

CONSTITUTION of

Shotokan South Africa

CONSTITUTION OF SHOTOKAN SOUTH AFRICA

PRE-AMBLE

RECOGNISING THAT the members of this Organisation—

- * are united in the common understanding that— the true purpose of Karate is not the winning of fights or tournaments. The true purpose of Karate is to perceive the truth of life through daily training, and to gain self-confidence and self-reliance (Masatoshi Nakayama Sensei, 1913 to 1987); and
- * commit themselves to practising karate according to the five basic principles of Shotokan, namely that of Character; Sincerity; Effort; Etiquette and Self-control;

AND BEARING IN MIND THAT this Organisation—

- * firmly believes that the affairs of any karate organisation should be conducted in a transparent, democratic and lawful manner based, among others, upon the principles of equal opportunity, non-racialism and non-sexism; and
- * understands that a karate organisation cannot operate in isolation from other similar organisations, because to do so is not conducive to strengthening the sport in the Republic of South Africa:

AND THEREFORE this Organisation—

* will diligently invest time and effort in the training of its members, presenting the necessary opportunities for each individual member to fulfil his or her own potential to the fullest extent in his or her participation in karate.

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Part A:

Definitions and interpretation and Objects of Organisation

1. Definitions and interpretation

- 1.1 In this Constitution, unless the context indicates otherwise—
 - "AGM" means the Annual General Meeting referred to in Article 15;
 - "child" means a person under the age of 18 years and "children" has a corresponding meaning;
 - "day" means any weekday, excluding Sundays and Public Holidays;
 - "Dojo Head" means the person who takes final responsibility for and who actively train those members who are affiliated to his or her registered Dojo as contemplated in Article 7(1)(c);
 - "EMC" means the Executive Management Committee referred to in Article 5;
 - "financial year" means a year as defined;
 - "member" means—
 - (a) any adult person; or
 - (b) the child and his or her parent or person in loco parentis of that child,

who is affiliated to Shotokan South Africa;

"Organisation" means Shotokan South Africa;

"prescribed" means prescribed by the rules and codes of conduct;

- "registered Dojo" means a Dojo that is registered on an annual basis to Shotokan South Africa as contemplated in Article 11;
- "rules" means rules, including any code of conduct, made by the Executive Management Committee as provided for in Articles 22 and 23;
- "this Constitution" includes any rules or codes of conduct made under this Constitution; and "year" means 1 January up to and including 31 December of any given year.
- 1.2 Where any number of days is prescribed in terms of this Constitution, same must be reckoned exclusively of the first day and inclusively of the last day, unless the last day falls on a Sunday or Public Holiday, in which case the last day shall be the next succeeding day which is not a Sunday or Public Holiday.
- 1.3 The headings of Articles are for purposes of reference only and may not be used to interpret the content of the Articles concerned.
- 1.4 Words in the singular number include the plural, and words in the plural number include the singular.

2. Objects of Organisation

The objects of this Organisation are to—

(a) manage its own affairs with integrity and in a transparent and ethical manner;

- (b) foster and develop karate among its members;
- (c) set standards by way of rules, if and when necessary, in connection with the operations of the Organisation, including setting standards for the training and grading of members and standards to be complied with by instructors, tournament officials and examiners;
- (d) diligently invest time and effort in the training of the members of registered Dojos;
- (e) presenting the necessary opportunities for each individual member to fulfil his or her own potential to the fullest extent in his or her participation in karate;
- (f) arrange and facilitate Regional Kyu and National Dan grading;
- (g) manage, approve and assist with the affiliation of members of registered Dojos to—
 - (i) any national karate governing body that is officially recognised, at any given time, by the South African Sports Confederation and Olympic Committee or its legal successor; and
 - (ii) any other national or international karate governing body, if such affiliation is in the best interest of the members concerned; and
- (h) promote co-operation with other karate organisations insofar as tournaments and other matters of common interest are concerned.

Part B:

Name, management structure and membership

3. Name

The name of this Karate Organisation is "Shotokan South Africa" and—

- (a) the abbreviation for its name is "Shotokan-ZA";
- (b) its electronic mail address is "admin@shotokan.org.za";
- (c) its website address is www.shotokan.org.za;
- (d) its Facebook address is "Shotokan-ZA"; and
- (e) its Twitter address is "@shotokan-ZA".

