



## **CONSTITUTION (as amended 7/6/2019)**

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### 1.1. NAME

The name of the Society shall be the

#### **SOUTH AFRICAN SHERIFF'S SOCIETY (SASS)**

hereinafter called the 'Society'.

### 1.2 DEFINITIONS

- 1.2.1 'Society' - means the South African Sheriff's Society
- 1.2.2 'Meeting' - includes a telecon;
- 1.2.3 'Member' - means a Sheriff who's application for membership of this Society was accepted and who's membership fees are paid up to date;
- 1.2.4 'Sheriff' - means a Sheriff, appointed in terms of the Legislation governing the appointment of Sheriffs at that time;
- 1.2.5 'Law Society' - any society of attorneys or its statutory successor

### 1.3 JURISTIC PERSON

- 1.3 The Society is a juristic person and exists independent of its members.

## 2 MEMBERSHIP

- 2.1 The following persons are entitled to **full membership** of the Society :

- 2.1.1 Any Sheriff who applies for membership;

AND

- 2.1.2 who undertakes to honour the Constitution and Code of Conduct of the Society;

AND

- 2.1.3 whose application has been approved by the Management of the Society.

### 3.1 **VISION AND MISSION**

#### **VISION**

The **South African Sheriff's Society** aspires to become the premier leaders in promoting the Sheriffs profession within the Civil Justice System and the various stakeholders including the citizens of South Africa.

To inspire, empower and transform the Sheriff's profession by upholding the dignity of all mankind in line with the constitution.

We commit ourselves to the following **goals**:

Training and research of the highest quality;  
 Assist in developing staff and deputy sheriffs to their fullest potential;  
 Promoting a society of Sheriffs founded on mutual tolerance, respect, understanding, integrity, openness, diversity and gender equality;  
 Networking on national, regional and international levels;  
 Collecting, interpreting and disseminating information to members of the Society for the benefit of the profession;  
 Promoting quality service from its members to the Civil Justice System;  
 Working collaboratively with all stakeholders;  
 Value and promote the contribution that all our members make to realize our vision.

We will strive to live these values and achieve these goals in our daily activities and exchanges with our stakeholders.

### **MISSION**

Our mission is to serve, protect and promote the Sheriffs' profession as an important, effective and impartial role player within the Civil Justice System of South Africa.

We will promote the public status of the Sheriffs profession by ensuring that all its members are committed to the highest ethical and professional standards.

### **3.2 AIMS**

The aims of the Society is to promote and protect the general interest, welfare and public esteem of its members, and the Society shall, *inter alia*:-

- 3.2.1 ensure that all its members at all times act in compliance with its Code of Conduct;
- 3.2.2 promote the standards of professionalism of its members by, amongst others, providing guidelines;
- 3.2.3 through training, guidance and research promote the professional efficiency and efficacy of its members;
- 3.2.4 negotiate benefits for its members and to do everything possible to ensure that fees are adjusted annually to compensate for inflation and rising costs and to wipe out historic increases below the inflation rate;
- 3.2.5 appoint persons to represent the Society and its Members at forums to promote the official views of the Society;
- 3.2.6 where it is required of the Society, to nominate or recommend members for appointment;
- 3.2.7 ensure mutual recognition and support and promote professional *esprit de corps*;
- 3.2.8 promote the public status of the Sheriff's profession by ensuring that all its members are committed to the highest ethical and professional standards;
- 3.2.9 to consider the wellbeing, on a national basis, of deputy sheriffs and other staff employed by Sheriffs;
- 3.2.10 pay the costs or part of the legal costs, or otherwise engage in any legal action where a judgment or finding is in the general interest of all members, subject to the availability of funds;

- 3.2.11 promote interaction with Sheriffs (or similar judicial officers) and/or their organisations in other countries;
- 3.2.12 support and/or undertake research into matters affecting the Sheriff's profession;

#### **4. GENERAL PROVISIONS REGARDING MEMBERSHIP AND FEES**

Application for Membership is by way of a written application to the Management, including particulars as determined by the Management, including an undertaking that the applicant will subject himself/herself to the Constitution and Code of Conduct of the Society;

- 4.1 Annual subscription, as determined annually by the Society's Annual General Meeting, shall be payable to the Society within 30 (thirty) days of assessment/invoice;
- 4.2 The Secretary shall keep a register of enrolled members, recording the full names, first name, identity number, postal address, postal code, fax number, e-mail address and location;
- 4.3 Persons who are members of the Society may use its logo or crest and/or the words, 'Member of the South African Sheriff's Society', on their letterheads and visiting-cards.

