

# FIM AFRICA BY-LAWS

## (Including Guidelines for Events, Protests, Disciplinary Committee, Appeals and Courts)

### 1. FIM AFRICA CHAMPIONSHIP EVENTS

**A minimum of three participating FMN's is required for an FIM AFRICA Championship event to qualify for Championship status.**

#### 1.1 Inscription of Championship dates on FIM AFRICA calendar

Championship dates for inscription on the FIM Calendar for the following year must be submitted and confirmed at the annual FIM AFRICA Meeting of Commissions, and must be submitted in writing to all Council members by latest end June of each year.

#### 1.2 Event Regulations

Draft Supplementary Regulations for a FIM AFRICA Championship event must be submitted to the Secretary General no less than 12 (twelve) weeks prior to the scheduled date of the event. (Refer to Art. 3 - "Fines and Penalties" of these By-Laws).

On receipt of the draft event regulations, the Secretary General will immediately forward same to the Director Sporting who will in turn distribute to the relevant Commission Chairman. The Commission Chairman in conjunction with the Director Sporting will be responsible for approving and returning any comments and any required amendments to the regulations, to the Secretary General within 10 (ten) days after receipt

The Secretary General will issue the Organising Permit for the event and forward same to the host FMN via e-mail within 2 (two) days following receipt of the approved regulations from the Director Sporting and Commission Chairman.

#### 1.3 Track / Venue Preparation

Motocross/Supermoto track preparation and Cross Country and Enduro routes must conform to FIM and FIM AFRICA specifications unless special written approval is obtained from the Director Sporting.

The host FMN/Club is responsible for the costs of track preparation, route finding/checking costs, event expenses and the programme.

#### 1.4 Motocross / Supermoto / Cross Country/Enduro / Track / Route Inspections

1.4.1 Once the date of the event has been confirmed, two tentative dates must be arranged with the Track Inspector (appointed by the Director Sporting), allowing sufficient time for any alterations that may have to be carried out, in which case the track will need to be re-inspected a second time. A written Track Inspection Report must be completed by the Track Inspector and must be submitted to the Director Sporting, the host FMN; the organising club, and the Chairman of the relevant Commission no later than 3 (three) days following the inspection. A copy of the Track Inspection Report must also be sent to the Secretary General for record purposes.

The Track Inspector's decision is final, but in the event of a dispute between the host FMN/organising club and the Track Inspector, the matter must be referred to the Director Sporting and the Chairman of the relevant Working Group for a decision, following consultation with the Track Inspector. No event will be allowed to take place unless the track has been approved by the Track Inspector – or in the case of a dispute as set out above, by the Director Sporting. Minor changes to the track can be made once the Jury President, Race Director and Jury Members arrive.

1.4.2 FIM AFRICA will only be responsible for the airfare and Subsistence Allowance of the Track Inspector. The host FMN (or club) is responsible for the accommodation, meals and transport of the Track Inspector. (Refer to Fees and Allowances Schedule).

#### 1.5 Sponsorship

The onus is on the host FMNR (or club) to raise sufficient revenue to organise and host the event. FIM AFRICA or the FIM does not guarantee to provide any financial support for any event.

## 1.6 Officials (Also refer to Fees and Allowances)

All officials are personally responsible for the payment of vaccinations/visas required for travel and these costs will not be covered by FIM AFRICA for any official.

Race Director:	All travel costs to/from the event are paid by FIM AFRICA
Jury President:	All travel costs to/from the event are paid by FIM AFRICA
Foreign Jury Member:	All travel costs to/from the event are paid by FIM AFRICA
Track/Route Inspector:	All travel costs to/from the event are paid by FIM AFRICA
Local Jury Member:	All travel costs are paid by the host FMN/Club

Local transport and accommodation costs for the Jury President, Foreign Jury member, Race Director, Track/Route Inspector, local Technical Steward, Environmental Steward, and local Jury Members (where applicable) must be arranged and paid by the host FMN/Club.

