

PROPOSED CONSTITUTIONAL AMENDMENTS

In terms of the resolution of the Executive Committee Meeting on 19 August 2017, followed by the Constitutional Congress held on 21 October 2017, the lessons learnt from that experience and in line with the CAF and FIFA Statutes, our Legal and Constitutional Committee was mandated to draft certain proposed amendments in terms of Article 29 of the current SAFA Statutes and other legal instruments, constituting the legal framework of SAFA.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 1 - Definitions			
Article	OLD	NEW	MOTIVATION
	NIL	REO: Means the Regional Executive Officer	

Amendment 2 - Definitions			
Article	OLD	NEW	MOTIVATION
	SAFA Council	SAFA NEC	

Amendment 3 - Definitions			
Article	OLD	NEW	MOTIVATION
	Special Member: means the National Soccer League or The League (incorporating Premier Soccer League)	Special Member: means the National Soccer League (incorporating Premier Soccer League and the National First Division).	The League should be referred to as the National Soccer League because this is the correct terminology.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 4 - General

Article	OLD	NEW	MOTIVATION
	SAFA Council	SAFA NEC must replace the words SAFA Council wherever it appears in these Statutes	

Amendment 5 - General

Article	OLD	NEW	MOTIVATION
	Council Member	NEC Member must replace the words Council Member wherever it appears in these Statutes	

Amendment 6 - Article 10.3

Article	OLD	NEW	MOTIVATION
10.3.5	NIL	All Members including Associate Members and the Special Member shall be subordinate to SAFA	There can only be one National Association that controls football in South Africa. All other structures affiliated to SAFA are logically subordinate to the controlling body and this is recognised by FIFA.

Amendment 7 - Article 13

Article	OLD	NEW	MOTIVATION
13.1.12	NIL	To immediately communicate to SAFA of its intention to discuss, consider or to enter into negotiations with a sponsor or any person or a group of persons for a sponsorship or the raising of funds.	The members of SAFA must be accountable for all of its activities including the raising of funds and sponsorships. In order to avoid any potential conflict of interest and to have a unified common approach which is no doubt in the best interest of football, SAFA must take the lead in this regard.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 8 - Article 13			
Article	OLD	NEW	MOTIVATION
13.1.13	NIL	To ensure every sponsorship without exception is negotiated in the best interest of football in the country in consultation with SAFA and with the written permission of SAFA.	The members of SAFA must be accountable for all of its activities including the raising of funds and sponsorships. In order to avoid any potential conflict of interest and to unified common approach which is no doubt in the best interest of football, SAFA must take the lead in this regard.

Amendment 9 - Article 13			
Article	OLD	NEW	MOTIVATION
13.1.14	Nil	To comply with the club licensing regulations of SAFA, CAF and or FIFA.	This is a FIFA and CAF requirement. It is clear that in the top structures, especially for our teams playing in the continental and international matches, the best standards must be on display so as to grow the game and the revenue around football.

Amendment 10 - Article 13			
Article	OLD	NEW	MOTIVATION
13.1.15	13.1.12	13.1.12 should be changed to 13.1.15	Numbering change

Amendment 11 - Article 13			
Article	OLD	NEW	MOTIVATION
13.1.6	Article 70.5	Article 71.5	There is no Article 70.5 The error will be corrected by referring to Article 71.5 in line 6

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 12 - Article 25

Article	OLD	NEW	MOTIVATION
25.2	Any person, except the Chairperson of The League shall be eligible for election as President, or Member of the Council provided that such person is nominated by a member in good standing and complies with the eligibility provisions of the SAFA Electoral Code.	Any person, except the Chairperson of The National Soccer League shall be eligible for election as President, or Member of the NEC provided that such person is nominated by a member in good standing and complies with the eligibility provisions of the SAFA Electoral Code.	The Chairperson of the National Soccer League automatically becomes the fourth Vice-President of SAFA as stipulated in the current Statutes.

