



# CONSTITUTION



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## CONSTITUTION OF THE NAMIBIA MOTOR SPORT FEDERATION

### MEMORANDUM

The Namibia Motorsport Federation is registered with the Namibia Sports Commission as the National Sports Body representing Motor Sport in Namibia, with the objective to promote, make rules for, develop, administer, and manage motor sport by utilising all needs to attain these objectives locally and internationally.

The Namibia Motorsport Federation shall be empowered to decide upon any questions raised within its territory, being the Republic of Namibia, concerning the interpretation of this Constitution and its decision shall be final and binding on all parties concerned.

### DEFINITIONS

“**Body**” means the Namibia Motor Sport Federation, also referred to as NMSF

“**Codes**” means the different types of motor sport as represented on Sub-Commissions

“**Full Member Club**” means any registered group of persons associated together, affiliated, or registered to the NMSF, for the purpose of participating in and organizing of National events

“**Committee**” means any committee appointed by Council under Art 2

“**Commission**” means the commission responsible for different codes in Motor Sport:

- (1) Motor Cars
- (2) Motorcycles
- (3) Touring

“**Council**” means the representative body (affiliates) of the Federation at an Annual General Meeting (AGM) or Extra-Ordinary General Meeting (EGM).

“**Sub-Commission**” means the sub-commission to address the affairs of a specific code:

- (1) **Motor Cars:** Rally, Circuit Racing, Oval, Karting, Drags
  - (2) **Motorcycle:** Moto X, “Enduro”, Off-road Bikes, Oval, Bikes Racing (Bikes)
  - (3) **Touring:** Touring, Road Safety, Vintage, Spinning, Drifting, Vasbyt, Off-road Cars i.e. 4x4
- Newly conferred national status events/competitions will fall under touring commission

- **All Car competitions will fall under Motor Cars & Touring Commission depending on category**
- **All Motorcycle competitions will fall under Motorcycle Commission**

“**Executive Committee**” means the group of elected representatives and appointed people who will manage and control NMSF

“**Delegates**” means those persons sent by clubs to represent the club at the Annual General Meeting, Extraordinary General Meeting or any other meeting specifically called for representation of Clubs.



**“Financial Consultant/Accountant”** shall mean an individual or company appointed by the council to perform the services as a treasurer to the council.

**“Member”** means any paid-up person who belongs to an affiliated/registered club of the NMSF

**“Representative”** means those persons elected or appointed to serve on the NMSF Executive Committee, Council, Commissions, Sub-Commissions, or Committees.

## **I. GENERAL PROVISIONS/FOUNDING PROVISIONS**

### **ARTICLE 1 – NAME, OFFICES, LEGAL FORM**

- 1.1 The Namibia Motorsport Federation is a legal sport body, registered under the Namibia Sport Commission Act and was founded in June 1984.
- 1.2 The Office/Headquarters of the NMSF is Commercial Block, Auas Hills Retirement Villiage, 28 Montreux Street, Auasblick, Windhoek. The postal address is P O Box 5483, Aussspannplatz, Windhoek.
- 1.3 NMSF is recognised by the Namibia Sports Commission (hereinafter referred to as the NSC), the Federation Internationale de l'Automobile (hereinafter referred to as the FIA) and all its sub-bodies, the Federation Internationale Motorcycliste (hereinafter referred to as the FIM), and all its sub-bodies including the African Motorcycle Union (hereinafter referred to as the AMU, as the body and representative of all motor sport activities in Namibia.
- 1.4 The flag of NMSF shall at all times incorporate the colours of the National Flag of the Republic of Namibia.
- 1.5 The emblem of the NMSF is symbolic of motorsport.
- 1.6 The abbreviation of the Namibia Motorsport Federation (NMSF)
- 1.7 This Constitution shall be subject to and regulated by the Namibia Sports Act, Act 12 of 2003 and regulations. The Constitution of the NMSF or any part thereof as contained herein shall not be added to or amended, save by a resolution, adopted by a majority of 2/3 of the persons entitled to vote and present at the Extraordinary General Meeting and /or Annual General Meeting.

### **ARTICLE 2 - FUNCTIONS AND POWERS OF THE EXECUTIVE COMMITTEE**

- 2.1 The management and control of affairs of the NMSF shall vest in the Executive Committee which shall have full power and authority to act in the best interest of motor sport and shall have the powers and authority required to achieve the objects of the NMSF.
- 2.2 Without in any way limiting such powers and authority the Executive Committee shall have the following further special powers to:
  - 2.2.1 Admit new clubs to the NMSF.
  - 2.2.2 Formulate policies governing the activities of the NMSF.
  - 2.2.3 Consider and approve By-Laws, rules and codes or any amendments thereto in accordance with the rules and regulations of the NMSF.
  - 2.2.4 Recommend international or cross-border participation by officials, participants and/or competitors at any level, including training, for approval of the National Sports Commission (NSC).



- 2.2.5 Consider and submit applications to the NSC for Namibian National Colours for officials and competitors. The qualifying criteria for Namibian National Colours shall be published in the by-laws as amended and approved by the NSC from time to time.
- 2.2.6 Supervise the correct functioning of the Commissions.
- 2.2.7 Make any rules, resolutions, or decisions that are necessary or expedient in order to achieve the objects of the NMSF.
- 2.2.8 Form or appoint sub-committees for special or general purposes, to determine and assign duties, to delegate powers to such sub-committees, and to delegate to any sub-committees all or any of the authorities conferred on the Executive Committee by this Constitution. Consider, institute, investigate and conduct disciplinary hearings against its members governed by a Code of Conduct, which Code of Conduct shall be made available to all the members and subject to amendment as published in the by-laws from time to time.
- 2.2.9 Appoint the representatives of any sub-committee.
- 2.2.9.1 The President, the respective Vice-President of the Executive Committee shall be *ex officio* representatives on such sub-committees.
- 2.2.9.2 The sub-committees shall have such powers as may be conferred unto it, from time to time, as defined/formulated and approved by the Executive Committee.
- 2.2.10 Appoint a minimum of 3 (Three) Representatives to serve of the NMSF Disciplinary Committee, either on a permanent or ad-hoc basis. Such Committee shall not be remunerated for serving on said committee.
- 2.2.11 Appoint a Prosecuting Authority who is to institute proceedings in a Disciplinary Hearing. A Chairperson of an affiliated club shall not qualify to be an appointee as a Prosecuting Authority.
- 2.2.12 To review the disciplinary rules and procedures from time to time and make recommendations to the NSC if appropriate.
- 2.2.13 Cause the NMSF's books of account to be audited by a duly elected accountant, who shall not be a representative on the NMSF, to audit the books of the NMSF as prescribed in the Namibia Sports Act, Act 12 of 2003.
- 2.2.14 To establish and to fix the remuneration of the NMSF's accountant, auditor and subsequent appointed administration staff.
- 2.2.15 To decide on points of dispute and to hear appeals against the decisions of the NMSF.
- 2.2.16 Appoint employees of the NMSF upon such terms and conditions and salaries as it thinks fit and to control all such employees.
- 2.2.17 Borrow or raise money for the purpose of the attainment of any of the NMSF's objectives, and to apply any of the NMSF's funds or income in the repayment thereof.
- 2.2.18 Apply to the appropriate authority for the grant of any license for the sale of liquor, which the NMSF may require for the purposes of carrying out its business, and to apply to any other appropriate authority for the grant of any other license for which it may be decided to apply in connection with the NMSF's business.
- 2.2.19 Institute, conduct, defend, oppose, settle, or abandon any legal proceedings by and against the NMSF, or its officers or otherwise concerning the affairs of the NMSF; and also, to settle and allow time for payment in satisfaction of any debts due, and of any claims or demands by or against the NMSF.



