

CONSTITUTION

OF THE

CURTAIN MAKERS AND ALLIED PRODUCTS ASSOCIATION

1. NAME

The name of the Association shall be **THE CURTAIN MAKERS AND ALLIED PRODUCTS ASSOCIATION.**

2. DEFINITIONS

Any expression used in this Constitution and which is defined in the Labour Relations Act, 1995 (Act 66 of 1995) shall have the same meaning as in that Act. Words importing to masculine gender shall include females; further, unless inconsistent with the context.

3. OBJECTS

The objects of the Association shall be:

- (a) To promote and to protect the interests of the Association, to encourage co-operation and to deal with all such matters as may affect their common interests;
- (b) to promote, support or oppose as may be deemed expedient, any legislative or other measures affecting the interest of the Association or its members;
- (c) to confer with the Government, Provincial Administration or local authorities and their Departments and all other interested bodies of concern to, or likely to be of concern to the Association;

- (d) to be affiliated to any Association or Organisation as may be decided upon by the Association from time to time;
- (e) to collect and disseminate information likely to be of use to members;
- (f) to encourage and assist in the settlement of disputes by enquiry, conciliation, arbitration and/or any other method prescribed under the Labour Relations Act 1995;
- (g) to assist in determining and regulating in such manner as may from time to time prove necessary and/or advisable, conditions of employment pertaining to employees engaged in the Curtain Makers and Allied Products Industry and any measures affecting such employees;
- (h) to regulate relations between the members or some of them and their employees or some of them;
- (i) to arrange and promote the adoption of equitable forms of contract and other undertakings for common use and application in the Curtain Makers and Allied Products Industry;
- (j) to promote a high standard of quality, design and workmanship in the Curtain Makers and Allied Products Industry;
- (k) to promote and encourage propaganda on behalf of the Curtain Makers and Allied Products Industry, by advertisements, exhibitions or otherwise.
- (l) to purchase, acquire, hold and deal with property either fixed or movable;
- (m) to establish and maintain and/or assist in the establishment or maintenance of any fund or committee formed or which may be formed for the protection of the interests of the Association or its members, or for the protection and benefit of employees, or for the benefit and protection of the joint interests of employers and employees in the Curtain Makers and Allied Products Industry; provided that no fund which is not subject to control under any law shall be established until the rules governing such fund have been incorporated in this

Constitution and have been approved by the Registrar of Labour Relations in terms of the Labour Relations Act, 1995;

- (n) to provide legal assistance to members where deemed necessary;
- (o) to do all such other lawful things as may appear to be in the interests of the Association and/or its members.

4. **STATUS OF THE EMPLOYERS ORGANISATION**

This Employers Organisation shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name and shall be an organisation not for gain.

5. **MEMBERSHIP**

1. Employers engaged in the Curtain Makers and Allied Products Industry within the Provinces of Gauteng, North-West, Northern, Mpumalanga, the Free State and Northern Cape shall be eligible for membership of the Association.
2. For the purpose of this Constitution the Curtain Makers and Allied Products Industry shall, without in any way limiting the ordinary meaning of the term, mean the Industry in which employers and their employees are associated for the carrying on of any one or more of the following activities:

The design and/or assembly and/or manufacture of curtains, pelmets, blinds, bedspreads, quilted bedspreads, nightfrills and scatter cushions, but excluding inner and outer garments and upholstery cushions.
3. Except as provided in sub-clause (7), applications for membership shall be lodged in writing with the Secretary and shall be accompanied in each case by the entrance fee and subscription prescribed in clause six of this Constitution.
4. Applications for membership shall be considered by the Executive Committee within one month from the date of receipt thereof by the Secretary and the applicant concerned shall be notified in writing by the Secretary of the

decision of the Executive Committee within 7 days of the date of such decision.