#### **5. DISCIPLINARY ACTION AND / OR TERMINATION OF MEMBERSHIP**

A Member ceases to be a member of the Society if:

- 5.1 He/she resigns in writing by letter addressed to the Secretary;
- 5.2 Two thirds of the members of the Executive Committee present, vote in favour of terminating the membership of a member, or to suspend a member for a period, for the following reason/s:
  - 5.2.1 He/she failed to pay the required membership fee after a final demand has been sent to such member by registered mail or by e-mail at the address mentioned in the application for membership (or other address provided in writing);
  - 5.2.2 In the opinion of the Management, he/she is guilty of contravening the Code of Conduct of the Society;
  - 5.2.3 Provided, that prior to any such decision taken by Management, the member is informed in writing by the Secretary of such investigation and may within 21 (twenty one) days of receipt of such letter, defend himself/herself by delivering an affidavit to the Secretary or demand that such complaint/s are to be considered by EXCO, at which hearing the rules of civil justice shall apply;
- 5.3 A Member whose Membership has been terminated by the Management and who has submitted an explanatory affidavit to the Management within the prescribed period mentioned in 5.2.3, has the right to appeal against the finding to the General Meeting. Such appeal shall be submitted to the Secretary by Way of a petition, supported by affidavit/s;

- 5.4 Any person who ceases to be a member of the Society has no claim against the assets of the Society, but remains liable for membership fees which may be due at the time of termination of membership.

## **6 MANAGEMENT**

- 6.1 The Management of the Society shall consists of **4 (four) National Members and a maximum of 9 (nine) Provincial Members** elected in terms of paragraphs 7.1 and 8 of the Constitution;
- 6.2 A Member of the Management will remain on the Management for the full term until the newly elected Management have been inaugurated, unless his/her membership has been terminated in terms of paragraph 5.2;
- 6.3 More than 50% of the members of Management present, shall constitute a **quorum**, and in the absence of a quorum the meeting shall be reconvened at short notice as determined in paragraph 13.4;
- 6.4 To defray expenses incurred in the execution of his/her duties as a Member of the Executive and/or Management, a **honorarium** may be awarded by the General Meeting annually, to Members and/or Officials of the Society;
- 6.5 The Management may co-opt a **knowledgeable person or persons** on the Management, who will not have any voting rights;
- 6.6 The Management may compile its own Financial Regulations and amend it if and when required, provided that the full text and/or amendment shall be submitted to the next General Meeting for information.

## **7 ELECTION OF MANAGEMENT AND OFFICE BEARERS**

- 7.1 The **Management** of the Society shall consist of:
- 7.1.1. **FOUR (4) National Members, and**
- 7.1.2. Not more than **NINE (9) Provincial Members;**
- who shall be elected bi-annually in terms of the Constitution.

## **8 NOMINATIONS AND VOTING**

- 8.1 Election of Management and Office Bearers shall be held every second year, hereinafter referred to as an "election year"; management will have the mandate to prescribe the procedure of the nomination and voting of management.
- 8.2 All members entitled to vote shall have an equal vote, provided that members whose subscriptions are overdue may not:
- 8.2.1 make any nominations;
- 8.2.2 may not second a nomination, and
- 8.2.3 may not vote,
- for the election of Office-bearers or at any decision-making meeting of the Society;

