive Council. Such nominations must be endorsed by the General Council.
- 4.9.6.6 Individuals shall lodge their nominations confidentially with the nominee's written acceptance form, an appropriate CV and motivation letter for acceptance of a nomination, and a written undertaking that he/she will resign from his Local Municipality Association's Executive Committee within 21 calendar days after the QNGCM where he/she has been elected.
- 4.9.6.7 Only Members in good financial standing with UBA may nominate a person for election. To be in good financial standing, a Member must have no monies outstanding prior to the year of the elections.
- 4.9.6.8 Calendar days before the QNGCM, the District Secretary shall circulate to all members a consolidated list of nominations received with the appropriate CV's and motivation letters.
- 4.9.6.9 The first round of voting shall be for the position of Chairperson, followed by voting for the position of Deputy Chairperson, then for the position of Treasurer-General.
- 4.9.6.10 The candidate who polls the highest number of votes for the positions of Chairperson, Deputy Chairperson and Treasurer shall be declared the winner.
- 4.9.6.11 The District Secretary shall then be elected.
- 4.9.6.12 The Heads of Commissions shall then be elected.
- 4.9.6.13 The candidates polling the highest number of votes for the respective positions shall be declared the successful candidates.
- 4.9.6.14 Voting for the District Executive Committee may either be through secret ballot or show of hands.
- 4.9.6.15 Representation by letter or proxy is not permitted for the election of the District Executive Committee.

4.9.7 Powers and duties of the District Executive Committee

- 4.9.7.1 The District Executive Committee shall have the authority to do anything or take any necessary steps in the furtherance of the Objects and Powers, in accordance with this Constitution, the Internal Regulations, Policies and all decisions of UBA from time to time.
- 4.9.7.2 UBA's business shall be governed by the District Executive Committee subject to this Constitution, and to such Internal Regulations, not inconsistent with this Constitution, but no regulation prescribed by the District General Council shall invalidate any prior act of the District Executive Committee.
- 4.9.7.3 Supervise and give direction in Basketball affairs, in its best interests, between

sessions of the District General Council.

- 4.9.7.4 Implement and manage policies, decisions and conclusions of the District General Council.
- 4.9.7.5 Appoint employees (permanently or on contract), agents and officials as it deems fit and to invest them with such powers as it deems expedient and to determine their duties, fix and vary their salaries and emoluments (if any) and to suspend and discharge any such person;
- 4.9.7.6 Attend to all legal matters on behalf of UBA;
- 4.9.7.7 Make, vary and repeal Internal Regulations for the due and proper regulation of the affairs of UBA, and the due and proper functioning of its employees, agents and officials; said amendments to be ratified by the District General Council.
- 4.9.7.8 Endorse goods and services directly connected with basketball so as to enable the promotion and development of basketball.
- 4.9.7.9 Enter into contracts inside and outside the District of Umkhanyakude and execute any contracts, deeds and documents in the District and in any foreign country.
- 4.9.7.10 Host, when applicable, international and continental events in conjunction with the appropriate structures and organisations concerned.
- 4.9.7.11 Acquire, hold, possess, control and dispose of real property and real rights as may be necessary.
- 4.9.7.12 Invest funds not immediately required in the name of UBA, with negotiated major financial institutions as defined in Section 1 of the Financial Institution (Investment of Funds) Act, 1984, with amendments, if any.
- 4.9.7.13 Accept donations and legacies and raise funds on behalf of UBA subject to the express limitation that should the services of a fundraiser be made use of for the collection of contributions, the expenses (remuneration and/or commission included) must be determined by the District Executive Committee.
- 4.9.7.14 Appoint such number of standing committees with such powers, from time to time, as may be necessary;
- 4.9.7.15 Attend to all matters of discipline and appoint such committees as may be necessary for this purpose and shall have the power to suspend, caution and / or impose a fine upon any Member.
- 4.9.7.16 Decide the annual competition calendar.
- 4.9.7.17 Approve/reject the selection of District teams, subject to conditions contained within the Internal Regulations of UBA.
- 4.9.7.18 Generally, execute any legal act on behalf of UBA, thus doing all that is necessary for the fulfilment of the Objects of UBA, provided that such act is not contrary to this Constitution.
- 4.9.7.19 Manage the international policy of UBA.
- 4.9.7.20 Accept or reject applications for membership.
- 4.9.7.21 Nominate and appoint representatives of UBA in various governmental, nongovernmental and sports bodies.
- 4.9.7.22 Determine the financial policy and approve the budget prepared by the Treasurer and the Secretary.
- 4.9.7.23 Control the overall financial management of UBA and to report to the District General Council.

- 4.9.7.24 Present activity reports to the District General Council.
- 4.9.7.25 Decide appeals in the first instance.
- 4.9.7.26 Delegate identified powers to specialised committees.
- 4.9.7.27 Approve the Terms of Reference of specialised committees and commissions.
- 4.9.7.28 Carry out all activities which are not within the jurisdiction of the District General Council.

