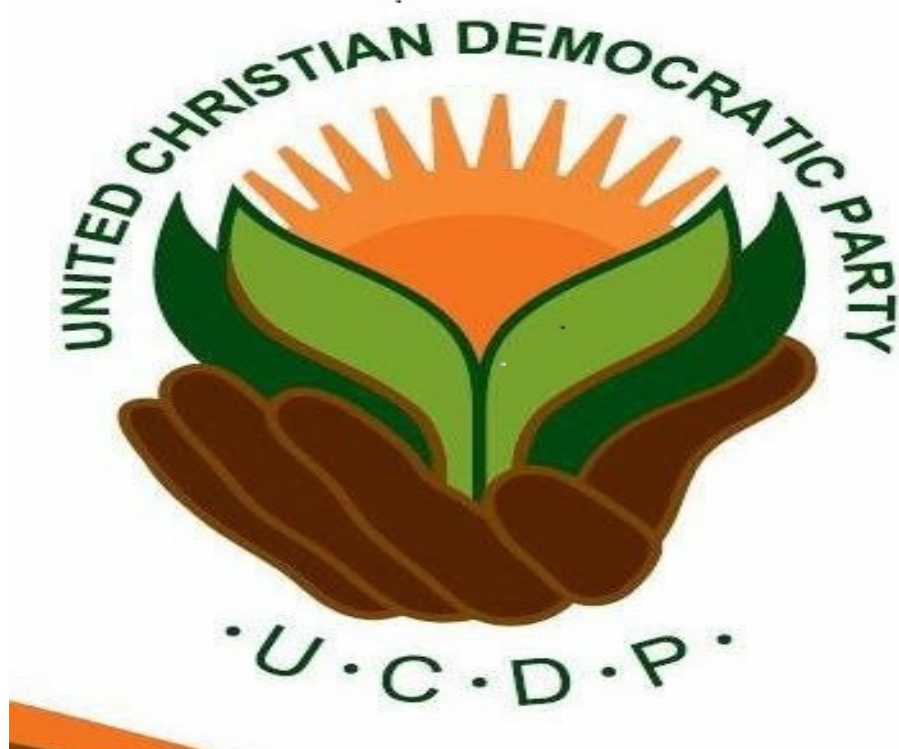


United Christian Democratic Party

(UCDP)

CONSTITUTION



United Christian Democratic Party (UCDP)

Constitution

Mmabatho High School UCDP Congress,

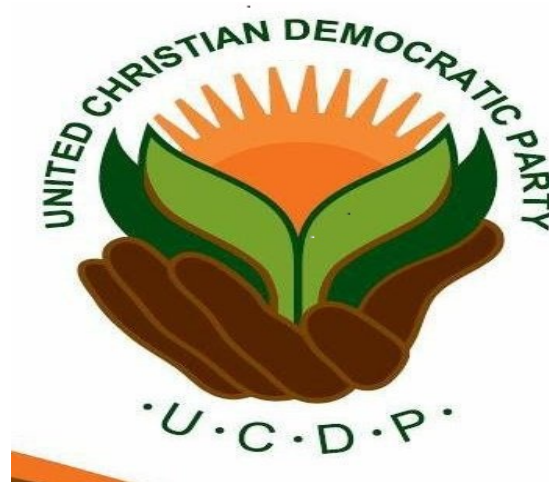
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Schedule

Appendix 1: UCDP Logo and Colours

What the LOGO represents:



The palm: The left palm on the side of the heart gives life
The palm handles, performs, moulds and creates items of life, is the powerful palm of the master of the party, Jesus Christ.

The plant: Green represents growth in the palm of the Lord
leading to
a good harvest in future to ensure economic growth- life that we strive for, without being dependent on others

The Sun: As it rises it brings light, radiates heat, awakens the sleeping ones to go to work, it starts the day's work and enhances;

- . plants growth
- . Job creation
- . Independent thinking
- . economic growth which is our life

***[These three items of the emblem/logo symbolise
“ The triune foundation of our Christian faith”].***

DEFINITIONS

- Accountable** means to answer for, or explain one's conduct, decisions or acts
- Appeal** means to resort to or apply to a higher authority in the UCDP structures for decision
- Associate membership** refers to membership given as a mark of honour without the usual requirements or privileges of membership
- Candidate** means a candidate nominated and elected democratically by the constitutional structures of the UCDP at the appropriate levels and endorsed by the NEC
- Complainant** means, in the context of disciplinary proceedings, the UCDP
- Constitution** means the Constitution of the UCDP
- Disciplinary Committee** means a disciplinary committee of the UCDP constituted in terms of the Constitution
- Ex officio** means by virtue of his or her position
- Federal Congress** means the Federal Congress of the UCDP which sits every five years
- Federal Council** means a Federal Council of the UCDP which sits in the interim of the Federal Congress
- Leagues** means the UCDP Women's league and the UCDP Youth league
- Logo and colours** means that the UCDP is the sole copy right holder of its logo and colours
- Member** means a member of the UCDP in good and regular standing
- National Chairperson** means the National Chairperson of the UCDP
- NEC** means the National Executive Committee of the UCDP
- Office bearer** means any member who has been elected and holds an office or position of authority in a structure of the UCDP
- Party** means the United Christian Democratic Party
- President** means the president of the UCDP and Deputy President means the deputy president of the UCDP
- Public representative** means a member who represents the UCDP in national, provincial or local government as an elected member to that body
- Secretary General** means the Secretary General of the UCDP and Deputy Secretary General means the Deputy Secretary General of the UCDP
- Suspend** means to bar for a period of time access to privilege, office or position
- Treasurer** means the Treasurer of the UCDP
- UCDP** means the United Christian Democratic Party
- Working days** means calendar days and excludes Saturdays, Sundays and public holidays

