



## CONSTITUTION [ARTICLES]

of

## CAPE TOWN TYGERBERG FOOTBALL ASSOCIATION

**EDITION:** 2017

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# ARTICLES

## **1. NAME**

1.1 The name of the Association shall be "THE CAPE TOWN - TYGERBERG FOOTBALL ASSOCIATION" and shall hereafter be referred to as the "ASSOCIATION".

## **2. OBJECTS**

2.1. To regulate relations between clubs and their members and to protect and further the interests of clubs and their members.

2.2. To encourage the settlement of disputes by conciliatory methods.

2.3. To promote, support or oppose as may be deemed expedient, any proposal (legislative or otherwise) affecting the interests of clubs, but in accordance with the principles as laid down in the statutes of FIFA.

2.4. To co-operate with organisations of sport or any board or federation, which may be established, to deal with matters, which affects the Football Association?

2.5. To do such other lawful things as may appear to be in the interest of or affecting members.

2.6. To purchase, sell, acquire, alienate, let or hire any movable or immovable property.

2.7. To lend or borrow money and to mortgage and / or pledge any of the movable or immovable property.

2.8. To raise and administer the funds of the Association in such a manner as the Association may deem advisable and in particular by means of Subscriptions, Capitation and Sponsorship.

### **3. MEMBERSHIP**

- 3.1. All persons of good character are eligible for membership of any affiliate.
- 3.2. Applications for affiliation by new clubs shall be considered by the Management Committee at least fourteen (14) days prior to the Annual General Meeting.
- 3.3. All such applications shall be made in writing so as to reach the Association no later than 28 days prior to the Annual General Meeting at which the application will be discussed and shall include the constitution of the applicant.
- 3.4. The Annual General Meeting shall however have the powers at its discretion to waive any of the foregoing conditions should it so wish.
- 3.5. Application for membership shall be open to all new clubs comprising at least two senior teams (excluding colts) as well as at least two junior teams.
- 3.6. The AGM is however empowered to admit a new club under certain extra-ordinary circumstances, which MUST be advised, to the meeting.
- 3.7. All new members shall serve a one-year probationary period, after which their first year's performance will be assessed by the following Annual General Meeting before they are granted full membership of the Association.
- 3.8. All clubs that are members of the Association are required to advise the Association BEFORE the start of each season the names of their delegates and all officials as well as the address for all correspondence.
- 3.9. Clubs are required to supply a maximum of 3 (three] email addresses of members who will be receiving correspondence on the club's behalf. It will be the responsibility of these members to inform the club of all correspondence received.
- 3.10. Substitute delegates must produce a WRITTEN mandate from their club before they will be permitted to attend meetings of the Association.
- 3.11. The mandate must be for that specific meeting only and that delegate must be a Bonafide member of that club of at least twelve (12) months standing in order to participate or vote.

## **4. ENTRANCE, REGISTRATION AND SUBSCRIPTION FEES**

4.1. An entrance fee of R1000-00 (one thousand rand) per club shall be payable on application for membership.

4.2. The annual subscription fee shall be R1134-00 per annum per club or Associate Member.

4.3. Subscription fees shall be paid, including all and other outstanding invoices, in office hours, before the Annual General Meeting, failing which a member shall not participate and forfeits its right as a member of the Association and is suspended from all activities until the conclusion from the Management Committee on the conduct of the offending member is made.

4.4. Individual's registration fees shall be determined each year at the Annual General Meeting for seniors and juniors.

4.5. When a guest team, with the written permission of their home district association, is accepted by the Management Committee to participate within our league structures, they shall pay the prescribed annual fee and any other charges due and determined by the Management Committee before the start of the season.

## 5. MEETINGS

### 5.1 PROCEDURES.

5.1.1. No motion shall be considered unless it has been seconded.

5.1.2. All matters forming the subject of motions shall, unless otherwise provided, be decided by the votes of a simple majority of those present and eligible to vote.

5.1.3. All matters on which this Constitution is silent and which are not provided for in either SAFA or SAFA (CT) Constitutions shall be decided on a motion by a simple majority of those present and eligible to vote.

5.1.4. The proceedings at any meeting shall not be invalidated by reason of non-receipt by any club or member of notice of the meeting or by any technical or minor fault, which does not severely prejudice member, or club.