- 8.3 Any member who is entitled to vote, may be nominated as a Member of the Management;
- 8.4 Any member who is entitled to vote, may nominate a candidate or second the nomination of a proposer;
- 8.5 **Nominations**, duly signed by the Proposer with the name, contact details and office of the nominee, shall be submitted to the Secretary ten (10) days prior to the date of the National Elective Annual General meeting;
- 8.6 Nominations for Management Members shall be made on a form prescribed by the Management.
- 8.7 A person nominated or his/her proposer, may submit together with the nomination to the Secretary, a *curriculum vitae* of the nominee which shall not be longer than A5 (half A4) in letter size 10;
- 8.8 The Secretary/Electoral Officer shall reject all nominations not complying with the requirements of the Constitution;
- 8.9 The Secretary/Electoral Officer shall within five working days in writing acknowledge to the proposer, receipt and acceptance, or otherwise, of all nominations;
- 8.10 The Secretary/Electoral Officer shall at least 5 days prior to the date of the national elective Annual General Meeting, mail (or e-mail) to the members of the Society entitled to vote, the full names, calling name, province and *curriculum vitae* (if provided) of all nominated persons.
- 8.11 Postal voting: Paid up members may cast a postal vote prior to the NATIONAL CONFERENCE upon request and in the prescribed manner.  
The ballot paper shall indicate that the member may vote for 4 (four) candidates.
- 8.12 Members who do not wish to vote by “postal” ballot-paper, will cast their votes at the National Conference upon proper identification.
- 8.13 The Electoral Officer shall deal with all the “postal” ballot papers personally and shall not disclose any information regards ballot papers received to any person and shall personally be responsible for the recording of ballot papers received on a voter’s list reflecting all the members, and the safekeeping of the ballot papers and voter’s list;
- 8.14 All votes shall be counted at the National Conference.
- 8.15 The Secretary shall act as Electoral Officer and shall be responsible for counting the ballot-papers; provided that the Executive shall nominate an Electoral Officer in the event of the Secretary being nominated as a member of the Management;
- 8.16 Ballot-papers not clearly indicating who has been voted for or on which more than the required number of votes are reflected or which do not bear the mark of the Electoral Officer shall be rejected as spoilt ballot papers;
- 8.17 After counting of the votes at the National Conference, the Electoral Officer shall announce the **FOUR** candidates on whom the highest number of votes were cast, as the Four duly elected **NATIONAL MEMBERS** of the Management;
- 8.18 The Electoral Officer shall thereafter announce the name of the member duly elected by the Province as the Provincial Chairperson and member of the National Management.

- 8.19 The Electoral Officer shall inform all members at the National Conference, of the number of votes cast for the candidates and announce who have been duly elected as members of the Management;
- 8.20 If sufficient members have not been elected to the Management, or if during the year a member dies or ceases to be a member of the Society, the vacancy shall not be filled and shall remain vacant until the next election;
- 8.21 Casual vacancies of office-bearers elected in terms of paragraph 9.1 and/or 10.6 shall be filled without delay at the next meeting of the Management.

## 9. PRESIDENT

- 9.1 The members present shall at the end of the NATIONAL CONFERENCE, before closing the meeting, elect from the National Members elected, a **PRESIDENT, VICE-PRESIDENT, SECRETARY** and a **TREASURER**;
- 9.2 No person may be elected as **PRESIDENT** for more than two consecutive terms;
- 9.3 The President convenes meetings as required by the Constitution;
- 9.4 The President chairs meetings of the Management, Executive Committee, National Conference, National General Meeting and Extraordinary General Meetings and ensures that all meetings are conducted in compliance with the general law and conduct of meetings;
- 9.5 The President shall ensure that all members who are entitled to address the meeting, are afforded such opportunity;
- 9.6 The President shall ensure that any person present at a meeting who has a pecuniary interest in any matter, shall recuse himself/herself from the room during the discussion and voting on the matter;
- 9.7 The President may not move a motion from the chair, but has to vacate the chair in order to propose a motion and to speak thereon;
- 9.8 In the event of an equality of votes the President shall have a second vote (**casting vote**), which vote he/she shall exercise in favour of maintaining the *status quo* in terms of accepted meeting practices;
- 9.9 The President is responsible to see to it that the Executive Committee carry out all its duties and perform its functions;
- 9.10 The President is the official spokesperson of the Society and no other member or official may make any statement on behalf of the Society without the express prior authority of the President;
- 9.11 It is the duty of the President to regularly receive financial reports from the Treasurer and to scrutinise income and expenditure with a view to ensuring the financial well-being of the society and in particular authorise expenditure approved by the Executive Committee, for which funds are available;
- 9.12 In the event of the President being incapacitated or unable to attend any scheduled meeting at which he/she presides as Chairperson, the Vice-President shall take over the functions and powers of the President and should both the President and the Vice-President be unable to attend a scheduled meeting, a member of Management shall be elected to act as Chairperson for that meeting.

