



***IN THE NAME OF ALLAH, MOST GRACIOUS, MOST
MERCIFUL***

**CONSTITUTION OF THE SOUTH AFRICAN HAJJ AND
UMRAH COUNCIL (SAHUC)**

**(AS AMENDED AT A SPECIAL GENERAL MEETING OF THE
GENERAL COUNCIL OF SAHUC HELD ON 27TH OCTOBER 2018)**

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**CONSTITUTION
OF THE
SOUTH AFRICAN HAJJ AND UMRAH COUNCIL**

PREAMBLE

In dedication to its duty to the South African Muslim Community in general and the Pilgrims in particular, the policy of the SAHUC shall be guided by the spirit and understanding of Hajj as contained in the Holy Quran and as exemplified by the Prophet Muhammad (Sallal laahu Alayhi Wa Sallam – May Allah’s peace and blessings be upon him).

Hajj is one of the five fundamental pillars of Islam, which in practice demonstrates the principles of the Oneness of Allah and the unity and equality of humankind.

The Institution of Hajj, its rites and rituals, is an affirmation of an ideal, which we cherish in our lives – a society where every human being shall have equality of opportunities in an environment without discrimination based on race, colour or class.

It is in pursuit of this ideal that the Council, in humble submission to Allah Almighty, declares that

- WHEREAS Allah Most Gracious in his Infinite Wisdom has commanded that *Pilgrimage to the House of Allah is a duty men owe to Allah, whoever can afford it (Quran Ch3:V97*
- AND WHEREAS Members of the Muslim community in response to this command make every effort to fulfill this obligation;
- AND WHEREAS There is a need and a requirement to facilitate pilgrimage in totality for the comfort, safety and security of those who undertake the sacred journey;
- AND WHEREAS It is necessary to set up structures to ensure that pilgrims are not exploited or suffer any material or personal harm;
- AND WHEREAS There is a need to create a true understanding of Hajj, the Fifth Pillar of Islam;

NOW THEREFORE

1. NAME OF THE ASSOCIATION

The name of the Organisation shall be the SOUTH AFRICAN HAJJ AND UMRAH COUNCIL. The shortened name shall be SAHUC

2. LEGAL PERSONALITY OF SAHUC

SAHUC is an unincorporated association not for gain and is a body corporate which:

- 2.1. Exists in its own right, separately from its members
- 2.2. Shall continue to exist even when its membership changes and there are different office bearers.
- 2.3. Shall be able to own property and other possessions.
- 2.4. Can sue and be sued in its own name.

3 AIMS, OBJECTIVES AND ACTIVITIES OF SAHUC

SAHUC shall:

- 3.1 Promote and encourage the performance of Hajj and Umrah according to the values, norms, principles and procedures prescribed by Islam;
- 3.2 Conscientise and educate Muslims throughout South Africa on all aspects relating to the performance Hajj and Umrah
- 3.3 Promote and oversee the well-being of South Africans undertaking the sacred journey to the Holy Cities of Makkah Mukarramah and Madinah Munauwarah, in the Kingdom of Saudi Arabia;
- 3.4 Establish relationships with all bodies and persons both locally and internationally who can contribute towards achieving the aims and objectives of SAHUC.
- 3.5 Liaise with the relevant Government Ministries and other Official Authorities in Saudi Arabia with respect to Hajj and Umrah and to act as the representative of all South African Pilgrims in the Kingdom of Saudi Arabia.
- 3.6 Receive representations from and consult with all interested bodies and persons involved in various aspects pertaining to Hajj and Umrah
- 3.7 Liaise and co-operate with other international Hajj and Associated Missions.
- 3.8 Take effective measures in order to develop and implement sound policies and objectives in order to assist and solve both internal and external problems of South African citizens when undertaking the sacred journey of Hajj and Umrah
- 3.9 Take such steps as may be necessary, incidental or conducive to the attainment of the aims and objectives as set out above.

- 3.10. exclusively utilize and apply its resources and activities to only promote the aims and objectives of SAHUC as stated in Clauses 3.1 to 3.9 of this constitution.
- 3.11. The activities of SAHUC, the organisation, are carried on in a non-profit manner and with an altruistic or philanthropic intent.
- 3.12. not have or be seen to have any interest or share in any business, profession or occupation carried on by any of its members.
- 3.13. not knowingly become party to or knowingly permit itself to be used as part of any impermissible arrangement in terms of Part 11A of Chapter 3 of the Income Tax Act No. 58 of 1962 or be part of a transaction, operation or scheme as envisaged in terms of s103(5) of the Income Tax Act No. 58.
- 3.14. Not use its resources directly or indirectly to support, advance or oppose any political party.