NEW CONSTITUTION OF THE UNITED CHRISTIAN DEMOCRATIC PARTY

PREAMBLE

Whereas the United Christian Democratic Party has as its fundamental basis and ideology the upholding and advancement of Christian principles, practices and values, and their implementation in the Republic of South Africa through a democratic political system, which includes the separation of the powers of the executive, legislature and judiciary, and has as its objective respect for the dignity of the individual, family, community and nation, to build a better future for all the people of South Africa.

1 NAME OF THE PARTY

The name of the party is the United Christian Democratic Party (the Party) which may also be referred to by the abbreviation UCDP.

2 DEFINITIONS AND INTERPRETATION

- 2.1 The headings of the clauses in this agreement are for the purpose of convenience and reference only and shall not be used in the interpretation of nor amplify the terms of this agreement nor any clause hereof.
- 2.2 any one gender include the other two genders;
- 2.3 the singular include the plural and vice versa;
- 2.4 person includes a natural person, company, close corporation or other juristic person or corporate entity, charity, partnership, trust, joint venture, syndicate, or other association of persons or entities, and that persons legal representatives and successors.
- 2.5 effective date shall mean the date of adoption of this Constitution by the Federal Congress of the Party as evidenced by a resolution of those entitled to attend and vote at the Federal Congress, certified as true and correct by the Party President.
- 2.6 when any number of days is prescribed in this agreement, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday;
- 2.7 business day means any day other than a Saturday, Sunday or official national public holiday in the Republic of South Africa;
- 2.8 where figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail;

3 INCORPORATION OF PREAMBLE

The Preamble is incorporated into the body of this Constitution as if it is an integral part hereof.

4 COMING INTO FORCE OF THIS CONSTITUTION.

From the time of its adoption at the Federal Congress on the effective date, this Constitution will govern all aspects of the Party's affairs and functions and will in its entirety replace any Constitution in force prior to the effective date. Any matter which had not been completed prior to the effective date will thereafter be dealt with only in terms of this Constitution, even if this requires the processes and procedures followed prior to the effective date having to be re-commenced. Any prejudice or advantage which results from the contents of this clause 4 will redound to the prejudice or benefit of the Party or person concerned.

5 PRINCIPLES OF THE PARTY WHICH ARE THE FOUNDATION OF ITS POLICIES.

- 5.1 The Sovereignty of the Almighty in the destiny of humankind.
- 5.2 The practice and implementation of the Christian faith in order to give expression to clause 5.1 in a democratic political dispensation, at the same time unconditionally accepting the freedom of all the inhabitants of South Africa to practice their own religions.
- 5.3 In giving effect to clauses 5.1 and 5.2 and the preamble to this Constitution, the Party will:
 - 5.3.1 Support and give effect to the Constitution of the Republic of South Africa 108 of 1996, but oppose the enforcement and interpretation of those parts of the said Constitution which are contrary to the Christian faith, and will endeavour to change those parts and interpretations by the use of democratic and peaceful means.
 - 5.3.2 Promote social justice, fairness and respect for the human rights set out in Chapter 2 of the Constitution.
 - 5.3.3 Promote equal opportunities for all.
 - 5.3.4 Promote just division of wealth.
 - 5.3.5 Maintain a Constitutional Democracy, with devolution of power to a federal provincial system and further devolution to local government, all these elements being the cornerstone of the political arrangements within South Africa.
 - 5.3.6 Promote equitable distribution of land.

- 5.3.7 Promote sound labour relations to achieve fair remuneration and working conditions for workers, and at the same time fostering economic development and well being for all of South Africa.
- 5.3.8 Encourage individual development for personal, family, community and national well being.
- 5.3.9 Encourage the strengthening of the family as the cornerstone of individual, community and national well being.
- 5.3.10 Eliminate all discrimination on any grounds.
- 5.3.11 Maintain good relations with our neighbours and the international community in general.

6 LANGUAGE

The Party will as far as possible accommodate all the official languages of South Africa.

7 THE STRUCTURE OF THE PARTY

The Party will consist of the following internal structures.

- 7.1 The Federal Congress.
- 7.2 The Federal Council.
- 7.3 The National Executive Committee.
- 7.4 A Provincial Committee for each of the provinces where the Party is active.
- 7.5 Regional Committees within each province.
- 7.6 Branch Committees in each region.
- 7.7 A Women's League.
- 7.8 A Youth League.
- 7.9 National, Provincial, Regional and Branch leadership

8 MEMBERSHIP OF THE PARTY

- 8.1 Any person who is a South African citizen, who is resident in South Africa, who supports the preamble to this Constitution, the Party's principles set out in clause 5, and is 16 years old and older, and who is not a member of any other political party, is eligible for membership of the Party.