## 10. DUTIES AND POWERS OF THE MANAGEMENT

- 10.1 The Management shall meet as and when required, provided that there shall be at least one meeting in each period of THREE (3) MONTHS, which shall be known as **Management Meetings**;
- 10.2 Meetings of the Management shall be held in succession in the different Regions as fixed in terms of par 14.3.5, in alphabetical order;
- 10.3 All members of the Society may attend meetings of the Management of the Society, at their own costs. Such members shall not have an ordinary speak right or a voting right at such meetings, but may address the meeting on one subject on the Agenda, for a specific time period at the discretion of the Chairperson;
- 10.3.1 The President may at his discretion, allow any person to address Management on any relevant issue;
- 10.4 Any member of the Management may attend any meeting of the Executive Committee or a Committee of the Management at his/her own costs and may participate in the deliberations, but may not vote;
- 10.5 Members of the Society may request an item to be placed on the Agenda of the Management for discussion, provided the item is fully motivated;
- 10.6 The management and administration of the Society shall be in the hands of the Management and the Management shall be authorised to, subject to budgetary constraints, appoint officials, acquire offices and equipment and do everything it may deem necessary to serve the interests of its members;
- 10.7 The new Management shall bi-annually at its first meeting appoint such **Permanent Committees** as it may deem necessary from among themselves and by co-opting an expert person or persons; provided that the Committees' Terms of Reference and Delegated Authority shall be determined by the Management at that meeting;
- 10.8.1 The following **Permanent Committees** shall be constituted by Management, who shall meet, preferably by telecon, at least once in every two month period:
- |                    |   |                |
|--------------------|---|----------------|
| Legal Committee    | - | Three Members; |
| Benefits Committee | - | Three Members; |
| Electronic Media   | - | Two Members    |
| Finance Committee  | - | Two Members    |
- 10.8.2 In order to give effect to Paragraph 3.2.9 of this Constitution, a **Permanent Committee on Deputy and Administrative Staff Matters**, consisting of three members of Management, shall be constituted each year to liaise with Deputies and Administrative Staff and to consider any requests or delegations.
- 10.8.3 All Permanent Committees report and make recommendations to every meeting of the Management.
- 10.9 The Management may also at any time appoint **Task Committees** as may be necessary from among themselves and/or by co-opting of an expert person or persons; provided that the Committees' Terms of Reference and Delegated authority at the time of



appointment shall be determined by the Management and that the Committee shall dissolve once its brief has been completed and it has submitted its last report to the Management;

- 10.10 The **Chairpersons of all Committees** of the Society shall be appointed by the Management and shall be present members of the Management;
- 10.11 The Management shall annually at the Annual General Meeting propose a **Budget** of Income and Expenditure for the following year, as well as the membership fees, for approval or amendment by the meeting;
- 10.12 A **Banking account/s** in the name of the Society shall be opened into which all funds shall be deposited and from which withdrawals shall be made in accordance with directions of the Management;
- 10.13 All cheques and payment requisitions for EFT's shall be signed by the following two signatories:

the President or Vice-President  
together with  
one of either the Treasurer or the Secretary.

## 11. EXECUTIVE COMMITTEE

- 11.1 The **Executive Committee** shall consist of the President, Vice-President, Secretary and the Treasurer, and in the event of the Secretary and/or Treasurer being an official of the Society, another Management member elected to the Executive Committee, by the Management;
- 11.2 The tasks and powers of the Executive Committee shall be :
- 11.2.1 To give effect to and to ensure that all resolutions of the Management are carried out;
- 11.2.2 To represent the Society at deliberations and negotiations in accordance with the mandate of the Annual General Meeting and/or the Management;
- 11.2.3 To ensure that proper books and records are kept of all transactions of the Society and to annually submit audited statements thereof to the Management, who shall annually submit these to the Annual General Meeting for approval;
- 11.2.4 To be responsible for the day-to-day management and administration of the Society by :
- 11.2.4.1 Convening at least one meeting of the Executive Committee each month where **urgent matters** shall be decided in terms of delegated authority of Management;
- 11.2.4.2 Ensuring that in all cases where the Society has to be represented at another forum, the terms of reference of the delegation is formulated and approved by Management;
- 11.2.4.3 Discussing urgent policy matters and faxing recommendations for decision-making to members of the Management as provided for in clause 12 of this Constitution;