4. MEMBERSHIP OF SAHUC

4.1. Members

- 4.1.1. SAHUC shall be made up of member organisations.
- 4.1.2. It is recorded that the Founding Member Organisations of SAHUC were as set out in Annexure A to this Constitution.
- 4.1.3. It is recorded that the Members Organisations of SAHUC as at 21May 2011 were set out in Annexure B to this Constitution:
- 4.1.4. There shall be no limit to the number of organisations that can become members of SAHUC.
- 4.1.5. At least three persons who accept fiduciary responsibility for SAHUC, as a public benefit organisation, will not be connected persons in relation to each other, and no single person directly or indirectly shall control the decision-making powers relating to SAHUC.

This shall apply mutatis mutandis to the Board of SAHUC which is responsible for the management of SAHUC in terms of Clause 7.3.1 of the Constitution of SAHUC.

4.2. Criteria For Membership Of SAHUC

4.2.1. Whilst the criteria for membership of SAHUC shall be determined from time to time by the General Council of SAHUC all member organisations must comply with the following requirements:

- 4.2.1.1. The organisation must be a Muslim organisation that subscribes to the tenets and principles of the Ahle Sunnat Wal Jamaat
- 4.2.1.2. The organisation must be formed in South Africa
- 4.2.1.3. Fifty percent (50%) or more of the directors, trustees or office bearers of the organisation may not be serving together in a similar capacity in an organisation that is already a member organisation of SAHUC
- 4.2.1.4. The organisation must have its own unique permanent physical address
- 4.2.1.5. The primary activities of the organisation must be the promotion of the wellbeing and interests of Muslims in South Africa and of Islam generally.
- 4.2.1.6. The organisation must have been in existence for at least three years
- 4.2.1.7. The organisation must be an organisation that has been established as an organisation not for gain
- 4.2.1.8. The organisation must be a formal entity which could take any one of the following forms:
 - 4.2.1.8.1. An incorporated company (e.g. Section 21 Company)
 - 4.2.1.8.2. Voluntary Association which may be a corporate or unincorporated association not for gain governed by a formal constitution
 - 4.2.1.8.3. A registered trust in terms of the Trust Properties Control Act¹

4.3. Umbrella Bodies

- 4.3.1. Umbrella bodies are those that represent other bodies which are members of the umbrella bodies and which have the same aims and objectives as the Umbrella body
- 4.3.2. Umbrella bodies may apply to become members of SAHUC provided that they comply with the criteria for membership set out under 4.2 above.
- 4.3.3. Organisations and institutions who are members of or are affiliated to an umbrella body can also become members of SAHUC provided that they comply with the criteria for membership set out under 4.2 above.

4.4. Travel Agencies, Hajj And Umrah Operators and their Representative Bodies

- 4.4.1. Individual agencies and travel operators cannot become members of SAHUC
 - 4.4.2. Any Muslim National organisation representing Hajj Operators or Muslim Travel Agents shall be eligible for membership provided it complies with the criteria for membership set out under 4.2 above.
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- 4.4.3. Representatives of such organisations cannot serve as office bearers on the Board of SAHUC or on any of the Provincial Committees of SAHUC.

4.5. Honorary Life Membership of SAHUC

- 4.5.1. The General Council, on the proposal of the Board of SAHUC, may grant the title of Honorary Life Member to a person/ persons who has/have rendered meritorious service to SAHUC.
- 4.5.2. The Honorary Life Member may attend the General Council Meetings and, by invitation only, the Board Meetings.
- 4.5.3. Honorary Life Members may engage in the discussions of the General Council Meetings and Board Meetings without the right to vote.