- 2.2.20 Refer any claim or demand by or against the NMSF to arbitration, by consent of all parties.
- 2.2.21 Invest, re-invest and deal with any moneys of the NMSF, not immediately required for the purposes of the NMSF upon such securities and on such terms as it may think fit; and from time to time to vary or realise such investments; to lease and/or purchase any movable or immovable property for the benefit or advancement of the NMSF's objects.
- 2.2.22 Sell, lease, alienate or otherwise dispose of part or parts of the movable or immovable properties of the NMSF as it may think most beneficial to the members and to apply the consideration arising there from as it may think most advantageous for the NMSF.
- 2.2.23 Purchase, hire, take on lease or in exchange or otherwise acquire any movable or immovable property or rights and to sell, dispose of, turn to account or otherwise deal with all or any of the movable or immovable property or rights of the NMSF.
- 2.2.24 Borrow, collect, or raise money in such manner as the Executive Committee shall think fit for the sole purpose of carrying out the objectives of the NMSF, and in particular by means of sponsorships, subscriptions, contributions, levies, entrance fees, loans with or without security to give security for money by the issue of or upon bonds, debentures or obligations or securities of the NMSF, or by mortgage or charge upon all or part of the property of the NMSF.
- 2.2.25 Subscribe to, become a member of, or affiliated to any other body having objects similar or in part similar to the objects of the NMSF.
- 2.3 Utilise the assets, funds, profits, and gains of the NMSF solely for investment of the objectives of the NMSF as set out in this Constitution.

### **ARTICLE 3 – NEUTRALITY AND NON-DISCRIMINATION**

- 3.1 The NMSF is neutral in matters of politics and religion.
- 3.2 Discrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status or any other reason is strictly prohibited and punishable by suspension or expulsion by the NMSF through the Namibia Sports Commission.

### **ARTICLE 4 – PROMOTING FRIENDLY RELATIONS**

- 4.1 The NMSF shall promote friendly relations between its Members, Members Officials and Competitors and in society for humanitarian objectives.
- 4.2 Every person and organisation involved in the sporting codes of the NMSF is obliged to observe the relevant Statutes, regulations, and the principles of fairness as well as the principles of loyalty, integrity, and sportsmanship.
- 4.3 The NMSF shall provide the necessary institutional means to resolve any Motorsport related disputes that may arise between Members, Members Officials and Competitors.

### **ARTICLE 5 – CONDUCT OF BODIES AND OFFICIALS**

- 5.1 The bodies and Officials of the NMSF must observe the Statutes, regulations, directives, decisions and the Code of Ethics of the FIA, FIM, NSC and the NMSF in their activities.

#### **JURISDICTION:**

The NMSF, its members, competitors, officials, promoters will not take any disputes to Ordinary Courts unless specifically provided for in the constitution and/or the FIA statutes and regulations. Any disputes must follow the natural progression and ports of first call related to each relevant instance/incident and shall be dealt with



through the already existing channels/avenues provided for in the rules and regulations, to deal with said disputes and exhausting all existing avenues before disputes are referred to ordinary courts. Disputes shall therefore only be subjected to the jurisdiction of the NMSF, the Arbitration Tribunal recognized by the NMSF, the Namibian National Sports Commission.

## **ARTICLE 6 – OFFICIAL LANGUAGE**

- 6.1 The official language of NMSF shall be English. Official documents and texts shall be written in the English language.
- 6.2 The official language at the AGM shall be English.

## **II. MEMBERSHIP (SUBMISSION, SUSPENSION AND EXPULSION)**

### **ARTICLE 7 – SUBMISSION, SUSPENSION AND EXPULSION**

- 7.1 The Executive Committee, shall decide whether to admit, suspend or expel a Member.
- 7.2 The Executive Committee shall have the right to call any member of a Club or the Chairperson, representing such club for a disciplinary hearing, where such member or Club fail to comply with or contravening this Constitution, By-laws, rules, codes and prescriptions of the NMSF; including any resolutions adopted and rulings made by the NMSF or its Council and Commissions:
- 7.3 Notwithstanding anything to the contrary contained in this Constitution, the Executive Committee may delegate its powers in terms of this article to a disciplinary committee, or tribunal, or an ad hoc committee established from time to time for a specific purpose and for a specific period of time. The Executive Committee shall initiate procedures for hearings, the right of appeal, and in general, with regard to any other matter which it deems necessary or expedient to prescribe in order to achieve or promote the objects of this article.
- 7.4 Such Committees as set out in Art 19.4 must after the disciplinary hearing so convened, recommend appropriate steps, i.e. expulsion, suspension and/or the imposition of a monetary fine, the amount(s) whereof shall be determined by the Executive Committee from time to time, which will become in effect after approval of by the Council.
- 7.5 If any club should fail to pay any amount owing to the NMSF, whether for subscriptions, levies, entrance fees, goods, or services supplied by the NMSF, or otherwise, arising, then its membership of the NMSF may be terminated by the Executive Committee on written notice to its last known address. The Executive Committee may in its discretion reinstate such club on the payment of all arrears amounts and upon such terms as the Executive Committee may decide.

### **ARTICLE 8 – ADMISSION TO THE NMSF**

- 8.1 Admission may be granted if the applicant fulfils the requirements of NMSF.
- 8.2 Any club, association or group of whatever nature representing any aspect connected with the furtherance of any facet of or involved in motor sport shall affiliate to and register with the NMSF, subject to this Constitution, By-laws, rules, codes and prescriptions as may apply from time to time. The entity shall apply in writing to the General Secretariat of the NMSF.
- 8.3 Motor, motorcycle and touring clubs in Namibia must be affiliated and registered with the NMSF to be able to hold recognised competitions or events and in order for the members of such clubs to participate in such competitions, nationally or internationally, whether in or outside Namibia.
- 8.4 For a Club/Promoter to be considered as an affiliate of the Namibia Motor Sport Federation (NMSF), the following criteria shall be observed by all applicants whether the application is for a new affiliation or the renewal of a current affiliation:



- 8.5 A Club/Promoter seeking affiliation with the NMSF shall submit the following for approval to the Chairperson of the NMSF Commission concerned:
- a signed copy of a constitution;
  - a copy of its legally valid statutes;
  - a list of office bearers;
  - Minutes of the Annual General Meeting (AGM) and attendance register where office bearers were appointed;
  - a full list of paid-up members;
  - a list of details of the category or categories catered for and said category or categories catered for should be inscribed in the club/promoter constitution.
  - a Strategic/Development Plan
  - Proof of payment of the non-refundable affiliation fees as indicted in Appendix "R".
- 8.6 Kindly note, the affiliation of a Club/Promoter implies complete compliance by its members with the Constitution, By-Laws, rules, codes, and prescriptions of the NMSF, FIA and FIM.