- 11.2.4.4 Approving expenditure voted in the Annual Budget and for which funds are available, provided that over-expenditure on a budget vote shall have the prior approval of the Management;
  - 11.2.4.5 Ensuring that the income and membership fees budgeted for by the Management are collected;
  - 11.2.4.6 Coordinating the planning aims in respect of the Management and Committees;
  - 11.2.4.7 Monitoring the completion of tasks of committees' on their terms of reference and by obtaining and submitting their reports to the Management;
  - 11.2.4.8 Approving Agendae and Draft Minutes.
- 11.3 More than 50% of the members shall constitute a quorum.

## **12 DECISION-MAKING BY WAY OF FACSIMILE OR E-MAIL:**

- 12.1 In respect of any matter to be decided upon by the Management, Executive or a Committee which cannot wait until the next meeting, members may be requested to decide the matter by way of a Facsimile- or e-Mail Decision;
- 12.2 In all such instances the Secretary shall fax or e-mail to each member the particulars together with an indication of all options to be voted upon, and indicate that members may Fax or e-Mail to all the other members as well as the Secretary any comments or other proposals during the following 24 hours;
- 12.3 Members should then also take into consideration all other information faxed or e-mailed to them in the preceding period in terms of 12.2 and cast their votes and fax or e-mail it to the Secretary within 24 hours of the time determined by the Secretary in terms of 12.2;
- 12.4 Any member whose Fax or e-mail Vote has not been received by the Secretary at the expiry of the hour mentioned in 12.3, shall be deemed not to have voted;
- 12.5 A Fax or e-mail Decision, shall only be valid if the majority of the full membership of the Management, Executive or Committee have voted in favour of a decision;
- 12.6 The Secretary shall notify all members of the result of the voting without delay;
- 12.7 All Fax- or e-mail Decisions shall be confirmed at the next meeting and be recorded in the Minutes of that meeting as a Fax Decision;
- 12.8 The method of decision-making by Facsimile or e-mail, may be used by the Management, Executive Committee or any Committee.

## **13 ESTABLISHMENT OF PROVINCIAL BRANCHES/MANAGEMENT**

- 13.1 The number and boundaries of **PROVINCIAL BRANCHES/MANAGEMENT** are fixed bi-annually by the National Conference in terms of paragraph 14.3.5 of the Constitution;

- 13.2 The member of Management elected from that specific Province in terms of par 8.16, shall be the **Chairperson** of the Province and shall be responsible for promoting the aims of the Society in that Province by meetings and otherwise;
- 13.2 No member shall be obliged to join a Provincial Branch;
- 13.3 The domestic rules of Provinces shall be submitted to the Management for approval after the inaugural meeting;
- 13.4 Provincial Branches/Management is shall submit a report not less than 10 days prior to the conference, to the Management on its activities during the past year to be presented at the national conference each year;
- 13.5 Provinces as well as their executives shall be subject to the discipline and authority of the Management who shall have the power to dissolve any Branch or Circle;
- 13.6 No Province may act or issue statements on behalf of sheriffs without the prior authorisation of the President;
- 13.7 A Province shall be entitled to collect voluntary financial contributions only of its own members in order to finance a local matter;
- 13.8 Any donations or sponsorships received by a Province shall be paid to the Treasurer of the Society, without delay;
- 13.9 Provincial Branches/Management is required to open and maintain a current bank account with a reputable financial institution, that is linked to the national bank account.
- 13.10 The chairperson of the Province shall present a financial report indicating income and expenses for the financial year at national conference each year.

