

Amended 12-12-2021



**FIM AFRICA**

**STATUTES**

**AND BY-LAWS**

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

# STATUTES OF FIM AFRICA

## 1. NAME AND FOUNDATION

The name of the FIM Continental Union is

### **FIM AFRICA**

(Founded as African Motorcycle Union on 20th October 1998)

## 2. HEADQUARTERS

The legal headquarters of FIM AFRICA will be situated in South Africa, as this is where the CONU is legally registered.

## 3. DURATION

The duration of FIM AFRICA shall be as determined by the Statutes and By-Laws of the Fédération Internationale de Motocyclisme (FIM).

## 4. AUTHORITY AND OBLIGATIONS

The rights and obligations delegated by the FIM to FIM AFRICA are to:

- 4.1 exercise the sporting authority of the FIM over the Continental Championships;
- 4.2 pursue the FIM's non sporting mission on the continent
- 4.3 derive income from the rights to the official titles of the Continental Championships that are organised under its authority in all motorcycling disciplines;
- 4.4 be the sole holder of television and radio broadcasting rights, digital content media, sponsorship, marketing, advertising, merchandising, promotion licensing and any other commercial rights from the Continental Championships and challenges that are organised under its authority in all motorcycling disciplines;
- 4.5 exercise any other right that may be conferred on it by a decision of the FIM Board of Directors or by the General Assembly of the FIM. Such a decision shall spell out in detail the manner in which such a right shall be exercised and in particular the duration for which the right has been granted;

FIM AFRICA has the right to exercise the rights delegated to it by the FIM as long as it is recognised by the FIM.

FIM AFRICA may co-operate with the other FIM CONUs and, may, subject to prior approval of the FIM Board of Directors, combine Continental Championships.

## 5. DUTIES AND ROLES OF FIM AFRICA

The duties and roles of the FIM AFRICA are laid down in the documents developed and prescribed from time to time by the FIM Board of Directors and include, in particular, to:

- 5.1 Act as the "local" representative of the FIM, and to be accountable to the FIM whilst furthering the goals of the FIM across the continent;
- 5.2 Forge co-operation among the FMN's on the African Continent;
- 5.3 Encourage and open up new perspectives for motorcycle sports, responsible environmental conduct, equality/equal opportunity, tourism, touring, road safety and mobility at continental level;
- 5.4 Promote motorcycling among all people; young and old, male and female; both as a sport and as the practice of motorcycling in general;
- 5.5 Build capacity and contribute to the economic development of its members at continental level;
- 5.6 Encourage the creation of new FMN's as future members of the FIM (and as such, as automatic members of FIMAFRICA);
- 5.7 Conduct at least one Continental Championship in at least one discipline in each year, subject to the prior approval of the FIM;
- 5.8 Co-operate with the FIM in all matters relating to the organisation of international events and motorcycling in general;
- 5.9 Provide the FIM, on request, with detailed reports and information on its activities;
- 5.10 Submit to the FIM any amendment to its statutes for approval by the FIM Board of Directors;
- 5.11 Develop and implement an FIM AFRICA Strategic Plan which is fully aligned with the FIM Strategic Plan;
- 5.12 Subject always to the FIM Statutes and By-Laws; develop FIM AFRICA branding in conjunction with the FIM Marketing Department as part of the development and implementation of a consistent FIM Marketing and Communication Plan.

## 6. LEGAL STATUS

- FIM AFRICA is a body of the FIM.
- FIM AFRICA will always conform to all FIM regulations.
- FIM AFRICA is a judicial entity and possesses legal competency in the field of its activities.
- FIM AFRICA shall allow no political, religious, racial, gender or any other form of discrimination at any time.

## **7. COMPOSITION AND ADMISSION PROCEDURES OF MEMBERS**

### **7.1 Affiliated Members**

All National Motorcycle Federations affiliated to the FIM, will automatically become members of FIM AFRICA and will remain members of the CONU for as long as they are affiliated to the FIM.

All nations of Africa may be represented in FIM AFRICA, but each by only one National Federation (FMN) or organisation, as set out in the FIM's Statutes.

Every FMN accepted, as an FIM Member (and therefore an FIM AFRICA Member) shall be the sole organisation in its country entitled to exercise the powers of FIM AFRICA as defined in these Statutes and the regulations of the FIM. Every FMN has the right to exercise this authority as long as it has not resigned or has been suspended by the FIM or FIM AFRICA, excluded or dissolved. Every FMN has the right to participate in the meetings of the Assembly and may exercise its voting rights in accordance with Art. 13.3.

### **7.2 Associated Members**

7.2.1 All international **non-sporting** motorcycling organisations in an African country affiliated to the FIM as Associated Members, will automatically become an Associate Member of FIM AFRICA. Such Associated Members will remain members of the CONU for as long as they are affiliated to the FIM.

7.2.2 A National **non-sporting** motorcycle organisation situated in an African country and catering **only** for the non-sporting needs of motorcyclists (touring, leisure riding, etc.) in the country, in which it is situated or neighbouring countries, may become an Associated Member of FIM AFRICA without the need to be directly affiliated to the FIM. Such affiliation to FIM AFRICA will be on the same terms and conditions as set out in Art. 10.2 of the FIM's Statutes. Associated members affiliated to FIM AFRICA only, will pay an affiliation fee to FIM AFRICA as set out in the By- Laws of the CONU.

7.2.3 Associated Members shall not have voting rights.

### **7.3 Honorary Members**

Upon the proposal of the Council and in recognition of services rendered, the General Assembly can bestow Honorary Membership upon individuals who have occupied a post within FIM AFRICA. The title of Honorary Member must be linked with the position held in the FIM AFRICA body in which those services were rendered.

The holder of an honorary member title may attend the General Assembly and the meetings of the body for which they have received the title of honorary members, but they do not have the right to vote. However, they can be nominated by their respective FMN as voting delegates at the General Assembly.

The General Assembly can, upon the proposal of the Council, bestow the titles of honour upon an individual outside FIM AFRICA in reward for important services rendered to FIM AFRICA or to motorcycling activities in general, but such honorary members shall not have voting rights.

### **7.4 Subscription Fees**

No subscription fees (initial registration or annual affiliation fee) will be payable to FIM AFRICA by any FMN as all Federations have to be affiliated to the FIM directly, where after they automatically become members of the CONU. The FIM will pay a percentage of the annual FIM affiliation fee received from FMNs, to FIM AFRICA.

### **7.5 Loss of Membership**

Membership of FIM AFRICA will automatically be lost by an FMN when the FMN is no longer affiliated to the FIM (irrespective of the reason for such loss of affiliation to the FIM). (Refer to Art. 11.1.5 of the FIM's Statutes).