### **ARTICLE 9 – PROCEDURE FOR APPLICATION**

- 9.1 A club/promoter applying for renewal of its affiliation, shall complete the NMSF application form and submit all the documents requested above, as well as the Approved Financials of the previous year.
- 9.2 Each affiliated club must organize/host at least 1 (one) National Event. Failure to do so will result in the club's suspension and/or termination and said club would have to reapply for affiliation, which will only be considered if proof of ability to organize/host an event can be provided.
- 9.3 Affiliation fees in terms of Appendix "R" of the NMSF Handbook is payable no later than the 31st October of each year and shall accompany the application;
- 9.4 Any club wishing to affiliate to the NMSF shall pay such membership fee upon application for affiliation, which amount shall be determined by the Council from time to time. REFER Appendix R in GCR's.
- 9.5 All affiliation fees are due by the financial year-end (31<sup>st</sup> October) of the NMSF, which includes calendar inscriptions. The NMSF may extend this date in writing to clubs should the need arise.
- 9.6 A club/promoter, shall align its constitution to speak to, and in the specified format indicate, to the Constitution of the NMSF and NSC. To this end, a club/promoter will be provided with a draft constitution and afforded a period of 2 months, from the date that said notice has been given to the club/promoter, to ensure compliance;
- 9.7 Senior office bearers as indicated in clause 9.5 above, should have a minimum of 3 years, sports/club management experience, with emphasis on strategic planning, to substantiate this submission, each office bearer's sports curriculum vitae (CV) should also be submitted;
- 9.8 The minimum list of paid-up members of a club shall be limited to 30 members and of said paid up members, 25% should be active/competing members i.e. members that hold a national licence and actively compete in a National Championship, irrespective of code. In an instance where the code is not recognized as a National Championship as yet, the competing members concerned should have a valid, club licence, approved by the NMSF; The percentage active/competing members as mentioned above, is directly linked to the total number of members registered with a club, should the members list increase, active/competing members also directly increase as per the percentage indicated.





- 9.9 Clause 9.7, only applies to clubs and not promoters
- 9.10 Clause 9.7, thus also triggers a probational acceptance of a club's affiliation status, pending the confirmation of the numbers indicated therein. Probational, because license applications are only availed during the first quarter of the racing season;
- 9.11 All affiliated clubs shall communicate, once a year, or whenever there is a change in office bearers and members list, the names and addresses of its members to the Secretary General who shall keep a register thereof. All affiliated clubs shall also submit, once a year, one (1) Month before the Annual General Meeting of the NMSF, their approved financial statements. Failure to do so will result in the NMSF imposing disciplinary measures on said club/promoter. Such measures to be at the discretion of the Executive Committee and guided by the Code of Conduct;

## **ARTICLE 10 – MEMBERS RIGHTS**

- 10.1 Each affiliated Club shall appoint two (2) delegates to the AGM of which one delegate is a voting delegate.
- 10.2 Each Club will have the following votes at the AGM/EGM:
- 10.2.1 one (1) vote by virtue of the club's affiliation to the NMSF, subject to clause 9.2 above.
- 10.3 Each Club shall in writing no later than 14 days after the club's AGM, indicate its representative to the respective commission. Such representative will be limited to the chairperson, failing which the Vice-Chairperson or a nominated representative. Alternatively;
- 10.3.1 A club may nominate a member other than its Chairperson or Vice-Chairperson to attend Commission meetings. In such cases an Ad Hoc or Standing Power of Attorney need to be submitted to the Secretary General of the NMSF. Clubs operating under such Power of Attorney agrees that such representative member will be considered as fully empowered to act, decide- and to bind said club to all decisions and or consequences at such Commission meeting.
- 10.4 New affiliated clubs must appoint a delegate within 14 days of affiliation in writing to the Secretary General of the NMSF.
- 10.5 Each Commission shall have the right to form Sub-Commissions for each of the different codes under its control, provided that such Sub-Commissions can only be formed if more than one affiliated club, has representation on such Sub-Commission and the Executive Committee has approved the formation of the Sub-Commission.
- 10.6 Each Sub-Commission will choose their own Chairperson and the Sub-Commission would meet as regular as decided upon.
- 10.7 Each club shall nominate the codes of motorsport which it intends promoting in its constitution.

## **ARTICLE 11 – MEMBERS OBLIGATIONS**

- 11.1 The Commissions, in co-operation with its Sub-Commissions, if any, shall:
- 11.1.1 Be responsible for the direction and the day-to-day administration, including the raising of funds for development, of the codes falling under each Commission's authority, in conjunction with the Executive Committee.
- 11.1.2 Administer their functions in accordance with this Constitution and all regulations, laws and/or by-laws as are applicable from time to time.



11.1.3 Be entitled to co-opt any person onto the Commission or Sub-Commissions either generally or for a specific purpose with the approval of the Executive Committee.

11.1.4 Have such duties and powers as are conferred upon them from time to time by the Executive Committee in writing.

11.2 Each Commission shall meet at least once a month, or as required by the Chairperson of the relevant Commissions, i.e. Motoring, Motorcycles and Touring, with the monthly meetings to be held at least one week prior to the monthly meetings of the Executive Committee.

## **ARTICLE 12 – SUSPENSION**

12.1 A club who has not paid its fees as stated in 9.3 and 9.4 above, shall cease to be an affiliated member of the NMSF, shall not receive any dates inscribed on the calendar and shall re-apply for affiliation.

12.2 Clubs electing to suspend their activities must advise the NMSF accordingly in writing.

12.3 The Executive Committee may in its discretion reinstate such Club/Promoter after scrutiny and the payment of all arrear amounts and upon such terms as the council may decide. In order for the reinstatement process to begin, a terminated club must follow all and meet all the criteria as indicated above. Re-instatement does not guarantee an inscription of dates on the calendar for the remaining period of the year.

12.4 If any Club/Promoter should fail to pay any amount owing to the NMSF, whether for subscriptions, levies, entrance fees, day licence fees, goods, or services supplied by the NMSF, or otherwise, arising, then its membership of the NMSF may be, after notice to remedy such failure and/or notice of suspension, terminated by the Executive Committee on written notice to the last known address.

12.5 The nominated representatives of any Commission or Sub-Commission of the NMSF shall cease to be a representative if he/she fails to attend three consecutive meetings without a reasonable excuse for his/her absence. The club represented by such a representative, shall after payment of the relevant fine, to be determined by the Executive Committee, forthwith nominates a substitute in writing for the remaining part of the current year.