5. If an applicant is dissatisfied with a decision of the Executive Committee in terms of this clause, he shall have the right of appeal to the first ensuing General Meeting of the Association whose decision shall be final.
6. An applicant to whom admission to membership is refused, shall be entitled to a refund of the entrance fee and subscription paid by him on application.
7. A member who has resigned or been expelled from the Association may be re-admitted to membership on such conditions as the Executive Committee may determine. Where an applicant for re-admission considers the conditions fixed by the Executive Committee unreasonable, he may appeal to the first ensuing General Meeting of the Association whose decision shall be final.
8. An appeal in terms of sub-clause (5) or sub-clause (7) of this clause shall be lodged in writing with the Secretary and the applicant shall be afforded an opportunity to state his case personally to a General Meeting, and may if he so desires, call witnesses in support of any statements made by him.
9. Every member shall notify the Secretary in writing, of his postal address and any change thereof within 14 days of the date on which the change took place.

6. ENTRANCE FEES AND SUBSCRIPTIONS

1. An entrance fee not exceeding R350-00, the actual amount to be determined from time to time by a General Meeting, shall be payable on application for membership.
2. Each member shall pay monthly in advance to the Association subscription not exceeding R500-00, the actual amount to be determined from time to time by a General Meeting.

3. Monthly subscriptions shall fall due on the 1st day of each month and shall be payable within 30 days after due date.
4. The first annual subscription payable by an applicant for membership in terms of sub-clause (3) of Clause 5, shall fall due and be paid on the date of application.
5. The Executive Committee may, subject to approval of a General Meeting of the Association, exempt any member or applicant for membership in whole or in part for any period from the obligation to pay annual subscription.

7. MEETINGS

1. A General Meeting of members of the Association shall ordinarily be held at least once per annum on a date to be fixed by the Chairman. Such General Meeting may be the Annual General Meeting.

Special General Meetings shall be called whenever desired by a majority of the Executive Committee or upon a requisition signed by not less than one-third of the members of the Association in good standing. Such Special General Meeting shall be called within one month from the date of the decision of the majority of the Executive Committee or from the date of receipt of the requisition by the Chairman.

2. The Annual General Meeting of the Association shall be held in the month of July, in each year or as soon as possible thereafter, but not later than the month of December in each year.
3. Notices of General Meetings showing the business to be transacted thereat shall be given to members in writing by the Secretary not less than 7 days before the dates of such meetings; provided that in the case of Special General Meetings such shorter-written notice being not less than 48 hours, as may be decided by the Chairman, may be given.
4. If the Chairman so decides all motions at the General Meeting shall be reduced in writing and shall be delivered to the presiding officer to be read at the meeting. No motion shall be considered unless seconded. All matters

forming the subject of motions shall, unless otherwise provided herein, be voted upon by show of hands or by ballot and shall, unless otherwise provided herein, be decided by the votes of a majority of those present except in the case of elections where the candidates up to the required number receiving the highest number of votes shall be declared elected.

5. All matters of procedure on which this Constitution is silent shall be decided on motion by a majority vote of members present at a General Meeting.
6. The Executive Committee shall ordinarily meet at least once every 6 (six) months on a date to be fixed by the Chairman. Special meetings of the Executive Committee shall be called by the Chairman whenever he deems it advisable or upon a requisition signed by not less than one-third of the members of the Committee, in which event the meeting shall be called within 14 days of receipt of the requisition by the Chairman.
7. Members of the Executive Committee shall be notified in writing of the time and place of meetings of the Committee by the Secretary at least 7 days before the dates of such meetings; provided that shorter notice being not less than 24 hours, as may be decided by the Chairman, may be given in respect of Special Meetings. To every notice of meeting an Agenda shall be attached. All matters for consideration by the Executive Committee shall be decided on motion duly seconded and voted upon by show of hands or by ballot.
8. The quorum for any General Meeting shall be 33% of the Association's members in good standing and the quorum for meetings of the Executive Committee shall be 75% of the members of the Committee. If within 30 minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day in the week following (and if that day is a public holiday then to the next succeeding working day) at the same time (unless the Chairman determined another time) and place. At such adjourned meeting of which written notice shall be given, the Members present shall form a quorum.
9. At every General Meeting the Minutes of the last preceding General Meeting shall be read by the Secretary and signed by the presiding officer after

confirmation. Minutes of meetings of the Executive Committee shall be similarly dealt with by that body.

