



CONSTITUTION
PRETORIA BIKERS COUNCIL (PBC)®
SOUTH AFRICA



CONSTITUTION: PRETORIA BIKERS COUNCIL

This is the latest version of the Constitution for the Pretoria Bikers Council PBC and was accepted by a quorum at the Annual General Meeting (AGM) of the Pretoria Bikers Council held during March 2023



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1. DEFINITIONS

- 1.1. **PBC** means the Pretoria Bikers Council;
- 1.2. **Annual General Meeting (AGM)** means the Annual General Meeting of the Pretoria Bikers Council properly announced and communicated to affiliated members two weeks before the date of the meeting;
- 1.3. **By-Laws** means those rules promulgated by the PBC EXCO which govern the management, structure, operations, functioning and membership of the PBC®;
- 1.4. **Executive Committee (EXCO)** means the Executive Committee of the PBC consisting of the Chairperson and the three elected Executive Members (EXCO);
- 1.5. **Management Committee** means the management committee of the PBC consisting of the Chairperson, three elected Executive Members as well as Secretary and the Treasurer;
- 1.6. **PBC Committee** means the broad committee of the PBC consisting of the Chairperson, three elected Executive Members as well as Secretary, Treasurer, Sgt at Arms, Road Captains, Hospital Ministry, Events Coordinators and Webmaster;
- 1.7. **PBC Membership** means single level membership of full and affiliated PBC members with fully paid-up membership fees which entitles the members to all PBC® membership benefits.
- 1.8. **Full Membership** means membership afforded to Motorcycle Clubs which are registered as a MC or MCC, and is valid for a period of 1 (one) year, where after such membership will be renewable annually for the cost of the MC or MCC;
- 1.9. **Affiliate Membership** means membership afforded to certain entities on discretion of the PBC EXCO which include Riding Groups, Motorcycle Ministries, Motorcycle Associations and Business involved with the Motorcycle Industry. Such membership is valid for a period of 1 (one) year, where after such membership will be renewable annually for the cost of the affiliate member;
- 1.10. **Full Membership** means membership afforded to Motorcycle Clubs which are registered as a MC or MCC, and is valid for a period of 1 (one) year, where after such membership will be renewable annually for the cost of the MC or MCC;
- 1.11. **Non-profit Organisation (NPO)** is defined in terms of section 1 of the **Non-Profit Organizations Act, Act no 71 of 1997 (NPO Act)**, as a trust, company or other association of persons established for a public purpose and of which its income and property are not distributable to its members or office bearers except as reasonable compensation for services rendered. In some instance, NPOs are also referred to as Civil Society Organizations (CSO).
- 1.12. **Special Annual General Meeting** means a special Annual General Meeting called by the PBC EXCO.



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2. PREAMBLE

The PBC as organisation functions as a registered Non-Profitable Organisation (NPO).

3. NAME OF ORGINISATION

The name of the organisation is the **“PRETORIA BIKERS COUNCIL”** and herein after referred to as **PBC®**.

4. PURPOSE OF THE PBC

- 4.1. To serve and unite the Motorcycle Clubs and Motorcycle Interest Groups in the Pretoria and surrounding areas (Tshwane Metropolitan council boundaries) and to act as a representative body for all motorcyclists within these boundaries regarding all motorcycling affairs.
- 4.2. To ensure that the legacy of biker traditions is maintained;
- 4.3. To mediate impartially in disputes between Motorcyclist Clubs, interest Groups or PBC® members.
- 4.4. To promote and improve the image of motorcyclists among the general public of South Africa.
- 4.5. To provide advice on safety measures at events which are held for the benefit of all motorcyclists and the general public.
- 4.6. To function as an organised body not for profit or financial gain.
- 4.7. To operate as a non-racial, apolitical and a non-denominational body, and to reserve the right of admission.
- 4.8. To coordination of events organised by PBC® affiliated Motorcycle Clubs whether for Charity or Social purposes.
- 4.9. To develop camaraderie amongst its members and in general;
- 4.10. To make donations to charities, educational and other organisations, as decided upon by the Executive Committee;
- 4.11. The PBC is affiliated to the South African nation Biker Council Alliance and therefore conform to the approved biking protocols and guidelines. The SANBCA protocols attached to the constitution as Addendum.