4.6. Application for Membership

- 4.6.1. Any organisation that is desirous of becoming a Member SAHUC shall:
 - 4.6.1.1. Make written application to SAHUC on the prescribed form.
 - 4.6.1.2. Submit Documents and details to SAHUC which must include the following:
 - 4.6.1.2.1. Constitution / Trust Deed/Memorandum and Articles of Association/
 - 4.6.1.2.2. Latest Annual Report
 - 4.6.1.2.3. Current List of Members /Trustees/Directors
 - 4.6.1.2.4. List of current Office Bearers of the organisation and their contact details
 - 4.6.1.2.5. List of Members/Trustees/Directors/Office Bearers who are Members/Trustees/Directors/Office Bearers of any other organisations or bodies, the names of such organisations to be provided in the application.
 - 4.6.1.2.6. Motivation for membership
 - 4.6.1.2.7. Contact details of the Organization
- 4.6.2. SAHUC reserves the right to request any additional information with regard to any application.
- 4.6.3. SAHUC reserves the right to levy an application fee for all new applications.
- 4.6.4. The application shall provide such particulars as SAHUC may require from time to time
- 4.6.5. The application shall include a declaration to be bound by this Constitution, the rules and regulations made in terms thereof and any agreements entered into by SAHUC for the benefit of the Muslims in general and pilgrims in particular, in South Africa.

4.7. Consideration of Applications for Membership

- 4.7.1. All Applications for Membership shall be considered at a Meeting of the General Council of SAHUC and shall appear on the agenda of the meeting at which they are to be considered.
- 4.7.2. The recommendation of the Board of SAHUC shall be taken into account by the General Council when considering any Application for Membership.
- 4.7.3. At least two-thirds (2/3) of the votes of all persons present in person at the Meeting of the General Council and are entitled to vote at the relevant meeting, shall be required in favour of such application before such application for membership is granted.

4.8. Cancellation of Membership

- 4.8.1. Member Organisations who fail to continuously comply with the criteria for membership of SAHUC shall be given notice to rectify the position within a maximum period of 90 days. In such cases a member organisation must prove to the satisfaction of the Board of SAHUC that it has rectified the position.
- 4.8.2. Failure to comply will lead to the membership of the organisation being cancelled by the Board of SAHUC and shall subsequently be notified to the General Council of SAHUC
- 4.8.3. At least two-thirds (2/3) of the votes of all persons present in person at the Meeting of the Board and are entitled to vote at the relevant Board Meeting shall be required before such application for membership is cancelled.
- 4.8.4. A member organisation whose membership has been terminated shall have the right to appeal to the General Council of SAHUC within 21 days of the date of notice of such termination being received by the organisation.
- 4.8.5. Any reinstatement of membership following such appeal shall require at least two thirds of the votes at the General Council.

4.9. Automatic Termination of Membership of an Organisation

- 4.9.1. If a Member Organisation fails to attend three consecutive meetings of the General Council, its membership of SAHUC shall automatically terminate

4.10. Disaffiliation by an Organisation from SAHUC

- 4.10.1. Any Member Organisation may withdraw from SAHUC subject to written notification thereof and such withdrawal shall be effective upon receipt by the Secretary General and shall be valid notification.

5. THE GENERAL COUNCIL OF SAHUC

5.1. Composition of the General Council

- 5.1.1. The General Council of SAHUC shall be made up of representatives of the member organisations of SAHUC.
- 5.1.2. The number of representatives (currently two) per organisation shall be determined by the General Council of SAHUC from time to time

5.2. Duties and Responsibilities of the General Council of SAHUC

- 5.2.1. The General Council shall be the controlling body of SAHUC.
- 5.2.2. The General Council shall:
 - 5.2.2.1. Establish the Board of SAHUC
 - 5.2.2.2. Determine the scope and functions of the Board of SAHUC
 - 5.2.2.3. Amend the constitution of SAHUC.
 - 5.2.2.4. Appoint the auditors of SAHUC
 - 5.2.2.5. Approve the annual audited financial statements of SAHUC.
 - 5.2.2.6. Elect the office bearers of the Board of SAHUC.
 - 5.2.2.7. Determine a policy framework for and oversee the governance of SAHUC
 - 5.2.2.8. Approve the membership criteria for organisations and individuals (including public representatives) being co-opted or who are applying for membership of SAHUC.
 - 5.2.2.9. Determine and review any fees and charges that are levied by SAHUC.