- 8.2 Membership of the Party is a pre requisite for any person to hold any office within the Party and/or being appointed as a public office bearer as representative of the Party.
- 8.3 All membership applications must be made on the approved application form and must be accompanied by the admission fee.
 - 8.3.1 Application for membership must be made at branch offices, where the membership will be recorded.
 - 8.3.2 Upon an application for membership being approved, a membership card will be issued which will be proof of Party membership.
- 8.4 Membership of the Party entitles a person to stand for any office in the Party, but a member may not hold more than one office in the Party at any one time.
- 8.5 All female members are automatically members of the Women's League.
- 8.6 All members under the age of 35 years are automatically members of the Youth League.
- 8.7 Membership of the Party and all its organs ceases on the happening of any one of the following without the need for any process or disciplinary hearing:
 - 8.7.1 Resignation in writing, immediately on receipt of the writing by the Party.
 - 8.7.2 Conviction, after the exhaustion of all appeals, of any non political offence by any competent Court immediately on the exhaustion of all appeals or failure to appeal in terms of the rules of the Court to which the appeal lies, or the failure to prosecute the appeal in terms of the rules of that Court.
 - 8.7.3 A member applying to become a member of any other political party, immediately on the making of that application.
 - 8.7.4 The use by a member of any money or any property belonging to the Party for purposes other than approved Party business or purposes.
 - 8.7.5 A member failing to pay the annual subscriptions in full within six months of them being due. The financial year of the Party will accord with the calendar year. Provided that, should a member pay the annual subscription after the expiry of the said 6 (six) months but before the expiry of the year, his/her membership will be automatically restored with effect from the date of payment. Such cessation of membership will automatically result in that member losing his or her public office as representative of the Party and any position of leadership as mentioned in this Constitution. Restoration of membership in the circumstances set out in this clause

will not lead to restoration of the public office or office held within the Party, nor any other public office or office held within the Party.

- 8.8 All members of the party at the date of adoption of this Constitution will continue to be members, but subject to the terms of this Constitution.
- 8.9 Any member who at any time by his conduct does not support, follow and apply the principles, policies and values of the Party and the decisions of the Federal Congress and Federal Council, or who otherwise by his conduct brings the Party into disrepute, shall be subject to disciplinary action as set out in this Constitution including expulsion from the Party. Without derogating from the generality of this sub clause, such conduct shall include but will not be limited to:
 - 8.9.1 Immoral or amoral conduct when viewed from the perspective of the Party's principles, namely the upholding and advancement of Christian principles and values;
 - 8.9.2 Abuse of females and/or children including failure to provide adequate financial and other support to those whom the member has this legal obligation;
 - 8.9.3 Being present at any Party function or as a representative of the Party while under the influence of alcohol or drugs, or conducting himself in a manner unbecoming to that of a member of the Party;
 - 8.9.4 Behaving in a manner which is inconsistent with Party principles including disruption of any party meeting;
 - 8.9.5 Recruiting members not for the purpose of advancing the interests of the Party, but to gain an advantage for the recruiter;
 - 8.9.6 Engaging in any activity, the object of which is to gain advantage for the person concerned as opposed to advancing the interests of the Party.

9 **ASSOCIATE MEMBERSHIP**

Any person who falls within clause 8.1 who wishes to associate himself/herself with the Party and its principles, but who does not wish to become a member of the Party, may apply for and be granted associate membership. The contents of this Constitution will apply to the associate member, but such a member may not vote on any matter at any of the structures of the Party. Associate members are not liable to pay any subscriptions, but may donate money to the party. Associate members may not hold any office within the Party, nor may they hold any public office as representative of the Party.

10 **PARTY LEADERSHIP**

10.1 The Party leadership is as follows.

10.1.1 The President who is the Party leader;

10.1.2 The Deputy President, who is the deputy leader of the Party;

10.1.3 The Secretary General;

10.1.4 The Deputy Secretary General;

10.1.5 The Party Chairman.

10.1.6 The Deputy Chairman.

10.1.7 The Party Treasurer

10.2 Each of the above office bearers will be elected at the Federal Congress of the Party, and will hold office for the five year period between each Congress. At the expiry of the five year period and if there has not been a Federal Congress at which new holders of the said offices are elected, the said offices shall be vacant.

10.3 In the event of any of the said office bearers dying during his/her term of office, ceasing to be a Party member for any reason, or being unable to carry out his/her duties for any reason, the Federal Council of the Party shall elect a person to fill the vacancy. The election shall take place within 30 business days from the office becoming vacant. The person so elected shall hold office until the next Federal Congress and shall be entitled to offer himself/herself for election at that Congress.

10.4 The Federal Council shall decide in its discretion, with or without expert medical advice, whether an office holder mentioned in this clause is able to carry out the duties of that office, and its decision shall be final and binding.

