

AFRICAID Trust's NPO CONSTITUTION

1 Name

- 1.1 The organisation hereby adopting this constitution is called the Africaid Trust
- 1.2 Its shortened name will be Africaid Trust (hereinafter referred to as the organisation).

1.3 Body Corporate

The organisation shall:

- exist in its own right, separately from its beneficiaries and trustees
- continue to exist even when its beneficiaries change and there are different trustees
- be able to own property and other possessions
- be able to be sued in its own name

1.4 Objectives

The organisation's main objective is to engage in public benefit activities in communities as approved in Section 18A of the Income Tax Act 58 of 1962 as amended:

- Welfare and humanitarian activities
- Health care activities (particularly concerning HIV and AIDS)
- Education and development activities

These objectives are to be achieved primarily through WhizzKids United, a comprehensive programme which delivers health education, care, treatment and support to children, youth and other vulnerable populations, through the medium of football (soccer).

2 Income and Property

- 2.1 The organisation will keep a record of everything it owns
- 2.2 The organisation may not give any of its money or property to its trustees. The only time it can do this is when a trustee is in need of a welfare grant or when it pays for work that a trustee has done for the organisation. The payment must be a reasonable amount for the work that has been done.
- 2.3 A trustee of the organisation can only get money back from the organisation for expenses that he or she has paid for on behalf of the organisation
- 2.4 Beneficiaries and trustees of the organisation do not have rights over things that belong to the organisation

3 Membership and General Meetings

- 3.1 If a person wants to become a beneficiary of the organisation, he or she will have to ask the organisation's trustees. The trustees has the right to say no.
- 3.2 Beneficiaries and trustees of the organisation must attend its annual general meetings. At the annual general meeting beneficiaries and trustees exercise the right to determine the policy of the organisation.

4 Management

- 4.1 A management trustee committee will manage the organisation. The management trustee committee will be made up of not less than 5 members. They are the office bearers of the organisation.
- 4.2 Office bearers will serve for one year, but they can stand for re-election for another term in office after that. Depending on what kind of services they give to the organisation, they can stand for re-election again and again. This is so long as their services are needed and they are ready to give their services.
- 4.3 If a trustee of the management trustee committee does not attend three management trustee committee meetings in a row, without having applied for and obtaining leave of absence from the management trustee committee, then the management trustee committee will find a new trustee to take that person's place.
- 4.4 The management trustee committee will meet at least once a month. More than half of the trustees need to be at the meeting to make decisions that are allowed to be carried forward, this constitutes a quorum.
- 4.5 Minutes will be taken at every meeting to record the management trustee committee's decisions. The minutes of each meeting will be given to management trustee committee members at least two weeks before the next meeting. The minutes shall be confirmed as a true record of proceedings, by the next meeting of the management trustee committee, and shall be signed by the chairperson.
- 4.6 The organisation has the right to form sub-committees. The decisions that sub-committees make must be given to the management trustee committee. The management trustee committee must decide whether to agree to them or not at its next meeting. This meeting should take place soon after the sub-committee's meeting. By agreeing to decisions the management trustee committee ratifies them.
- 4.7 All beneficiaries of the organisation have to abide by decisions that are taken by the management trustee committee, at least until the next general meeting, when they can be voted on and ratified or overturned.

5 Powers of the Organisation

- 5.1 The management trustee committee may take on the power and authority that it believes it needs to be able to achieve the objectives that are stated in point number 2 of this constitution. Its activities must abide by the law of the land and of God.

- 5.2 The management trustee committee has the power and authority to raise funds or to invite and receive contributions.
- 5.3 The management trustee committee has the power to buy, hire or exchange for any property that which it needs to achieve its objectives.
- 5.4 The management trustee committee has the right to make by-laws for proper management, including procedure for application, approval and termination of beneficiaries.
- 5.5 The organisation will decide on the powers and functions of its trustees.