4.9.8 Meetings of the District Executive Committee

- 4.9.8.1 The District Executive Committee shall meet at least 4 times annually.
- 4.9.8.2 The Meetings shall be quarterly and may be held in person or by electronic means.
- 4.9.8.3 Out of cycle or Emergency meetings of the District Executive Committee will be convened when needs be.
- 4.9.8.4 Decisions and resolutions of the District Executive Committee shall be distributed to the District General Council within 21 working days of the meeting having taken place.

4.9.9 Termination of office

- 4.9.9.1 A vacancy shall exist on the District Executive Committee upon the following conditions:
 - (a) The death of a serving District Executive Committee member.
 - (b) If a District Executive Committee member is absent from three consecutive meetings of the District Executive Committee without any prior written arrangements.
 - (c) If a member is found guilty of conducting himself in a manner that could bring UBA into disrepute or harm the image of the sport and or UBA.
 - (d) If a member is not allowed to hold office as a director of a company in terms of the South African laws governing such.
 - (e) If a member's estate is sequestrated or he/she files an application for the surrender of his/her estate or an application for an administration order or commits an act of insolvency as defined in the insolvency law for the time being in force, or makes any arrangement or composition with his/her creditors generally.
 - (f) If a member becomes unsound of mind or is declared insane or incapable of handling his/her own affairs.
 - (g) If a member is convicted of an offence of which dishonesty is an element.
 - (h) If a member has been removed from an office of trust on account of misconduct.
 - (i) If a member has a direct or indirect interest in a contract or proposed contract with UBA and has failed to declare such interest and the nature thereof in the manner required of directors by the Companies Act.
 - (j) If a member resigns his/her position by notifying UBA in writing.
 - (k) If a member is removed from office by a resolution supported by 75% of the District General Council, following the written submission of a vote of no confidence signed on behalf of at least six (6) Members.

- (l) Elections to fill vacancies on the District Executive Committee shall be held at an AGM which is not a QNGCM or at the next District General Council meeting. Such an election shall be conducted in accordance with the nomination procedures outlined in Clause 3.14. A District Executive Committee member elected in accordance with this Clause shall hold office until the next QNGCM.

5. ARTICLE 4: Quorums

- 5.1 For all meetings under UBA, the quorum shall be 50 percent plus 1 of the vote to be present, unless otherwise stated in this Constitution.

6. ARTICLE 5: Voting

- 6.1 Only Members in good standing as defined in the Internal Regulations of KZNBA may participate in the voting process in UBA meetings.
- 6.2 All District General Council members shall have 1 vote as per the composition of the District General Council under 3.1.1 above and in accordance with clause 3.3.7.
- 6.3 District Executive Committee members shall have one vote with the proviso that District Executive Committee members shall not have the right to exercise a vote in the election of the District Executive Committee
- 6.4 At all meetings of the District General Council and the District Executive Committee, the chairperson of the meeting shall have the casting vote.
- 6.5 All Elections of the District Executive Committee shall be conducted by an independent individual as determined by the District Executive Committee.
- 6.6 Voting at all UBA meetings shall be by show of hands, except in the case of elections of the District Executive Committee, which shall be by secret ballot. Notwithstanding this Clause, the District General Committee, by simple majority, shall have the authority to declare any voting procedure to be conducted by secret ballot or show of hands.
- 6.7 The District Executive Committee shall propose for the approval of the meeting, an electoral officer and at least two scrutineers for all voting procedures.
- 6.8 No representation letter or proxy will be allowed in the voting process of the District General Council. In all other matters, proxy voting is allowed as per 3.3.7.

7. ARTICLE 6: Internal Regulations

- 7.1 In addition to the provisions of this Constitution, the District Executive Committee shall issue such Internal Regulations as may be approved by the District General Council for the smooth running of the affairs of UBA.
- 7.2 Such Internal Regulations shall be approved by the District General Council for ratification at an AGM or at a Special General Council meeting called for this specific purpose.
- 7.3 Any amendment of the Internal Regulations shall be entered in the Minutes of the particular District General Council meeting at which such amendments have been passed. If the Minutes have been duly circulated, as provided in the Constitution, this shall be deemed sufficient notice of such amendments.

8. ARTICLE 7: Finances

- 8.1 The District Executive Committee as authorised by the District General Council shall open and operate banking accounts with a registered banking institution in South Africa.
- 8.2 There shall be two signatories/approvals for every cheque drawn or electronic transfer payments loaded on the banking accounts.
- 8.3 The District Secretary shall have the power of the first Signature or load all transactions; and any other officials

(Treasurer or Chairperson) delegated by the District Executive Committee shall provide the second signature or approval of transactions loaded.

- 8.4 The Treasurer-General shall provide an audited financial report to the Audit and Risk Committee for approval prior to providing same to the AGM.
- 8.5 The financial year of UBA shall commence on the first day of April and end on the last day of March the following year.
- 8.6 Affiliation fees shall be payable by the last day of March of each year.
- 8.7 The Treasurer or his delegated authority shall keep proper records of accounts/financial transactions/financial projects of UBA and shall be reconciled on a monthly basis with the UBA bank accounts, which will be tabled at subsequent meetings of the District Executive Committee and the District General Council.