The host FMN/Club must provide officials with refreshments and meals free of charge. **Alternatively, (if there is no refreshments and meals available)**, a Subsistence Allowance as set out in "Fees and Allowances" must be provided to each official by the host FMN/Club.

A competent Jury Secretary and a competent Event Secretary must be provided by the host FMN/Club – who will be responsible for all their expenses.

Where necessary, interpreters must be provided and paid for by the FMNR.

## 1.7 Customs Clearance of Motorcycles

If possible, the host FMN/Club should assist competitors with this. All costs to be confirmed with and paid for by the FMN and/or competitors directly.

Visiting teams/FMN's/Clubs are responsible for the export of the motorcycles from their own countries to the event and out of the host country on their return.

## 1.8 Transport for Competitors

If possible, local transport for competitors and their motorcycles arriving by air should be arranged by the host country. The cost of such transport must be borne by the competitors directly.

## 1.9 Competitors' Accommodation

If possible, the host FMN/Club should arrange hotel accommodation close to the venue and a special rate should be negotiated. All necessary information (rates, deposits, etc.) and reservation details to be included in the Supplementary Regulations for the event. Competitors will be directly responsible for all their accommodation, meals and other costs.

## 1.10 Competition Licences

All competitors participating in an FIM AFRICA Championship event, must hold an FIM Competition Licence (One event or Annual) available via the FIM Extranet (refer to "Fees and Allowances" schedule of this document) via the affiliated FMN. FIM AFRICA **does not** issue any Championship licences.

## 1.11 Submission of Results, Officials' Reports, Jury Minutes, etc.

Full results (and entry lists) of all FIM AFRICA Championship events must be sent to the Secretary General within 3 (three) working days following the event.

All other Officials' Reports (i.e. Clerk of Course, Jury President, Environmental Steward and Medical Report – where applicable - must be sent to the Secretary General within 5 (five) working days following the event.

## 2 FIM AFRICA REGIONAL CHALLENGE / CUP / CHAMPIONSHIP EVENTS

### 2.1 Inscription of Regional Challenge/ Cup / Championship Dates on FIM AFRICA Calendar

As per Art. 1.1 for FIM AFRICA Championship events above.

### 2.2 Track / Route Preparation

Motocross/Supermoto track preparation and Cross country and Enduro routes must conform to FIM or FIM AFRICA specifications unless special written approval is obtained from the Director Sporting.

The host FMN/Club is responsible for the costs of track preparation, route finding/checking costs, event expenses and the programme.

### 2.3 **Event Regulations**

Draft Supplementary Regulations for a FIM AFRICA Challenge / Cup event must be submitted to the Secretary General no less than 6 (six) weeks prior to the scheduled date of the event. (Refer to Art. 3 - "Fines and Penalties" of these By- Laws.

On receipt of the draft event regulations, the Secretary General will immediately forward same to the Director Sporting who will in turn distribute to the relevant Commission Chairman (i.e. Motocross or Cross Country) The Commission Chairman in conjunction with the Director Sporting will be responsible for approving and returning any comments and any required amendments to the regulations, to the Secretary General within 10 (ten) days after receipt.

The Secretary General will issue the Organising Permit for the event and forward same to the host FMN via e-mail within 2 (two) days following receipt of the approved regulations from the relevant Commission Chairman & Director Sporting

### 2.4 **Motocross / Supermoto / Cross Country/Enduro Route Inspections**

2.4.1 As per Art. 1.4.1 for FIM AFRICA Championship events above, if deemed necessary by the respective Commission Chairman or the Director Sporting.

2.4.2 The host FMN/Club will be responsible for the airfare/travel costs, accommodation, meals and transport of the Track Inspector.

### 2.5 **Sponsorship**

As per 1.5 for FIM AFRICA Championship events above.

### 2.6 **Officials**

FIM AFRICA does not pay for the costs of any Officials for Challenge events and all such costs are for the direct account of the host FMN/Club.