10. Notwithstanding the provisions of sub-clause (9), it shall be competent for a meeting to authorise the presiding officer to sign and confirm minutes as correct if after perusal thereof he is of the opinion that the minutes reflect a true record of the proceedings. Minutes so confirmed shall be deemed to be confirmed in terms of sub-clause (9).
11. The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of the meeting.

8. EXECUTIVE COMMITTEE

1. (a) The Management of the affairs of the Association between General Meetings shall be vested in an Executive Committee consisting of the Chairman, the Vice-Chairman and four other Members of the Association who shall be elected at the Annual General Meeting of the Association on nomination duly seconded and voted upon by ballot or by show of hands. They shall subject to the provisions of sub-clause (3) hold office until the next Annual General Meeting and be eligible for re-election on termination of their period of office. The Chairman and Vice-Chairman of the Executive Committee shall *ipso facto* be Chairman and Vice-Chairman of the Association.
- (b) The Executive Committee shall have the power, to co-opt at its discretion not more than two persons to serve on the Executive Committee whether by so doing the number prescribed in paragraph (a) be exceeded or not, but such persons shall not have the power and privileges nor be subject to the same disabilities as Members elected at an Annual General Meeting.
- (c) The Executive Committee may, at the first meeting following the annual election, appoint a treasurer from amongst its members.
- (d) Vacancies occurring on the Executive Committee shall be filled at the first ensuing General Meeting on nomination duly seconded and voted

upon by ballot or by show of hands. Where a vacancy occurs subsequent to the date on which the notice of that meeting was issued it shall be filled at the next ensuing General Meeting. Nominations for the vacancy shall be submitted to the Secretary in writing at any time before the meeting or may be made verbally at the meeting.

A member appointed to fill a vacancy shall, subject to the provisions of sub-clause (3) hold office for the unexpired portion of the period of office of his predecessor.

2. Nominations for membership of the Executive Committee shall, subject to the provisions of paragraph (d) of sub-clause (1), be lodged in writing with the Secretary before the date of the Annual General Meeting or may be made verbally at the Annual General Meeting.
3. A member of the Executive Committee shall vacate his seat in any one of the following circumstances:
 - (a) On resignation, suspension, or expulsion from membership of the Association;
 - (b) on absenting himself without the permission of the Executive Committee from three consecutive General Meetings or meetings of the Committee;
 - (c) On ceasing to be in good standing;
 - (d) On resigning by giving one month's notice to the Secretary;
 - (e) On abandoning or discontinuing the business or interests which entitled him to membership.
4. The Executive Committee shall, subject to the general direction and control of General Meetings and to the provisions of this Constitution, have power:
 - (a) To make recommendations to the Association;

- (b) to appoint, on such terms and conditions as it may deem fit, and at its discretion remove or suspend a Secretary to the Association and such attorneys, agents or clerks for permanent, temporary or special services; to determine their duties and fix and vary their salary or emoluments;
- (c) to appoint from time to time such sub-committees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the Executive Committee;
- (d) to admit or refuse to admit employers to membership of the Association, to fix the conditions under which former members of the Association may be re-admitted to membership, and to suspend, fine or expel any Member if he infringes any of the terms of this Constitution or acts in a manner which is detrimental to the interests of the Association;
- (e) to institute or defend legal proceedings by or against the Association, or on behalf of, or against individual members where deemed necessary;
- (f) to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the Association, and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the Association; provided that no immovable property shall be acquired or sold nor shall it be mortgaged, let or leased for a period longer than five years, unless at least 14 days written notice of intention to do so has been given to each Member of the Association by the Secretary. If during this period not less than one third of the members demand that a ballot be taken on the proposed action, such ballot shall be taken;
- (g) to deal with disputes between Members and their employees and to endeavour to settle disputes by conciliatory methods;
- (h) to open banking and/or savings accounts in the name of the Association and, should the necessity arise, to negotiate an overdraft

with the bank upon such security as the Executive Committee may decide;