5.1.5. The quorum for any General meeting shall be five (5) Management Committee members and fifty percent plus one of the clubs of the Association in good standing. If after thirty minutes no quorum is present the meeting shall stand adjourned for seven (7) days at which, after due notice has been given the members present shall form a quorum.

5.1.6. The quorum for any other meeting of the Association shall be 50% plus one of the constitution membership of that committee or sub-committee, except the Appeals Committee which shall be three and the Disciplinary Committee - see Rule 15.

5.1.7. Members shall be advised in writing at least 3 days prior to any meeting of the Association, if they are not in compliance (See Rule 10) and therefore will be unable to participate in such meeting.

### 5.2 ANNUAL GENERAL MEETING

5.2.1. The Annual General Meeting of the Association shall be held during the month of November of each year at a venue to be determined by the Management Committee and at which it shall be compulsory for ALL clubs to attend.

5.2.2. Failing to attend shall exclude any club from participating in the leagues of the Association for the coming season.

5.2.3. However, the incoming Management Committee shall have the right, under extra-special circumstances, to waive this penalty.

5.2.4. Notice of the time, date and venue of the meeting shall be given at least fourteen (14) days prior to the meeting per electronic mail and shall include a copy of the Agenda, all Annual Reports and the Financial Accounts.

5.2.5. The procedure at the Annual General Meeting shall be as follows: -

- To read the notice convening the meeting.
- To receive delegates' credentials.
- To record apologies.
- To accept or reject recommendations from the Management Committee regarding new clubs seeking affiliation
- To confirm receipt of Annual Subscription fees for the forthcoming season.
- To consider, discuss and if necessary accept proposed Amendments to the Constitution in terms of Article 14.
- To decide upon registration fees for the forthcoming season.
- To receive confirm and adopt the Chairman's Address.
- To receive confirm and adopt the Association's Annual Report.
- To receive confirm and adopt the Treasurer's Report, interim Income and Expenditure Statements and Balance Sheet up to the 30th September of each year.
- To elect the officers of the Association for the ensuing year in terms of Article 6 of the Constitution.
- To deal with correspondence providing that same had been received at least fourteen (14) days prior to the meeting.
- To elect Life Members as per Article 9.
- To discuss any general business.
- To close the meeting.

### 5.3 GENERAL MEETING

5.3.1 A General Meeting of the Association shall be held on the third Wednesday during March, May, July and September in each year or whenever deemed necessary by the Management Committee.

5.3.2 At every General Meeting the minutes of the previous General Meetings, which shall have been forwarded, at least seven (7) days prior to the meeting to all affiliated clubs and members shall be approved and then signed by the Presiding Officer after confirmation.

## 5.4 EMERGENCY MEETINGS

An Emergency Meeting may be convened by the Chairman and the Vice-Chairman whenever they deem it necessary and expedient.

## 5.5 SPECIAL GENERAL MEETINGS

5.5.1 A Special General Meeting shall be convened upon a petition signed by the majority of the Management Committee for the time being, or upon a petition signed by the Secretaries or Chairmen of at least one third of the clubs affiliated to the Association who are in good standing.

5.5.2 Such petition, stating the reasons for calling the meeting shall be sent to the Association and the Executive shall give at least seven (7) days' notice of this or any other meeting of the Association.

5.5.3 If after thirty minutes no quorum is present, the motion before the Special General Meeting shall be deemed to be defeated.



## **6. MANAGEMENT COMMITTEE**

6.1. The Management Committee of the Association, who shall be elected annually in terms of Article 5.2.5 shall comprise: -

- 6.1.1. The Chairman
- 6.1.2. The Vice Chairman
- 6.1.3. The Hon Treasurer
- 6.1.4. The Fixtures Director
- 6.1.5. The Junior Football Chairman
- 6.1.6. The Registrations Officer
- 6.1.7. The Disciplinary Secretary
- 6.1.8. The Ladies Football Convenor
- 6.1.9. Four Additional Members
- 6.1.10. One person designated by Cape Town Tygerberg Referees Association

6.2. The Management Committee shall hold office until the conclusion of the next Annual General Meeting of the Association. If an election does not take place for any reason, the existing Management Committee shall continue in office until the next election.