5.3. Quorum

- 5.3.1. Forty percent (40%) of all member organisations of SAHUC which attend the meeting of the General Council and for purposes whereof a Member Organisation shall be deemed to be properly represented if at least one representative is present in person, shall constitute a quorum for a meeting of the General Council.
- 5.3.2. No business shall be transacted at any meeting of the General Council of SAHUC unless a quorum is present.
- 5.3.3. If within half an hour from the time appointed for any meeting of the General Council of SAHUC a quorum is not present, the meeting shall stand adjourned to the same day in the next week, at the same time and place, or to such other day or at such other time and place as the persons present may determine (provided that they shall not be entitled to adjourn the meeting for a period shorter than seven days), and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for that meeting the persons present and entitled to vote thereat shall constitute a quorum.
- 5.3.4. The President of SAHUC or failing him the First Deputy President of SAHUC, or failing both of them the Second Deputy President of SAHUC, shall preside as Chairperson at any meeting of the General Council of SAHUC, or if any of them shall not be present within fifteen (15) minutes of the time

appointed for the meeting, or is unwilling to act as such, a Chairperson shall be elected from among those present.

5.4. Adjournment of Meeting

- 5.4.1. The Chairperson may, with the consent of any meeting of the General Council at which a quorum is present, and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- 5.4.2. When a meeting of the General Council is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given as in the case of the original meeting. Save as aforesaid it shall not be necessary to give notice of such adjournment or of the business to be transacted at such adjournment or of the business to be transacted at such adjourned meeting.

5.5. Proceedings of General Council Meetings of SAHUC

5.5.1. Notice of Meetings

- 5.5.1.1. Notice of meetings shall be received at least 21 days prior to any meeting.
- 5.5.1.2. The Agenda for the meeting and all documentation pertaining to matters on the agenda for the meeting shall be circulated to all members at least 21 days prior to the meeting. Notices of meetings must be given either in writing, by post, fax, hand delivered or electronic mail (e-mail).
- 5.5.1.3. Urgent or emergency meetings may be convened in not less than 24 hours' notice
- 5.5.1.4. Meetings may be held via teleconference or video conference.
- 5.5.1.5. The General Council of SAHUC shall meet, adjourn or otherwise regulate its meetings as it deems fit, but it shall meet at least two times in each calendar year.

5.5.2. Special Meetings

Notwithstanding the provisions of Clause 5.5.1.1 hereof, the Secretary General of SAHUC shall at any time on the requisition of any eight (8) members of the General Council, convene a meeting of the General Council of SAHUC, and the Secretary General of SAHUC shall convene such meeting within ten days of having received such request.

5.5.3. Voting

- 5.5.3.1. Issues arising at any meeting of the General Council of SAHUC shall be decided on a majority of votes.
- 5.5.3.2. Each member body/organisation of the General Council of SAHUC shall have only one (1) vote on a show of hands or on a poll.

5.5.3.3. In the case of an equality of votes the Chairperson of the meeting shall have a second or casting vote, provided he has exercised his deliberative vote.

5.5.4. Chairperson

5.5.4.1. The President of SAHUC or in his absence, the First Deputy President of SAHUC, or in the absence of both of them, the Second Deputy President of SAHUC, shall at all times act as Chairperson of all meetings of the General Council of SAHUC.

5.5.4.2. If at any such meeting neither the President nor the First Deputy President, nor the Second Deputy President is present at the time appointed therefore or is unwilling to do so then the other elected members of the General Council of SAHUC shall choose one of their number to chair the meeting.

5.5.5. Resolutions in writing

5.5.5.1. A resolution in writing, signed by all the members of the General Council of SAHUC for the time being entitled to receive notice of a meeting of the General Council of SAHUC, shall be as valid and effectual as if it had been passed at a meeting of the General Council of SAHUC duly convened and held.

5.5.6. Decisions Binding

5.5.6.1. All lawful resolutions of the General Council of SAHUC shall be binding on all Member Organisations and their representatives on the General Council of SAHUC until revoked or rescinded by the General Council of SAHUC.

5.5.7. Minutes

5.5.7.1. The General Council of SAHUC shall cause minutes and records to be kept at the headquarters of SAHUC or at any other location as shall be designated by the General Council from time to time, of:

5.5.7.1.1. All appointments or nominations of officers, office bearers or other staff of SAHUC made by the General Council of SAHUC.

5.5.7.1.2. The names of the members of the General Council of SAHUC present at each meeting of the General Council of SAHUC and at each meeting of any other committee of SAHUC.