## **ARTICLE 13 – EXPULSION**

13.1 If any Club/Promoter should fail to pay any amount owing to the NMSF, whether for subscriptions, levies, entrance fees, day licence fees, goods, or services supplied by the NMSF, or otherwise, arising, then its membership of the NMSF may be, after notice to remedy such failure and/or notice of suspension, terminated by the Executive Committee on written notice to the last known address.

13.2 The Executive Committee may cause the name of any Club/Promoter whose membership has been terminated or suspended to be announced by any medium available to the NMSF.

## **ARTICLE 14 – RESIGNATION**

14.1 Membership is terminated by resignation on written notice given at any time or expulsion. Such club shall not be entitled to a refund of any fees or amounts paid in respect of any period after the date of resignation. Loss of membership does not relieve the Member from its financial obligations towards NMSF or other Members of the NMSF but leads to cancellation of all rights in relation to the NMSF.



### III. HONORARY PRESIDENT AND HONORARY MEMBER

#### **ARTICLE 15- HONORARY PRESIDENT AND HONORARY MEMBER**

- 15.1 The Annual General Meeting may bestow the title of honorary member or life member upon any person(s) for meritorious service to Motorsport.
- 15.2 The Executive Committee shall make these nominations.
- 15.3 The honorary president/member or life member may be invited to take part in an Annual General Meeting or Extraordinary Meeting. They may join the deliberations but are not entitled to vote.

#### **ARTICLE 16- ORGANISATION (STRUCTURES)**

- 16.1 The Council as a collective representative body of the NMSF, as it appears and is comprised off, at an Annual General Meeting/Extraordinary General Meeting, is the supreme and legislative body of the NMSF.
- 16.2 The Executive Committee is the Strategic and Oversight body of the NMSF.
- 16.3 Standing and ad-hoc committees shall advise and assist the Executive Committee in fulfilling its duties. Their duties, composition, and function are defined in this Constitution and/or special regulations drawn up by the Executive Committee.
- 16.4 The General Secretariat is the Executive, Operational and administrative body.
- 16.5 The Judicial bodies are the Disciplinary Committee, the Ethics Committee, Arbitration Tribunal and the Appeals Committee.
- 16.6 The bodies of NMSF shall be either elected or appointed by the NMSF Executive without any external influence and in accordance with the procedures described in these Statutes.
- 16.7 There shall be three Commissions of the NMSF.
- 16.7.1 Commission for Motorcycles;
- 16.7.2 Commission for Motor Cars;
- 16.7.3 Commission for Touring, Spinning, Drifting, Vasbyt, Road Safety & Vintage.
- 16.8 The respective Commissions Chairpersons of the Executive Committee shall chair the meetings of the respective commissions.
- 16.9 Each motorsport code shall have its own Sub-Commission

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### A. COUNCIL

#### **ARTICLE 17 – DEFINITION AND COMPOSITION OF THE AGM**

- 17.1 An Annual General Meeting (hereinafter referred to as “AGM”) shall be held each year no later than four months after the financial year end, where all affiliated clubs will be present.
- 17.2 The meeting shall comprise of the NMSF Council and Executive Committee.



## **ARTICLE 18 – DELIGATES AND VOTES**

- 18.1 Each affiliated and registered paid-up club of the NMSF, shall nominate and submit their voting delegate to the NMSF in writing 10 (ten) days before the commencement of the AGM.
- 18.1.1 To qualify to participate as a delegate, said nominated delegate shall be 18 years old or older at date of the Annual General Meeting.
- 18.2 Voting shall be by way of sealed ballot.
- 18.3 Voting by proxy shall not be permitted.
- 18.4 The Chairperson or any other person acting as Chairperson of the AGM shall have a casting vote additional to his deliberative vote.
- 18.5 Should any open ballot be demanded, it should be taken in such a manner and at such time and place, including at that meeting, as the Chairperson of the meeting may direct.
- 18.6 A declaration by the Chairperson of the meeting of the result of ballot shall be conclusive.

## **ARTICLE 19 – AREAS OF AUTHORITY**

- 19.1.1 The NMSF is a distinct and separate legal entity, having perpetual succession as a juristic person, with the power to:
- 19.1.2 Acquire, to hold and to alienate property of every description whatsoever.
- 19.1.3 Acquire rights and obligations.
- 19.1.4 Act and be acted against in its own name, including, suing, and defending any action instituted by it or instituted against it.
- 19.1.5 Appoint any person to represent it for whatever purpose.
- 19.1.6 Represent all the interests of motor sport activities in Namibia as well as its interest internationally and to do everything necessary to further and promote such interests.
- 19.1.7 Do everything it is entitled to do in terms of and necessary to give effect to the rights and obligations conferred upon it in terms of the sports laws and regulations as it applies in Namibia from time to time.
- 19.1.8 The property and funds of the NMSF vest in the NMSF as a juristic person and no member of the NMSF shall be jointly or severally liable for the debts of the NMSF.
- 19.1.9 The main objectives, functions, and powers of the NMSF are and shall, in addition to the powers referred to in Art 2 above, be to:
- 19.1.10 Incorporate all motor sport and related touring clubs in Namibia.
- 19.1.11 Administer, promote, foster, and encourage motor sport.
- 19.1.12 Hold and arrange motor sport events and competitions.
- 19.1.13 Issue all categories of motor sport Competition, Course/Track and Event licences, and carry out the testing and grading of motor sport officials as defined by the FIA, FIM and AMU.
- 19.1.14 Control, manage and supervise motor sport competitions and events of all types at local, national and international levels, either directly or through its affiliated bodies.



- 19.1.15 Arrange for, grant, and contribute towards the provision of trophies, awards, and distinctions of the NMSF's National and International awards (Where applicable).
- 19.1.16 Affiliate with other motor sport bodies, organisations, associations, federations, or unions.
- 19.1.17 Render such technical and financial support as is within its means to attain its objectives.
- 19.1.18 The procurement and provision of motor sport amenities and other conveniences considered by the NMSF to be necessary for fulfilling the objectives of the NMSF.
- 19.1.19 The erection, maintenance, improvement, or alteration of any building, stands or structures.
- 19.1.20 The charging of admission to the grounds of the NMSF, the determination of admission prices, and the making of regulations in connection with admission by the public, participants, and others.
- 19.1.21 Issue and distribute such publications as is deemed necessary to achieve any of the objectives and functions set forth herein.
- 19.1.22 Subject to the provisions of Art 19.1.18 above, to invest and deal with any monies of the NMSF not immediately required for carrying on the business of the NMSF, upon such securities and in such manner as may from time to time be determined by the NMSF, and to realise, vary, reinvest, or otherwise deal with such securities.
- 19.1.23 To borrow, raise and secure the payment of money in such manner as the NMSF may deem fit, and to pledge, mortgage or otherwise secure, for the repayment of such monies, all or any of the property and assets of the NMSF.
- 19.1.24 To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments, and to open and operate banking and other accounts in the name of the NMSF.
- 19.1.25 To effect assurances of all descriptions, including assurances against accidents of any description, against liability to pay compensation for injuries happening to or sustained by any member, employee, official, administrator and participant of or connected with the NMSF, against liability to pay damages to any person in consequence of such accident, and to pay the premiums and other monies required to keep such policies of assurance of full force and effect.