- (i) to provide legal assistance where deemed necessary to any Member or Members on matters affecting their industrial interest;
- (j) to do such other lawful things as, in the opinion of the Executive Committee appear to be in the interest of the Association or of its Members.

9. **OFFICE-BEARERS AND OFFICIALS**

1. The duties of the Office-Bearers and Officials of the Association shall be:
 - (a) **Chairman** – The Chairman shall preside at all meetings at which he is present, enforce observance of the Constitution of the Association, sign minutes of meetings after confirmation or on authority to confirm in terms of sub-clause (10) of clause seven, generally exercise supervision over the affairs of the Association and perform such other duties as by usage and custom pertaining to the office. He shall not have a deliberative vote, but shall, in the event of equality of voting, have a casting vote.
 - (b) **Vice-Chairman** – the Vice-Chairman shall exercise the powers and perform the duties of the Chairman in the absence of the latter.
 - (c) **Secretary**
 - (i) The Secretary shall receive requisitions for meetings; issue notices of meetings; conduct all correspondence of the Association; keeping originals of letters received and copies of those despatched; attend all meetings and record minutes of the proceedings; keep a register of all Members past and present; record therein every Member's address; name; and date of enrolment; and, in the event of the resignation or expulsion of a Member, the date thereof, and in the case of expulsion also the reason thereof; collect entrance fees, subscriptions, fines and levies; issue official receipts for

monies received; bank all monies within 7 days of receipt; co-sign cheques; submit reports in regard to the financial position of the Association to the Executive Committee not less than once every three months; and perform such other duties as the Executive Committee or a General Meeting may direct. He shall have no voting power and may resign by giving one months' notice to the Executive Committee.

- (ii) In addition to the duties laid down in sub-paragraph (i) the Secretary shall perform the duties imposed on the Association by sections 98, 99 and 100 (Ninety-eight, Ninety-nine and One Hundred) of the Labour Relations Act, 1995 relating to the retention of records and the supply of information to the Registrar of Labour Relations.

(d) **Treasurer**

- (i) The Treasurer, if appointed, shall be responsible for the funds of the Association, endorse all accounts for payment after approval by the Executive Committee and sign all cheques on the banking account of the Association.
- (ii) The Executive Committee shall have the power to vary or alter the powers and duties of the Treasurer and to allocate to other Office-Bearers or Officials such of the Treasurer's duties as the Executive Committee may in its discretion direct.

2. **ACTING CHAIRMAN**

In the event of both the Chairman and the Vice-Chairman being temporarily unable to perform their duties, the Executive Committee shall appoint a member of the Committee to act as Chairman until the Chairman or Vice-Chairman is able to resume his duties, or, in the event of the Chairman and Vice-Chairman being permanently unable to perform their duties, until the next ensuing General Meeting when a new Chairman and Vice-Chairman shall be elected in accordance with the provisions of paragraph (d) of sub-clause (1) of clause eight.

10. **REMOVAL OF OFFICE BEARERS AND OFFICIALS**

- (1) An office-bearer or official may be removed from office –
 - (a) if he/she infringes any of the provisions of this Constitution; or
 - (b) if he/she acts in a manner which is detrimental to the interests of the organisation.
- (2) No office-bearer or official may be removed from office unless he/she has been afforded a chance to state his/her case personally at a meeting of the executive committee.
- (3) An office-bearer or official who has appeared before the executive committee and who is dissatisfied with the decision of the committee shall have the right to appeal to the first ensuing general meeting of the organisation. Notice of appeal shall be given to the secretary, in writing, within seven days of the date on which the decision of the executive committee was communicated to the person concerned. The general meeting may confirm or reverse the decision of the executive committee and the decision of the general meeting shall be final.