4. Management structure of Organisation

The management structure of the Organisation will consist of—

- (a) one or more Patrons designated by the Chairperson, in consultation with the members of the EMC, who will perform such duties and functions as determined by the Chairperson, including—
 - (i) providing advice to the EMC with regard to rules to be made in connection with technical Shotokan standards to be adhered to by the Organisation and its members, including standards relating to the examination of members;
 - (ii) convening and managing grading panels with the view to the National Dan Grading or to approve the members of a National Dan Grading panel, as proposed by the EMC; and

- (iii) liaising with international karate governing bodies or their members, at the request of the EMC, in the interest of and with the view to promoting the objects of the Organisation;
- (b) the EMC responsible for the management of the Organisation, as provided for in terms of this Constitution; and
- (c) the AGM responsible for exercising oversight over the activities of the EMC, as provided for in terms of this Constitution.

5. Executive Management Committee and Advisory Committees

- 5.1 The elected members of the Executive Management Committee of Shotokan-ZA, responsible for establishing the Organisation, are those persons referred to in the Schedule. The persons referred to in the Schedule will serve as members of the EMC for a period of not more than one year, but will at the expiration of the one year period, be eligible for reappointment.
- 5.2 After the period referred to in Article 5.1 the membership of the EMC will consist of the Chairperson referred to in the Schedule and four other members. The four members will hold office for a period of two years and will, at the expiration of the two year period, be eligible for reappointment.
- 5.3 The members of the EMC must elect one person to be the Treasurer of the Organisation.
- One or more persons may be appointed by the EMC to assist it with its administration and the execution of its functions and duties. The appointment and the remuneration of the persons concerned must, with the necessary changes, take place in accordance with the procedure referred to in Article 6.3.
- 5.5 Persons who are appointed as regional heads or persons with special skills or knowledge may be co-opted to assist the EMC with the performance of its functions and duties.
- The EMC may, if it considers it necessary for the proper performance of its functions and duties, appoint one or more Advisory Committees, which must consist of such members of the EMC as the EMC may designate and such other persons, as may be necessary, designated by the EMC for the period determined by the EMC.
- 5.7 The members of the EMC must, as soon as reasonably possible appoint a Finance Advisory Committee to, among others, perform the functions referred to in Articles 11.1 and 12.2.

5.8 The general day-to-day functioning of the Organisation will be based on decisions that are adopted by the Chairperson of the EMC, after consultation with the members of the EMC. Consultation with the members of the EMC may take place by any electronic means as agreed to by the members.

6. Vacancies

- 6.1 A vacancy in the EMC occurs if a member—
 - (a) becomes subject to automatic disqualification on the ground that he or she has been declared by a court to be mentally ill or unfit or has at any time been convicted, whether in the Republic or elsewhere, of any offence involving dishonesty;
 - (b) tenders his or her resignation and the remaining members of the EMC have accepted the resignation;
 - (c) is removed from office on the ground of misconduct, incapacity or incompetence;
 - (d) dies; or
 - (e) becomes permanently incapable of doing his or her work.
- 6.2 If the position of a Patron becomes vacant as contemplated in Article 6.1 the—
 - (a) Chairperson of the EMC must perform the functions referred to in Article 4(a)(ii); and
 - (b) procedure referred to in Article 6.3 must be followed to appoint a new Patron, if and when circumstances may require such appointment.
- 6.3 If the position of a member, including that of the Patron or Deputy Chairperson, becomes vacant as contemplated in Article 6.1, the—
 - (a) Chairperson must, as soon as possible, request the members of the EMC to nominate persons to fill the vacancy;
 - (b) members must, within 30 days after having been requested to do so, nominate at least two persons who are affiliated to the Organisation; and
 - (c) vacancy must be filled by means of a simple majority vote at the next meeting of the EMC after the nominations have been made as contemplated in paragraph (b).
- 6.4 If the position of Chairperson becomes vacant, as contemplated in Article 6.1, the—
 - (a) Deputy Chairperson must act as the Chairperson of the Organisation and must, as soon as possible, request the members of the EMC to nominate persons to fill the vacancy;
 - (b) members must, within 24 days after having been requested to do so, nominate at least two persons of whom at least one must be an existing member of the EMC for the position of Chairperson;
 - (c) vacancy must be filled by means of a two third majority vote at the next meeting of the EMC after the nominations have been made as contemplated in paragraph (b); and

- (d) Acting Chairperson will have a deciding vote if a two third majority decision cannot be obtained as required in terms of paragraph (c).
- A position that becomes vacant in the EMC as a result of the process that has been followed in Article 6.4 must be filled as provided for in Article 6.3.
- Any member who is appointed under this Article will hold office for the rest of the period of his or her predecessor's term of office, but will at the expiration of that period be eligible for reappointment.