10.5 The functions of the President of the Party shall be:

10.5.1 To lead the Party;

10.5.2 To be the main public face of the Party, and to make public announcements on all matters affecting South Africa;

10.5.3 To ensure that Party policies are implemented;

10.5.4 To hold public office as a member of the National Assembly, or if he in his sole discretion so chooses in a Provincial Legislature;

10.5.5 To stand for the office of President of the Republic of South Africa after general elections or when that office becomes vacant;

- 10.5.6 To attend all meetings of the Federal Council and National Executive Committee unless he is unable to do so due to ill health, or if he is away on National Assembly or Provincial legislature business;
- 10.5.7 To convene all the meetings of the Federal Congress and National Executive Committee.
- 10.6 The functions of the Deputy President of the Party shall be:
 - 10.6.1 To stand in for the President of the Party in any of the matters set out in clauses 10.5.1 to 10.5.4 inclusive;
 - 10.6.2 To hold public office in a provincial legislature or, if the President decides to hold office in such a legislature, to hold office in the National Assembly;
- 10.7 The functions of the Party Chairman shall be:
 - 10.7.1 To convene all meetings of the Federal Council;
 - 10.7.2 To preside at all meetings of the Federal Council;
 - 10.7.3 To prepare the minutes of all of the Federal Congress.
- 10.8 The functions of the Deputy Chairman shall be to stand in for the Chairman in all the matters set out in clause 10.7.
- 10.9 The functions of the Secretary General shall be:
 - 10.9.1 To take such steps and measures to ensure the growth of the Party both as to membership and support;
 - 10.9.2 To be the senior administrative officer of the Party and to ensure that the administration of the Party is attended to efficiently and effectively. The holder of this office shall not hold any public office as representative of the Party;
 - 10.9.3 To receive, attend to, and reply in his official capacity to all the correspondence addressed to the Party whether it is in hard or electronic form.
- 10.10 The functions of the deputy Secretary General shall be to stand in for the Secretary General in all matters set out in clause 10.9.
- 10.11 The functions of the Treasurer shall be to devise and implement financial controls and systems to ensure that the finances of the Party are well managed, including but in no way derogating from the generality of the foregoing to ensure that:
 - 10.11.1 there is a clear audit trail from branch level up to and including head office;

10.11.2 all income is properly reflected and dealt with in terms of the aforesaid controls and systems;

10.11.3 no unauthorised or wasteful expenditure is incurred.

11 **PROCEDURE TO BE FOLLOWED AT ALL MEETINGS OF ALL STRUCTURES OF THE PARTY**

The following rules apply to all meetings of the structures of the Party referred to in clauses 7.1 to 7.9.

11.1 The meetings of the Federal Congress and Federal Council shall be presided over by the Chairman, and failing him the Deputy Chairman, save in the case of the National Executive Committee meetings where the meeting shall be presided over by the President, and failing him/her the Deputy President and failing him/her the Secretary General.

11.2 The quorum for any meeting of any structure shall be 50(fifty) percent plus 1(one) of the eligible attendees.

11.3 Save in the case of an amendment to this Constitution, where a two thirds majority of eligible attendees is required, all decisions shall be by a simple majority vote. The person presiding at the meeting shall not have a casting or second vote in the event of an equality of votes, in which event the matter voted on shall not be approved.

11.4 Written notice of the holding of a meeting shall be given by the Chairman of the structure or failing him the Deputy Chairman or failing him the secretary, no less than 21 (twenty one) days before the date of the meeting, save in the case of the national Executive Committee where a minimum of 24 (twenty four) hours notice shall be given. In the case of a meeting of the Federal Congress, Federal Council and National Executive Committee, in the absence of the Chairman the notice shall be given by the Secretary General.

11.5 90 (ninety) days written notice must be given by the Party Chairman of the calling of a Federal Congress to every provincial committee, regional committee, branch committee, the Women's League and the Youth League. The said notice may be in hard copy, or electronic form.

11.6 All notices advising of the calling of a meeting shall state the date time and venue thereof, and also in clear terms what matters are to be dealt with at the meeting, so that the recipient can prepare properly for the meeting. No matter other than that set out in the notice may be dealt with without the approval of 75(seventy five) percent of the attendees at the meeting.

- 11.7 Inadvertent failure to give notice of any meeting to any person who is entitled to receive such notice shall not invalidate the calling of that meeting or the transaction of the business reflected on the notice.
- 11.8 It is the responsibility of each person who is entitled to attend a meeting of any of the structures of the Party to ensure that his/her current address and contact details are in the possession of the person who has the responsibility to call a meeting of that structure.
- 11.9 In the event of there not being a quorum present within half an hour of the time for commencement of the meeting, it shall be adjourned to the same date, time and venue seven days later. If a quorum is not present again within the said half an hour, the meeting shall proceed and the matters on the notice shall be dealt with. If the adjourned date is not a business day, the adjournment shall be to the next business day thereafter.
- 11.10 In the event of a vacancy arising in any of the structures mentioned in clause 7 of this Constitution, it shall be filled by the Federal Council within 30 business days of it arising.