11. **FINANCE**

1. The funds of the Association shall be applied to the payment of expenses, the acquisition of property and the attainment of the objects of the Association specified in Clause three.
2. All amounts due to or collected on behalf of the Association shall be paid to the Secretary who shall deposit them in such bank and/or building society and/or deposit receiving institution as may be decided upon by the Executive Committee; provided that any surplus funds not for the time being required for the purposes specified in sub-clause (1) may be invested upon such security and on such terms and conditions as the Executive Committee may decide.
3. Payments shall require the prior approval of the Executive Committee and shall be made by cheque. All cheques shall bear the signature of the Treasurer together with that of the Secretary. In the absence of the Treasurer

or Secretary, cheques shall be signed instead by a member of the Committee appointed by it for that purpose.

4. No single item of expenditure in excess of Five Thousand Rand (R5 000)(other than the remuneration of employee of the Association) shall be met from the funds of the Association unless such expenditure is approved by the members voting by ballot or by show of hands.
5. A General Meeting may at any time with a view of securing funds for any particular purpose, impose a levy not exceeding Five Hundred Rand (R500) in any calendar year or One Hundred Rand (R100) per month for a period not exceeding six months of each member of the Association; provided that notice of the proposed levy appeared in the agenda for the meeting.
6. The Secretary shall, in accordance with the provisions of section Ninety-eight of the Labour Relations Act 1995, prepare a statement of Income and Expenditure and a Balance Sheet in respect of each financial year ending on 30th June. Such statements and Balance Sheet shall be audited and dealt with as required by the said section of the Act.
7. A Member who resigns or who is expelled from membership, shall have no claim on the funds of the Association.
8. No portion of the income or property of the Association shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit, to the members of the Association; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servant of the Association or to any member thereof, in return for any services actually rendered to the Association.

12. **REPRESENTATION ON BARGAINING COUNCILS**

AND SUCH LIKE BODIES

1. A General Meeting may at any time decide that the Association shall become a party to a Bargaining Council.
2. The representatives of the Association on any body shall be appointed by the Executive Committee.

3. Representatives on a Bargaining Council may be removed by the Executive Committee and may resign on giving one month's notice to the Committee or such notice as may be prescribed in the Constitution of the Bargaining Council.
4. In the event of the resignation or death of a representative or his removal by the Executive Committee, the Executive Committee shall appoint a new representative.
5. Representatives shall have full power to enter into agreements on behalf of the Association and such agreements shall not be subject to ratification by the Executive Committee or a General Meeting.
6. (a) A General Meeting may similarly decide that the Association shall become a party to any other statutory or non-statutory body, board, council or other lawful organisations.

(c) The provisions of sub-clause (2) to (4) inclusive shall, *mutatis mutandis* apply in respect of the representatives of the Association.

13. **BALLOTS**

1. In addition to those cases in respect of which the taking of a ballot is compulsory in terms of this Constitution, a ballot on any question shall be taken:
 - (a) If a General Meeting or the Executive Committee so decide, or
 - (b) if demanded in writing by not less than one-third of the Members of the Association in good standing, or
 - (c) on any proposal to declare or take part in a lock-out.
2. Ballots shall be conducted in the following manner:
 - (a) Notice of a ballot shall be given to each Member of the Association in writing by the Secretary at least 7 days before the ballot is to be taken; provided that a ballot may be taken without notice at any General Meeting on the decision of the majority of the Members present.