5.5.7.1.3. All proceedings at all meetings of the General Council of SAHUC and of all other Committees of SAHUC.

5.5.7.1.4. A copy of this Constitution and of all rules and/or regulations of SAHUC.

5.5.7.1.5. A register of all members of SAHUC and of all Committees.

5.5.8. Inspection

5.5.8.1. The minutes of proceedings at all meetings of the General Council of SAHUC and of all other Committees of SAHUC, and all books of

account of SAHUC, shall at all times be open to inspection, at the headquarters of SAHUC or at any other location as shall be designated by the General Council from time to time, by all members of the General Council of SAHUC and by any authorised representative of a Member Organisation of SAHUC.

6 OFFICE BEARERS OF SAHUC

6.1. Office Bearers

6.1.1. The General Council of SAHUC shall elect the following Office Bearers from among its members:

- President
- First Deputy President
- Second Deputy President
- Treasurer
- Assistant Treasurer
- Secretary General
- Assistant Secretary General

6.2. Term of Office of Office Bearers

6.2.1. The office bearers shall be eligible for re-election upon expiry of the term of office.

6.2.2. No office bearer shall serve in the same position for more than two consecutive 2-year terms. He shall however be re-eligible for election to the position he held previously after at least one two-year term has expired.

6.3. Powers and Functions of the Office Bearers

6.3.1. President

The President shall inter-alia:

- 6.3.1.1. Preside, on behalf of SAHUC, at conferences, public functions and stakeholder engagements.
- 6.3.1.2. Deliver a report at the Annual General Meeting of SAHUC
- 6.3.1.3. Preside at the Special Meetings, General Council Meetings and at the Annual General Meeting.

6.3.2. First Deputy President

6.3.2.1. The First Deputy President shall assist the President and act in the absence of the President when required to do so.

6.3.3. Second Deputy President

6.3.3.1. The Second Deputy President shall assist the President or the Second Deputy President in the absence of the First Deputy President when required to do so.

6.3.4. Treasurer

- 6.3.4.1. The Treasurer shall ensure that the financial and accounting activities of SAHUC shall be conducted in accordance with the requirements of this Constitution and the applicable laws and regulations of the Republic of South Africa.

6.3.5. Assistant Treasurer

- 6.3.5.1. The Assistant Treasurer shall assist the National Treasurer with the execution of his duties.

6.3.6. Secretary General

The Secretary General shall inter-alia:

- 6.3.6.1. Convene, arrange and co-ordinate meetings
6.3.6.2. Prepare minutes of all meetings of the General Council of SAHUC.
6.3.6.3. Ensure that copies of minutes are distributed to all relevant parties within fourteen (14) working days after receiving it from the Scribe.
6.3.6.4. Appoint two scribes for each meeting
6.3.6.5. Ensure that agendas and documentation are circulated in compliance with the requirements of the Constitution and policies of SAHUC

6.3.7. Assistant Secretary General

- 6.3.7.1. The Assistant Secretary General shall assist the Secretary General with the execution of his duties

6.4. Election of Office Bearers of SAHUC

- 6.4.1. Persons wishing to be elected as Office Bearers of SAHUC must be proposed and seconded by members of the General Council.
- 6.4.2. Member Bodies of the General Council may not nominate more than one candidate for a specific position.
- 6.4.3. Nominations must be completed on the prescribed form and submitted at least seven working days before the Annual General Meeting.
- 6.4.4. The person who receives the highest number of votes shall be duly elected to the position for which he was nominated to the Board of SAHUC. In the event of a tie there shall be a run-off election where all members shall cast votes for the members so tied.

7 THE BOARD OF SAHUC

7.1. Composition of the Board of SAHUC

The Board of SAHUC shall consist of the following:

- 7.1.1. The Office Bearers of SAHUC
7.1.2. The Chairmen of the Provincial Committees of SAHUC

- 7.1.3. Three other members to be elected by the General Council from amongst its members.
- 7.1.4. One (1) person who may be co-opted by the Board to support it in its policy function and in serving the interests of SAHUC. Such a person may not necessarily be a member of the General Council of SAHUC
- 7.1.5. Ex-Officio Members
 - 7.1.5.1. The Administrator for the time being of SAHUC shall be an ex-officio member of the Board

7.2. Co-option of A Member by the Board of SAHUC

7.2.1. Number of Members who can be co-opted

The Board shall co-opt one person to the Board of SAHUC

7.2.2. Criteria for Co-option

In co-opting any person, the Board shall take the following into consideration:

- 7.2.2.1. The value of the contribution that the Individual could make to the operation and activities of SAHUC
- 7.2.2.2. The value to SAHUC of the skills and knowledge held by the individual,

7.2.3. Term of Office of Co-opted Person

The Term of office of a co-opted person on the Board of SAHUC could be for a mutually agreed fixed period. Should such a period not be specified then the term of office of such Member shall automatically expire at the same time as the expiry of the term of office of the Board of SAHUC.