Amendment 13 - Article 25

Article	OLD	NEW	MOTIVATION
25.6	Sixty (60) days prior to the date of the elective Congress the Chief Executive Officer shall distribute nomination forms to Members per registered post duly certified.	Deleted in its entirety	The intention is to avoid the unnecessary and complicated procedure previously adopted in respect of the SAFA elections. Not only are the old provisions difficult to understand but they can and may result in wasteful expenditure as was the case in the most recent elections. The point is that our election procedure should be made clear and simple.

Amendment 14 - Article 25

Article	OLD	NEW	MOTIVATION
25.7	Members shall submit the original nomination forms either by registered post duly certified or by hand duly acknowledged by SAFA'S auditor such that they are received at least thirty (30) days prior to the date of the elective congress. The closing date and time shall be specified in a circular distributed by the Chief Executive Officer with the nomination forms.	Members shall submit nominations in writing on their letterheads either by registered post or by hand to the office of the independent Service Provider by no later than sixty(60) days prior to the date of the elective congress.	It is no longer a requirement for the CEO to distribute nomination forms to members. Members will simply be required to submit their nominations within the time limits to the independent Service Provider.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 15 - Article 25

Article	OLD	NEW	MOTIVATION
25.8	No nomination form will be accepted by SAFA unless:-	No nomination will be accepted by SAFA unless:-	Nomination forms prepared by the CEO of SAFA will fall away, thus making the process simpler. Accordingly the word form is deleted wherever it appears in this Article.

Amendment 16 - Article 25

Article	OLD	NEW	MOTIVATION
25.8.1	The nomination form is signed by the President/Chairperson and the secretary of the member submitting the nomination; and	The nomination is signed by the President/Chairperson and the secretary/REO of the member submitting the nomination; and	Nomination forms prepared by the CEO of SAFA will fall away, thus making the process simpler. Accordingly the word form is deleted wherever it appears in this Article.

Amendment 17 - Article 25

Article	OLD	NEW	MOTIVATION
25.8.2	The nominee has submitted to the auditors his/her signed acceptance of the nomination on the form provided for this purpose, or in a copy or facsimile thereof, and this signed acceptance has been received by the auditor at least thirty (30) days prior to the date of the elective Congress.	The nominee has submitted to the independent service provider his/her signed acceptance in writing by registered post or by hand no later than sixty (60) days prior to the date of the elective Congress.	Nomination forms prepared by the CEO of SAFA will fall away, thus making the process simpler. Accordingly the word form is deleted wherever it appears in this Article. In addition the services of auditors is avoided.

Amendment 18 - Article 25

Article	OLD	NEW	MOTIVATION
25.9	The onus shall be on the member concerned to ensure that nominations and acceptances are received by the auditors on or before the closing date.	The onus shall be on the member concerned to ensure that nominations and acceptances are received by the independent service provider on or before the closing date.	Nomination forms prepared by the CEO of SAFA will fall away, thus making the process simpler. Accordingly the word form is deleted wherever it appears in this Article. In addition the services of auditors is avoided.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 19 - Article 25

Article	OLD	NEW	MOTIVATION
25.10	Within seven (7) days after closing date for nominations, the auditor shall submit a list of those persons duly nominated to the Chief Executive Officer. The original nomination forms shall be retained by the auditor.	Within seven (7) days after closing date for nominations, the independent service provider shall submit a list of those persons duly nominated to the Chief Executive Officer. The original nomination forms shall be retained by the independent service provider .	

Amendment 20 - Article 25

Article	OLD	NEW	MOTIVATION
25.11	Within fourteen (14) days of receipt of nominations from the auditors, the Chief Executive Officer shall send the list of nominations as received from the auditors and approved by the Electoral Committee to all Members along with the agenda for the elective congress.	Within fourteen (14) days of receipt of the nominations from the independent service provider, the Chief Executive Officer shall send the list of nominations as received. Such candidates/nominees shall have passed an eligibility test in accordance with SAFA Electoral Code	The envisaged process is simpler and without complications because everything is done in house. The thirty (30) days allows the CEO enough time after the eligibility process is completed to send the list of nomination to all members.