7. Functions of Executive Management Committee

- 7.1 The EMC must ensure that Shotokan-ZA is administered in a transparent and ethical manner and must—
 - (a) ensure that comprehensive rules are made, as and when it may become necessary, with regard to the—
 - creation of regions and sub-regions, both within and across the borders of the Republic of South Africa;
 - (ii) appointment of heads of regions and sub-regions;
 - (iii) powers, functions and duties of the heads of regions and sub-regions; and
 - (iv) appointment of Technical Advisers;
 - (b) arrange meetings as deemed necessary with the view to the efficient administration of the Organisation;
 - (c) establish and maintain an administrative system in respect of the registration of Dojos and the affiliation of members, including issuing proof of registration and affiliation;
 - (d) prepare and submit a report to the Annual General Meeting referred to in Article 15 on all its activities during the period of its operation, including an independently reviewed financial report and the register of all assets which Shotokan-ZA has acquired, if applicable; and
 - (e) report to the Annual General Meeting regarding any necessary rules to be issued by Shotokan-ZA to ensure that all the activities of registered Dojos are uniform with regard to the conduct, training and evaluation of members, the participation of members in tournaments, tournament rules and any other necessary rules.
- 7.2 The EMC must issue rules regarding the acceptance of the grades of any newly affiliated members who are in possession of grades that have been awarded to them by other karate organisations. The rules must be made available to all Dojo Heads.

8. Conflict of interest

- 8.1 If any member of the EMC or any person referred to in Article 5.4 has a material interest in any matter which could conflict with the proper performance of his or her functions or duties in terms of this Constitution, he or she must disclose that interest to the Chairperson and Deputy Chairperson as soon as practicable after the relevant facts came to his or her knowledge.
- 8.2 If a member of the EMC or person referred to in Article 5.4—
 - (a) is present at a meeting of the EMC or an Advisory Committee referred to in Article 5.6 or 5.7 at which a matter contemplated in that Article is to be considered, the member or person concerned must disclose the nature of his or her interest to the meeting before the matter is considered; or
 - (b) fails to make a disclosure as required by this Article and is present at a meeting of the EMC or an Advisory Committee, as the case may be, or in any other manner participates in the proceedings, such proceedings in relation to the relevant matter must, as soon as the non-disclosure is discovered, be reviewed and be varied or set aside by the EMC or the Advisory Committee, as the case may be, without the participation of the member or person concerned.
- 8.3 A member of the EMC or person referred to in Article 5.4 who is obliged to make a disclosure in terms of this article may not be present during any deliberation, or take part in any decision, in relation to the matter in question.
- 8.4 Any disclosure made in terms of this Article must be noted in the minutes of the relevant meeting of the EMC or Advisory Committee.
- 8.5 A member of the EMC or person referred to in Article 5.4 who has disclosed a conflict of interest in terms of Article 5.4—
 - (a) may perform all functions or duties relating to the matter in question if a decision has been taken that the interest is trivial or irrelevant; or
 - (b) must be relieved of all functions and duties relating to the matter in question and such functions and duties must be performed by another member of the EMC or by another person referred to in Article 8.1, as the case may be, who has no such conflict of interest.

9. Membership

9.1 The members of Shotokan-ZA are those persons who are eligible and apply for membership of the Organisation through their respective registered Dojos, who have paid all relevant fees for the period 1 January to 30 November of any given year and who are admitted to and maintained in membership by the EMC.

- 9.2 Members of Shotokan-ZA who wish to participate in tournaments in order to qualify for Provincial or National Colours or any other official recognition will be affiliated through their respective registered Dojos to—
 - (a) any national karate governing body that is officially recognised, at any given time, by the South African Sports Confederation and Olympic Committee or its legal successor; or
 - (b) any other national or international karate governing body, if such affiliation is in the best interest of the members concerned.
- 9.3 Dojo Heads and their members referred to in Article 9.2 must, apart from this Constitution, comply with the rules of the respective karate governing bodies to which they are affiliated.