#### **14 MEETINGS AND RIGHT TO VOTE AT MEETINGS**

- 14.1 **NATIONAL CONFERENCE**  
The bi-annual meeting at which the President's Report shall be considered and the newly elected Management installed, shall be known as the **NATIONAL CONFERENCE**;
- 14.2 **NATIONAL GENERAL MEETING**  
This will take place, as far as possible, bi-annually in the year when no elections are held, in **APRIL or MAY** at a time and place as determined by the President/Management;
- 14.3 The **NATIONAL CONFERENCE** shall:-
- 14.3.1 Receive and consider the Annual report of the President;
- 14.3.2 Receive and consider the Financial Statements and Audit report of the Society;
- 14.3.3 Consider and approve the Budget for the ensuing financial year;
- 14.3.4 Determine and fix the Membership Fees for the ensuing year;
- 14.3.5 Determine the number of **REGIONS** and its boundaries, which determination shall only become effective at the next election of Management members;
- 14.3.6 Any motion from the floor and other matters placed on the Agenda;
- 14.8 The **quorum** at the National Conference, National General Meeting and at an Extraordinary General Meeting shall be THIRTY (30) PERCENTUM of the total number of registered members of the Society;

- 14.9 Notice of the National Conference and National General Meeting shall be given by the Secretary to all members in writing, by post, fax or e-mail, at least TWENTY ONE (21) days before meetings. Notice of at least SEVEN (7) days shall be required for Extraordinary Meetings;
- 14.10 Notices of meetings shall be accompanied by a list of items for discussion which will appear on the Agenda. Members may request a full Agenda;
- 14.11 Any member who has a personal interest in an item or a proposal on the Agenda, or a particular party, shall declare his/her pecuniary interest and shall withdraw from the meeting room during the discussion and voting on the item or proposal and shall have no speaking turn or vote on the matter.

#### 14.12 **EXTRAORDINARY GENERAL MEETING**

This shall take place at the request of the Management or at least 3 members of the Society within THIRTY (30) DAYS of the request, at a time and place as determined by the President, to consider a specific matter or matters;

### 15 **COMMITTEE MEETINGS**

- 15.1 The members of a Committee shall meet at a place determined by the Management, Executive Committee, Convenor or Chairperson of the Committee;
- 15.2 Each member has one vote;
- 15.3 At the request of any member voting on a particular item may take place by way of secret ballot;
- 15.4 Any member who has a personal interest in an item or a proposal on the Agenda, or a particular party, shall declare his/her pecuniary interest and shall withdraw from the meeting room during the consideration and voting on the item or proposal and shall have no opportunity to address the meeting or to vote on the matter.
- 15.5 In the event of an equality of votes the Chairperson shall have a second vote (**casting vote**), which vote he/she shall exercise in favour of maintaining the *status quo* in terms of accepted meeting practices;
- 15.6 More than 50% of the members shall constitute a quorum. In the absence of a quorum the meeting must be reconvened within THIRTY (30) days. All members shall be notified. The members present at such a postponed meeting and entitled to vote, shall form a quorum.

### 16 **GENERAL PROVISIONS**

- 16.1 The National Conference may, with the consent of the majority of the members present, award honorary membership to a person/s who rendered exceptional service to the Sheriff's Profession over a number of years;
- 16.2 Honorary members shall have the right to participate in deliberations at a National Conference, a National General Meeting or a Special General Meeting, but shall not have voting rights;
- 16.3 Honorary members shall not be obliged to pay membership fees and shall retain their membership for life or for such period as the Society determines;

16.4 The Society shall draft a Code of Conduct to which its members shall comply.

## **17 AMENDMENT OF CONSTITUTION**

No amendment or addition to the Constitution shall be made except at a meeting of the National Conference or National General Meeting, held in terms of paragraph 14 and no amendment or addition shall be approved unless at least TWENTY ONE (21) days written notice of the proposed amendment has been given to all members and a two-thirds majority of all members present have voted in favour of such amendment or addition.

## **18 DISSOLUTION OF SOCIETY**

At the dissolution of the Society its assets shall be transferred to a similar body or bodies promoting the welfare of the Sheriff's profession.

\*\*\* END \*\*\*