- (b) Two scrutineers shall be appointed by the Executive Committee or a General Meeting to supervise any ballot and to ascertain the result thereof.
- (c) Ballots, other than postal ballots shall be conducted at the place, on the date and during the hours as may be specified in the notice referred to in paragraph (a) of this sub-clause.
- (d) Ballot papers shall be provided by the Executive Committee and shall not contain any information by means of which it would be possible to identify the voters.
- (e) One ballot paper only shall be issued on demand at the place and during the hours fixed for taking of the ballot, to each Member, who is entitled to vote.
- (f) Each voter shall, in the presence of the scrutineers, be issued with one ballot paper which he shall thereupon complete, fold and deposit in a container provided for the purpose.
- (g) Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a Member in recording his vote. Papers bearing any other mark or marks shall be regarded as spoilt and shall not be counted.
- (h) On completion of the ballot or as soon thereafter as possible the result thereof shall be ascertained by the scrutineers in the presence of the Secretary and made known through this official. In the case of election the candidates up to the required number receiving the highest number of votes shall be declared elected.
- (i) Ballot containers shall be inspected by the scrutineers prior to the issue of ballot papers.
- (j) Ballot papers, including spoilt papers, shall be placed in a sealed container again after they have been counted and shall be retained by the Secretary for not less than three years.

3. A General Meeting or the Executive Committee may decide that a postal ballot of Members be taken in which event the ballot shall be conducted in the following manner:
 - (a) The Secretary shall send by post to each Member of the Association a ballot paper and a stamped and addressed envelope marked “**ballot**”. The ballot paper shall on completion be inserted in the envelope provided for the purpose and posted so as to reach the Secretary within 14 days from the date of despatch from the Association’s office to such Member. On receipt of such envelopes, the Secretary shall immediately place them in a sealed ballot container.
 - (b) Two scrutineers shall be appointed by the Executive Committee to ascertain the result of the ballot. The ballot container shall be opened and the ballot papers counted by the scrutineers in the presence of the Secretary who shall immediately advise the Executive Committee of the result of the ballot.
 - (c) The provisions of paragraph (d), (g), (i) and (j) of sub-clause (2) shall *mutatis mutandis* apply in the case of a postal ballot.
4. The Executive Committee shall, be bound to take action according to the decision of a majority of the members voting by ballot.
5. No ballot involving the declaration of or participation in a lock-out shall be taken until the matter giving occasion therefor has been dealt with as provided in section’s sixty-four and sixty-five of the Labour Relations Act, 1995.
6. Notwithstanding anything to the contrary contained in this Constitution, members of the organisation shall not be disciplined or have their membership terminated for failure or refusal to participate in a lock-out, if –
 - (a) No ballot was held about the lock-out; or
 - (b) a ballot was held but a majority of the members who voted did not vote in favour of the lock-out.

14. **FINES**

Wherever in this Constitution provision is made for the imposition of a fine on a Member, such fine shall not exceed Twenty Rand (R20-00) in the case of a first offence, and Fifty Rand (R50-00) in respect of any subsequent offence.

15. **DISCIPLINE**

1. A Member may be suspended, fined or expelled as may be determined by the Executive Committee if:

- (a) He fails within 30 days of demand in writing by the Secretary to pay subscriptions, fines or levies which are more than three months in arrears;
- (b) he infringes any of the terms of this Constitution or acts in a manner which is detrimental to the interests of the Association and/or one or more of its Members;

provided that there shall be a right of appeal against suspension, the imposition of a fine or expulsion to the first ensuing General Meeting. Notice of any such appeal shall be given to the Secretary in writing within 7 days from the date on which the decision of the Executive Committee was communicated to the person concerned.

- 2. No members may be suspended, fined or expelled unless he had been afforded an opportunity to state his case personally at a meeting of the Executive Committee, of which he has received not less than 14 days notice in writing from the Secretary. The matter with which the Member is charged shall be set out in such notices.
- 3. A member who has appeared before the Executive Committee in accordance with the provisions of sub-clause (2) shall, if he is dissatisfied with the decision of the Executive Committee and has lodged an appeal in the manner herein provided, have the right to restate his case personally to the General Meeting which considers the matter.
- 4. A Member shall be entitled to call witnesses in support of his case when attending a meeting of the Executive Committee in terms of sub-clause (2) or a General Meeting in terms of sub-clause (3).