### 2.7 **Competition Licences**

Competitors participating in any FIM AFRICA Challenge/Regional Championship/Cup event and if the licence is inscribed on the FIM Calendar, must either hold an annual FIM Competition Licence, or a One Event FIM Competition Licence (per discipline) – All FIM Licences can only be obtained via the affiliated FMN through the FIM Extranet. If an event is not inscribed on the FIM Calendar the FMN can apply to the Secretary General for a Regional Continental Licence.

### 2.8 **Competitors' Travel Allowance:**

No travel allowance is paid by FIM AFRICA to competitors participating in any FIM AFRICA Challenge event and/or series.

### 2.9 **SUBMISSION OF RESULTS, OFFICIALS' REPORTS, JURY MINUTES, ETC.**

Full results (and entry lists) of all FIM AFRICA Challenge events must be sent to the Secretary General within 3 (three) working days following the event.

All other Officials' Reports (i.e. Clerk of Course, Jury President, Environmental Steward and Medical Report – where applicable – must be sent to the Secretary General within 5 (five) working days following the event.

**Details for FIM AFRICA Road Racing, Trials, Speedway and Oval Racing will be published when these Championships are introduced.**

## 3 **FINES AND PENALTIES**

- 3.1 Failure to host a FIM AFRICA Championship event inscribed on the FIM AFRICA Calendar, unless due to "*force majeure*" or for a reason accepted by Council, will result in a fine of 10 (ten) times the permit fee being levied against the FMNR.
- 3.2 Failure to host a FIM AFRICA Challenge/Regional Championship/Cup event inscribed on the FIM AFRICA Calendar, will result in a fine of 5 (five) times the permit fee being levied against the FMNR.
- 3.3 Changing the date of a FIM AFRICA Championship event for reasons other than "*force majeure*" will result in a fine 5 (five) times the permit fee being levied against the FMNR. Any such change of date must be approved by the FIM AFRICA Council in writing.
- 3.4 Changing the date of a FIM AFRICA Challenge/Regional Championship/Cup event for reasons other than "*force majeure*" will result in a fine of double the permit fee being levied against the FMNR. Any such change of date must be approved by the FIM AFRICA Council in writing.
- 3.5 Late or non-submission of event documentation – for both FIM AFRICA Championship and FIM AFRICA Challenge/Regional Championship/Cup events (regulations, entry lists, results, Officials' reports, competitors details, etc.) - will result in a fine of double the permit fee being implemented against the FMNR. In addition, the FIM AFRICA Council may decide at their sole discretion, to levy an additional penalty against the FMNR.

- 3.6 In addition, the FIM AFRICA Council may impose additional penalties, such as:
- 3.6.1 warnings
  - 3.6.2 fines
  - 3.6.3 time and/or point penalties
  - 3.6.4 disqualification
  - 3.6.5 withdrawal of Championship points
  - 3.6.6 suspension
  - 3.6.7 exclusion

#### **4 PROTESTS AND APPEALS**

The time limit for lodging a protest or appeal against a decision of Officials at an event, must be specified in the annual General Competition Rules (GCR's) for the category concerned, and repeated in the Supplementary Regulations (SR's) of individual events. Refer to "Fees and Allowances" for Protest and Appeal Fees.

#### **5. DISCIPLINARY COMMITTEE, APPEALS AND COURTS**

##### **5.1 The Disciplinary Committee**

The Council shall in the first instance deal with all disciplinary matters of a general nature, and with matters arising from events organised under the auspices of the FIM AFRICA and where applicable convene a Court of Enquiry, whose recommendations will be submitted to Council for consideration and implementation.

Any other disciplinary matters shall be decided by the Council in consultation with the relevant Commission Chairman.

##### **5.2 Appeals/Arbitration**

Any recourse to ordinary courts is excluded against final decisions rendered by jurisdictional bodies appointed by FIM AFRICA Council. Appeals against any FIM AFRICA appointed bodies, or the FIM AFRICA Council, will be referred by the FIM AFRICA Council to a panel of no less than 3 (three) qualified and competent Experts from 3 (three) different FMN member countries, approved by the FIM AFRICA Council.

For all matters of discipline, procedures laid down in the Disciplinary and Arbitration Code of the FIM will be followed *mutatis mutandis*.

##### **5.3 Time Limits for lodging of an Appeal**

5.3.1 Where an Appeal arises from a decision of the Stewards of the meeting, the formulated Appeal must be given in writing to such Stewards and the appropriate Appeal fee as laid down under "Fees and Allowances" within 1 (one) hour of the written and or verbal announcement of their decision. Such Appeal must be forwarded to the Secretary General within 48 (forty-eight) hours after having been lodged.

5.3.2 Where an Appeal arises from the decision of a tribunal, actions of or decisions of an FIM AFRICA Official, Committee/member or any other appeal not covered by 5.3.1 above, a formulated Appeal must be lodged with the Secretary General within 5 (five) days of the announcement of the decision/incident concerned.

5.3.3 With regard to both 5.3.1 and 5.3.2 above, the Appeal fee must be paid together or before the lodging of the Appeal, and any fine or costs imposed in respect of which the Appeal is lodged must be paid within 48 (forty-eight) hours after having been imposed.

##### **5.4 Lodging an Appeal**

To be admissible, the Appeal must be lodged with the Secretary General within 5 (five) days of the announcement of the decision or incident concerned. It is the responsibility of the Appellant to ensure related fees, fines and/or costs are deposited within the FIM Africa bank account within the permitted time frames as set out.

All Appeals must be in writing. They must at the very least specify briefly the decision appealed against and the grounds of the Appeal, the relevant rule numbers, be signed by the appellant and shall state the address to which communications must be sent.

##### **5.5 Time Limits to be observed for Appeal Hearings**

5.5.1 Council must convene an Appeal hearing not later than 15 (fifteen) days from the date of receipt of an official Appeal as contemplated in 5.3 above.

5.5.2 The body appointed by Council to hear the Appeal must be convened to examine an Appeal not later than 6 (six) weeks after the date on which the Appeal was received.

- 5.5.3 The FIM Africa Secretariat is based in South Africa as that is where it is legally registered and the functions of administration including the holding of hearings, are carried out within that country, hearings can also be held via electronic means. In this regard the Secretary General will give adequate notice of any hearing which will generally be 2 (two) weeks.

Every notice summoning an individual/s to a hearing shall state the capacity in which s/he/they is/are being required to attend. The hearing may proceed to judgement in default of appearance by any party or witness. Hearings are not public and are reserved for the parties and representatives of FIM Africa, FMN's, promoters, organisers and those directly involved in the hearing. The FIM Africa reserves the right to appoint practising Attorneys or Advocates in respect of any matter. Any decision and/ or dispute resulting from the outcome of any hearing of this body must in all instances be referred to the FIM CJI for resolution.

**Note: The Disciplinary Committee may decide that the penalty or decision appealed against may be waived or, if it should so decide, the penalty may be mitigated or increased, but it shall not be empowered to order any competition to be re-run. Details of Appeal procedures are contained in the Disciplinary and Arbitration Code of the FIM**

## **6. COUNCIL MEETINGS**

Airfare/travel costs, and a maximum of 4 (four) nights' accommodation at a hotel of FIM AFRICA's choice, will be paid by FIM AFRICA for Council members and the Secretary General to attend Council meetings. Transport to and from the hotel to the Council meeting venue will be arranged and paid for by FIM AFRICA. Where possible, hire cars should be shared. Refer to "Fees and Allowances" schedule of this document for full details.