Part C:

Finances and financial management

10. Funds, assets and accounting

- 10.1 The funds of Shotokan-ZA will consist of—
 - (a) the registration and affiliation fees referred to in Article 11;
 - (b) any donations which are made to the Organisation;
 - (c) any other fees that are levied by the Organisation for purposes of achieving the objects of the Organisation; and
 - (d) funds obtained through the sale of merchandise.
- Any expenses incurred by the Organisation will be incurred solely for purposes of achieving the objects of the Organisation. Any expense to be incurred that exceeds an amount, as prescribed, must be approved by the majority members of the EMC.
- 10.3 The Chairperson, assisted by the Treasurer, must—
 - (a) ensure that a proper record is kept of all income received and all expenses incurred by Shotokan-ZA;
 - (b) keep a register of all assets that Shotokan-ZA has acquired from its inception; and
 - (c) ensure that the financial records of the Organisation are reviewed by an independent accounting officer at the end of every year.
- 10.4 A bank account must be opened for purposes of depositing and withdrawing money of the Organisation. The Chairperson and Treasurer must manage the account, as prescribed.

11. Registration and Affiliation fees

- 11.1 The registration fees for Dojos and the affiliation fees for members of Shotokan-ZA for any given year must be determined by the Finance Advisory Committee and approved by the members of the EMC, on or before 30 November of the preceding year.
- 11.2 The Chairperson must inform all Dojo Heads of the registration and affiliation fees in writing without unnecessary delay. The registration and affiliation fees for any given year will remain unchanged in that year.
- 11.3 Dojo Heads must ensure that registration and affiliation fees are fully paid before the end of February of any given year.
- 11.4 The total registration and affiliation fees, as prescribed, must be paid over to Shotokan-ZA, without any unnecessary delay, in respect of all members who join a registered Dojo after February of any given year.
- 11.5 The provisions of Article 11.4 apply, with the necessary changes, to any Dojo that registers with Shotokan-ZA after February of any given year.

12. Honorarium and allowance

- 12.1 The Chairperson will, subject to Article 12.2, be entitled to an honorarium and such allowance for reimbursement of travelling expenses incurred by her in the performance of her functions under this Constitution, as the members of the EMC may determine.
- 12.2 The honorarium and allowance referred to in Article 12.1 must be determined by the Finance Advisory Committee, referred to in Article 5.7, and approved by the members of the EMC, on or before 30 November of any given year.

Part D:

Meetings

13. Procedure for meetings

- 13.1 The dates of meetings will be notified not less than 18 days prior to the date of a meeting.
- 13.2 All meetings will be conducted according to an agreed Agenda which must be prepared and circulated no later than seven days prior to the date of the meeting. All EMC members can give input or make proposals with regard to the Agenda in advance. If the Chairperson is not available to chair the meeting, the Deputy Chairperson will fulfil the responsibility. If both the Chairperson and the Deputy Chairperson are not present at the meeting, the remaining members present must elect a Chairperson from among themselves for purposes of that meeting.

- 13.3 An ordinary majority of the EMC members will form a quorum for purposes of an EMC meeting.
- 13.4 Decisions will, except if otherwise provided for in this Constitution, be taken by means of a simple majority of those members of the EMC who are attending a meeting: Provided that in the event of an equality of votes, the Chairperson of the meeting will have a casting vote in addition to his or her deliberative vote.
- 13.5 The Chairperson will ensure that minutes are taken at every meeting and that decisions that have been taken are properly noted in the minutes as such. The minutes must be distributed to all members of the EMC within 12 days after the meeting concerned.

14. General and Extraordinary Executive Management Committee meetings

- 14.1 The EMC will meet on a quarterly basis: Provided that, subject to Article 14.2, a quarterly meeting may be cancelled if all the members of the EMC agree that there are no matters of importance to be discussed. The Chairperson must keep record of the general EMC meetings that have been cancelled.
- 14.2 A quarterly meeting that follows a meeting that has been cancelled in terms of Article 14.1 must be proceeded with and may not be cancelled.
- 14.3 The Chairperson may, notwithstanding the provisions of Article 13.1 and 13.2, call the members of the EMC to attend an extraordinary meeting when circumstances prevail that justify such meeting. The date of an extraordinary meeting may not be notified less than five days prior to the date of the meeting. The provisions of Article 13.3 to 13.5 apply to an extraordinary meeting.