#### **ARTICLE 19.2 – FINANCIAL YEAR, AUDIT AND ACCOUNTS**

- 19.2.1 The financial year-end of the NMSF shall be 31 October.
- 19.2.2 The Executive Committee shall have the authority to expend the funds of the NMSF in such a manner as they consider fit, in accordance with the rules and subject to the objectives of the NMSF, provided that:
- 19.2.3 The funds of the NMSF shall be deposited into such bank accounts of the NMSF as may be authorised by the Executive Committee from time to time, which accounts shall be operated by the Treasurer/Financial consultant, the President and the respective Vice-Presidents.
- 19.2.4 Signatories on all banking accounts shall be either the President and the Secretary General or the President and Vice President
- 19.2.5 The Executive Committee shall agree upon any investment of NMSF funds.
- 19.2.6 Each Commissions shall submit an annual budget to the Executive Committee for approval.
- 19.2.7 Payment of membership fees shall be made in Namibian Dollars.



- 19.2.8 Each affiliated or registered club at the NMSF shall pay an annual subscription fee to be determined by the Council from time to time. The annual subscription fee shall be due and payable on the 31st of October of each year.
- 19.2.10 The funds of the NMSF may be kept in one or several accounts at one or several registered commercial banks. Each Commission may apply for a separate account to the Executive Committee.
- 19.2.11 All travelling and other expenses incurred by members of the Executive Committee, Commissions, Sub-Commissions and Sub-Committees for attending any meeting shall be borne by the respective clubs or individuals.
- 19.2.12 Audited accounts of the NMSF shall be tabled at the AGM.

### **ARTICLE 19.3 – INDEMNITY**

- 19.3.1 The Executive Committee, Commission or any other appointed committee is not liable for any loss or damage arising out of any act done or omitted to be done in good faith on the authorization of the Executive Committee, Commission or any other appointed committee under this Constitution, unless such damage or loss is due to the Executive Committee, Commission or any other appointed committee's negligence or failure to comply with the Constitution.
- 19.3.2 A representative of Council, Executive Committee or any other Commission, Sub-Commission or any other appointed committee or appeal committee, or a person employed in terms of this Constitution, is not liable for any loss or damage arising out of any act done or omitted to be done in good faith by that member or that person under this Constitution unless such damage or loss is due to that member's or person's misconduct, dishonesty, negligence, or failure to comply with this Constitution.

### **ARTICLE 19.4 – DISCIPLINARY COMMITTEE**

#### **Composition of the Disciplinary Committee and Appointment of its Members**

- 19.4.1 The Namibia Motorsport Federation (NMSF) Executive Committee shall appoint no less than three and no more than five individuals to be members of the Disciplinary Committee, at least two of whom must have a good command of Motorsport in General. The NMSF President shall appoint the Chairperson and the Vice-Chairperson of the Disciplinary Committee.
- 19.4.2 Members of the Disciplinary Committee are appointed, either on a case-by-case basis, or on a permanent basis, such permanent basis to be for a period of 3 (Three) calendar years. The NMSF cannot remove any member of the Disciplinary Committee without particularly grave cause.
- 19.4.3 A Chairperson of an affiliated club shall not qualify to be an appointee to the Disciplinary Committee.

#### **Responsibilities, Powers and Functions of the Disciplinary Committee, and Participation Concerning Disciplinary**

- 19.4.4 The Disciplinary Committee of the NMSF handles and decides on certain disciplinary matters as defined in the Code of Conduct. Such Committee shall hear all Disciplinary matters relating and stemming from the General Competitions Rules as well as those instances that stem from outside the purview of competitions.
- 19.4.5 Participants to a Disciplinary Hearing shall be member's clubs, their members, and officials.
- 19.4.6 The responsibilities and functions of the Disciplinary Committee include the following: -
- 19.4.5 to consider, recommendations/proposals made by the Commission of Enquiry on whether or not to charge a participant.



- 19.4.6 to hear charges brought against any Participant;
- 19.4.7 to fix a date for the disciplinary hearing and instruct the Secretary to the Disciplinary Committee to serve the notice of the disciplinary hearing upon the Participant charged;
- 19.4.8 to summon the Participant charged to attend before it to give evidence in relation to the charges made against the Participant;
- 19.4.9 to consider and determine, after conclusion of the hearing, whether or not each charge has been proved;
- 19.4.10 to hear and consider pleas in mitigation;
- 19.4.11 to impose any of the penalties listed in the Code of Conduct;
- 19.4.12 to order payment to or by a Participant charged of costs and expenses incurred in obtaining external legal representation for the purposes of the disciplinary hearing, such costs and expenses to be limited to professional legal fees and expenses at the disciplinary hearing;
- 19.4.13 to notify the Participant charged of the decision in writing including any award of costs and its right to refer the decision of the Disciplinary Committee to the NMSF Court of Appeal;
- 19.4.14 in the event that the Participant charged requires the matter to be referred to the NMSF Court of Appeal, the Disciplinary Committee is to produce a written statement of findings of fact, the reasons for its verdict and the reasons for any penalty imposed to the Participant charged to the Secretary to the NMSF Court of Appeal;
- 19.4.15 to extend, vary or waive any period of time referred to in the Disciplinary Procedures or as previously ordered by the Disciplinary Committee;
- 19.4.16 to require the Participant charged to supply such further information and documents in its possession or under its control relating to the case as the Disciplinary Committee sees fit;
- 19.4.17 to delegate to a member of the Disciplinary Committee the power to give instructions to the Participant charged through the Secretary to the Disciplinary Committee on procedural matters relating to the disciplinary proceedings; and
- 19.4.18 to reconsider the verdict and the penalty of disciplinary cases as prescribed by the Code of Conduct;
- 19.4.19 to hear appeals from disciplinary measures/decisions taken by Stewards, Clerks of the Course against a Participant under the General Competition Rules;

#### **Institute Proceedings in the Disciplinary Committee**

- 19.4.20 The Prosecuting Authority shall institute proceedings in the Disciplinary Committee. The Prosecuting Authority or a person authorized by him shall prepare and present matters to be handled by the Committee as well as institute the proceedings in the Committee.
- 19.4.21 If there is a suspicion that a Party has breached requirements set forth in the Code of Conduct and the Prosecuting Authority has not instituted proceedings in the Disciplinary Committee, the Chairperson of the Disciplinary Committee may request that the Commission of Enquiry proceed with investigating the matter. Upon conclusion of the enquiry and the recommendations/proposals tabled to the Disciplinary Committee, the Prosecuting Authority and/or the NMSF Council will make a decision on whether to institute proceedings in the Disciplinary Committee.
- 19.4.22 If a matter to be handled in the Disciplinary Committee concerns a member of a club whom a member of the Disciplinary Committee directly or indirectly has some sort of interest in, the Prosecuting Authority shall immediately notify the Committee of such an issue. The Committee may in that case appoint another person outside the Disciplinary Structure for preparing and handling of the matter if it deems it necessary.