12 **THE FEDERAL CONGRESS OF THE PARTY**

- 12.1 The Federal Congress, when in session, is the highest decision making body of the Party and can therefore do all things that a Federal Council is empowered to do.
- 12.2 The Federal Congress shall meet once every five years and among its functions is the election of the leadership of the Party namely the President, Deputy President, Secretary General, deputy Secretary General, Chairman, deputy Chairman, the Treasurer and deputy Secretary. Save in the event of a replacement having to be elected as provided for in clause 10.3, no person may be elected to fill any of the positions in the Party leadership except at a Federal Congress.
- 12.3 As the highest decision making body of the Party whilst in session, any matter may be raised and decided on at the Federal Congress.
- 12.4 All decisions shall be made by a simple majority vote of the eligible delegates. The only exception to this shall be any amendment of this Constitution which shall require a two thirds vote of eligible delegates. All the decisions of the Federal Congress shall be binding on the Party and all its structures.
- 12.5 The following are eligible delegates at a Federal Congress:
- 12.5.1 The President, Deputy President, the Secretary General and Chairman, the Deputy Secretary, the deputy Chairman and the Treasurer;

- 12.5.2 The executive of each Provincial Committee, being the Chairman, Secretary and Treasurer;
- 12.5.3 The executive of each Regional Committee, being the Chairman, Secretary and Treasurer;
- 12.5.4 Six members from each region elected by the membership of that region;
- 12.5.5 The Women's League executive as set forth in the League's constitution, plus four members of the League from each region of the League;
- 12.5.6 The Youth League executive as set forth in the Leagues constitution, plus four members from each region of the League.

13 **THE FEDERAL COUNCIL**

- 13.1 Save when the Federal Congress is in session, the Federal Council is the highest decision making body of the Party.
- 13.2 The Federal Council shall have all the powers of the Federal Congress, and therefore shall be in sole control of the Party and all of its affairs at all times save when the Federal Congress is in session.
- 13.3 The following are eligible attendees at Federal Council meetings:
 - 13.3.1 The President, Deputy President, the Secretary General, the Chairman, the Deputy Secretary, the deputy Chairman and the Treasurer;
 - 13.3.2 The executive of each Provincial Committee, being the Chairman, Secretary and Treasurer;
 - 13.3.3 The executive of each Regional Committee, being the Chairman, Deputy Chairman and Secretary;
 - 13.3.4 Six members from each region elected by the membership of that region;
 - 13.3.5 The Women's League executive as set forth in the League's constitution, plus four members of the League from each region of the League;
 - 13.3.6 The Youth League executive as set forth in the Leagues constitution, plus four members from each region of the League.
- 13.4 The Federal Council will meet as often as necessary, but shall meet a minimum of three times every twelve months calculated from the date of the last Federal Congress.

- 13.5 Without derogating from the generality of the contents of clause 13.2 above, the Federal Council shall have the power and authority to:
- 13.5.1 Rectify the names of members as candidates on the Party lists for elections at all levels of government;
 - 13.5.2 To rectify persons to hold public office as representatives of the Party at national, provincial and local government level and to remove such persons, who will cease to hold office on passage of a resolution to that effect;
 - 13.5.3 To suspend and expel members from the Party after receiving the report of the disciplinary committee and the recommendation of the NEC, but shall not be bound by either, and shall have absolute discretion in the decision it comes to, including referral back to the disciplinary committee to investigate further any matter which arose at the hearing or any new matter;
 - 13.5.4 To create subordinate committees or structures of the Party other than those provided for in this Constitution to carry out such functions as are stipulated, and subject to the terms of the said creation and to amend the purposes and terms and to disband the said structures and committees;
 - 13.5.5 Welcome and accept the chairman, secretary and the treasurer of the provincial and regional structures;
 - 13.5.6 To call a Federal Congress to be held before the fifth anniversary of the last Congress or at any earlier time and to fix the agenda thereof;
 - 13.5.7 To fix the admission fee and annual membership fee.
- 13.6 Without in any way derogating from any power of the Federal Council in this Constitution, the Federal Council shall convene for a special meeting between the twenty seventh and thirty third months after the last Federal Congress. The purpose and function of this special meeting, which is compulsory, will be to:
- 13.6.1 receive a report from the National Executive Committee on political developments including economic and social matters and recommendations for changes to Party policies;
 - 13.6.2 review the Party's policies in the light of developments;
 - 13.6.3 consider any proposed change to the party's policies and either approve them with or without modification or reject them;

- 13.6.4 consider any change to this Constitution and either approve them with or without modification, or reject them. Any change to this Constitution must be approved by a majority of two thirds of the eligible members present, failing which the change shall not be approved;
- 13.6.5 review the performance of every member who is a representative of the Party at national, provincial and local government level and:
- 13.6.6 to call all the said representatives to be present at the said special Federal Council meeting and to account to it regarding his performance and to answer any questions on that regard. Failure to attend the said Federal Council meeting, except in the case of serious illness which must be proven by an acceptable medical certificate, will of itself constitute grounds for the removal of that person as a representative of the Party;
- 13.6.7 remove or re-assign any representative, which removal or re-assignment will take place with immediate effect or with effect from the date stated by the Council. There shall be no appeal against any such decision;
- 13.6.8 appoint a member as a representative of the Party in place of any member who has been removed or re-assigned in terms of clause 13.7.2.
- 13.7 Notwithstanding the fact that this session of the Federal Council is special and compulsory, and whose functions and purposes are as set out in clause 13.6, this special session shall have the power and authority to deal with any other matter that falls within the Federal Council's powers, provided that there has been compliance with the requirements of clause 11 of this Constitution.