7.2.4. Decision on Co-option of Persons to the Board of SAHUC

The co-option of a person to the Board of SAHUC shall be decided by the Board of SAHUC. The appointment of such a member shall only be valid if at least 75% of the representatives of the Member Organisations on the Board of SAHUC present at the meeting vote in favour of such appointment.

7.2.5. Rights and Voting Powers of Co-opted Member

A co-opted member of the Board of SAHUC shall enjoy the same rights as any of the member representatives on the Board of SAHUC except that he or she shall not have any voting powers.

7.3. Powers of the Board

- 7.3.1. All affairs of SAHUC shall be managed by the Board of SAHUC as a delegated authority of the General Council of SAHUC

- 7.3.2. The Board of SAHUC shall at all times have at least three persons who accept fiduciary responsibility for SAHUC, as a public benefit organisation, and will not be connected persons in relation to each other.
- 7.3.3. No single person on the Board of SAHUC directly or indirectly shall control the decision-making powers relating to SAHUC.
- 7.3.4. The Board of SAHUC may exercise all such powers of SAHUC as are not, by the Constitution, required to be exercised by the General Council of SAHUC. The Board of SAHUC shall perform all the roles and responsibilities to achieve or promote the main and subsidiary objects of SAHUC.
- 7.3.5. The Board of SAHUC shall have the power to make any regulations, bye-laws, rules or to take any resolutions or decisions, that are necessary or expedient in order to achieve the objects of SAHUC in terms of this Constitution, inter alia, but not limited to:
- 7.3.5.1. Accreditation of pilgrims intending to perform hajj or Umrah,
 - 7.3.5.2. Accreditation of Hajj and Umrah Operators
- 7.3.6. The Board of SAHUC shall at its discretion and from time to time appoint an Administrator and other employees for such period and at such remuneration and on such terms as it may think fit; and it may be made a term of the employees' appointment that they be paid a pension, gratuity or other benefits on retirement from office. The Board of SAHUC may from time to time entrust to and confer upon the Administrator or any other employee of SAHUC for the time being such of the powers vested in it as it may think fit and may confer such powers for such time and to be exercised for such object and upon such terms and with such restrictions as it may think expedient.
- 7.3.7. The Board of SAHUC shall appoint the President of SAHUC or his nominee to represent SAHUC at any meeting and to agree on his mandate for such meeting
- 7.3.8. The Board of SAHUC shall have the discretion to appoint delegations or missions where required and to determine the composition, membership and mandates for such delegations or missions in compliance with constitution and policies of SAHUC.
- 7.3.9. The Board of SAHUC shall determine the structure of SAHUC including the location of SAHUC's head office and the establishment of any provincial structures as and when the need arises.
- 7.3.10. The Board of SAHUC shall manage and control the membership of SAHUC in accordance with the provisions of this Constitution including the approval and accreditation of member organisations.
- 7.3.11. The Board of SAHUC shall control and manage the financial affairs, including the maintenance of bank accounts, investments of funds and the receipt and disbursements of monies as well as to open and control any bank accounts and to draw, accept, endorse or otherwise execute cheques, accept or give promissory notes, bills of exchange and other negotiable

instruments for or on behalf of SAHUC as the case may be, in such manner as the Board of SAHUC shall from time to time determine by resolution.

