



Constitution of MOGAS

ANNEXURE B

12/4/2016



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1. NAME OF THE ORGANISATION

The name of the Organisation shall be "The Motorised Aviation and Gliding Association of South Africa", known by the acronym "MOGAS" and hereinafter referred to as "The Organisation".

2. OBJECTS OF THE ORGANISATION

The object of the Organisation shall be to advance, promote and encourage:

- 2.1 The sport of Motorised Gliders, Light Sport Aircraft that by virtue of their classification may also be Touring Motor Gliders and Gliders of all forms in South Africa and Aerobatics pertaining to these craft, provided that the interests of motor gliding shall always take precedence over other forms of sport in the Organisation.
- 2.2 To be an affordable representative body that will be dedicated to the needs of TMG, Light Sport aircraft and gliders.
- 2.3 Be representative of its member's legislative needs on all the forums available to it.
- 2.4 To be progressive in the development of the training methods used for its pilot training.
- 2.5 To grow the sport and aviation discipline called TMG, LSA and Gliders.
- 2.6 To be the leader in the transformation of Previously Disadvantaged Individuals to the arena of flight, as a very cost effective method.
- 2.7 To be non-political or non-partisan in its approach to industry and foster a better cross pollination of skills between the various disciplines of flight.
- 2.8 To develop competitive skills among its pilots.
- 2.9 To foster discipline, safety and airmanship within its member ranks.

3. JURISTIC PERSONALITY

- 3.1 The Organisation shall be capable of acquiring and alienating property and incurring liabilities in its own name.
- 3.2 The Organisation so constituted shall be capable of suing and being sued in its own name according to law.
- 3.3 The liability of members for the debts and liabilities of the Organisation shall be limited to the extent of such member's unpaid subscriptions and other debts to the Organisation.

4. INTERPRETATIONS

- 4.1 Words importing any one gender shall include the other and words importing the singular shall include the plural and vice versa.
- 4.2 The headings are used for references and convenience only.



5. MEMBERSHIP

- 5.1 The Organisation shall consist of Honorary, Ordinary, Student and Special Members.
- 5.2 An Honorary Member shall be a person whom the Organisation specially wishes to honour in consideration of exceptional services rendered by him to the Organisation and/or to the sport in general. The procedure for the election of an Honorary Member shall be the following:
- 5.2.1 Two Committee Members shall recommend the nomination of an Honorary Member in writing, to the Committee. The Committee shall conduct a secret ballot, for which the Committee shall appoint scrutinisers. To secure nomination, three quarters of the votes cast by the Committee shall be in favour of the nominee, provided that three quarters of the members of the Committee cast their votes.
- 5.2.2 In the event of the nominee being nominated, the Committee shall conduct a ballot at the next Annual General Meeting to secure election. Three quarters of the votes cast by Ordinary Members present at the Annual General Meeting shall be in favour of the nominee.
- 5.2.3 An Honorary Member shall be elected for life.
- 5.3 The Ordinary Member shall be a person fulfilling the objects of the Organisation. An Ordinary Member shall at the time of their membership, fulfil the following conditions:
- 5.3.1 Be such a person of sound character whose acceptance as a member would, in the opinion of the Committee, be in the interest and to the advantage of the Organisation.
- 5.3.2 Be over 18 years of age and self-supporting.
- 5.3.3 Be the holder of a Crew Licence in line with the aims of the Organisation.
- 5.4 A Student Member shall be a person under 18 years of age or a person over 18 years of age that is in the opinion of the Committee not self-supporting by reason of his being a bona fide student.
- 5.4.1 Student Membership shall apply until said Student Member becomes self-supporting at which time he may apply for Ordinary Membership.
- 5.4.2 The same stipulations that are applicable to an Ordinary Member will be binding on a Student Member.
- 5.5 It shall be competent for the Committee to confer Temporary Membership upon any person and for such period of time, as the Committee may deem appropriate.
- 5.6 Special Membership may be conferred by the Committee on any person that gratuitously undertakes to perform duties for and on behalf of the Organisation, will hold no voting rights but may be elected to the committee.
- 5.7 A register of members shall be kept by the Secretary.
- 5.8 Cessation of membership of the Organisation shall entail forfeiture of the member's right, title and interest in the Organisation, the property and assets of the Organisation and their right to participate in the Organisation's affairs and activities.



6. APPLICATION FOR MEMBERSHIP

- 6.1 An application for membership shall be in writing and in a form containing such information as the Committee may require. The applicant shall be proposed by an Ordinary Member and seconded by a Committee member shall sign the application.
- 6.2 The Committee may approve or reject any application for membership, without having to divulge the reason thereof. The Committee may also require an applicant to appear at a Committee meeting convened for the purpose of considering his application for membership.