5. LIABILITY OF PBC

- 5.1. The PBC® is duly registered as a non-profit organisation, a juristic person with perpetual succession, in accordance with the provisions of the **Non-Profit Organizations Act, Act no 71 of 1997 (NPO Act)** capable of entering contractually and other relations, and of suing or being sued in its own name, apart from its members.



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- 5.2.** The property and other assets of the PBC® shall vest in the PBC®, which shall hold such assets distinct from the individual members, and the individual members shall have no rights in or to any property or any other assets of the PBC®.
 - 5.3.** Any obligations incurred by, for or on behalf of the PBC® shall be incurred by the PBC® itself and to the exclusion of the individual members.
 - 5.4.** Under no circumstances shall the assets of the PBC® or any part thereof, be distributed to members in the form of a dividend or a share of profits.
 - 5.5.** In the event of the PBC® being dissolved the remaining funds or assets shall be given to or transferred to other organisations with objectives similar to those of the PBC®. The PBC® Committee shall perform the aforementioned function.
 - 5.6.** Funds available for investment may only be invested with registered financial institutions as approved by the PBC® Committee.

6. COMMITTEE STRUCTURE OF THE PBC

- 6.1.** The PBC® Committee members shall be elected at the Annual General Meeting and shall consist of the following positions. The executive committee (EXCO) consist of the Chairman and three executive members as follows: One Executive member: Events & Financial portfolio. One Executive Member Legal, Governance and Membership portfolio. One Executive member Hospital & Road Safety portfolio. The broad committee will be constituted as indicated in paragraph 1 *supra*.
- 6.2.** Committee members will represent the interest of the PBC® at all events and not their own Clubs.
- 6.3.** The PBC® Committee members will meet monthly.
- 6.4.** Detailed issues related to the Committee is covered in **Addendum “A” Bylaw: PBC Management and elections**

7. PBC COMMITTEE AUTHORITY

- 7.1.** The PBC® EXCO shall have power to nominate other members, should it be deemed necessary, to serve on the Committee. The floor will approve this appointment.
- 7.2.** The PBC® EXCO is only a voice for its members. The Committee is not there to dictate to any of the member Club Presidents as to how to manage their own clubs.
- 7.3.** All PBC® Committee meetings are confidential and no minutes will be distributed to any Members. The Chairman, will provide a brief summary of the committee meetings at the monthly PBC meetings.
- 7.4.** All decisions made by the PBC® EXCO are final and binding.



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- 7.5. Any PBC® Committee member, who is absent from more than two consecutive meetings of the Committee without notice, shall cease to be a committee member, provided that the Committee may grant a member leave of absence from not more than three consecutive ordinary meetings of the Committee.
 - 7.6. Club colours must be worn by all Committee members at monthly and / or special meetings. These persons represent the PBC® as part of their individual clubs.
 - 7.7. The PBC® EXCO may take on the power and authority needed to achieve the objectives of the organization.
 - 7.8. The PBC® is committed to serving its members.
 - 7.9. The PBC® Committee shall only visit clubs which apply for a visit in writing. These visits shall take place at the member clubs' convenience.

8. MEMBERSHIP

- 8.1. Membership of the PBC shall be open to:
 - 8.1.1. All Motorcycle Clubs registered as MC and MCC clubs as primary members, and;
 - 8.1.2. All organizations / businesses whose sole purpose is to add value/benefits to the motorcycle community these include Riding Groups (RC), Associations, Motorcycle Ministries, businesses, organisations and entities related to the Motorcycle industry as associate members.
- 8.2. The boundaries of the PBC district will be Tshwane Municipal boundaries.
- 8.3. Those clubs or other entities which are situated outside the Tshwane municipal boundaries shall join the Council/Association closest to them.
- 8.4. Detailed issues related to PBC membership are covered in **Addendum “B”**
Bylaw PBC membership

9. PBC COPYRIGHT AND INTELLECTUAL PROPERTY

- 9.1. All materials published by the PBC® is copyright protected and must include the official name;
- 9.2. The PBC® EXCO may recall any publication with good reason if such publication is incompatible with the objectives of the PBC®.
- 9.3. A copy of all publications must be sent to the PBC® EXCO for approval.
- 9.4. PBC® communications must include information related to activities and indicate whether such listed activities are an approved - or supported event.
- 9.5. The PBC® events calendar, shall be published on the Website.
- 9.6. All information disseminated by the PBC® are regarded as confidential and is for the attention and benefit of PBC members only.
- 9.7. The PBC® shall provide advertising for PBC® members only.