Members that have resigned from the FIM or that have been excluded, suspended, or dissolved by the FIM; lose all rights and advantages connected with membership of FIM AFRICA, including voting rights. However, loss of membership does not absolve the FMN from any commitments or outstanding fees payable to FIM Africa. They shall furthermore forfeit all rights to claim on the assets of FIM AFRICA.

### **7.6 Suspension**

7.6.1 Non-payment of any fees and/or fines due to the FIM or FIM AFRICA by the required date shall lead to the immediate suspension of the FMN concerned and the temporary loss of all rights and obligations arising therefrom until full settlement of the outstanding amount has been received.

An FMN, whose services have been suspended by the FIM, automatically loses its CONU membership and all rights as a CONU member.

- 7.6.2 Competitors from FMNs whose services have been suspended by the FIM or FIM AFRICA, who are holders of Competition Licences issued by either the FIM or FIM AFRICA, will be eligible to continue participating in FIM or FIM AFRICA events until the date on which the said licence expires.

Should the competitor's FMN still be suspended by the FIM or FIM AFRICA once the Competition Licence has expired, the competitor may obtain a Competition Licence via another FMN in Africa affiliated to the FIM, provided written permission for the rider to obtain such a licence is provided by the FMN whose services have been suspended.

## 8. REPRESENTATION OF MEMBERS

The FIM AFRICA members shall be represented at the General Assembly by a voting delegate who fulfils the provisions laid down in these Statutes.

The voting delegates must have the nationality or a residence permit of the FIM AFRICA member country.

## 9. OFFICIAL LANGUAGES

The official languages of the FIM AFRICA are English and French. In the case of discrepancies or differences between the English and French text of these Statutes, the English text will prevail. All official documents and publications shall be written in these two languages only.

## 10. FINANCIAL RESOURCES

Financial resources of the FIM AFRICA are mainly:

- 10.1 FIM subsidies and/or grants, as and when approved by FIM
- 10.2 A portion of the annual FIM affiliation fees paid by FMNs to the FIM, which the FIM in turn pays to FIM AFRICA;
- 10.3 Fees for inscription in the FIM AFRICA calendar, for licences and revenue from the sale of general items such as – but not limited to - banners, flags, clothing and other FIM AFRICA regalia;
- 10.4 Income derived from the sale of naming, television (broadcast), radio, video games, marketing, advertising, merchandising, promotional, licensing and any other rights owned by the FIM AFRICA;
- 10.5 Income derived from the investment of its capital;
- 10.6 Grants from African institutions, including government;
- 10.7 Grants from the industry and other sources;
- 10.8 Profits from sponsorships;
- 10.9 Any other income acquired

## 11. FINANCES

The financial year of the FIM AFRICA coincides with the calendar year.

The Council will be responsible for compiling Financial Guidelines for all matters relating to the management of the FIM AFRICA finances and financial procedures and regulations, which must be approved by the General Assembly.

## 12. BODIES OF FIM AFRICA

The FIM AFRICA bodies are the following:

- 12.1 The General Assembly
- 12.2 The Council
- 12.3 The Commissions

## 13. THE GENERAL ASSEMBLY

The General Assembly is the supreme authority of the FIM AFRICA.

### 13.1 Composition

The General Assembly shall be attended by the voting delegates of the FIM AFRICA members and the candidates standing for election.

The voting delegates must have the nationality or a residence permit of the FIM AFRICA member country s/he represents.

Honorary members, as well as one representative per each Associate Member recognised by FIM AFRICA according to Article 7.2.2 of these Statutes shall also be admitted to the General Assembly.

### 13.2 Powers

The General Assembly may approve, reject, alter, or defer any proposal submitted after considering the interests of the FIM AFRICA and its own general policy - which it has determined - and always remaining within the procedure laid down in these Statutes. Except as provided for in the Statutes, all the decisions of the General Assembly shall become effective immediately.

Upon proposal of the Council, the General Assembly:

- 13.2.1 Defines the general policies of the FIM AFRICA
- 13.2.2 Approves the annual report presented by the Council
- 13.2.3 Determines the various fees for calendar inscriptions/permits, etc.
- 13.2.4 Notes the audited accounts of the previous year and approves the interim accounts of the current year
- 13.2.5 Fixes the budget for the following year
- 13.2.6 Approves proposals made by Council, Commissions and/or Working Groups
- 13.2.7 Elects the President
- 13.2.8 Elects the members of the Council
- 13.2.9 Elects Auditors
- 13.2.10 Ratifies Council's proposal of the Chairman of Working Groups
- 13.2.11 Creates and dissolves all FIM AFRICA bodies
- 13.2.12 Has the final decision on all matters relating to the goals of FIM AFRICA provided that such goals are not in breach of the FIM's Statutes or By-Laws
- 13.2.13 Decides on the suspension of any members upon proposal of the Council, such decision to be conveyed to the FIM by the President immediately after the General Assembly's decision.

### **13.3 Voting Rights**

Each FIM AFRICA Member is entitled to one basic vote, which will be cast by the voting delegates nominated by the various FMNs.

Voting by proxy is not allowed.

To be entitled to attend and/or vote, an FIM AFRICA member must have fulfilled all its financial obligations towards the FIM and FIM AFRICA.

### **13.4 Convening Notice and Quorum**

The quorum at a General Assembly shall be at least one-half plus one of the FMNs with the right to vote, being present.

However, there may be extraordinary meetings upon written request of at least one third of the FIM AFRICA Members or upon decision of the Council.

Once the General Assembly has been convened in conformity with these Statutes, decisions may only be taken if at least one half plus one of the FMN's with the right to vote are present – except for amendments to the Statutes. If the required quorum is not met, the FMN's present can decide to nevertheless proceed and hold the meeting, but any decision taken during such meeting will be valid only if it is confirmed at the next General Assembly.

Requests for an Extraordinary General Assembly must be addressed in writing to the President.

Extraordinary meetings shall be subject to the same procedure as that for ordinary meetings. Only the convening and the dispatching of documentation differ accordingly. Similarly, questions to be examined may only be those, which motivated the convening of the extraordinary meetings.

The ordinary General Assembly shall take place (in-person and/or by virtual means) once per annum and shall be convened by written notice (via e-mail) of the President at least 30 (Thirty) days prior to the date of the Assembly.

The convening notice must indicate the place, date, and time of the General Assembly.

The Agenda drawn up by the Council and all pertinent documents must be sent to the FIM AFRICA members no later than 30 (thirty) days prior to the date of the General Assembly.

### **13.5 Postponement, Adjournment, Re-convening of General Assembly**

Should it be necessary, for any reason whatsoever, to postpone, adjourn or re-convene the General Assembly, then:

- 13.5.1 the resumed General Assembly shall take place on the 21<sup>st</sup> day after the date of the original meeting;
- 13.5.2 the resumed General Assembly shall take place at the same time of day and at the same venue, unless such venue is unavailable, in which event the FIM AFRICA Secretary General shall advise all members in writing of the address of the new venue no less than 10 days prior to the commencement of the re-convened General Assembly;
- 13.5.4 the quorum for any re-convened General Assembly shall be the same as those set out in Art. 13.4 – at least one half plus one of the FMN's with the right to vote, being present;
- 13.5.5 no business shall be transacted at any adjourned general meeting other than the business left unfinished at the General Assembly, which was adjourned.

### **13.6 Agenda**

The Agenda shall include at least:

- Composition of the General Assembly
- Approval of the Minutes of the previous General Assembly
- Approval of the President's report presented in the name of the Council
- Approval of the Secretary General's report
- Approval of the Reports of the Vice President and Directors
- Noting of the previous year's accounts as well as approval of interim accounts for current year
- Approval of the provisional budget for the coming year
- Notes the Audited Financial Statements
- Approves the working programme of the Council for the coming year
- Proposals from FIM AFRICA members
- Election of Directors and members (when applicable)

### **13.7 Proposals**

Written proposals for the Agenda may be submitted by all FIM AFRICA members and shall reach the Secretary General no later than 30 days before the General Assembly.

All FIM AFRICA Members or bodies submitting proposals to the General Assembly must be given the opportunity to present them at the General Assembly.

### **13.8 Assembly Chairman**

The Assembly should be chaired by the President or in his/her absence, by one of the Directors appointed by Council.

Anyone who so requests will be given the floor. The Chairman may at his/her discretion limit the time allotted for individual speeches and/or presentations.

### **13.9 Minutes**

The Minutes of the General Assembly shall be prepared by the Secretary General and approved by the President. Within 30 days after the conclusion of the meeting, they shall be sent to the members of the Council and to the Secretary Generals of the FIM AFRICA Members, who shall be responsible for distributing them to their own delegates. Any request for correction must be received by the FIM AFRICA Secretary General in writing within 30 days following the issue of the Minutes. Any query arising from the Minutes will be decided by the Council at its next meeting.

### **13.10 Voting**

Except, when a qualified majority is required in the Statutes, decisions will be taken with the simple majority of the valid votes cast.

Voting by electronic means for any General Assembly Agenda item is not allowed, unless the meeting is held via virtual meeting platform.

## **14. THE COUNCIL**

### **14.1 Composition**

The Council shall be composed of the following Members and having been elected by the General Assembly for 4 (four) years; except for the Secretary General who is appointed.

It is recommended that Council is represented by all the regions, but is not a stipulation (Refer to Addendum, which shows the Region breakdown). It is a requirement that nominated or appointed Directors on Council must be able to speak and understand English, as no interpreters will be available at Council meetings.

Should it be necessary FIM AFRICA in consultation with the FIM could appoint an additional Director.

- 14.1.1 President
- 14.1.2 Vice President
- 14.1.3 Director (Sporting)
- 14.1.4 Director (Non-Sporting)
- 14.1.5 Director (without portfolio)
- 14.1.6 Secretary General

In the event of any FIM AFRICA member country having more than one individual represented on the Council, that FIM AFRICA member shall still only have one vote.

Upon the President's request, qualified persons may attend the Council meetings as observers, but without the right to vote. The specific Power, Authority and duties of Council will be set out in the Terms of Reference for Council.

#### **14.2 Term of Office**

All Council members (including the President) shall hold the position of elected member of Council, for a period not exceeding eight (8) years, regardless of the number of elective terms served (whether consecutive or not).

Council members retiring at the end of their elective term, having served the maximum of eight (8) years, from their current position on Council will be eligible for nomination, to serve a further eight (8) years maximum, in any other role, than that held previously on Council.

#### **14.3 Meetings and Quorum**

The Council shall meet at least twice per annum either in-person or via virtual means.

The quorum for Council meetings is two thirds of its voting members. Decisions shall be taken by a simple majority of the valid votes cast. An abstention is not considered as a valid vote. In case of a tie, the President shall cast the deciding vote. Where a tie occurs and one or more FIM AFRICA member countries have more than one representative on the Council, the deciding vote shall be cast at the discretion of the balance of the Council members having singular representation.

The Council shall meet at the FIM AFRICA General Assembly. The dates of other Council meetings shall be decided by the Council.

#### **14.4 Powers and Obligations**

The Council shall have all powers that, according to the Statutes, are not explicitly reserved to the General Assembly or other bodies of the FIM AFRICA with regard to the administration and management of the FIM AFRICA as well as its authority and obligations, and in particular:

- 14.4.1 The Council is empowered to manage and direct the FIM AFRICA in accordance with the Statutes of the FIM and these Statutes;
- 14.4.2 It shall ensure the implementation of decisions taken by the General Assembly and take steps, on its own initiative, to promote and develop all forms of motorcycling (sport as well as non-sporting) in Africa in accordance with these Statutes, the By-Laws, and the Terms of Reference of all FIM AFRICA bodies;
- 14.4.3 It shall study and forward the proposals made by the Commissions to the General Assembly unless otherwise stated in these Statutes;
- 14.4.4 The Council shall create and dissolve the Working Groups responsible for the management and organisation of the different disciplines;
- 14.4.5 Conclude contracts;
- 14.4.6 It shall decide upon the acceptance of any donations or bequests, open bank accounts and take decisions concerning the investment of funds or revenue.
- 14.4.7 It shall ensure the implementation of decisions taken by the General Assembly;
- 14.4.8 The Council may appoint experts or consultants to assist it and/or the Working Groups in their respective tasks, and/or projects in instances where Council or Working Group members lack such expertise, experience and/or knowledge;
- 14.4.9 The meetings of the Council are normally closed meetings. However, when the subject under discussion directly concerns an FMN, an officer of the FIM AFRICA or an Associated Member, the Chairman may, with the approval of the majority of the members, allow the individual to be present in order to state his/her views - but without voting rights.

#### **14.5 Conflicts of interest and/or loyalty**

Council members must always remain neutral, bearing in mind that they represent all FIM AFRICA Federations, and not the FMN who nominated him/her to the position.

Any Council member who has a conflict of interest, and/or loyalty either financial or personal in any proposal that is put before a meeting of Council members, must declare that conflict of interest, and/or loyalty and must leave the meeting and not seek to influence debate on the proposal, nor vote on the proposal. In the case of any challenge to a person being eligible to vote on any matter, the President will take a decision.

#### **14.6 Proposals and Agenda**

Proposals for the Council Agenda must reach the Secretary General no later than 20 days prior to the date of the meeting. The Agenda shall be sent to the Council members by the Secretary General and reach them no later than 15 days prior to the meeting, confirming the date and the venue.

#### **14.7 Minutes**

The Minutes of the meetings shall be prepared by the Secretary General and approved by the President. Within 30 days after the conclusion of the meetings, they shall be sent to the Council members. Any request for correction must be received by the Secretary General within 30 days following the issue of the Minutes. Any query arising from the Minutes will be decided by the Council at its next meeting.

### **15. COMMISSIONS**

**15.1** The Sporting Commission  
(covering all motorcycle categories recognised by the FIM)

**15.2** The Non Sporting Commission  
(covering Women, Environment, Medical, Leisure/Touring and Road Safety)

#### **15.3 Composition**

Each Commission shall be chaired by the relevant Director i.e., Sporting or Non Sporting. The composition of Working Groups will be set out in the Terms of Reference.

Each FIM AFRICA member country is only permitted to have one delegate on a Working Group.

Council will determine whether a FMN can nominate a delegate for a Working Group based on whether the FMN is active in that category/section/region.

#### **15.4 Term of Office**

All Commission members (excluding the Chairman) may serve two 4 (four) year terms of office. In this Article any period less than a four-year term shall be regarded as a full term.

Working Group members retiring at the end of their two 4 (four) year terms of office from their relevant positions will, however, be eligible for election to serve as a member for a further two 4 (four) year term on one of the other Working Groups within the CONU or to remain on their current Commission for a further 4 (four) year term of office, if so appointed by their FMN and approved by Council.

#### **15.5 Powers**

The Sporting or Non Sporting Commissions shall appoint Working Groups deemed to be necessary to fulfil the duties stipulated in the Commission's Terms of Reference.

#### **15.6 Meetings**

The Working Groups shall meet annually via virtual means, hybrid (some members in-person and others via virtual platform) or in-person, on a date and/or at a venue as approved by Council. All other matters will be discussed via virtual meeting platforms.

Written approval with a proper motivation must be obtained from Council to hold any additional in-person meeting. At least 7 (seven) days' notice is required for any urgent meeting and budgetary constraints must be considered.

#### **15.7 Agenda**

At least 15 days prior to the meeting, the Chairman of the Working Groups shall send an agenda to all members as well as the Secretary General containing all the questions to be dealt with based on the proposals received.

#### **15.8 Conflict of interest and/or loyalty (Be it personal or financial must be declared)**

Working Group member must always remain neutral, bearing in mind that they represent all FIM AFRICA Federations, and not the FMN who nominated him/her to the position.



Any Working Group member who has a conflict of interest, and/or loyalty either financial or personal in any proposal that is put before a Commission meeting, must declare that conflict of interest, and/or loyalty and must leave the meeting and not seek to influence debate on the proposal, nor vote on the proposal. In the case of any challenge to a person being eligible to vote on any matter, the person chairing the meeting will take a decision.

#### **15.9 Proposals**

All proposals of the Working Group must be approved by the Council, including questions of safety or issues, which are of utmost importance to the FIM AFRICA.

#### **15.10 Minutes**

The Chairmen of the Working Groups shall appoint a Secretary from the members present who will be responsible for completing the Minutes of the meeting of the Working Groups.

The respective Chairmen of the Working Groups will be responsible for ensuring that Minutes of their meetings are produced within 15 days from the date of their meetings and are sent to the Secretary General who is responsible for forwarding these minutes to the Secretary Generals of all FIM AFRICA Members, who in turn, are then responsible for distributing them to their own delegates as a matter of priority.

### **16. SPORTING**

The Sporting Commission consists of the Director Sporting, the Chairmen of the Working Groups and the various sporting Working Groups listed below. The Working Group Chairmen are nominated by the FMN and approved by Council. Council can also appoint a Chairman should they deem it appropriate, however the relevant FMN/s must agree with the appointment.

#### **16.1 Motocross Working Group**

The Working Group shall inform the Director Sporting regarding all motocross sporting matters, always bearing in mind the needs, benefits, and conditions of the African Continent. The Chairman of the Motocross Working Group must be experienced and have adequate Officials Insurance. The Chairman of this Working Group must hold a valid FIM or FIM AFRICA Motocross Licence.

#### **16.2 Enduro Working Group**

The Working Group shall inform the Director Sporting regarding all enduro sporting matters, always bearing in mind the needs, benefits, and conditions of the African Continent. The Chairman of the Enduro Working Group must be experienced and have adequate Officials Insurance. The Chairman of this Working Group must hold a valid FIM or FIM AFRICA Enduro Licence.

#### **16.3 Cross Country Motorcycle Working Group**

The Working Group shall inform the Director Sporting regarding all cross-country motorcycle sporting matters, always bearing in mind the needs, benefits, and conditions of the African Continent. The Chairman of the cross-country working group must be experienced and have adequate Officials Insurance. The Chairman of this Working Group must hold a valid FIM or FIM AFRICA cross-country motorcycle Licence.

It is responsibility of the Director Sporting in conjunction with the Working Group Chairmen to establish general guidelines for the realisation of the sporting aims and initiatives of the FIM AFRICA. The Composition of the Sporting Commission will be set out in Terms of Reference.

Additional working Groups may be created for this Commission should it be deemed necessary.

Details of the Composition, Duties, Responsibilities and Authority of the Working Groups of the Sporting Commission will be set out in the Terms of Reference.

### **17. NON-SPORTING**

The Non Sporting Commission consists of the Director Non-Sporting, the Chairmen of the Working Groups and the various non-sporting Working Groups as listed below. The Working Group Chairmen are nominated by the FMN and approved by Council. Council can also appoint a Chairman should they deem it appropriate, however the relevant FMN/s must agree with the appointment.

Additional working Groups may be created should it be deemed necessary.

Details of the Composition, Duties, Responsibilities and Authority of the Non Sporting Commission will be set out in the Terms of Reference.

**17.1. The Medical and Safety Working Group**

The Working Group shall inform the Director Non Sporting regarding all medical and safety matters, always bearing in mind the needs, benefits and conditions of the African Continent. Chairman of the Medical Working Group must be a qualified and registered medical practitioner and have adequate Negligence Insurance. The Chairman of this Working Group must hold a valid FIM or FIM AFRICA Medical Licence.

Details of the Duties, Responsibilities and Authority of the Working Group of the Medical and Safety will be set out in the Terms of Reference of this Working Group.

**17.2 The Environment Working Group**

The Working Group shall inform the Director Non Sporting regarding all environmental matters, always bearing in mind the needs, benefits and conditions of the African Continent. The Chairman and members of this Working Group must hold a valid FIM or FIM AFRICA Environmental Licence.