7. RESIGNATION OF MEMBERS

- 7.1 A member may resign by giving notice in writing to the Secretary of the Organisation, provided however that he shall remain liable for any subscriptions and/or debt due by him to the Organisation, at the due date of his resignation.
- 7.2 A member shall be deemed to have resigned his membership by any act or conduct which the Committee decides, shows his clear intention to resign. In the event of the Committee deciding that a member wishes to terminate his membership in this manner, it shall notify him in writing of its decision to accept his implied resignation and afford him a period of fourteen days within which to notify the Secretary of any contrary intention on his part.
- 7.3 A person who has so resigned or whose membership has lapsed, may be readmitted as a member, at the discretion of the Committee, and on payment of such fees as the Committee may decide upon.

8. INDEMNIFICATION OF MEMBERS

Members will strive to maintain a high standard of safety and personal proficiency in all activities of the Organisation and be responsible jointly with other members, for achieving this goal.

9. COMMITTEE AND MANAGEMENT

The management of the affairs of the Organisation shall be vested in the Committee on behalf of the Members which shall have the powers conferred on it in paragraph 10 below.

- 9.1 The Committee shall consist of:

- 9.1.1 A Chairman
- 9.1.2 A Vice Chairman
- 9.1.3 A Treasurer
- 9.1.4 A Secretary
- 9.1.5 And up to three additional members

- 9.2 Who shall be elected by the members at the Annual General Meeting, and

- 9.3 A Safety Officer who may be appointed by the Committee, if they are not already elected in terms of 9.2 above and

- 9.4 Any one or more members the Committee deems necessary or desires.

- 9.5 Members of the Committee shall be Ordinary Members only, in good standing in the Organisation, save it shall be competent to elect one person to the Committee who is not an Ordinary Member and only in a temporary capacity when the election of such a person would serve the interests of the Organisation because of his particular skills or ability.



- 9.6 The Committee shall be proposed and elected by the majority of members at the Annual General Meeting.
- 9.7 Members of the Committee shall hold office from the time of their election or appointment until the next Annual General Meeting.
- 9.8 A Member duly elected to hold a specific portfolio may not serve for more than two consecutive terms in the same office.
- 9.9 The accession principal will also be applied to the position of Vice Chairman succeeding the Chairman after the latter's term in office.
- 9.10 A Committee member may resign from the Committee by giving notice of his resignation to the Chairman or Secretary.
- 9.11 Committee Meetings: -
- 9.11.1 The Committee shall meet from time to time, to conduct the affairs of the Organisation. This may be conducted in person or via electronic media.
- 9.11.2 At meetings of the Committee a quorum shall be four members.
- 9.11.3 The majority of members present shall decide all matters before the Committee. The Chairman shall have a second and casting vote, should the voting be equal.
- 9.11.4 Any Organisation member shall be entitled to attend Committee meetings, but shall not be entitled to vote.
- 9.11.5 The Committee shall ensure that proper minutes of the proceedings at all meetings, to be kept. Said minutes shall be made available for inspection by Organisation member's at all reasonable times, upon request to the Secretary.
- 9.11.6 The remaining majority of the Committee may remove any member from office absenting themselves from three consecutive Committee meetings without reasonable excuse, or who by his conduct has indicated his desire not to serve.
- 9.11.7 The Secretary shall at any time, on the instruction of the Chairman, or upon the request of at least two Committee members, convene a meeting of the Committee.
- 9.11.8 In the absence of the Chairman, the elected Vice-Chairman shall automatically fill the position of the Chairman at Committee meetings.

10. POWERS OF THE COMMITTEE

- 10.1 The Committee shall have the power to institute and regulate the requirements for admission of membership to the Organisation.
- 10.2 The Committee shall have the power to levy, determine and amend the fees and subscriptions, payable to the Organisation, for the use of its facilities and all amenities provided by it.
- 10.3 All funds and assets of the Organisation shall be held in the name of the Organisation and vested in the Committee for the time being in trust on behalf of the Organisation.
- 10.4 Persons duly authorised thereto by the Committee shall sign all documents and instruments required to be signed on behalf of the Organisation.
- 10.5 The Committee shall have the power to form or authorise the formation or election of sub-committees for any special purposes and the delegation of its functions to such committees.