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- 9.8.** All other advertising will be at the discretion of the PBC® EXCO.
- 9.9.** Only written, faxed or e-mailed correspondence addressed to the PBC® will be attended to.
- 9.10.** The PBC® e-mailing list is used exclusively for record keeping and needs to be kept confidential.
- 9.11.** The PBC® e-mailing list may under no circumstances be distributed to any third parties for any purpose unless consent of individual members has been obtained. This prescript is affected to adhere to POPI legislation.

10. EVENTS

- 10.1.** The PBC® shall co-ordinate the annual events calendar for events hosted by PBC® member clubs and publish all dates of events for all motorcycle clubs in South Africa, stipulating PBC® dates.
- 10.2.** Detailed issues related to PBC membership are covered in **Addendum “C” Bylaw PBC Events**

11. CODE OF CONDUCT FOR MEMBERS OF THE PBC

- 11.1.** The code of conduct shall be binding on members and office bearers of the PBC®.
- 11.2.** The Code of Conduct for the PBC is contained in **Addendum “D” Bylaw PBC Code of Conduct**

12. PBC BYLAWS

- 12.1.** The PBC EXCO shall draft, consider and approve all bylaws;
- 12.2.** The PBC EXCO shall consider any amendment of the PBC®'s By-Laws.
- 12.3.** Application by members to have the bylaws amended must be done in writing;
- 12.4.** Any amendment of the bylaws must be accepted by 50% plus one of the EXCO members present at the committee meeting and will be effective immediately.
- 12.5.** The By-Laws must be made available to all members and shall not replace, supersede or be in conflict with this Constitution.

13. AMENDMENTS TO THE CONSTITUTION OR BYLAWS

- 13.1.** This constitution was accepted and enacted at the Annual General Meeting of the PBC® on the 11th of January 2018.
- 13.2.** The PBC EXCO shall consider any recommendation regarding the amendment of the PBC®'s constitution, if the application is made in writing, or at the monthly PBC® meeting where any urgent amendments are needed.



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- 13.3.** After consideration of such amendment and provided that the EXCO deem the amendment necessary, such amendments shall be presented at either the Annual General Meeting or Special Annual General Meeting for approval by 50% plus one of members present.
 - 13.4.** Any amendment accepted by 50% plus one of the members present at the Annual or Special Annual General Meeting will be effective immediately.
 - 13.5.** The Constitution will remain unchanged if the proposed amendments are not accepted by 50% plus one of the members present at the Annual General Meeting or Special General Meeting;
 - 13.6.** The Constitution shall be amended if in conflict with the legislation of the Republic of South Africa.
 - 13.7.** All PBC® members are required to submit a signed copy of the PBC® Constitution, with each page initialled at the annual AGM where an urgent amendment was approved on a Special Annual General Meeting.

14. INDEMNITY

- 14.1.** The PBC® remains a separate, independent legal entity responsible for its actions.
- 14.2.** All PBC® members and their guest(s) participate voluntarily and at their own risk in PBC® and member activities.
- 14.3.** The PBC®, its subsidiaries and distributors and members are and shall be indemnified and held harmless by the member/guest for any injury or loss to the member/guest or to his or her property which may result from participation in PBC® activities.
- 14.4.** Every member of the PBC® and their guest(s) have no ground for legal action against the PBC®, its distributors and its subsidiaries, and respective agents and employees for any injury, damage or loss sustained by them or their property.

15. DISBANDMENT

- 15.1.** The organization may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.
- 15.2.** Upon the winding up of the PBC, any assets remaining after satisfaction of the liabilities of the PBC, shall be distributed amongst such other organizations, having as their objects, the development and aid of underprivileged communities and persons in the broader Pretoria area, and which are authorized to collect contributions in terms of the fund-raising Act 107 of 1978, as may be decided upon by the members at the meeting at which it was decided to terminate the PBC.



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16. ENACTMENT OF THE CONSTITUTION OF THE PBC

THE ORIGINAL VERSION OF THE CONSTITUTION WAS SIGNED AND
ACCEPTED BY THE CHAIRPERSON.

SIGNED AT PRETORIA ON THIS _____ DAY OF _____
2023.

CHAIRPERSON

FULL NAME: