

# DRAFT AMENDMENT TO PARAGRAPH H OF THE CONSTITUTION OF THE PORSCHE CLUB OF SOUTH AFRICA-CENTRAL

## H DISCIPLINARY ACTION

1. Members may not conduct themselves in any manner which is or may be deemed to be prejudicial or potentially prejudicial to the name, reputation and/or interests of the Club and/or its members (individually or collectively) and/or the marque.
2. Any conduct by any member which is deemed to be or is deemed to have the potential to be prejudicial to the name, reputation and/or interests of the Club, and/or its members and/or the marque shall be subject to a disciplinary inquiry at the sole discretion of the Committee.
3. The Committee may
  - 3.1 in its sole discretion, either *mero motu* or upon receipt of written information, cause a disciplinary inquiry to be held if it deems it in the interests of the Club or its members or the marque to do so;
  - 3.2 deal with any disciplinary matters itself and at any stage appoint and/or refer a disciplinary matter to the standing or an *ad hoc* committee as envisaged in paragraph 3.3 below;
  - 3.3 appoint a standing or an *ad hoc* disciplinary committee consisting of as many people as the Committee deems meet, and which need not be comprised of paid-up members in the event of an *ad hoc* committee being appointed;
  - 3.4 direct whether the disciplinary matter shall be dealt with at a disciplinary hearing or be disposed of solely on the documentation in its possession;
  - 3.5 confirm or refuse to confirm any penalty imposed by a disciplinary committee or, in its sole discretion, may substitute such penalty with a penalty which it deems fair and appropriate in the circumstances, for which purpose it may (but shall not be obliged) to call for further submissions by the member concerned to be submitted within a time period directed by the Committee.
4. Any reference to the “the disciplinary committee” shall be a reference to the Committee, a standing disciplinary committee or an *ad hoc* disciplinary committee.
5. A member whose alleged conduct forms the subject matter of a disciplinary inquiry

- 5.1 shall be entitled to be informed in writing of the substance of the allegations against him/her to enable him/her to respond thereto, which response shall comprehensively set out the facts and submissions which such member wishes the disciplinary committee to consider;
- 5.2 shall not be entitled to disclosure of the source of any information or of the documentation which caused the disciplinary inquiry to be instituted and/or held;
- 5.3 shall be obliged to furnish a written response, should he/she elect to do so, within 14 calendar days of despatch of the written information referred to in paragraph 5.1 above, failing which the disciplinary committee shall be entitled to dispose of the matter forthwith;
- 5.4 shall be entitled to written notice of a disciplinary hearing, unless otherwise agreed, of no less than 7 calendar days before such hearing;
- 5.5 shall only be entitled to legal representation at a hearing by an admitted advocate or attorney if specifically permitted by the disciplinary committee on written motivated application submitted at least 7 working days before any disciplinary hearing;
- 5.6 shall be entitled to be presented by any fellow paid-up member regardless of whether such member is an admitted advocate or attorney provided that in such an event, written notification of such representative shall be submitted to the disciplinary committee at least 48 hours prior to the hearing;
- 5.7 shall be entitled to make written representation to the Committee where a penalty imposed by a disciplinary committee is subject to confirmation by the Committee, provided that such representation is received not later than 48 hours prior to the meeting of the Committee where confirmation of the penalty will be considered.

6. The disciplinary committee may

- 6.1 consider any disciplinary matter solely on the documentation in its possession except where
  - 6.1.1 the Committee has directed a hearing to be held; or
  - 6.1.2 the disciplinary committee has decided and directed a hearing to be held in terms of paragraph 6.2 below;
- 6.2 decide and direct in its sole discretion at any time that a hearing be held;
- 6.3 in its sole discretion extend any time period allowed or directed within which a written response is to be furnished provided that

6.3.1 it does not unreasonably prolong the matter and that it is in the interests of justice to do so; and

6.3.2 any extension so granted does not have the result to extend

6.3.2.1 the commencement of a hearing beyond 2 (two) months from commencement of the disciplinary inquiry;

6.3.2.2 finalisation of the disciplinary inquiry beyond 3 (three) from the commencement thereof.

6.4 in its sole discretion (but not be obliged to) resolve to disclose to a member whose conduct is the subject of a disciplinary inquiry the source of and/or documentation upon which it was decided to hold the disciplinary inquiry;

6.5 determine its own procedure during or at any disciplinary inquiry (which need not accord with the rules of evidence and procedure followed in a court of law);

6.6 impose the following penalties

6.6.1 termination of membership;

6.6.2 suspension of membership or the privilege to take up membership for a period not exceeding 2 (two) years unless the conduct of the member is serious enough to warrant a life-long ban from taking up membership;

6.6.3 the suspension of any permissible penalty, other than a reprimand, for a period not exceeding 4 (four) years on such conditions as it may deem meet;

6.6.4 a fine, also in conjunction with any other penalty which, for as long as it remains unpaid, shall automatically suspend the membership of the member concerned unless directed otherwise by the Committee;

6.6.5 a reprimand;

6.7 but not be obliged, to keep a record of any and all disciplinary proceedings during a disciplinary hearing.

7. A disciplinary inquiry shall be deemed to have commenced when

7.1 the Committee resolved to hold a disciplinary inquiry; or

7.2 when the information upon which a disciplinary inquiry is based, is received in writing, whichever is the earlier.

8. The imposition of any penalty imposed by

8.1 the committee sitting as a disciplinary committee shall be final;

8.2 a standing or *ad hoc* disciplinary committee (except where the penalty is a reprimand) shall be subject to confirmation by the Committee at its next meeting following the disciplinary inquiry where it is able to deal with such disciplinary matter.