Details of the Duties, Responsibilities and Authority of the Working Group of the Environment will be set out in the Terms of Reference of this Working Group.

**17.3 The Women in Motorcycling Commission Working Group**

The Working Group shall inform the Director Non Sporting regarding all matters relating to women in motorcycling, always bearing in mind the different cultures and religions within the African Continent.

Details of the Duties, Responsibilities and Authority of the Commission of the Women in Motorcycling will be set out in the Terms of Reference of this Working Group.

**17.4 The Leisure/Touring and Road Safety Working Group**

The Working Group shall inform the Director Non Sporting regarding all leisure, touring and road safety matters, always bearing in mind the needs, benefits and conditions of the African Continent.

Details of the Duties, Responsibilities and Authority of the Leisure/Touring and Road Safety working group will be set out in the Terms of Reference.

It is responsibility of the Director Non Sporting in conjunction with the Working Group Chairmen, to establish general guidelines for the realisation of the non-sporting aims and initiatives of the FIM AFRICA. The Composition of the non-sporting Commission will be set out in Terms of Reference.

**18. OFFICERS OF THE FIM AFRICA**

**18.1 President**

The President has the powers and obligations as defined in the Statutes. S/he has overall responsibility for the general management of the FIM AFRICA. S/he must ensure that the functioning of the FIM AFRICA conforms to the spirit of its foundation, these Statutes, the By-Laws and other documents and requirements of the FIM, and that the decisions of the General Assembly – as well as those of the FIM - are implemented.

In urgent cases and after consultation with the Directors s/he may take any decision that s/he deems necessary to safeguard the interests of the FIM AFRICA. Any such decision and/or action must immediately be submitted to the Council for formal approval.

In the event of a legal dispute brought/instituted against the FIM AFRICA by any party/parties, the President will act as representative of the FIM AFRICA and have the power and authority to appoint a qualified legal advisor to defend the FIM AFRICA, providing all relevant information and documentation to the legal representative – but without accepting and/or incurring any direct or indirect legal responsibility as a person, or on behalf of the FIM AFRICA.

Should the President be unable to represent the FIM AFRICA insofar as liaising with the appointed legal advisor, s/he may delegate such powers to other members of the Council.

S/he may attend any meetings of the FIM AFRICA Working Group but without voting rights.

**18.2 Directors**

The Directors together with the President, and the Secretary General, are responsible for the administration and management of the FIM AFRICA as defined in the Statutes. Each Director will be designated by the Council to carry out a specific task.

If the President is not present, the Vice President shall be in charge, if both the President and the Vice President are not available, the meeting will be postponed.

**18.3 Vice President**

The Vice President will be responsible for Corporate Governance and together with the President and Secretary General, report to the General Assembly under the supervision of the Council, for the management of the funds of the FIM AFRICA and their utilisation.

At the end of the financial year, the President and Vice President shall ensure that the accounts and the balance sheet for the year are approved by Council before being submitted to the appointed auditors for auditing, and to the General Assembly for noting.

The Secretary General signs jointly with the President and/or Vice President all documents, which contain a financial engagement or obligation for the FIM AFRICA.

**18.4 The Chairmen of the Working Groups**

The Chairmen of the Working Groups are appointed (as set out in the relevant Terms of Reference documents) for a period of 4 (four) years, subject to approval by the Council. They are responsible for the management of their Commission and for the progress of the tasks assigned to them.

The Chairman of the Working Groups may provide the interpretation of a rule that concerns a matter within their competence. In such cases, they shall inform, by way of the Secretary General, the Council, Working Group members concerned, and the FMN's of their interpretation.

**18.5 The Secretary General**

The Secretary General is responsible for all administrative activities and day-to-day matters of the FIM AFRICA, and is appointed by Council, upon the proposal of the President, for a period of 4 (four) years.

The Secretary General is accountable in the first instance to the President and through him/her to the Council for necessary measures to implement the decisions taken by all bodies of the FIM AFRICA.

S/he is a member with a voting right of the Council.

S/he is ultimately responsible for the publication of the decisions of all FIM AFRICA bodies, and the distribution of the Minutes of all meetings within the deadlines set out in these Statutes.

**18.6 The Director "without portfolio"**

The Director without portfolio will be assigned duties and responsibilities as and when required and will work with any of the other Directors if so, required including the SG, VP or President. S/he is appointed by Council for a period of 4 (four) years.

**19. CALL FOR NOMINATIONS AND DURATION OF OFFICE**

With the convening notice for the General Assembly, the FIM AFRICA members shall receive a notice of vacant positions.

**19.1** The FIM AFRICA members shall send their nominations in writing to the Secretary General at least 30 (thirty) days before the date of the General Assembly.

**19.2** Nominations must be submitted via the online Nomination form distributed by the Secretariat and submit an official letter bearing the official stamp and signature of the President or Chairman of the FIM AFRICA member submitting the nomination.

Should an FIM AFRICA member appoint a member of its board/council to sign Nomination Forms, the President of the relevant FMN must confirm such appointment to the Secretary General in writing bearing the official stamp of the FMN and signature of the President, if the President has been nominated the letter must be signed by the Secretary General of the FMN concerned.

- 19.3** The term of office of all elected/appointed office bearers shall be 4 (four) years, all persons being eligible for re-election or re- appointment as set out in the various Terms of Reference documents for all FIM AFRICA bodies.
- 19.4** In case of interim elections or appointments during a 4 (four) year term of office to fill a casual vacancy, the candidate shall be elected or appointed only for the remaining period.
- 19.5** Elected or appointed delegates will take up office immediately upon election at the General Assembly.
- 19.6** A candidate who is put forward for a position of a Director on Council for the first time must be present at the relevant General Assembly.
- 19.7** A member not attending two consecutive meetings without adequate reason, or who fails to fulfil his/her duties as set out in the relevant Terms of Reference document, shall be deemed to have resigned from the respective body/position.

## **20. PREMATURE VACANCIES**

The FIM AFRICA members shall be immediately informed by the President of any vacancy occurring in the Council, or Working Group following death, resignation, or withdrawal of a mandate.

Any premature vacancy on Council shall remain vacant until the next General Assembly – or until an Extra-Ordinary General Assembly convened by Council. Council may also decide to appoint the Chairman of the relevant Commission to act as the relevant interim Director, Sporting or Non Sporting until the next General Assembly for the sake of continuity.

Any premature vacancy on one of the Working Groups will either remain vacant until the next General Assembly or an Extra-Ordinary General Assembly or – for the sake of continuity – Council may call for nominations to fill the vacant position. Should the mandate of the Chairman of a Working Group be withdrawn by his/her FMN, the relevant Director Sporting or Non Sporting concerned shall appoint another delegate as interim Chairman until the next General Assembly.

## **21. VOTING AND ELECTIONS**

### **21.1 General Procedure**

For all bodies, only valid votes shall be registered as votes cast. Abstentions, blank and void votes, or ballot sheets shall be deducted before the votes are counted. The necessary quorum shall be established based on votes remaining.

Ballot sheets shall not be considered as valid when they contain any comment or marking not related to the subject to be decided upon. This requirement and the voting procedure must be clearly defined by the Chairman of the General Assembly.

### **21.2 Assembly**

Elections of persons shall take place at the FIM AFRICA General Assembly and require the absolute majority (half + 1 vote) of all valid votes cast – even in instances where only one candidate has been nominated to fill a vacancy. Voting by proxy is not allowed (also refer to Art. 13.3)

For decisions, voting shall be by a show of hands or by a roll call of the members attending the meetings, unless a secret ballot has been asked for by one of the members. In the event of a virtual meeting, voting will be by roll call of the FMN's present and eligible to vote, or by utilising the poll button.

For elections, voting shall be carried out by secret ballot. In the event of a virtual meeting, voting will be by roll call of the FMN's present and eligible to vote or by utilising the poll button.

In the event of an equality of votes, whether on a show of hands, a secret ballot, or a virtual poll, a second round of voting will take place.

Prior to the second round of voting, each candidate will be afforded the opportunity to address members, providing details of his/her experience and qualifications.

### **21.3 Council**

Membership of all FIM AFRICA bodies is personal. Therefore, delegates elected or appointed to the Council will have voting rights during Council meetings as set out in Art. 14.1. Proxy votes are not allowed.

### **21.4 Working Groups**

Membership of all FIM AFRICA bodies is personal. Therefore, delegates elected or appointed to these bodies will have voting rights during meetings of these bodies as set out in Art. 21. Votes by proxy are not allowed.

For any matter, which must be voted on, a simple majority of the valid votes cast unless a qualified majority is required according to the Statutes shall reach the decision. If there is a tie, the proposal shall be rejected.

Voting shall be by a show of hands, by a roll call or a virtual poll of the members attending the meetings, unless a secret ballot has been asked for by one of the members. In the event of a virtual meeting, voting will be by roll call of the FMN's present and eligible to vote and/or by utilising the poll button.

## **22. QUORUM IN MEETINGS OF THE WORKING GROUPS**

To take decisions, meetings must have a quorum (half plus one of the voting members must be present (virtually or in-person) at the meeting in question) or 3 (three) members in the case of Working Groups as set out in Art. 21.

## **23. THE GENERAL ASSEMBLY**

### **23.1 Authority**

The General Assembly is the supreme authority of FIM AFRICA. It may approve, reject, alter, or postpone any proposal submitted after considering the interests of FIM AFRICA and its own general policy. Deliberations and discussions take place in accordance with the procedures laid down in these Statutes.

All decisions of the General Assembly enter into force immediately (also refer to Art. 13.2).

The ordinary General Assembly shall take place annually at such date, time and location as will be determined

by Council. Council may convene an Extra-Ordinary General Assembly if it deems this necessary.

Council must convene an Extra-Ordinary General Assembly if at least 33% of FMNs submit such a request with supporting arguments.

The General Assembly shall have the following authority in particular:

- a) To determine, on a proposal from Council, the strategic framework and general policy of FIM AFRICA in all its areas of activity;
- b) To approve, where necessary, the Minutes of the preceding meeting;
- c) To approve the annual report of Council; to note the audited financials and auditors report for the previous year and to discharge Council of responsibility after having duly read said financials and report;
- d) To approve note the annual budget presented by Council;
- e) To adopt and amend the Statutes and By-Laws and to note the Guidelines for Event and Fees and Allowance agreed upon by Council;
- f) To elect the President and Council members
- g) To examine and, if appropriate, reach a decision on the proposals submitted by the President to Council;
- h) To take decisions on the proposals received from FMNs and on such other matters as are on the meeting agenda.
- i) To examine, and, where necessary, reach a decision on a motion of censure and/or the removal of a person from office.
- j) To appoint Honorary Members;
- k) To create new bodies and/or dissolve Commissions and/or Working Groups of FIM AFRICA as proposed by Council.

### **23.2 To appoint scrutineers to supervise a vote or to conduct the elections and to count the ballots at the General Assembly; Voting and Elections**

Independent scrutineers will be appointed by the General Assembly to supervise the elections and count the votes, unless the voting is conducted via virtual poll.

The voting delegates shall receive their ballot sheets containing the names of all candidates standing for the respective body or post at registration or via electronic means. **The voting shall be carried out by marking with an X in the block next to those candidate/s from the list who the voter wishes to elect.**

Ballot sheets shall not be considered as valid if they include names other than the candidates, contain more names than the vacant posts, or bear any marking permitting the recognition of the voter. Ballot sheets with all candidates' names deleted shall be regarded as abstention and therefore will not be counted.

If all vacancies have not been filled because of the first ballot, the following procedure will apply:

- a) The number of candidates who will take part in the second ballot, selected according to the number of votes obtained by each candidate, will be determined according to the following formula:- Number of vacant post(s), plus one.
- b) In case of an identical number of candidates and vacant posts after the first ballot, all candidates will take part in a second ballot.

In both cases, only the candidate(s) who has/have obtained the absolute majority of half plus 1 (rounded to the higher whole number) of the votes present, will be elected. There will be no third ballot and the remaining post(s) will remain vacant.

Ordinary General Assembly convened by Council. In the event that there would be more than one post to fill during the General Assembly or Extra-Ordinary General Assembly in question, the candidate(s) having obtained the least number of votes will terminate the mandate(s) prematurely vacated.

After the elections, the Chairman of the meeting shall announce the results indicating the total number of votes cast, the number of abstentions as well as the number of void and valid votes. Furthermore, s/he shall announce the number of votes on which the quorum is based as well as the voting result for each of the candidates.

The signed scrutineers' results (either physical or electronic) shall be preserved, but the actual voting papers or electronic poll shall be destroyed immediately after the closing of the respective meeting of the General Assembly or Extra-Ordinary General Assembly, except where the result is challenged. Any such protest must be made in writing and presented to the President before the closing of the relevant meeting of the General Assembly or Extra-Ordinary General Assembly.

For all bodies, only valid votes shall be regarded as votes cast. Abstentions, blank and void votes, or ballot sheets shall be deducted before the votes are counted. The necessary quorum shall be established based on votes remaining.

## **24. ELECTION PROCEDURE**

### **24.1 Nomination of Candidates:**

The candidates for election must be put forward by their own Federation. The candidates for election must have the nationality of the Federation that presents their candidature or be a permanent resident in this Federation's country.