## **7. FIM AFRICA ANNUAL GENERAL ASSEMBLY**

- 7.1 FIM AFRICA Council, the Secretary General and one delegate per FMN are expected to attend the annual FIM AFRICA General Assembly and relevant meetings.
- 7.2 Accommodation costs of delegates (as set out "Fees and Allowances") will be paid by FIM AFRICA on a bed and breakfast and lunch basis for a maximum of 4 (four) nights, unless Council has agreed – prior to the General Assembly – to pay for any additional nights where air travel make it impossible for delegates to only stay for four nights.
- 7.3 Delegates who decide to stay at a hotel other than the General Assembly venue, will only be reimbursed at the rate of the hotel where the General Assembly is held – and only on receipt of proof of payment of the hotel accommodation.
- 7.4 FMN's are responsible for the full accommodation costs of their delegates who fail to take up their hotel bookings. Delegates (excluding delegates from the host country) who are accommodated in private homes during the General Assembly, will be paid 50% of the standard General Assembly hotel rate.
- 7.4 Delegates who wish to hire cars during the General Assembly, will be directly responsible for all costs relating to such hire cars.
- 7.5 Incidentals such as telephone calls, taxi fares, uber, meals not covered by FIM AFRICA, internet access, laundry, etc. will be for the direct account of the delegates/FMN's and will not be borne by either the host FMN or FIM AFRICA.

## **8 FIM AFRICA GENERAL ASSEMBLY GUIDELINES**

Guidelines for the hosting of the annual FIM AFRICA General Assembly are available from the Secretary General and on the FIM AFRICA website.

## **9. FIM AFRICA COMMISSION MEETINGS**

- 9.1 FIM AFRICA Council, Commission Presidents and Commission Members as well as the Secretary General are expected to attend the annual FIM AFRICA Sporting and Non Sporting Meetings. (Refer to Fee and Allowance schedule regarding payment of travel for Commission members.
- 9.2 Additional delegates may attend the Commission Meetings but all costs relating to their attendance (i.e. airfare/travel costs; transport to/from venue, accommodation, meals, etc.) will be for the direct account of their FMN's and all bookings will be done via their FMN.
- 9.3 Accommodation costs of delegates (as set out "Fees and Allowances") will be paid by FIM AFRICA on a bed and breakfast for a maximum of 1 (one) night and lunch will be provided on the days of the meetings, unless Council has agreed – prior to the Meeting – to pay for any additional nights where air travel may make it impossible for delegates to only stay for one night. Delegates who decide to stay at a hotel other than the Meeting venue, will only be reimbursed at the rate of the hotel where the Commission Meetings are held if the rate is less than the other accommodation, however should the alternative accommodation be less FIM FRICA will reimburse the rate of the alternative accommodation – and only on receipt of proof of payment of the hotel accommodation.

- 94 FMN's are responsible for the full accommodation costs of their delegates who fail to take up their hotel bookings. Delegates (excluding delegates from the host country) who are accommodated in private homes during the General Assembly, will be paid 50% of the standard General Assembly hotel rate.
- 95 Delegates who wish to hire cars during the Working Group Meeting, will be directly responsible for all costs relating to such hire cars, FIM AFRICA does not hire cars for individual members. Should there be a need car will be on a share basis or an Uber could be used.
- 96 Incidentals such as telephone calls, taxi fares, uber, meals not covered by FIM AFRICA, wifi, laundry, etc. will be for the direct account of the delegates/FMNs and will not be borne by either the host FMN or FIMAFRICA.

#### **10. FIM AFRICA SEMINARS**

FIM AFRICA will pay the airfare for the instructor unless otherwise arranged with the benefitting FMN. The host FMN is responsible for all accommodation, meals and transport for the instructor.

The host FMN must provide, free of charge, a suitable venue, refreshments and meals for all persons attending the seminar. The host FMN can charge delegates attending the seminar who are not in possession of FIM Codes, the cost of downloading and printing these Codes from the FIM website.

Results of FIM AFRICA Seminars must be received by the FIM AFRICA Secretary General within 5 (five working) days after the Seminar.