6.3. Vacancies occurring on the Management Committee shall be filled at the first ensuing General Meeting - if deemed necessary by the Management Committee. A member appointed to fill the vacancy shall hold office for the unexpired portion of office of his predecessor.

6.4. A member of the Management Committee shall vacate his seat: -

6.4.1. Upon his suspension or expulsion from membership of the Association by the Management or the Association.

6.4.2. On failing to attend two consecutive meetings without first having obtained leave of absence. The member's position shall remain vacant until such time as his appeal (if any) has been decided upon.

6.5. The Management Committee may appoint, from time to time, such sub-committees as they may deem fit, and where committees are elected by members, these sub-committees shall have their Annual General Meetings prior to the Association's Annual General Meeting.

6.6. At its first meeting after the Annual General Meeting, the Management Committee shall decide upon the composition of the Disciplinary & Appeals Committees for the forthcoming season from nominations received from members.

6.7. The Management Committee shall deal with disputes between clubs and or members and shall endeavour to settle such disputes by conciliatory methods.

6.8. It shall be the duty of the Management Committee to implement all resolutions of General Meetings expeditiously and timeously.

6.9. In addition to the afore-mentioned Management Committee an Executive Committee comprising The Chairman, The Vice Chairman, The Hon Treasurer and the Convenor of the concerned Committee shall be competent to conduct the affairs of the Association between Management Committee meetings provided that all actions taken and decisions made shall be reviewed at the subsequent Management Committee meeting.

6.10. At each Management Committee Meeting, which shall be convened whenever the Chairman deems it necessary, the minutes of the previous Management Committee Meeting shall be approved and then signed by the Presiding Officer after confirmation.

6.10.1. Copies of the minutes of every Management Committee Meeting shall be forwarded to all members within ten days of their confirmation.

6.11. The Management Committee shall be empowered to act on all contraventions of the Articles, Rules and Regulations of the Constitution of this Association, SAFA, SAFA (CT) and FIFA and only if referred to the Management Committee by the Disciplinary Committee, to investigate and where necessary refer for further disciplinary action.

6.11.1. Should the MC discover any contraventions of the Articles, Rules and Regulations of the Constitution of this Association, SAFA, SAFA (CT) and FIFA, they will be empowered to investigate and formulate a charge to the DC.

6.12. Nominations for the positions as listed in 6.1 above, shall only be accepted once the nominated person has been a registered member of this Association for a minimum of three (3) years and shall be submitted in writing, which shall also contain the nominee's registration number, to the auditors of the Association by members of the Management Committee in office, Life Members or any other affiliated member as defined above, at least twenty eight (28) days prior to the date of the Annual General Meeting.

6.13. The aforementioned auditors in turn, shall submit a list of nominees to the Secretary of the Association within ten (10) days after the closing date.

6.14. The aforementioned nominations shall be submitted to the auditors in writing, signed by the President, Chairman or Secretary of the member nominating them and shall be acknowledged in writing by the nominee who shall be a duly registered member of the Association signifying their willingness to accept office in the Association.

6.15. All persons nominating and being nominated shall attach their membership registration numbers.

6.16. In the event of no acknowledgement being received, such nomination shall be invalidated.

6.17. If no nominations are received by the auditors within the prescribed time for any position as in 6.1 above, nominations shall only in this instance be accepted and seconded from the floor.

## **7. VOTING**

7.1. At all meetings as per Article 5, each member of the Management Committee shall be entitled to one (1) vote.

7.2. Each member club, in good standing, shall have two (2) votes, provided both delegates are present, failing which only the one present shall exercise one vote.

7.3. The Referees Committee shall have one (1) vote.

7.4. Life Members shall have one (1) vote each.

7.5. Voting shall, except in the case of elections, be by show of hands unless a secret ballot is called for by any one person able to vote when it shall be by secret ballot. Elections shall always be by secret ballot.

7.6. When needed, the Chairman shall have a casting vote.

## **8. DUTIES**

8.1. All members of the Management Committee shall upon being elected at the Annual General Meeting be allowed to wear the official badge and tie of the Association.

8.2. The duties of members of the committee shall be:

### **8.2.1. The Chairman**

8.2.1.1. The Chairman shall preside at all meetings of the Association, enforce observance of the constitution of the Association, keep order and control, endorse all accounts for payment after approval by the Management Committee, generally exercise supervision over the affairs of the Association and perform all other usual duties as recognised as pertaining to the office.