### **Disqualification of a Member of the Disciplinary Committee**

19.4.23 A member of the Disciplinary Committee participating in a disciplinary procedure shall be impartial and independent. Unless the member declines the duty, he shall immediately notify the Committee of all factors that may be deemed to endanger his impartiality or independence.

19.4.24 The Disciplinary Committee may, on the initiative of itself or of a Party, declare a member disqualified if he were disqualified to handle the matter as a judge as well as due to other factors that, for a justifiable reason, may be deemed to endanger his impartiality and independence.

### **Proceedings Before the Disciplinary Committee and Publication During Term of Proceedings**

19.4.25 The Disciplinary Committee shall commence the proceedings of a disciplinary matter without delay after the Prosecuting Authority has initiated it. The Chairperson or, in case he is prevented from doing so, the Vice-Chairman shall convene the Committee. The Secretary to the NMSF shall act as a secretary and assist the Committee in its duties.

19.4.26 If the matter in question does not fall within the competence of the Disciplinary Committee or if the proposed matter is evidently unfounded, the Chairperson of the Committee may dismiss the proposal immediately.

19.4.27 The meetings and the documents and other records handled or prepared thereat shall not be public.

19.4.28 The administrative handling of a disciplinary matter shall be carried out in writing. The Disciplinary Committee may, however, authorize a Party to express its views orally; however, such oral expression shall be recorded and reduced to writing by way of a transcription. The Hearing itself, however, shall be recorded and transcribed.

19.4.29 The right of the Disciplinary Committee to obtain the necessary information shall be governed by the Code of Conduct and Article 19.4.16 of this constitution.

### **ARTICLE 19.5 – ABOLISHMENT OF NMSF**

19.5.1 The NMSF shall endure as contemplated for an indefinite period until a majority of 75% of the persons entitled to vote and present vote in favour of its dissolution at a EGM, convened for that purpose and such resolution in confirmed at a further EGM held not less than thirty (30) days thereafter by a majority vote of the persons entitled to be present and vote thereon, on condition that such dissolution is approved by the Namibian Sport Commission and motivated accordingly. The provisions of the FIA/FIM with regards to dissolutions of a controlling body shall apply.

19.5.2 The quorum for such a EGM shall be the delegates of 75% (seventy-five per cent) of the clubs entitled to send a delegate in terms of Art 8.5 above, provided that if no quorum be present within 15 (fifteen) minutes after the time fixed for the meeting, a second meeting will be called within at least 21 (twenty-one) days thereafter. The decision reached by this second meeting will be valid regardless of the number of delegates present.

19.5.3 Upon receipt of a notice of an EGM convened for the purpose aforesaid, the Treasurer/financial consultant shall obtain from the auditor, a Balance Sheet, reflecting the assets and liabilities of the NMSF.

19.5.4 Subject to the provisions of 19.5.1, The Balance Sheet shall be tabled at the first SGM, following which proposals shall be made and accepted as to the liquidation of the affairs of the NMSF.

### **ARTICLE 19.6 – DECLARATION OF INTEREST**

19.6.1 All Executive Committee members will be compelled to declare in writing any and all interest in the form of:

- being a competitor;
- being a sponsor;
- being a team owner;
- having competitor family members;
- having any financial-or other interest not specifically mentioned





In any motor sport activity, he/she participates/intends to – as a Competitor.

- 19.6.2 This declaration will be done within 15 (Fifteen) days of being selected to office and then thereafter as circumstances warrants. This declaration will in all circumstances be circulated to all members as per normal NMSF correspondence.
- 19.6.3 In the event that there is an Event/Competition taking place within the 15 days mentioned in 19.6.2 above, the Secretary General will ensure that no Executive Committee Member is an Entrant/Competitor in any Event/Competition without such a Declaration filed AND circulated to members prior to such Event/Competition.
- 19.6.4 Should any Executive Committee Member be an Entrant/Competitor without such Declaration made and circulated, his/her participation would become an automatic nullity and lead to unconditional disqualification from said event/competition.
- 19.6.5 No Executive Committee Member may participate in any proceedings related to the sport in which he/she has a conflict of interest. Any business conducted at proceedings where an Executive Committee member participated in whilst any such interest is/was present will automatically render all business so conducted null and void.
- 19.6.6 The provisions of clause 21.3 shall not apply where a situation arises where there are any proceedings related to the sport in which more than two members has a conflict-of-interest in. In such a case, the majority vote as per clause 21.4 applies to the remaining eligible voting members.

#### **ARTICLE 20 – QUORUM OF THE COUNCIL**

- 20.1 The quorum for any General Meeting shall be the delegates of 75% (seventy-five per cent) of the clubs entitled to send a delegate, provided that if no quorum be present within 15 (fifteen) minutes after the time fixed for the meeting, it shall, in the case of an Annual General Meeting or an Extraordinary General Meeting called by the Council, be postponed for 30 minutes where after the delegates present shall be deemed to be a quorum for the transaction of the business of the meeting. OR be postponed to the same day and hour the following week and at such adjourned meeting the delegates present shall be deemed to be a quorum for the transaction of the business of the meeting.
- 20.2 In the case of a Extraordinary General Meeting called by a requisition of clubs, if no quorum is present upon the date fixed within 30 (thirty) minutes of the time fixed for the meeting, it shall be dissolved.
- 20.3 The Chairperson of any General Meeting may, with the consent of the meeting decided by majority vote of the persons entitled to vote at the meeting, adjourn the meeting from place to place and from time to time. No business shall be transacted at any adjourned meeting other than that business left unfinished at the meeting from which the adjournment took place.

#### **ARTICLE 21 – DECISIONS OF THE EXECUTIVE COMMITTEE**

- 21.1 The President will be chairing the monthly Executive Committee meetings, or in his absence, the Vice President/ Secretary General and if the Vice President /Secretary General is not available, any Vice-President as appointed by the President.
- 21.2 The Executive Committee shall further meet at such times as are required. No less than 7 (seven) days' notice must be given by the Secretary General to the representatives of the Executive Committee of such further meetings unless all representatives of the Council agree to accept shorter notice.
- 21.3 The quorum for a meeting of the Executive Committee shall be 75% (seventy-five percent) of the representatives of the Council, excluding the EX-CO members.