- 10.6 The committee shall frame By-laws, which shall be consistent with the Constitution, for the conduct of the business and the management of the affairs of the Organisation; and the use and application of its equipment and facilities. These By-laws may at any time be added to, repealed or amended by a majority resolution of a full Committee meeting, provided that all members shall be notified of such alterations and amendments in a manner decided upon by the Committee.
- 10.7 Notwithstanding the stipulations in 10.6, the Committee may grant the Safety Officer powers to make changes and additions to the By-laws that are of such a nature that they would enhance the safety and discipline of their ambit. These powers are granted to the Safety Officer on condition that at least two thirds of the Committee are present and that said two thirds are ALL in favour of the changes or/and additions.
- 10.8 In addition to the foregoing special powers, the Committee shall have full power and authority to do any act, matter or thing, which would or may lawfully be done by the Organisation, if it is in the furtherance of the objects thereof, except such matters as are in the Constitution and By-laws specially reserved to be dealt with at a General meeting of members.
- 10.9 It shall not be competent for the Committee to lend or advance Organisation funds or property to any persons without the approval of the majority of the Committee.
- 10.10 In the case of doubt as to the meaning and import of any provisions of the Constitution and/or by-laws, the interpretation of the Committee shall be binding upon the members.

11. DISCIPLINARY ACTION

The committee shall have the power to take disciplinary action against any member and for the purpose thereof shall have authority to:

- 11.1 Summons members to appear before the Committee to explain their actions or to give evidence in any matter.
- 11.2 Withhold any or all Organisation privileges from a member for any length of time as deemed appropriate by the Committee after due process has been followed.
- 11.3 To expel any member from the Organisation after due process has been followed.
- 11.4 Delegate these powers other than the right of expulsion to a Sub-Committee.
- 11.5 Should any member, in the opinion of the Committee, commit any wilful breach of the Articles of Constitution or By-laws of the Organisation, or be guilty of improper, dishonest, unsportsmanlike and/or un-gentlemanly conduct, or be guilty of misconduct which is prejudicial to the interests of the Organisation, whether within the Organisation's interests or outside them, the Committee shall have the authority to terminate the membership of such member or to take such disciplinary action as it may deem appropriate.
- 11.6 The disciplinary process which shall be followed is as follows:
- 11.6.1 Upon receipt of a written complaint by the Committee:
- 11.6.1.1 Formal meeting requested by the Committee with the accused to explain the complaint. Meeting to have formal minutes.
- 11.6.1.2 Committee may request a formation of a sub-committee to investigate the complaint and provide a formal report back to the Committee.
- 11.6.1.3 The Committee may summons the accused to attend a formal disciplinary hearing, based on the findings.



12. MEETINGS OF THE ORGANISATION

12.1 Annual General Meetings:

12.1.1 Annual General Meetings shall be held on a date to be decided upon by the Committee, not more than 13 months after the preceding AGM, to receive and consider the annual report of the Committee, the financial report of the Committee, to elect a Committee for the ensuing year and to conduct such business as the Committee may decide; and

12.1.2 Matters placed on the agenda by members having given 14 days written notice to the Secretary.

12.1.3 Members shall be given at least 21 days written notice of an annual General Meeting.

12.2 General and Special General Meetings:

12.2.1 Such meetings shall be designated Special General Meetings and only such business as is specified in the notices convening these meetings shall be transacted.

12.2.2 Decisions taken at Special General Meetings may only be varied or amended at General Meetings of members.

12.2.3 The Secretary shall, upon written request signed by at least six members and stating the purpose of the meeting, call a Special General Meeting of members.

12.2.4 Members shall be given at least 14 days written notice of any General or Special General Meeting of members.

12.2.5 The Quorum of a General Meeting of the members shall consist of those members attending.

13. THE SAFETY OFFICER

13.1 The Safety Officer shall be responsible for ensuring that a high level of safety is maintained by all Organisation members. He has the responsibility to assist in the investigation of all accidents and incidents involving Organisation members and reports these directly to the Committee who will ensure that the correct processes are followed.

13.2 Will have such disciplinary powers bestowed upon him as deemed appropriate by the Committee.

14. ALTERATIONS TO THE CONSTITUTION

No amendment, alteration or substitution of this constitution or any of the provisions thereof shall be valid unless:

14.1 Six months' notice of the proposed amendment, alteration or substitution is given at a General Meeting of members; and

14.2 Not less than two-thirds of the quorum of the Annual General Meeting agrees to the amendment, alteration or substitution at the time of its coming into effect.

15. CESSATION

Upon dissolution of the Organisation, the remaining assets shall be awarded to an Organisation or Institution that has similar aims and objects as this Organisation.