Amendment 21 - Article 25

Article	OLD	NEW	MOTIVATION
25.12	The Chairperson of the Electoral Committee and Members of the Committee will conduct the elections in accordance with the provisions of the SAFA Electoral Code.	The elections shall be monitored and conducted by the scrutineers as stipulated in the standing orders of congress/meetings, with the Chief Executive Officer being the presiding officer	The Electoral Committee is removed and replaced by Scrutineers chosen in the meeting of the Congress, similar to the procedure adopted by CAF and FIFA. The standing orders are referred to in so far as the detailed role played by the Scrutineers is concerned.

Amendment 22 - Article 25

Article	OLD	NEW	MOTIVATION
25.15	Following the election of the President, the President shall announce the names of the Chairperson of the League as the fourth SAFA Vice-President and the three (3) members nominated by the League for Election to the Council as contemplated in Article 32.1.5.	Following the election of the President, the President shall announce the names of the Chairperson of the National Soccer League as the fourth SAFA Vice-President and the three (3) members nominated by the National Soccer League for Election to the NEC as contemplated in Article 32.1.5.	The League should be referred to as the National Soccer League because this is the correct terminology.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 23 - Article 25

Article	OLD	NEW	MOTIVATION
25.18	Should any dispute relating to an election arise during the meeting, the electoral Committee shall rule thereon, and its ruling shall be final and may not be challenged by any candidate, delegate or Member.	Should any dispute relating to an election arise during the meeting, the presiding officer of the elections shall rule thereon, and his ruling shall be final and may not be challenged by any candidate, delegate or Member.	The intention is to do away with the Electoral Committee as it is a waste of time and money. Scrutineers assisted and led by the CEO, as the presiding officer, shall conduct the distribution of ballot papers and any announcement in this regard will be made by the presiding officer before or after the counting. This means that the presiding officer shall announce the result of each ballot and rule on any dispute if necessary.

Amendment 24 - Article 25

Article	OLD	NEW	MOTIVATION
25.20	Should the office of any Member of the Council become vacant, the remaining Members of the SAFA Council shall have the power to co-opt a Member in his or her place in terms of Article 32.1 of this Statute until the next Quadrennial elective Congress, provided that should the office of the President become vacant, the SAFA Council shall, at its next meeting, elect one of the (3) Ordinary Vice-Presidents, other than the League Vice-President, to act as President until the next Ordinary Congress.	Should the office of any Member of the NEC become vacant, the remaining Members of the SAFA NEC shall have the power to co-opt a Member in his or her place in terms of Article 32.1 of this Statute until the next Quadrennial elective Congress, provided, that should the office of the President become vacant, the SAFA NEC shall, at its next meeting, elect one of the three (3) Ordinary Vice-Presidents, other than the National Soccer League Vice-President, to act as President until the next Ordinary Congress.	The League should be referred to as the National Soccer League because this is the correct terminology.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 25 - Article 25

Article	OLD	NEW	MOTIVATION
25.23	The President, Council Members, Chief Executive Officer, Chief Operations Officer and Chief Finance Officer shall not serve on the Executive body of any member.	The President, Vice-Presidents , Chief Executive Officer, Deputy Chief Executive Officer Football and Deputy Chief Executive Officer Business and Finance shall not serve on the Executive body of any member.	The reference to Council Members should be deleted and replaced by Vice-Presidents. It is not the intention to exclude NEC Members (formerly Council members) from serving on the Executive body of any Member of SAFA. The other named officials who occupy senior leadership positions should not serve on the Executive body of any Member to avoid conflicts of interest and to keep their independence. This is a common sense approach for good governance. In addition, noting the Council meeting of 13 October 2018, whereat it approved a new organogram, the positions of COO and CFO as listed in the SAFA Statutes, will now be replaced by a Deputy Chief Executive Officer Football and Deputy Chief Executive Officer Business and Finance, respectively. These title changes will also be replaced where ever mentioned further in the SAFA Statutes