5. Any decision taken by the Executive Committee in terms of this Clause shall, when an appeal has been lodged in the prescribed manner, be subject to ratification or otherwise by a General Meeting.
6. Upon expulsion of a Member, all monies due to the Association by such Member shall become payable. If payment thereof is not made within 30 days the Executive Committee may take such steps as it deems necessary to secure a settlement.
7. (a) A member shall cease to be entitled to any of the benefits of membership, including the right to vote and shall be deemed to be out of good standing –
 - (i) If the subscriptions or charges due by him to the Association are more than three months in arrear;
 - (ii) during any period while he is under suspension in terms of this Constitution.
- (c) In the event of the subscriptions or other charges due to the Association by a Member being more than three months in arrears, he shall continue to be subject to the disabilities imposed by paragraph (a) until all arrears have been paid.

16. **RESIGNATIONS**

1. A Member may resign at any time by giving one month's written notice to this effect to the Secretary, provided that no resignation shall take effect until all monies to the Association by the Member concerned have been paid.

17. **WINDING-UP**

1. The Association may be wound up if at a Special General Meeting for the purpose or at a ballot conducted in a manner prescribed in the Constitution not less than 75 percent of the total number of Members of this Association in good standing vote in favour of a resolution that the Association be wound up.
2. If a resolution for the winding-up of the Association has been passed as provided in sub-clause (1), or for any reason the Association is unable to continue to function, the following provisions shall apply:

- (a) The last-appointed Chairman of the Association or, if he is not available, the available Members of the last-appointed Executive Committee of the Association shall forthwith transmit to the Labour Court, a statement signed by him/her or them setting forth the resolution adopted or the reasons for the Association's inability to continue to function, as the case may be and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act, 1995.
- (b) The liquidator so appointed shall call upon the last-appointed office-bearers and officials of the Association to deliver to him/her the Association's books of account showing the Association's assets and liabilities together with the register of Members owing for the twelve months prior to the date on which the resolution for the winding-up was passed or the date from which the Association was unable to continue to function, as the case may be, hereinafter referred to as the date of dissolution, the subscriptions paid by each Member and his address as at the said date. The liquidator shall also call upon the said office-bearers and officials of the Association to hand over to him/her all unexpended funds of the Association and to deliver to him the Association's assets and the documents necessary in order to liquidate the assets.
- (c) The liquidator shall take the necessary steps to liquidate the debts of the Association from its unexpended funds and any other monies realised from any assets of the Association and if the said funds and monies are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid shall, subject to the provisions of paragraph (e), be the same as that prescribed in any law for the time being in force relating to the distribution of the assets expenses of winding-up shall rank in order as though the expense were the cost of sequestration of an insolvent estate.
- (d) After the payments of all debts in accordance with paragraph (c), the remaining funds, if any, shall be given or transferred by the liquidator to some other Association or Society as may be determined by not less than 60 percent of the members in good financial standing as at

the date of dissolution, which shall have similar objects and shall operate in the Curtain Makers Industry, failing which to such Association with similar objects as the members may determine.

- (e) The liability of Members shall for the purposes of this clause be limited to the amount of subscriptions due by them to the Association in terms of the Constitution as at the date of dissolution.

18. **AMENDMENTS**

Any of the provisions of this Constitution may be repealed, amended or added to in any manner by resolution of a General Meeting of the Association; to in any manner by resolution of a General Meeting of the Association; provided that at least 14 days' notice of any proposed alteration shall have been given to Members. If within that period one-third of the Members demand in writing that a ballot of the Members of the Association be taken on the matter, such ballot shall be taken.

No amendment or addition shall have any force or effect until certified in terms of Section 101 of the Labour Relations Act, 1995.

CHAIRMAN OF THE ASSOCIATION

SECRETARY OF THE ASSOCIATION

DATED 15TH AUGUST 1997