15. Annual General Meeting

- 15.1 The members of the AGM are—
 - (a) the members of the EMC referred to in Article 5.2;
 - (b) regional heads, if any;
 - (c) Dojo Heads of Dojos that have registered with Shotokan-ZA before the month of September that precedes the following AGM meeting;
 - (d) two persons who are 18 years of age or older and who are affiliated members of their respective registered Dojos; and
 - (e) two members as referred to in paragraph (b) of the definition of member in Article 1.
- 15.2 The members of the AGM who are entitled to vote at the AGM, for purposes of taking decisions, are those persons referred to in Article 15.1(b) to (e). The quorum for an AGM meeting is 15 persons, referred to in Article 15.1(b) to (e), who attend the meeting.

- 15.3 The Chairperson must invite nominations from members for a person to be elected as the Chairperson of the following AGM when the Chairperson informs the Dojo Heads of the registration and affiliation fees as referred to in Article 11.2. Nominations will close 31 December of any given year and the members must cast their electronic vote before 31 January. The AGM Chairperson will be elected as such by means of a simple majority vote.
- 15.4 The Chairperson of the AGM must determine the procedure for the Annual General Meeting concerned.
- 15.5 The AGM must be convened before the end of February of any given year. Each member attending the AGM will have one vote and proxy votes are not allowed. The AGM is open to any member to observe the proceedings of the AGM as non-voting attendees.
- 15.6 The business of the AGM will consist of the following:
 - (a) Considering and approving the report referred to in Article 7.1(d);
 - (b) considering and approving amendments to the Constitution of Shotokan-ZA;
 - (c) considering the report referred to in paragraph 7.1(e) and determining the way forward regarding any recommendations that have been made; and
 - (d) considering any other matters that are placed before it for consideration.

Part E:

Discipline

16. Discipline in general

- Dojo Heads are responsible for taking disciplinary steps, when necessary, against members who are affiliated to their respective Dojos.
- 16.2 Dojo Heads are responsible for resolving any disputes that may arise between members who are affiliated to their respective Dojos.

17. Complaints

Any member may submit a complaint to the EMC in the prescribed manner and form alleging that a Dojo Head or a member who is affiliated to another registered Dojo (in this Part referred to as the "affected party") has not complied with the code of conduct of the Organisation.

18. Executive Management Committee may decide to take no action on complaint

18.1 The EMC, after having received a complaint in terms of Article 17, may decide to take no action or, as the case may be, require no further action in respect of the complaint if, in the EMC's opinion that the—

- (a) length of time that has elapsed between the date when the subject matter of the complaint arose and the date when the complaint was made is such that an investigation of the complaint is no longer practicable or desirable;
- (b) subject matter of the complaint is trivial;
- (c) complaint is frivolous or vexatious or is not made in good faith;
- (d) complainant does not desire that action be taken or, as the case may be, continued; or
- (e) complaint relates to a matter which should be resolved in terms of the criminal law.
- 18.2 In any case where the EMC decides to take no action, or no further action, on a complaint, the EMC must inform the complainant of that decision and the reasons for it.

19. Parties to be informed

Before proceeding to consider any complaint in terms of this Part, the EMC must, in writing, inform—

- (a) the complainant of the EMC's intention to consider the complaint; and
- (b) the affected party to whom the complaint relates of the—
 - (i) details of the complaint; and
 - (ii) right of that affected party to submit to the EMC, within a reasonable period, a written response in relation to the complaint.

20. Settlement of complaints

If it appears from a complaint, or any written response made in relation to a complaint under Article 19(b)(ii), that it may be possible to secure—

- (a) a settlement between the two parties concerned; and
- (b) if appropriate, a satisfactory assurance against the repetition of any action that is the subject matter of the complaint or the doing of further actions of a similar kind by the affected person,

the EMC may, without considering the complaint further use its best endeavours to secure such a settlement and assurance.