A candidate nominated for a Director position for a first mandate as well as candidates who are available for re-election, must be present at the General Assembly meeting.

Only FIM AFRICA members whose services have not been suspended by either the FIM or FIM AFRICA may nominate members to serve on the various FIM AFRICA Working Groups.

In the event of an FIM AFRICA country failing to pay any fees which may be due to FIM AFRICA, the member so nominated by the FIM AFRICA member and elected to a post, shall immediately lose his/her position on the FIM AFRICA Working Group to which s/he was elected/appointed.

In the case of an elected Director or Working Group Chairman whose Federation fails to comply with the requirements laid down in these Statutes, his/her position will automatically be assumed by the delegate who obtained the second highest number of votes at the General Assembly during the election.

An elected/appointed official may not simultaneously hold more than one office within FIM AFRICA.

All candidates eligible to hold a post on a Sporting Commission and its Working Groups must be holders of a valid FIM or FIM AFRICA licence for Clerk of the Course, Referee, Sporting or Technical Stewards (of the discipline concerned), during their period of office.

**24.2 All candidates eligible to hold a post on the Environmental & Medical Working Groups must be holders of a valid FIM or FIM AFRICA licence for Environment or Medical during their term of office. Procedure to be followed with regard to candidatures for vacant posts:**

30 (thirty) days prior to the date of the General Assembly, Council, via the Secretary General - will advise all FMN's of the vacant posts.

Each FMN may present only one candidate for each post vacant. In any year, a person can only be nominated by an FMN as a candidate for one position.

Such nominations must be made via the prescribed online form and within the stipulated period by way of electronic format. However, all nominations submitted must bear the official stamp and signature of the President or Chairman of the FIM AFRICA member or if via electronic format an official FMN letter bearing the official stamp and signature of the President, if the President has been nominated the letter must bear the signature of the Secretary General.

The list of candidates will be closed 30 (thirty) days prior to the start of the General Assembly. The list of candidatures shall be sent to the FMN's by the Secretary General immediately after the closing date, by e-mail. It is the responsibility of each FMN who does not receive a list of candidates from the Secretary General within 5 (five) days from the closing date of nominations, to enquire in writing (by e-mail) from the Secretary General whether the list has been sent, and to confirm non- receipt of the list distributed by the Secretary General. In all such instances, the Secretary General will – within 2 (two) working days from the date of receipt of the written enquiry - send a further copy of the list to the FIM AFRICA member concerned. It must be noted that the list of candidates will also be posted on the FIM AFRICA Website.

A delegate proposed as a candidate for a position other than the one s/he holds at the time of nominations, the mandate of which has not yet expired, must immediately resign from that position and his/her resignation will be effective on the day on which the elections take place at the General Assembly.

**25. MOTION OF NO CONFIDENCE AND WITHDRAWAL OF MANDATE**

Any member of an FIM AFRICA body who does not fulfil his/her duty correctly or satisfactorily, can be subjected to a motion of no confidence (which will be voted on by the relevant body). Similarly, any member who does not comply with the rules of the FIM AFRICA when carrying out his/her duties for the FIM AFRICA, may be dismissed from his/her mandate.

An FIM AFRICA Member may withdraw any mandate given to a delegate. Such withdrawal, which will be effective immediately, must be made in writing, signed by the President or Chairman of the FIM AFRICA Member concerned.

**The following procedure will apply for the introduction of a motion of no confidence:**

- The motion of no confidence, with adequate supporting documentation, shall be submitted by an FIM AFRICA member or members of the Council. It must be received by the Secretary General at least 40 (forty) days before the date fixed for the General Assembly.
- The President will ensure that this motion together with the relevant documentation received, is included on the Agenda of the General Assembly.
- When examining the motion of no confidence within the General Assembly, the body or member that submitted it, must present its case with supporting arguments.
- The parties confronted with a motion of no confidence or their representatives, shall have the right to defence by using any arguments that may be deemed necessary.
- If the motion of no confidence is maintained, the matter shall be put to a secret ballot.
- For a motion of no confidence to be adopted, it must obtain a two-third majority of all the valid votes cast within the relevant body (General Assembly or Council).
- As soon as a motion of no confidence is adopted, the person(s) involved, will lose his/her/their official status or title.

Any elected or appointed delegate who does not attend two consecutive meetings (in-person or by virtual means) of the body to which s/he is elected or appointed, except for reasons accepted as valid by the Council, will irrevocably forfeit his/her term of office. In the case of an elected member, his/her position will be filled at the following General Assembly or Extra-Ordinary General Assembly.

- A motion of no confidence cannot be instituted against a member holding an honorary position within FIM Africa Assembly

## **26. STATUTES AND ALTERATIONS TO THE STATUTES**

The Statutes may only be amended by a resolution of the General Assembly, such resolution being valid if it attains at least two thirds of the votes of the FIM AFRICA members present at the General Assembly. Any amendment to these Statutes is subject to approval of the FIM Board of Directors and will only become valid once the amendment(s) have been approved by the FIM in writing.

Where these Statutes (or By-Laws) are silent in respect of any matter, the FIM Statutes and By-Laws will apply.

## **27. BY-LAWS AND CODES**

The FIM AFRICA Council will compile By-Laws, which may include the rules and protocol applicable for the organisation of the FIM AFRICA General Assembly, procedure regarding FIM AFRICA awards and the protocol to be observed at official ceremonies of the FIM AFRICA. They must be approved by the General Assembly (either at the annual General Assembly, an Extra-Ordinary General Assembly or via electronic vote) with a majority half plus one of the votes cast, upon the proposal of the Council.

All votes cast electronically, will be kept for record purposes.

In principle, FIM rules will apply in all instances, except if Council agrees that it is impossible to implement such rules for logistical and/or other acceptable reasons.

## **28. CONTRADICTION BETWEEN THE STATUTES AND ANY OTHER RULES**

In the event of any contradiction between an Article of the Statutes and another FIM AFRICA rule, the statutory rule will prevail.

## **29. FINANCIAL MATTERS**

### **29.1 Budgetary and Accounting Standards**

The economic and administrative activity of the FIM AFRICA shall be governed by the annual budget.

To facilitate the work of the Secretary General when drawing up the annual budget, the Council shall outline the policy that the FIM AFRICA shall pursue in the following year.

Each year, the President, Vice President and Secretary General shall prepare a draft of the budget for the following year. The draft budget shall forecast in detail the income and expenditure of the FIM AFRICA for the year in question.

The draft budget shall be accompanied by a concise explanation of all expected income and expenditure. It shall make comparisons between the budget of the current year and the results of the previous year.