- 21.4 Any decision by the Executive Committee shall be by majority vote by show of hands of the persons entitled to vote and present at the meeting, excluding the EX-CO representatives.
- 21.5 Each person entitled to be present and to vote shall have one vote. The Chairperson shall, in the event that the vote is tied, have a casting vote additional to his deliberative vote. No voting by proxy shall be permitted.
- 21.6 The Chairperson shall cause minutes to be kept of the names of the representatives of the Executive Committee present at any meeting together with minutes of all resolutions and all proceedings taken at such meeting. Any such minutes or an extract there from, signed by the Chairperson shall be prima facie evidence of the matters therein stated. All correspondence, minutes of meetings must be kept on file at the NMSF office.
- 21.7 A resolution in writing, which the majority of representatives of the Council approve, shall be valid and effective as if passed at a meeting of the Executive Committee.
- 21.8 Only the President or the Secretary General, together with the Vice-President of the relevant Commission, is authorised to sign any correspondence with the NSC, FIA, FIM or any other international body.

## **ARTICLE 22 – ELECTIONS**

- 22.1 Safe for the President and Vice President who shall serve a term of three years, the remaining members of the Executive Committee shall be elected to each of the specific positions at the AGM of the NMSF for a term of two years.
- 22.2 Co-opt members will be appointed for a period of two years, by the Executive Committee at its first meeting or as and when required and shall have no voting rights.
- 22.3 All representatives of the Executive Committee so elected shall resign from any position held by him or her at their respective clubs at the time of his/her election, and thus shall not be a member of any committee, executive or otherwise, of any Club affiliated to the NMSF.
- 22.4 The Executive Committee Members may partake in any motor sporting code on conditions that he/she recuses themselves from any discussions relevant to the specific codes that he or she participates in. A declaration of interest must, in terms of Article 15, must be send to all clubs within 15 days of been elected to office.
- 22.5 The Secretariat shall submit a list of vacancies not less than 60 (sixty) days prior to the date of AGM to all clubs.
- 22.6 All paid-up Clubs will be entitled to send a nomination to the Secretariat, with each nominee's acceptance in writing and his or her CV, stating their qualifications and the position for which he or she is nominated, at least 30 (thirty) days prior to the date of the AGM at which the election is to take place, if the current representatives of the Council shall be eligible for re-election without nomination to their respective offices.
- 22.7 The Secretariat shall validate the aforesaid nominations and compile a final list of all the nominations received, which list shall be circulated to all clubs and displayed on the website of the NMSF at least 14 (fourteen) days prior to the date of the AGM.
- 22.8 If the position of the President becomes vacant, the Vice President will take up the position until the first AGM.
- 22.9 The vacancy of the Vice President or any other Executive Committee member had to be filled by the person who drew second most votes at the previous AGM. Such person would also have voting power on decisions of the Executive Committee.



- 22.10 If such person as referred to in par 3.8 is no longer available, the Executive Committee may appoint a suitable person to act in the specific vacancy, but such person would have no voting power on decisions of Executive Committee.

### **ARTICLE 23 –ANNUAL GENERAL MEETING**

- 23.2 AGM shall be convened by the Secretary General giving notice in writing to all Clubs.
- 23.3 Notice of the intention to rescind, add to or amend the Constitution, if required to be dealt with at an AGM of the NMSF, shall be given in writing by the intending mover therefore to the Secretary-General not later than two months prior to the date of the AGM. Any disagreements to such notice must be corresponded to the Secretariat by no later than one month prior to the AGM The Secretary General shall give written notice of the intended rescission, additions, or amendments to all the affiliated clubs within 14 days after receiving such notice.
- 23.4 An Annual General Meeting and/or a meeting called for the passing of a special resolution shall be called by no less than twenty-one (21) clear days' notice, in writing and any other general meeting shall be called by no less than (fourteen (14) clear days' notice in writing. The notice shall be inclusive of the day on which it is served or deemed to be served and of the day for which it is given and shall specify the place, the day, and the hour of the meeting and shall be given in a manner hereinafter mentioned, provided that a meeting (AGM or General) shall notwithstanding the fact that it is called by shorter notice than the specified period be deemed to have been duly called, if it's so agreed by the majority in number of the members having a right to attend and vote at the meeting, being a majority holding not less than seventy-five (75%) of the total voting rights of all members.
- 23.5 If required by the clubs, an Extraordinary General Meeting (EGM) could be held in order to discuss the Matters giving rise to the notice referred to in Art 23.3. The provisions of Art 25.2 shall apply in such instances.
- 23.5.1 Any decision taken by majority vote at the EGM would be binding to all the members of the NMSF.
- 23.6 Notice of the date, time, and place for the holding of the AGM shall be given in writing not later that one month prior to the meeting by displaying such notice in the medium generally utilised by the NMSF to communicate with the clubs and their members, including the NMSF website.
- 23.7 The Chair at an AGM shall be taken by the President of the NMSF or in his absence by the Secretary General should both be absent, the representatives shall elect a Chairperson for the meeting from among the other members of the Council present, if any or, failing their presence, the Chairperson shall be elected being a person who is entitled to vote at an AGM from among those member's present.
- 23.8 Decisions shall be taken at the AGM by voting.
- 23.9 The ordinary purpose of the AGM shall be to:
- 23.9.2 Confirm the minutes of the previous AGM and Extraordinary General Meeting held since the previous AGM;
- 23.9.3 Receive and consider the reports of the President and Commission Vice-Presidents;
- 23.9.4 Receive and consider the reports of the Treasurer and the NMSF's Auditor;
- 23.9.5 Elect the office bearers for the Council of the NMSF;



23.9.6 Receive, consider and pass, with or without modification, such motions and any resolutions of which the proposed terms were submitted in writing to the Secretary General not later than two weeks prior to the date fixed for such meeting.

23.9.7 The Secretary General shall give notice of any motions received by any club to all interested parties in the manner prescribed in Art 23.6, no later than 10 days prior to an AGM.

#### **ARTICLE 24 – ANNUAL GENERAL MEETING AGENDA**

1. Welcome
2. Attendance
3. Apologies
4. Conflicts of interest declaration regarding the agenda
5. Adoption of the Agenda
6. Minutes of the previous AGM
7. Minutes of the Extraordinary General Meeting
8. Financials
9. NMSF Council Report
10. Progress Review – Strategic Plan
11. Presentation of Voting Credentials
12. Voting
13. General

#### **ARTICLE 25 –EXTRAORDINARY GENERAL MEETING (EGM)**

- 25.1 The Council may at any time through the Secretary General call an Extraordinary General Meeting (hereinafter referred to as “EGM”) of affiliated and registered clubs of the NMSF by giving not less than 21 (twenty-one) days’ notice in writing to each club, such notice specifying for what object or objects the meeting is called. The accidental omission to give such a notice to any of the members or the non-receipt of such notice by any member shall not invalidate any resolution passed at the meeting.
- 25.2 The Council, shall requisition the Secretary General to convene an EGM within ten (10) days of receipt of a written requisition to that effect signed by not less than the quorum as per Article 20.1 specifying any resolution(s) proposed or other business to be discussed.
- 25.3 Any decision taken by 2/3 majority vote at the EGM would be binding to all the members of the NMSF.