Amendment 26 - Article 26

Article	OLD	NEW	MOTIVATION
26.3	Subject to Article 27.3, the formal convocation shall be made in writing at least thirty (30) calendar days before the date of the Congress. This convocation shall contain the agenda, the SAFA Council's activity report, the financial statements and the auditors' report, the minutes of the last Congress and any other relevant documents.	Subject to Article 27.3, the formal convocation shall be made in writing at least thirty (30) calendar days before the date of the Congress. This convocation shall contain the agenda, the SAFA Council's activity report, the minutes of the last Congress and any other relevant documents.	delete financial statements and auditors report, as it is covered in Article 27.4

Amendment 27 - Article 32

Article	OLD	NEW	MOTIVATION
32	SAFA COUNCIL	SAFA NEC	

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 28 - Article 32

Article	OLD	NEW	MOTIVATION
32.1.2	Vice President, who is the Chairperson of the League;	Vice President, who is the Chairperson of the National Soccer League ;	The League should be referred to as the National Soccer League because this is the correct terminology.

Amendment 29 - Article 32

Article	OLD	NEW	MOTIVATION
32.2	The President and the Members of the SAFA Council shall be elected by the Congress. Every candidate in the election of the SAFA Council must be proposed by at least one Member or be submitted by the Special Member, as the case may be.	The President and the Members of the SAFA NEC shall be elected by the Congress. Every candidate in the election of the SAFA NEC must be proposed by at least one Member or be submitted by the National Soccer League , as the case may be.	The League should be referred to as the National Soccer League because this is the correct terminology.

Amendment 30 - Article 34

Article	OLD	NEW	MOTIVATION
34.1.4	renumber 34.1.4 to 34.1.17 accordingly as 34.1.5 to 34.1.18	shall appoint an Integrity Officer, who shall be an independent person with the requisite legal qualifications. and experience in football.	The Integrity officer should be an independent person from outside of the organisation, who will act on terms and references provided by the Committee for Ethics and Fair Play

Amendment 31 - Article 40

Article	OLD	NEW	MOTIVATION
40.2	The Management Board shall consist of the President of SAFA, the four (4) Vice-Presidents, the nine (9) Provincial Chairpersons and one (1) female Member chosen from amongst the SAFA Council Members. The Chief Executive Officer, the Chief Operations Officer and the Chief Finance Officer shall be ex-officio Members without the right to vote	The Management Board shall consist of the President of SAFA, the four (4) Vice-Presidents and ten (10) persons including one (1) female Member chosen from amongst the SAFA NEC Members. The Chief Executive Officer, the Deputy Chief Executive Officer Football and Deputy Chief Executive Officer Business and Finance shall be ex-officio Members without the right to vote	The reference to the nine provincial chairpersons is deleted. The said provincial chairpersons have been given greater powers in their respective provinces as envisaged in Article 19A. The management Committee is similar to the Bureau of the Council in terms of Article 38 of the FIFA Statutes. The ten (10) persons may be the Chairpersons of the Cluster Committees or determined on some other important criteria. In addition, noting the Council meeting of 13 October 2018, whereat it approved a new organogram, the positions of COO and CFO as listed in the SAFA Statutes, will now be replaced by a Deputy Chief Executive Officer Football and Deputy Chief Executive Officer Business and Finance, respectively. These title changes will also be replaced where ever mentioned further in the SAFA Statutes

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 32 - Article 62

Article	OLD	NEW	MOTIVATION
62	COMMITTEE FOR ETHICS AND FAIR PLAY	COMMITTEE FOR ETHICS AND FAIR PLAY	moved to align with the judicial bodies and becomes Article 70. subsequent articles numbering adjusted

Amendment 33 - Article 66

Article	OLD	NEW	MOTIVATION
66.1	The Chief Executive Officer represents SAFA legally and is entitled to sign for SAFA.	DELETE in its entirety	This is provided for in Article 39.1

Amendment 34 - Article 66

Article	OLD	NEW	MOTIVATION
66.3	He/She shall be appointed on the basis of an agreement governed by private/labour law and shall have the necessary professional qualifications.	He/She shall be appointed subject to an eligibility check and may be dismissed by the NEC.	This provides for the basis of the appointment and dismissal of the CEO. Similar to the FIFA Statutes, the CEO is subject to an eligibility check.