14 **THE NATIONAL EXECUTIVE COMMITTEE.**

14.1 The National Executive Committee (NEC) shall consist of:

14.1.1 The President;

14.1.2 The deputy President;

14.1.3 The Chairman;

14.1.4 The deputy Chairman;

14.1.5 The Secretary General;

14.1.6 The deputy Secretary General;

14.1.7 The treasurer.

14.2 The NEC shall:

- 14.2.1 attend to the day to day administration of the Party and the day to day implementation of Congress and Council decisions;
- 14.2.1 make recommendations regarding any changes it considers necessary to the Party's policies, and any amendments to this Constitution for consideration at the special Federal Council meeting referred to in clause 13.6 above as well as on the performance of the Party's representatives at all levels of government.
- 14.3 The NEC shall meet as often as necessary after a minimum of 24 (twenty four) hours notice has been given.
- 14.4 The NEC shall have the power to suspend a member, convene a disciplinary committee and to receive the report of the disciplinary committee, and pass the report on to the Council with a recommendation, but it will not have the power to impose any penalty on the member including expulsion.
- 14.5 Without derogating from the generality of the contents of clause 14.2, the NEC shall have the power to:
 - 14.5.1 Employ and dismiss members of staff;
 - 14.5.2 Nominate and change the signatories on its bank account and any investment account, and operate the said bank account and investment account including changing banks;
 - 14.5.3 Enter into contracts that fall within the ambit of clause 14.2 and thereby bind the Party;
 - 14.5.4 Institute and defend all legal proceedings, applications for leave to appeal and appeals and appoint attorneys and counsel, and experts where necessary;
 - 14.5.5 Control and administer the election of members of the provincial committees of the Party;
 - 14.5.6 Appoint auditors of all structures of the Party which receive any income or make any expenditure
 - 14.5.7 To do all things necessary on a day to day basis to ensure the efficient and effective running of the Party, increasing membership and support.

15 **PROVINCIAL COMMITTEE**

- 15.1 Within each province of the Republic there shall be established a Provincial Committee of the Party to hold office for four (04) years.

- 15.2 Within 60(sixty) days after each Federal Congress, elections shall take place in every province for the committee comprising the chairman, deputy chairman and secretary, treasurer, organiser, deputy secretary and three further members who shall serve as members of the provincial committee. The persons so elected will hold office until the next Provincial Congress. The previous holders of these offices may stand for re-election.
- 15.3 The elections shall be under the control of and be administered by the NEC, and all members of the Party who reside in the province shall be entitled to vote. Candidates shall deliver to the NEC no later than 14 (fourteen) days before the election date a nomination form stating for what office in the provincial committee he/she is standing, containing his/her signature confirming his/her availability and seconded by one party member in that Province. A member may stand for more than one office in a provincial committee but may not hold more than one office. If a member is elected to more than one office he/she shall elect in writing which office he/she will take up and the person with the next highest number of votes for the vacated position shall be automatically elected to the said office.
- 15.4 The provincial committee shall:
- 15.4.1 Subject to the powers vested in the Federal Council and the NEC, oversee the affairs of the Party in the province and shall provide direction to both the regional committees and the branches with the objective of spreading the policies and principles of the Party among the people so as to gain more members and supporters;
- 15.4.2 oversee and direct the functions and conduct of the regional committees and branches so as to achieve the objective set out in clause 15.4.1;
- 15.4.3 be sensitive to dissatisfaction in the province with service delivery and to take advantage thereof for the benefit of the Party and the people affected thereby;
- 15.4.4 From time to time review the number and base of each region in the province and shall make changes thereto after discussion with and having obtained the approval of the NEC;
- 15.4.5 Be a liaison between the province, the regions therein and the branches on the one hand, and the NEC and Federal Council on the other;
- 15.4.6 Report to the NEC and the Federal Council all matters that arise in the province which are advantageous and/or present a challenge for the Party and make recommendations as to the manner in which they should be dealt with for the benefit of the Party;

- 15.4.7 ensure that all instructions of the NEC and the Federal Council are carried out promptly;
- 15.4.8 send to the NEC and the Federal Council all motions it proposes are dealt with at the next Federal Council meeting.
- 15.5 An annual general meetings shall be held no later than on each twelve month anniversary of the last Federal Congress.
- 15.6 Accurate minutes of the proceedings of all meetings of the committee shall be kept.
- 15.7 Accurate up to date records of the finances of the province shall be kept. Each province shall be entitled to keep its allocation of membership fees and send the balance to the head office by no later than the seventh day of the end of the calendar month in which the fees are received. All donations shall be sent in full to the head office by the same date.