21. Code of conduct

The code of conduct must prescribe—

- (a) the manner in which the EMC will consider a complaint;
- (b) how the parties to the complaint must be heard;
- (c) the type of punishment to be imposed by the EMC for different categories of non-compliance with the code of conduct, including that the EMC may
 - suspend the affected party from participating in some or all activities of Shotokan-ZA for a specified period; or

- (ii) expel the affected party;
- (d) the manner in which an appeal may be lodged against a finding of the EMC
- (e) the establishment of a Disciplinary Appeals Committee, which must consist of at least three, but not more than five persons, and the powers of the Disciplinary Appeals Committee, including that the Disciplinary Appeals Committee may—
 - (i) confirm the finding of the EMC; or
 - (ii) reject the finding of the EMC, as referred to in Article 21(c)(i) or (ii), as the case may be.

Part F:

Rules and codes of conduct

22. Rules and codes of conduct

- 22.1 The EMC may, subject to Article 23, issue rules, including any code of conduct, relating to any matter which relates to the business of Shotokan-ZA, including, rules relating to—
 - (a) the expansion of the operations of the Organisation, as and when it may become necessary, dealing with the—
 - (i) creation of regions and sub-regions, both within and across the borders of the Republic of South Africa;
 - (ii) appointment of heads of regions and sub-regions;
 - (iii) powers, functions and duties of the heads of regions and sub-regions; and
 - (iv) appointment of Technical Advisers;
 - (b) curriculum for training and standards of grading to be adhered to by all registered Dojos;
 - (c) the Corporate Identity of Shotokan-ZA and how the Corporate Identity should be implemented by all registered Dojo Heads;
 - (d) the relationship and operations of Dojo Heads with Shotokan-ZA;
 - (e) the conduct of all affiliated members of Shotokan-ZA;
 - (f) the standards to be adhered to by Dojos that want to register with Shotokan-ZA; and
 - (g) the granting of meritorious status to affiliated members of Shotokan-ZA.
- 22.2 The Chairperson must make the rules, including any code of conduct, referred to in Article 22.1 available to Dojo Heads and, where applicable, to the members of Shotokan-ZA.

23. Procedure for making Rules and codes of conduct

- 23.1 The Chairperson, before the rules referred to in Article 22 are made or amended, must notify all Dojo Heads in writing—
 - (a) setting out that draft regulations have been developed;
 - (b) specifying where a copy of the draft regulations may be obtained; and

- (c) inviting written comments to be submitted on the proposed regulations within a specified period.
- 23.2 After complying with Article 23.1 the EMC may—
 - (a) amend the draft regulations by means of a simple majority decision; and
 - (b) make the regulations available in final form on the website of Shotokan-ZA.

Part G:

Commencement and amendment of Constitution

24. Amendment of Constitution

- 24.1 This Constitution, excluding the rules that have been issued under the Constitution, may only be amended when the members of the EMC by means of a two-thirds majority agree that a provision thereof prevents the EMC from performing its tasks.
- 24.2 The rules may only be amended or repealed if the majority of the members of the EMC agree to such amendment or repeal.

25. Title, commencement, safekeeping and availability

- 25.1 This instrument is called the Constitution of Shotokan South Africa and commences on the date when the members of the EMC sign this document.
- 25.2 The Chairperson is the custodian of the signed version of the Constitution of Shotokan South Africa and a "PDF" version thereof must be made available on the website of Shotokan South Africa.
- 25.3 The Chairperson must provide each Dojo Head who registers his or her Dojo to Shotokan South Africa with a "PDF" version of this Constitution.

Chairperson: E van Zyl

Executive Management Committee

2016

12

Place: Gemindon

Date:

Member: C Dreyer

Member: P Smit

Member: L/Steyn

Deputy Chairperson: S van Zyl

Executive Management Committee

Place: UELLUISTOF

Date: (3/2/2016

Member:\E Kriedemann

Member: H du Preez

Schedule

Elected members of Executive Management Committee

The elected members of the Executive Management Committee of Shotokan-ZA, referred to in Article 5.1, are—

- (a) Ms E van Zyl (Chairperson and member);
- (b) Mr S van Zyl (Deputy Chairperson and member);
- (c) Mr C Dreyer (member);
- (d) Mr H du Preez (member);
- (e) Dr E Kriedemann (member);
- (f) Ms P Smit (member); and
- (g) Ms L Steyn (member).

SHOTOKAN SOUTH AFRICA

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