8.2.1.2. He shall also act ex-officio as a member of every sub-committee.

### **8.2.2. The Vice Chairman**

8.2.2.1. The Vice-Chairman shall exercise the powers of, and perform the duties of the Chairman in the latter's absence.

### **8.2.3. The Secretary**

8.2.3.1. The Secretary may - at the discretion of the Management Committee - be an employee of the Association to perform such duties as may be determined by the Management Committee from time to time.

8.2.3.2. He or she shall have no vote at Committee or General Meetings.

8.2.3.3. The amount of remuneration paid shall be determined by the Management Committee

### **8.2.4. The Treasurer**

8.2.4.1. The Treasurer, or an employee, or a person nominated by the Management Committee or the Treasurer, shall bank all monies, in a bank account stipulated by the Management Committee within seven (7) days of receipt and shall be one of the signatories on each cheque issued on behalf of the Association together with either of - the Chairman, the Vice Chairman or the Secretary.

8.2.4.2. He or she shall keep a proper book of accounts, which shall be produced (on request), to the Chairman or the Management Committee.

8.2.4.3. The Treasurer shall submit monthly statements to all debtors.

8.2.4.4. Clubs have 30 (Thirty) days after receiving the monthly statement to query an invoice via e-mail to the Treasurer. If no query is received during that statements 30 (Thirty) day period, the invoices are deemed to be correct and due for payment as per Section 9.2 of the Rules and Regulations of the Constitution of the Association.

8.2.4.5. The Treasurer is entitled to provide and assist members in a payment plan, only if the clubs is struggling financially. The requesting club member must provide the Treasurer with a requesting letter on a club letterhead, signed by the chairman of the club detailing how and when the outstanding amount will be settled, club bank statements last three months, including to current date and latest Annual Financial Statement. The Treasurer will then decide to approve or decline the request.

8.2.4.6. Any clubs with an approved payment plan must adhere to the agreed payment date as per the request. If the club defaults from the approved payment plan, they will have seven days to remedy such default. If the club still has not made the agreed payment, they will automatically be placed out of compliance from the date of which the payment plan was approved, without any notice from the treasurer.

### 8.2.5. The Fixtures Director

8.2.5.1. The Fixtures Director shall be responsible for the scheduling of all fixtures - both league and knockout - for the entire season and to give all members advice, prior to the start of the season, of fixtures for the season.

8.2.5.2. He shall also be responsible for producing up-to-date logs at each General Meeting or as requested by the Management Committee.

### 8.2.6. The Registrations Officer

8.2.6.1. The Registrations Officer shall be responsible for recording all members' and players' names and addresses and the date of their enrolment.

8.2.6.2. He shall liaise with the Treasurer thereby producing documentation as to the number of players each club has registered for the purpose of debiting.

### 8.2.7. The Junior Football Chairman

8.2.7.1. The Junior Football Chairman shall report to the Management Committee all matters relating to junior football and shall undertake to oversee the smooth running of junior football on behalf of the Association.

### 8.2.8. The TRUSTEES of the Association shall be: -

8.2.8.1. The Chairman

8.2.8.2. the Vice-Chairman

8.2.8.3. the Treasurer

8.2.8.4. the Junior Football Chairman

## **9. LIFE MEMBERS**

9.1. All Life Members shall be entitled to vote at all General Meetings. It is recorded that as at 23 November 2016 the only Life Members of the Association are Messrs Cassiem Pandit, Denver D'Oliviera, Ganie Tambay, John Roman, Eric Dalton, Dawood Esack, Dana Whiting, Les Rundle, Terence Morgan, Gordon Crumpton, Ettiene van der Merwe and Linda Milne.

9.2. Criteria for Life Membership – to have served the association for a minimum of 20 years.

9.3. New Life Members may be elected at each Annual General Meeting (No more than two per year) subject to two thirds of those present and eligible to vote, voting in favour thereof and subject to prior approval being received from the Management Committee.

9.4. Only members in good standing may, in writing, nominate persons to the office of Life Member at least thirty (30) days prior to the Annual General Meeting.

## **10. FINANCE**

10.1. All monies due to or collected on behalf of the Association shall be paid to the office of the Association or via eft or direct deposit, within the prescribed time frame. Proof of payment to be forwarded to the association.