16 **REGIONAL COMMITTEE**

- 16.1 All regions in all provinces in existence at the date of adoption of this constitution shall remain in place until changed by the provincial committee in terms of clause 15.4.4.
- 16.2 Within 60 (sixty) days after each Federal Congress, elections shall take place in every region for the committee comprising the chairman, deputy chairman and secretary, treasurer, organiser, deputy secretary and three further members who shall serve as members of the regional committee. The persons so elected will hold office until the next Regional Congress. The previous holders of these offices may stand for re-election.
- 16.3 The elections shall be under the control of and be administered by the provincial committee, and all members of the Party who reside in the region shall be entitled to vote. Candidates shall deliver to the provincial committee no later than 14 (fourteen) days before the election date a nomination form stating for what office in the regional committee he/she is standing, containing his/her signature confirming his/her availability and seconded by one party member in that Province. A member may stand for more than one office in a regional committee but may not hold more than one office. If a member is elected to more than one office he/she shall elect in writing which office he/she will take up, and the person with the next highest number of votes for the vacated position shall be automatically elected to the said office.
- 16.4 The regional committee shall hold office for three (03) and;

- 16.4.1 Subject to the powers vested in the Federal Council and the NEC, oversee the affairs of the Party in the region and shall provide direction to the branches with the objective of spreading the policies and principles of the Party among the people so as to gain more members and supporters;
- 16.4.2 Oversee and direct the functions and conduct of the branches so as to achieve the objective set out in clause 16.4.1;
- 16.4.3 Be sensitive to dissatisfaction in the region with service delivery and to take advantage thereof for the benefit of the Party and the people affected thereby;
- 16.4.4 Dissolve any branch whose membership is less than 30 (thirty) and assist in the placing of the remaining members therein in other branches in the region;
- 16.4.5 Be a liaison between the branches and the provincial committees;
- 16.4.6 Report to the provincial committee all matters that arise in the region which are advantageous and/or present a challenge for the Party, and make recommendations as to the manner in which they should be dealt with for the benefit of the Party;
- 16.4.7 ensure that all instructions of the provincial committee, the NEC and the Federal Council are carried out promptly;
- 16.4.8 send to the provincial committee all motions it proposes are dealt with at the next Federal Council meeting.
- 16.5 An annual general meetings shall be held no later than on each twelve month anniversary of the last Federal Congress.
- 16.6 Accurate minutes of the proceedings of all meetings of the committee shall be kept.
- 16.7 Accurate up to date records of the finances of the region shall be kept. Each region shall be entitled to keep its allocation of membership fees and send the balance to the head office by no later than the seventh day of the end of the calendar month in which the fees are received. All donations shall be sent in full to the head office by the same date.

- 17.1 All branches of the Party in existence on the adoption of this Constitution will continue to exist, with their current members. However within 60 (sixty) days from the date of adoption of this Constitution, an audit will be done by the chairman of each branch to determine the number of members of that branch, and the result of each audit shall be sent to the regional and provincial chairpersons and the Party head office.
- 17.2 All branches which at the end of the said 60 (sixty) days have less than 30 (thirty) members will be automatically be dissolved, and the members thereof will be free to join any of the other branches in that region which survive.
- 17.3 Within 30 (thirty)days of the expiry of the 60(sixty) day period mentioned in clause 17.2, elections shall take place in every branch for the committee comprising the chairman, deputy chairman and secretary, treasurer, organiser and three further members who shall serve as members of the executive of the branch together with the aforesaid office holders. The persons so elected will hold office until the next Branch Congress. The Branch executive committee will hold office for period of two (02) years. The previous holders of these offices may stand for re-election.
- 17.4 New branches may be formed by members within a region, provided that this is not the result of attracting members away from pre existing branches.
- 17.5 The branches are the base on which the Party is built. It is for the branch office holders and the members to identify and recruit new members, and to ensure the wants and needs of members are satisfied within the confines of the Party principles and guiding values as set out in the preamble and clause 5 of this Constitution.
- 17.6 The functions of each branch committee are:
 - 17.6.1 Canvassing for new members;
 - 17.6.2 Keeping accurate and up to date records of Party members and ensuring that these records are sent to the regional and provincial committees and Head Office on a regular basis, that is not longer than every two months;
 - 17.6.3 Report all breaches of discipline to the head office with copies to the regional and provincial offices;
 - 17.6.4 Arrange regular meetings of members to spread the policies of the Party;
 - 17.6.5 Hold annual general meetings no later than on each twelve month anniversary of the last Federal Congress;
 - 17.6.7 Keep accurate minutes of the proceedings of all meetings of the committee and the branch;

17.6.8 Keep and retain accurate records of the finances of the branch. Each branch shall be entitled to keep its allocation of membership fees and send the balance to the regional office by no later than the seventh day of the end of the calendar month in which the fees are received. All donations shall be sent in full to the regional office by the same date.

17.6.9 Formulate and submit to the regional committee all resolutions taken to be considered by the NEC and Federal Council;

17.6.10 Generally promote the interests of the Party.

18 **DISCIPLINARY MATTERS**

18.1 All complaints about the alleged misconduct of a member shall be made in writing to the NEC with full details of the allegations.

18.2 Should the NEC consider the allegations are of a sufficiently serious nature, it shall convene a disciplinary committee to hold a hearing. The decision of the NEC whether the complaint warrants the convening of a disciplinary committee shall be final and binding. The NEC shall, where it considers it necessary to convene a disciplinary hearing, have the power to suspend the member which suspension will be in force pending the final outcome of the disciplinary process, unless the NEC stipulates otherwise at the time of the convening of the disciplinary committee.