- 25.4 Notice of the date, time and place for the holding of an EGM shall be given in writing by mediums generally used by the NMSF to communicate with Clubs, including displaying such notice on the NMSF website.
- 25.5 The Chair at an EGM shall be taken by the President of the NMSF or in his absence by the Vice-President. Should both be absent, the delegates shall elect a Chairperson for the meeting from among the other representatives of the Council present, if any or, failing their presence, the Chairperson shall be elected being a person who is entitled to vote at an AGM from among those member's present.
- 25.6 An Extraordinary General meeting, whichever applies, and a meeting called for the passing of a special resolution shall be called by no less than twenty-one (21) clear days' notice, in writing and any other general meeting shall be called by no less than (fourteen (14) clear days' notice in writing. The notice shall be inclusive of the day on which it is served or deemed to be served and of the day for which it is given and shall specify the place, the day, and the hour of the meeting and shall be given in a manner hereinafter mentioned, provided that a meeting (EGM or General) shall notwithstanding the fact that it is called by shorter notice than the specified period be deemed to have been duly called, if it's so agreed by the majority in number of the members having a right to attend and vote at the meeting, being a majority holding not less than seventy-five (75%) of the total voting rights of all members.
- 25.7 Decisions shall be taken at an EGM by voting as in Art 25.3 above.

#### **ARTICLE 26 –AMENDMENTS OF STATUTES**

- 26.1 Notice of the intention to rescind, add to or amend the statutes of the Constitution, if required to be dealt with at an AGM or EGM of the NMSF, shall be given in writing by the intending mover therefore to the Secretary General not later than one month to the date of the AGM or EGM. Any disagreements to such notice must be corresponded to the Secretariat by no later than 21 days prior to the AGM or EGM The Secretary General shall give written notice of the intended rescission, additions, or amendments to all the affiliated clubs within 14 days after receiving such notice.

#### **ARTICLE 27 –MINUTES**

- 27.1 The Secretary General shall be responsible for recording the minutes at all the Council meetings. The minutes shall be checked by Scrutinizers, circulated to members, and finally approved at the next Council meeting.
- 27.2 Proper minutes shall be kept of all meetings of the Commissions and Sub-Commissions or any Committee meetings and it shall be the responsibility of the relevant Chairpersons to submit copies of the minutes of all such meetings to the Executive Committee or the Council to be kept by the Secretary General.

#### **ARTICLE 28 –EFFECTIVE DATES OF DECISIONS**

- 28.1 Matters which cannot be resolved at monthly Commission meetings held on the first Wednesday of each month will be referred to the Executive Committee for resolution.
- 28.2 Matters referred to the Executive Committee for resolution will be discussed at the monthly Executive Committee meeting held on the first Tuesday after the Commission meeting. Decisions taken by the Executive Committee meeting on these matters shall become in effect within 10 (Ten) day after the meeting unless the Executive Committee fixes another date for the decision to take effect
- 28.3 Decisions taken by the Council shall become into effect by members within 30 (Thirty) days after the close of the AGM or EGM, unless the Council fixes another date for a decision to take effect



**ARTICLE 28.4- CORRESPONDENCE****28.4.1 Internet Emails:**

Emails will be responded to within 24 Hours or sooner during office hours.

**28.4.2 Letters:**

The response for a letter will be five (5) working days but should the communication be deemed urgent, the office will respond as soon as circumstances allow.

**B. EXECUTIVE COMMITTEE****ARTICLE 29-COMPOSITION****29.1 There shall be one Council of the NMSF:**

29.1.1 President

29.1.2 Vice President

29.1.3 Motoring Commission: Chairperson

29.1.4 Motorcycle Commission: Chairperson

29.1.5 Touring commission: Chairperson

29.1.6 Secretary General (Non-Voting position)

29.1.7 Treasurer (Non-voting position)

29.1.8 Woman in Motorsport (Non-voting position)

**NB: Whatever the number of members and titles. Remember, there shall not be a member of Executive who is not a Namibian citizen as per the requirements of the Namibia Sports Act (2003) Section 25.**

**C. PRESIDENT****ARTICLE 30-DUTIES OF THE PRESIDENT**

30.1 The prime function of the president is to coordinate all the activities of the federation and leading/guiding other executive committee members in carrying out their duties

30.2 The President shall preside over all meetings of the Executive Committee and Finance Committee.

30.3 The President shall ensure that all business of each such meeting is conducted in accordance with the Rules of the Federation.

30.4 The President shall, jointly with the Secretary General, be responsible to the Federation for the supervision and general direction of the work of the Assistant General Secretaries and Department Heads. The President shall perform any such other duties in accordance with decisions of the Congress, Central Committee and Executive Committee.

30.5 In the event of the President leaving office prior to completion of his or her term, the Vice President shall serve in a temporary capacity as Acting President until the Council elects the new President.

**ARTICLE 31- DUTIES OF THE VICE-PRESIDENT**

31.1 In the event of the President leaving office prior to completion of his or her term, the Vice President shall serve in a temporary capacity as Acting President until the Council elects the new President.



**ARTICLE 31.2- DUTIES OF THE COMMISSION CHAIRPERSON**

- 32.2.1 The function of the Commission Chairperson is to chair the relevant Commission meetings.
- 32.2.2 Overseeing the functions and duties of the Commissions and their Sub Commissions
- 32.2.3 To ensure that Commissions promote the objectives of the Executive committee
- 32.2.4 Being the coordinative person between Commissions and the Executive Committee in terms of recommendation including the administering of regulation.

**F. SECRETARY GENERAL****ARTICLE 33- DUTIES OF THE SECRETARY GENERAL**

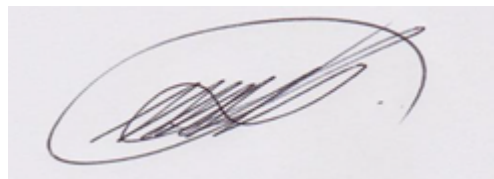
Subject to the direction of the Executive Committee, the Secretary General shall:

- 33.1 Act as the principal spokesperson of the NMSF.
- 33.2 Implement the policy and decisions of the Executive Committee.
- 33.3 Safeguard at all times and in every respect the interests of the Federation and ensure its legal representation.
- 33.4 Act as the general administrator of the Federation.
- 33.5 Direct the financial administration of the Federation, including the collection of annual dues from affiliates, and direct and implement all financial and other business operations and transactions involving the Federation.
- 33.6 Keep all proper financial accounts and records current, including information with respect to all income and disbursements in accordance with Federation policies and Rules.
- 33.7 Engage staff who shall be under the control and supervision of the Secretary General and shall perform such duties as may be assigned to them.
- 33.8 Perform such additional functions as are set out in these Rules or as may be determined from time to time by Council or the Executive Committee, or as agreed upon with the President.

**This Constitution in its present form was amended according to the directives of the Namibia Sports Commission (NSC) and adopted at Windhoek on the 23<sup>rd</sup> day of January 2021.**



**D Tjongarero**  
**NMSF President**

**C Liebenberg**  
**NMSF Vice President**