10.2. The Treasurer shall keep satisfactory records, which shall be produced, to the Chairman or Management Committee upon request.

10.3. A cheque account shall be opened with a recognised commercial bank and all cheques issued for payment shall contain two signatures - those of the Treasurer and either of the Chairman, Vice Chairman or the Secretary, or a person designated by the Management Committee.

10.4. The funds of the Association shall be applied to the payment of expenses, the acquisition of property and such other purposes as may be decided upon from time to time.

10.5. Payments shall require the prior approval of the Management Committee.

10.6. A Balance Sheet and an Income and Expenditure Statement in respect of each financial year, which shall end on 31st October in each year and shall be examined and certified by auditors appointed by the Management Committee.

10.7. At the General Meeting to be held in March each year, the Audited accounts for the previous year shall be presented for approval by the Association.

## **11. FINES**

11.1. Wherever in this constitution provision is made to impose a fine on a member, club or affiliate, such fine shall be determined by the Disciplinary Committee, and if in excess of R10 000.00 shall be endorsed by the Management Committee.

## **12. FORCE OF RESOLUTION**

12.1. Resolutions and decisions of the Association shall be binding upon all clubs, members and affiliates of the Association.

12.2. Notice of Motion to review and rescind any resolution of the Association may be given at the meeting at which the resolution is taken, or at any subsequent meeting and must be moved at the next meeting of the Association.

12.3. If notice in 12.2 has not been given at the meeting then same must be given in writing within 14 days thereafter, in which case the Secretary shall notify all clubs thereof.

12.4. No resolution can be rescinded unless two-thirds of the member's present vote in favour thereof.

12.5. All resolutions adopted in that particular season are only for that season only, thereafter it will have to be adopted at the next A.G.M. as an amendment or new item in this constitution. Should it not be adopted then it will be viewed as rescinded.



### **13. RULES OF PROCEDURE**

13.1. The Chairman and in his absence the Vice-Chairman shall at all meetings of the Association act as Chairman.

13.2. The interpretation of the rules on any question requiring a ruling shall be decided by the Chairman. All decisions thus given can only be reviewed at a specially convened meeting.

13.3. The power to open, close and to maintain order shall be vested in the chair. No member shall have the right to question the decision of the Chairman in this respect.

13.4. Management reports may be accepted or referred back for further consideration. It shall also be competent for the Association to refer any other question to the Management Committee for investigation and reporting.

13.5. Every official or delegate shall, for the purposes of these byelaws, be considered members of the Association and shall be liable to the rules thereof.

13.6. Motions and amendments must be clearly stated or be in writing and be related to the subject. No member shall speak more than once on any subject, except the mover of an original motion, who shall have the right to reply.

13.7. The procedural rules or bye-laws are for the purpose of proper order and must be given effect to at all meetings of the Association but shall not be acted upon where they are in conflict with the general rules of the Association or its Constitution.

### **14. AMENDMENTS TO THE CONSTITUTION**

14.1. Amendments to the Constitution, Rules & Regulations and Disciplinary Code may be made at the Annual General Meeting or a Special General Meeting called for such purpose, provided that at least 30 days written notice is given to the Association prior to the meeting.

14.2. The Secretary shall advise all clubs of such proposed amendments at least 14 days prior to the date of the meeting. A two-thirds majority of those present and eligible to vote shall vote in favour of any proposed amendment.

## **15. STATUS**

15.1. The Association shall be a juristic person with full powers to institute and defend legal proceedings, appeals and arbitrations in its own name and to hold, buy, sell, encumber, bank and pledge assets, movable and immovable, invest, re-invest from time to time and at all times to do all acts necessary to protect and further its interests and all legal processes and documents to give effect thereof, may be signed by the Chairman or his designated deputy. Such proceedings must be in the name of the Association.

## **16. WINDING UP**

16.1. The Association shall be wound up if, at a ballot conducted, no less than 75 (seventy five) % of the total number of clubs of the Association, in good standing, vote in favour of a resolution that the Association be wound up. If, for any reason, the Association is unable to continue to function, provided that no resolution for the winding up of the Association shall be passed while the Association has 8 (eight) or more clubs who are in good standing, the following shall apply:

16.1.1. The last appointed Chairman of the Association, or if he is not available, the available members of the last appointed Management Committee of the Association shall transmit a statement signed by him (or them) setting forth the resolution adopted or the reasons for the Association's inability to function as the case may be and the available members of the Association's last appointed Management Committee shall appoint a liquidator to carry out the winding up. The liquidator shall not be a member of the Association and shall be paid such fees as may be agreed upon between him and the said members of the Association's last appointed Management Committee.