The draft budget shall be sent by the Secretary General to the members of the Council for consideration at least 45 (forty- five) days prior to the first day of the annual General Assembly. It shall also be distributed to all FIM AFRICA members by the Secretary General as part of the documentation of the General Assembly no less than 30 (thirty) days prior to the first day of the annual General Assembly.

### **29.2 Management of FIM AFRICA Capital and Funds**

The negotiable securities of the FIM AFRICA forming its capital and funds shall be deposited in the name of the CONU in one or more banks registered in a country/countries approved by the General Assembly.

For daily management, the Secretary General may withdraw cash or make necessary payments from the account, or transfer from the CFC or Current to the Call Account to obtain the maximum interest, in consultation with the Vice President. Details of payments made from the account, as well as monthly financial management accounts will be submitted to Council by the Vice President, through the Secretary General.

### **29.3 End of Year Accounts**

The accounts for the results of the year's financial activity and the balance sheet shall be examined by Council by no later than March each year, prior to being sent to the Auditors.



The audited financial accounts must be distributed to Council by the Vice President immediately on completion of the audit, accompanied by the following:

- The current budget in relation to the results of the accounts and the balance sheet as at 31 December
- The list of debtors and creditors, indicating the corresponding amounts.

In addition, the inventory indicating any assets must be available with the Secretary General for inspection.

The Council, after having examined the balance sheet and supporting documents together with the report of the

Auditors shall submit the audited financials (via the President) to the FIM by no later than 31 May each year, and to all FIM AFRICA members at the same time.

#### **29.4 Auditors**

Independent auditors shall be appointed by the General Assembly each year at the General Assembly, and the FIM is fully authorised to appoint an additional auditor at any time it deems necessary.

The Vice President shall present the annual audited report for the previous year to the Assembly for noting, as well as the budget for the following year for approval by the General Assembly.

Besides the duties established in the Statutes, the auditors are authorised to monitor the cash accounts at any time.

#### **29.5 Results**

Any surplus income over expenditure at the end of a financial year shall automatically be transferred into Call Accounts to ensure that maximum interest is earned. If the results reflect a deficit, the Council must propose a way in which to absorb this deficit, to the General Assembly.

#### **29.6 Settlement of Accounts**

Each FIM AFRICA Member must have fulfilled its financial obligations to the CONU and the FIM at least 14 (fourteen) days before the opening of the General Assembly, to have voting rights.

#### **29.7 Grants for FIM AFRICA Activities**

Details of Grants (such as reimbursement for attending the General Assembly; competitors' travel allowances) will be determined by Council (considering the financial situation of FIM AFRICA at the time) and set out in the FIM AFRICA's By-Laws, Event Guidelines and Fees and Allowances. All such Grants will be reflected in the annual budget submitted to the General Assembly.

### **30. TAX EXEMPT STATUS (requirement of section 30 of the Income Tax Act.)**

As the CONU is registered in South Africa all legal and statutory requirements of the country must be adhered to.

- a) No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
- b) The funds of the public benefit organisation will be used solely for the objects for which it was established
- c) At least three persons will accept fiduciary responsibilities for the public benefit organisation. They will not be connected persons in relation to each other, and no single person directly or indirectly controls the decision-making powers relating to such an organisation.
- d) No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- e) Dissolution clause must be amended to state that up on dissolution of the public benefit organisation, the remaining assets must be transferred to:
  - Another public benefit organisation which has been approved in terms of section 30 of the Act.
  - Any institution, board or body which is exempt from payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or
  - Any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1)(a) or (b) of the Act.
- f) A copy of all amendments to the constitution will be submitted to the Commissioner for the South African Revenue Service.
- g) The public benefit organisation will not be party to, or does not knowingly permit, or has not knowingly permitted, itself to be used as a part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under this Act or any other Act administered by the commissioner.

- h) No resources will be used, directly or indirectly, to support advance or oppose any political party.
- i) The sole or principal object of the public benefit organisation is to carry on one or more public activity (PBA), in a non- profit manner and with an altruistic or philanthropic intent.
- j) All public benefit activities carried on by the public benefit organisation will be for the benefit of, or widely accessible to, the public at large, including any sector thereof, other than small and exclusive groups.
- k) No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
- l) No remuneration will be paid to any employee, office bearer, member, or other person, which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.
- m) The public benefit organisation will comply with reporting requirements as may be determined by the Commissioner for the South African Revenue Services.

**31. DATE OF IMPLEMENTATION OF THE STATUTES**

These Statutes – and any future amendments to the Statutes – will become effective after adoption by the General Assembly and upon approval of the FIM Board of Directors.

**32. DISSOLUTION**

The FIM has the sole authority to dissolve FIM AFRICA.

# 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/Working Groups 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 Working Group 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

14.1 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.

14.2 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 local 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 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 / SUPPORTED/CHAMPIONSHIP EVENTS

### 2.1 Inscription of Regional Challenge/ Cup /Supported/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, series and/or Supported events.

**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 and Speedway 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/Supported 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/Supported 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

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 Regulations (GSR'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 (either in-person or by virtual means), 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 Working Group 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 Regarding 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 (In-Person or by Virtual Means) not later than 15 (fifteen) days from the date of receipt of an official Appeal as contemplated in 5.3 above.

552 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.

- 553 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 (in-person, virtual or hybrid 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 (in-person, virtual or hybrid meetings)**

7.1 FIM AFRICA Council including 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 makes 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.

7.5 Delegates, who wish to hire cars during the General Assembly, will be directly responsible for all costs relating to such hire cars.

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 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 (in-person, virtual or hybrid)**

9.1 FIM AFRICA Council, Working Group Chairmen and Working Group 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 working group members.

9.2 Additional delegates may attend the Working Group meetings (virtually or in-person) but all costs relating to their in-person 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 in the "Fees and Allowance schedule) will be paid by FIM AFRICA on a bed and breakfast basis 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 working group 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 Meetings, 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 can be used.
- 96 Incidentals such as telephone calls, taxi fares, uber, meals not covered by FIM AFRICA, Wi-Fi, laundry, etc. will be for the direct account of the delegates/FMN's 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.

FMN's are encouraged to utilise webinars or online platforms for seminars.

## **Addendum to the Statutes**

As agreed at the EXOGA on the 27<sup>th</sup> October 2018, the breakdown of the regions are listed below. When new members affiliate the list is updated.

**NORTH AFRICA:** Algeria, Egypt, Libya, Morocco, Tunisia,

**WEST AFRICA:** Mauritania, Côte d'Ivoire

**EAST AFRICA:** Kenya, Uganda

**CENTRAL AFRICA:** No members at present

**SOUTHERN AFRICA:** Angola, Botswana, Madagascar, Namibia, South Africa, Zambia, Zimbabwe, Mozambique