6 Meetings and Procedures of the Committee

- 6.1 The management trustee committee must hold at least two ordinary meetings each year.
- 6.2 The chairperson, or two members of the trustee committee, can call a special meeting if they want to, but they must let the other management trustee committee members know the date of the proposed meeting, not less than 21 days before it is due to take place. They must also tell the other members of the trustee committee which issues will be discussed at the meeting. If however one of the matters to be discussed is to appoint a new management trustee committee member, then those calling the meeting must give the other trustee committee members not less than 30 days notice.
- 6.3 The chairperson shall act as the chairperson of the management trustee committee. If the chairperson does not attend a meeting, then the members of the trustee committee who are present shall choose which one of them will chair the meeting. This must be done before the meeting starts.
- 6.4 There shall be a quorum whenever such a meeting is held.
- 6.5 When necessary the management trustee committee shall vote on issues. If the votes are equal on an issue, then the chairman has either a second or a deciding vote.
- 6.6 Minutes of all meetings must be kept safely and always be on hand for trustees to consult.
- 6.7 If the management trustee committee thinks it necessary, then it can decide to set up one or more sub-committees. It may decide to do this to get some work done quickly, or it may want a sub-committee to do an enquiry. There must be at least three people on a sub-committee. The sub-committee must report back regularly to the management trustee committee on its activities.

7 Annual General Meetings

- 7.1 The annual general meeting must be held once every year, after the end of the organisation's financial year.
- 7.2 The organisation should deal with the following business, amongst others, at its annual general meeting:
 - agree on the items to be discussed on the agenda
 - write down who is there and who has sent apologies because they cannot attend
 - read and confirm the previous meeting's minutes with matters arising
 - Chairman's report
 - Treasurer's report

- changes to the constitution that beneficiaries or trustees may want to make
- elect new trustees
- general
- close the meeting

8 Finance

- 8.1 An accounting officer shall be appointed at the annual general meeting. His or her duty is to audit and check on the finances of the organisation.
- 8.2 The treasurer's job is to control the day-to-day finances of the organisation. The treasurer shall arrange for all funds to be put into a bank account in the name of the organisation. The treasurer must also keep proper records of all the finances.
- 8.3 Whenever funds are taken out of the bank account, at least two members of the management trustee committee must sign the withdrawal or cheque.
- 8.4 The financial year of the organisation ends on the 28 February each year.
- 8.5 The organisation's accounting records and reports must be ready and handed to the Director of Non-Profit Organisations within six months after the financial year-end.
- 8.6 If the organisation has funds that can be invested, the funds may only be invested with a registered financial institution. These institutions are listed in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984. Alternatively the organisation can buy securities that are listed on a licensed stock market exchange as set out in the Stock Exchange Control Act, 1985. The organisation can go to different banks to seek advice on the best way to look after its funds.

9 Changes to the Constitution

- 9.1 The constitution can be changed by a resolution. The resolution has to be agreed upon and passed by not less than two thirds of the beneficiaries and trustees who are at the annual general meeting or special general meeting. Beneficiaries and trustees must vote at this meeting to change the constitution.
- 9.2 Two thirds of the beneficiaries and trustees shall be present at a meeting (the quorum) before a decision to change the constitution is taken. Any annual general meeting may vote upon such a notion, if the details of the changes are set out in the notice referred to in 10.3 below.
- 9.3 A written notice must go out not less than fourteen (14) days before the meeting at which the changes to the constitution are going to be proposed. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting.
- 9.4 No amendments may be made which would have the effect of making the organisation cease to exist.

10 Dissolution / Winding-up

- 10.1 The organisation may close down if at least two-thirds of the beneficiaries and trustees present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.

10.2 When the organisation closes down it has to pay off all its debts. After doing this, if there is property or money left over it should not be paid or given to trustees of the organisation. It should be given in some way to another non-profit organisation that has similar objectives. The organisation's general meeting can decide what organisation this should be.

11 Acceptance

11.1 This constitution was approved and accepted by beneficiaries and trustees of the organisation at a special general meeting

The image shows two handwritten signatures in black ink. The signature on the left is written in a cursive style and appears to be 'T. P. ...'. The signature on the right is also cursive and appears to be 'J. ...'. Both signatures are positioned above their respective titles.

11.2 Signatures:

Chairman

Treasurer

Date: 01.01.2010