9. ARTICLE 8: Discipline

- 9.1 Any Member, individual, employee or associate who contravenes any of the terms or provisions of this Constitution, or Internal Regulations, or fails/refuses any lawful decision of the District General Council, the District Executive Committee, or any standing commission/committee of UBA, shall be charged with misconduct as provided for in the Internal Regulations of UBA.

10. ARTICLE 9: Anti-doping

- 10.1 Doping is strictly forbidden by UBA, KZNBA, Basketball SA, SASCOC, the World Anti-doping Agency and FIBA. UBA shall put in place appropriate Anti-doping Regulations, governing the usage of drugs and prescribing sanctions where a doping offence has occurred or found to have been committed.
- 10.2 At all times UBA shall take into consideration the requirements of RSA legislation on drugs and doping.

11. ARTICLE 10: Dispute resolution

- 11.1 Any disagreement relating to the enforceability of this Constitution or the interpretation or application of the provisions thereof, or any conflict of interest between any number of Members of UBA or between a Member and UBA itself, shall be deemed to be a dispute, and such dispute shall be dealt with in terms of the Internal Regulations of this Constitution.
- 11.2 Any disagreement or dispute carried forward shall be dealt with in terms of the Dispute Resolution mechanism put in place by UBA.

12. ARTICLE 11: Members' liability

- 12.1 The liability of a Member to contribute towards the payment of the debts and liabilities of UBA, or the costs, charges and expenses of the winding up of UBA is limited to the amount, if any, unpaid by the Member in respect of membership of UBA as required by this Constitution and the International Regulations.

13. ARTICLE 12: Fees, duties and levies

- 13.1 Each Member shall pay annually to UBA an affiliation fee to be determined annually by the District General Committee in conjunction with the approval of its annual budget, and such affiliation fees shall be due and payable on 31 March in each year in respect of the year ending 31 December following.
- 13.2 Each District Association and Associate Member shall also be liable to pay UBA, from time to time, such other fees and on such date(s) as may be decided by the District General Council or as set out in the Internal Regulations of UBA.

14. ARTICLE 13: Emblem and colours

- 14.1 The Emblem of UBA shall be as in Annexure B.
- 14.2 The District Executive Committee shall decide, based on the level of competition, which colours will be recommended for a particular competition or event.
- 14.3 The awarding of UBA colours is under the direct control of the District Executive Committee.
- 14.4 UBA colours will be awarded to any player, administrator, competitor or official who meets the requirements as set out in the Internal Regulations.
- 14.5 The official colours of UBA shall be Orange, Black and white.
- 14.6 The Emblem of UBA shall be the badge on the blazer of UBA, with the words descriptive of the reason for the colours.
- 14.7 Persons who represent UBA shall be entitled to wear the official blazer and badge on approval of the District Executive Committee.
- 14.8 The District Colours policy is based on the Rules and Procedures issued by DSC.
- 14.9 The awarding of District Colours is under the direct control of the District Colours Board of DSC.
- 14.10 The District Executive Committee will decide, based on the level of competition, to recommend to DSC the awarding of District Colours.
- 14.11 The awarding of District Colours is not automatic and DSC reserves the right not to approve an application for District Colours from UBA.
- 14.12 Regulations pertaining to the awarding of UBA and District Colours shall be included in the Internal Regulations.

15. ARTICLE 14: Amendments to the constitution

- 15.1 This Constitution may be amended at the AGM or a Special District General Council meeting of UBA called specifically for that purpose upon written request of at least 50% plus one (1) of the Members of UBA.
- 15.2 The said amendment shall be passed by a two thirds majority of those present and entitled to vote at such meeting.

16. ARTICLE 15: Indemnity

- 16.1 Office-bearers, officials and employees of UBA shall be indemnified by UBA against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against UBA or against such office-bearers, officials or employees in his/her representative capacity, provided that the indemnity conveyed herein shall not extend to private, personal acts of such office-bearers, officials or employees, acts outside the course and scope of their employment(in

the case of employees), and or acts outside the official appointment and tenure of office in UBA (in case of office-bearers and officials).

16.2 Each District Association, Associate Member and the Special Member shall enter into a contract with the District Executive Committee for any District, National or International Tournament or competition.

17. ARTICLE 16: Dissolution

17.1 UBA shall be dissolved upon a resolution passed by a majority of 75% of the Members at a Special District General Council meeting called specifically for that purpose.

17.2 Upon dissolution and after the satisfaction of all its debts and liabilities, any property whatsoever in the possession of UBA shall by resolution of the District.

17.3 General Council, be given or transformed to another non-profit organisation that has similar objects.

18. APPROVAL

SECRETARY	CHAIPERSON
Signature: 	Signature: 
Date: 9 th August 2024	Date: 9 th August 2024

19. ANNEXURE ONE

19.1 Local Municipalities

19.1.1 Umhlabuyalingana Local Municipality

19.1.2 Jozini Municipality

19.1.3 Big 5 Hlabisa Municipality

19.1.4 Mtubatuba Municipality

20. ANNEXURE B