- 7.3.12. The Board of SAHUC shall cause books of account, for SAHUC, to be kept at the headquarters or at any other location as shall be designated by the General Council from time to time
- 7.3.13. The Board of SAHUC may exercise all the powers of SAHUC to invest its funds, to borrow money to sign surety and to mortgage any property provide any other security for any debt, liability or obligation of SAHUC
- 7.3.14. The Board of SAHUC may purchase, sell, let and hire any movable or immovable property in due and customary form and to determine the terms and conditions of such sale, letting or hiring, as the case may be.
- 7.3.15. The Board of SAHUC shall approve all reasonable and necessary expenses incurred in connection with the administration of the, Board of SAHUC and Provincial Executive Committee and other sub committees.
- 7.3.16. The Board of SAHUC shall have the power to appoint an agent or agents for any specific purpose, including the power to employ accountants, auditors, attorneys, advocates and other professional persons for specific purposes and to remunerate such persons.
- 7.3.17. The Board of SAHUC shall take action in a court of law for the recovery of any amounts due to SAHUC or to compel the fulfillment of obligations in its favour and to defend any proceedings that may be instituted against SAHUC. The President or a nominee from among the representatives on the Board of SAHUC shall represent the SAHUC in legal proceedings.
- 7.3.18. The Board of SAHUC shall accept donations and bequests from donors and to administer same, subject to such conditions as may be imposed by the donor/s provided that such conditions are not inconsistent with the terms of this Constitution.

The Board of SAHUC shall be prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation; provided that a donor [other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of Section 10[1][cA][i], which has as its sole or principal object the carrying on or any public benefit activity] may not impose conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.

- 7.3.19. The Board of SAHUC shall purchase or otherwise acquire any equipment that may be necessary for the promotion and achievement of the objectives of SAHUC.
- 7.3.20. The Board of SAHUC shall make recommendations in regard to amending the provisions of this constitution as may be necessary for or conducive to the more efficient functioning of SAHUC.

7.3.21. The Board of SAHUC shall consider the feasibility of leasing or acquiring buildings in Makkah and Madinah in order to provide affordable accommodation for South African pilgrims.

7.3.22. The Board of SAHUC shall generally do whatever the Board deems necessary to carry out the objectives of SAHUC and to exercise the powers and to perform the functions and discharge the duties given to or imposed upon it in terms of this Constitution.

7.4. Term of Office of the Members of the Board of SAHUC

7.4.1. The Members of the Board of SAHUC Office shall be elected for a term of Two (2) years and shall remain in office until their successors are elected.

7.5. Vacancies in respect of Office Bearers of the Board

7.5.1. Any vacancy in respect of Office Bearers of the Board shall be filled by way of an election from amongst the General Council in compliance with the constitution.

7.6. Proceedings of the Meetings of the Board of SAHUC

7.6.1 The Board shall meet at least quarterly each year at such times and places as it may determine.

7.6.2 At least twenty-one (21) days' notice shall be given of all Board meetings.

7.6.3 The Agenda for the meeting and all documentation pertaining to matters on the agenda for the meeting shall be circulated to all members at least 21 days prior to the meeting. Notices of meetings must be given either in writing, by post, fax, hand delivered or electronic mail (e-mail).

7.6.4 Urgent or emergency meetings may be convened with not less than 24 hours' notice

7.6.5 Meetings may be held via teleconference or video conference.

7.6.6 The quorum for meetings of the Board shall be 50% plus one (1) member. If no quorum is present within one (1) hour after the appointed time of the meeting, the meeting shall stand adjourned for one (1) week, to be held at the same time and place. The Board members then present shall constitute a quorum and have the full power to transact the business that would have been transacted had the meeting been held on the date for which it was called.

7.6.7 Disputes arising at a meeting of the Board shall be decided by a simple majority of votes of Board members present at the meeting.

7.6.8 A resolution in writing, signed by all Board members, shall be deemed to be valid and effective as if it was passed at a duly convened and constituted meeting of the Board. Where different copies of the same resolution are

signed by various members of the Board, these copies shall be collated and deemed to be a single resolution signed by all the members of the Board.

7.6.9 Where Board members are consulted telephonically on a particular course of action, the responses of such members will be drafted into a resolution deemed to be binding and shall be ratified in writing at the next Board meeting.

7.6.10 The Board shall cause proper minutes to be kept of all proceedings of Meetings such minutes to be prepared and circulated within 21 days of the date of meeting.

7.7 Special Meetings of the Board of SAHUC

Notwithstanding the provisions of Clause 7.6.2 hereof, the Secretary General of SAHUC shall at any time on the requisition of any five (5) members of the Board of SAHUC, convene a meeting of the Board of SAHUC, and the Secretary General of SAHUC shall convene such meeting within five days of having received such request.