Amendment 35 - Article 66

Article	OLD	NEW	MOTIVATION
66.4.2	attending the Congress and meetings of the SAFA Council, Emergency Committee and the standing and ad-hoc committees;	attending the Congress and meetings of the SAFA NEC, Management Board and the standing and ad-hoc committees;	Delete the reference to the Emergency Committee and replace it with Management Board.

Amendment 36 - Article 66

Article	OLD	NEW	MOTIVATION
66.4.8	Organising the general secretariat/administration;	Organising the general secretariat/administration which is responsible for:	By adding the tasks to be performed by the general secretariat under the General Secretary, aligning our Statutes with that of Article 36 of the FIFA Statutes.

Amendment 37 - Article 66

Article	OLD	NEW	MOTIVATION
66.4.8.1		Organisation of competitions and all related matters, in accordance with the decisions and directions of the NEC;	By adding the tasks to be performed by the general secretariat under the General Secretary, aligning our Statutes with that of Article 36 of the FIFA Statutes.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 38 - Article 66			
Article	OLD	NEW	MOTIVATION
66.4.8.2		The negotiation, execution and performance of all commercial contracts, in accordance with the standards, policies and procedures established by the NEC;	By adding the tasks to be performed by the general secretariat under the General Secretary, aligning our Statutes with that of Article 36 of the FIFA Statutes.

Amendment 39 - Article 66			
Article	OLD	NEW	MOTIVATION
66.4.8.3		Administrative support for the standing committees of SAFA;	By adding the tasks to be performed by the general secretariat under the General Secretary, aligning our Statutes with that of Article 36 of the FIFA Statutes.

Amendment 40 - Article 66			
Article	OLD	NEW	MOTIVATION
66.4.8.4		Management of the operations and day-to-day business of SAFA, in accordance with the parameters established by the NEC and within the Budget established by the Finance Committee or NEC; and	By adding the tasks to be performed by the general secretariat under the General Secretary, aligning our Statutes with that of Article 36 of the FIFA Statutes.

Amendment 41 - Article 66			
Article	OLD	NEW	MOTIVATION
66.4.8.5		All other administrative matters necessary for the efficient operation and organisation of SAFA as required and authorised by the NEC.	By adding the tasks to be performed by the general secretariat under the General Secretary, aligning our Statutes with that of Article 36 of the FIFA Statutes.

PROPOSED AMENDMENTS TO THE SAFA STATUTES

Amendment 42 - Article 66

Article	OLD	NEW	MOTIVATION
66.4.9	the appointment and dismissal of staff working in the general secretariat	DELETE in its entirety	This is an unnecessary clause in the SAFA Statutes. The appointment and dismissal of staff is an operational matter and has no place in the Statutes.

Amendment 43 - Article 80

Article	OLD	NEW	MOTIVATION
80.3	The SAFA Council of SAFA shall issue club licensing regulations governing the club licensing system. Inter alia, the club licensing regulations shall stipulate to which clubs the system applies. At a minimum, the club licensing system must be implemented in respect of top division clubs which qualify for CAF Club competitions on sporting merit. Nothing herein contained shall preclude the League or any member from creating and implementing its own system which must not be inconsistent with that of SAFA, CAF and FIFA.	The SAFA NEC shall issue club licensing regulations governing the club licensing system as required by CAF and FIFA	For the purpose of clarity, it is only SAFA that can establish the first instance body which is entitled to receive the applications for a license. This function cannot be outsourced to any member. Accordingly members cannot create and implement its own club licensing system. Anything which is inconsistent with the SAFA, CAF and FIFA regulations must be brought to an immediate halt.