16.2. Should the parties fail to agree upon the fees to be paid, the remaining clubs shall fix the basis on which the liquidator shall be paid.

16.3. The liquidator so appointed, shall call upon the last appointed Management Committee of the Association to present to him the Association's books of accounts showing the Association's assets and liabilities together with the other books connected with the Association showing all entries for the previous 12 (twelve) months prior to which the Association was unable to function, such date to be hereinafter referred to as the "Date of Dissolution". The liquidator shall call upon the said officials to hand over to him all unexpended funds of the

Association and to deliver to him the Association's assets and all documents necessary to liquidate the assets.

16.4. The liquidator shall take the necessary steps to liquidate the debts of the Association from its unexpended funds and any other monies realised from the assets of the Association and if the said funds and monies are insufficient to pay all creditors after the liquidator's fees as well as the expenses of the winding up have been met, the order in which the creditors shall be paid shall be the same as that prescribed in any law for the time being in force relating to the assets of an insolvent estate and as though he was the liquidator of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate. Any remaining assets will be divided between those in membership at the time of the winding up with the formula to be used being based on the number of years the said member has been in membership of this Association.

## **17. FORCE OF CONSITUTION**

17.1. Where this Constitution, Rules & Regulations and Disciplinary Code is silent, firstly the SAFA (Cape Town) and secondly that of SAFA (National) must be applied.

17.2. These two Constitutions will always take precedence over that of this Association.

**18. SCHEDULE OF FEES AS PER ARTICLES**

Article	4.1	Entrance fee – new club application	R1000.00
Article	4.2	Annual subscription per club	R1182.76
Article	4.4	Registration fee per member or team - decided at each AGM	
		Minimum team levy	R3784.84
		Additional Senior Teams	R1537.59
		Additional Junior Teams	R591.38
		Ladies	R1537.59
		U/10 & U/11	R473.10
		U/7 - U/9 (5 x 5)	R295.69
		Guest Teams (Men)	R2835.00
		Guest Teams (Ladies)	R2835.00
		Guest Teams (Additional – Jnr or Snr)	R2835.00
		Guest Teams (U/10 & U/11)	R550.00
		Guest Teams (U/7 – U/9 (5 v 5))	R350.00
		Secretarial fees	R1774.14

## **19. SCHEDULE OF FEES/FINES AS PER RULES & DC CODE**

Rule	6.12.2	Late/failure to submit team return(s)	R5.00
Rule	8.1	Failure to fulfil a fixture – away	R200.00
Rule	8.1	Failure to fulfil a fixture – home	R300.00
Rule	10.1	Failure to attend meetings – 1 <sup>st</sup>	R200.00
Rule	10.1	Failure to attend meetings – 2 <sup>nd</sup>	R300.00
Rule	10.1	Failure to attend meetings – 3 <sup>rd</sup>	R400.00
Rule	10.7	Teams withdrawing	R250.00
Rule	11.1	Protest	R500.00
Rule	11.2	Failure to lodge a protest	R250.00
Rule	11.8.1	Complaint Fee	R500.00
Rule	12.2	Appeal against a DC or sub-committee decision	R750.00
Rule	13.6	Late return of trophies per month -	R50.00
DC Code	17.3	Automatic suspension for 4 cautions	R50.00
DC Code	52.1	Ineligible player	Min R250.00
		Lost card – SAFA CT	R100.00
		Registration card – Snr – SAFA CT	R60.00
		Registration card – Jnr – SAFA CT	R35.00
		Referee – Snr match	R200.00
		Referee – Jnr match	R90.00
		Assistant referee – Snr match	R100.00
		Assistant referee – Jnr match	R50.00
		Team return book	R45.00
		Appeal to SAFA CT	R1000.00
		Protest to SAFA CT	R5000.00
		Appeal to SAFA	R5000.00
Rule	6.12.2	Late/failure to submit team return(s)	R5.00