18.3 In the event that the NEC decides it is not necessary to convene a disciplinary committee, it shall have the power to suspend the member, summon the member concerned before it and to deal with the complaint in the manner it deems fit, which shall not include expulsion. Failure of the member concerned to appear before the NEC in answer to the summons, shall constitute a sufficient ground in itself for the convening of a disciplinary hearing, to which may be added the complaint which led to the summons.

18.4 The NEC shall ensure that the members of the disciplinary committee are independent and impartial.

18.5 The NEC shall formulate the charges to be faced by the member, and shall set the date time and venue of the disciplinary committee hearing. The said notice shall be sent to the member concerned, at the address in the records of the branch of which he is a member, not less than 7 (seven) business days before the hearing is to take place. Hand delivery or posting by registered post shall be irrebuttably deemed to be sending on the date thereof.

18.6 No member shall be entitled to legal representation at the disciplinary committee hearing.

- 18.7 Should the member concerned not be at the venue on the date and at the time stated in the notice, the hearing will proceed in his absence.
- 18.8 Save in exceptional circumstances, the disciplinary committee shall not grant any postponement of the hearing. The decision of the Committee shall be final.
- 18.9 The hearing will continue until all the evidence is heard. Should this be necessary, the hearing will be adjourned until the next day, but only if all the evidence and argument is not heard on the first day and, if in the opinion of the disciplinary committee, there are no delaying tactics by the member who is appearing before it. The decision of the Committee shall be final.
- 18.10 The NEC shall appoint a prosecutor who will lead the evidence and the witnesses in support of the charges, and the member shall have the right to cross examine the witnesses. There shall be a right of re-examination. The member shall then lead his evidence and witnesses and the prosecutor shall have the right of cross examination. Re-examination by the member shall be allowed. Closing argument shall be addressed first by the prosecutor, then the member, and the prosecutor shall have the right of reply.
- 18.11 The disciplinary committee shall consider the matter and issue its finding of guilty or not guilty on each charge separately supported by its reasons. It shall not make any recommendations regarding the penalty to be imposed in the event of a guilty finding on any charge.
- 18.12 The disciplinary committee shall, as soon as possible after the conclusion of the hearing, prepare a summary of the evidence and its decision on each charge, and forward both to the NEC.
- 18.13 The NEC shall consider the summary and the decisions at its first sitting after receipt thereof, and make its recommendation on the penalty to be imposed in the event of a guilty finding on any charge by the disciplinary committee. The NEC shall not have the power to change the disciplinary committee's decision on any charge, but shall have the right to comment thereon and recommend the Federal Council comes to a different decision. The summary, decisions and recommendations shall be sent to the Federal Council as soon as possible.
- 18.14 The Federal Council is the only structure in the Party which has the power to impose a penalty on the member including expulsion. When deciding on the penalty, if any, to be imposed, no member who was a member of the disciplinary committee or the NEC may be present during the Federal Councils deliberations and the voting thereon.

- 18.15 The member shall be advised in writing of the Federal Council's decision in writing within 3 (three) business days of the decision being made. The said advice must consist of:
- 18.15.1 The Federal Councils decision as to guilt or innocence on each charge.
- 18.15.2 The summary of the evidence led at the disciplinary committee.
- 18.16 The decision of the Federal Council shall be final and binding.
- 18.17 Should the member concerned hold a public office as representative of the Party and the penalty imposed be removal from that public office, or expulsion which automatically includes the said removal, the member concerned shall immediately vacate that public office. The Party shall advise the Speaker of the body concerned of the member's removal.

19 **FINANCES**

- 19.1 Every branch, region, province and the Federal Council will have its own bank account into which all money received must be deposited by no later than two business days after receipt.
- 19.2 Written receipts on the official Party receipt reflecting the name of the payer, the membership number of member and the reason for the payment, eg fees, must be issued by the recipient of all money, whether in cash, cheque or by any other means.
- 19.3 Withdrawals from any bank account may be made only for legitimate Party expenditure and must be authorised in writing in a requisition for payment form by any two of the committee members of a branch, region or province. The signatories on the cheque by which payment is made or the authority of the initiator of an electronic funds payment must be any two other of the committee of the relevant structure. None of the latter signatories may be the same as the signatory on the requisition for payment.
- 19.3 The accounts of all structures of the party with the exception of the NEC, which does not have separate bank account will be audited annually by auditors appointed by the NEC.
- 19.4 The financial year of all structures of the Party will be the same and may be changed from time to time by the Federal Council.
- 19.5 The Federal Council will determine from time to time in its sole discretion what portion of membership fees and other amounts received by the structures may be

retained by that structure as its allocation. The balance shall be paid to the next most senior structure and finally to the Federal Council.

20 **GENERAL AND PROPERTY**

20.1 The party is a separate legal person with full rights of property ownership and may sue and be sued in its own name.

20.2 Purchase or sale of any property by the Party shall be subject to prior approval of a two thirds majority of the Federal Council.

21 **AMENDMENT OF THIS CONSTITUTION**

This Constitution may be amended only by a two thirds majority of the Federal Council or of the Federal Congress when the latter is in session.