8. COMMITTEES

8.1. The Board of SAHUC may appoint Committees to assist it in the performance of its functions and duties and may appoint Board, General Council or Provincial Committee Members or any other persons who are not members of any of the above organs of SAHUC, to such Committees.

8.2. The Board of SAHUC can inter alia appoint any of the following committees:

- 8.2.1. National Hajj Accreditation Committee
- 8.2.2. Hajj and Umrah Regulatory Committee
- 8.2.3. Hajj and Medical Mission Committee
- 8.2.4. National Hajj and Umrah Operators Accreditation Committee
- 8.2.5. Disciplinary and Legal Committee
- 8.2.6. Audit and Risk Committee

8.3. Should a vacancy occur on any of the Committees, the Board of SAHUC shall have the right to fill such vacancy by the appointment of any qualified person to such Committee.

8.4. The Board of SAHUC shall ensure that the powers of the committees are exercised in terms of the constitution and the Committees shall be guided by the policy framework laid down by Board of SAHUC from time to time.

8.5. The Board of SAHUC shall ensure that the Committees are adequately resourced to carry out their mandates.

8.6. Committees shall be appointed for a fixed period of time. The Board of SAHUC shall however have the sole discretion to dissolve any committee. Notwithstanding the above the term of office of all committees shall automatically terminate upon the termination of the term of office of the Board of SAHUC which appointed them.

- 8.7. The Board of SAHUC shall appoint the Chairpersons of such committees.
- 8.8. The Board of SAHUC shall determine a quorum for meetings of such committees.
- 8.9. Committees appointed by the Board of SAHUC shall comply with the terms of reference given to them by the Board of SAHUC and shall file a set of the minutes of all meetings and the resolutions passed with Secretary General of SAHUC.
- 8.10. The Board of SAHUC will have the right to prescribe the procedures that the Committees shall follow in their meeting.

9. PROVINCIAL COMMITTEES(PCs)

9.1. Composition

The Provincial Committee shall consist of:

9.1.1. Representatives of Member Organisations of SAHUC

- 9.1.1.1. Representatives of member organisations of SAHUC which have their physical address in that province and who represent the member organisation on the General Council of SAHUC
- 9.1.1.2. Representatives of Umbrella Bodies which are members of SAHUC Such representatives may be persons other than persons who represent the umbrella Body on the National General Council of SAHUC, provided that the Umbrella body has a Representative or Branch Office which has a physical address in that Province and provided that the Head Office/Headquarters of the Umbrella Body is not located in that province.
- 9.1.1.3. Representatives of Member Organizations of SAHUC that have Representative or Branch offices in other Provinces provided that such offices have a physical address in that Province and provided that the Head Office/Headquarters of the Member Organization is not located in that province.

Such representatives may be persons other than persons who represent such Member organizations on the National General Council of SAHUC.

9.1.2. Public Representatives

- 9.1.2.1. Public representatives shall be appointed in accordance with criteria determined by the General Council of SAHUC.
- 9.1.2.2. Public representatives may be appointed by way of cooption or can apply for membership of the PC of SAHUC.
- 9.1.2.3. There shall be no limit to the number of representatives on the PC.
- 9.1.2.4. The PC shall have the power to appoint public representatives
- 9.1.2.5. The following criteria inter alia shall apply to persons who are co-opted or who apply to become members of the Provincial Committee of

SAHUC.:

- 9.1.2.5.1. The Individual must be a South African citizen or permanent resident
 - 9.1.2.5.2. The Individual must be a Muslim who subscribes to the tenets and principles of the Ahle Sunnat wal Jama'at
 - 9.1.2.5.3. The individual may or may not be a member of a member body of SAHUC
 - 9.1.2.5.4. The individual may or may not be a representative of a member body of SAHUC on the General Council of SAHUC.
 - 9.1.2.5.5. The Individual should have been involved in meaningful community work
 - 9.1.2.5.6. The Individual must be a person of integrity, honesty, high esteem and of good standing in the community.
 - 9.1.2.5.7. The value of the contribution that the Individual could make to the operation and activities of SAHUC
 - 9.1.2.5.8. The value to SAHUC of the skills and knowledge held by the individual,
- 9.1.2.6. Individuals representing the public may apply to become members of Provincial Committees of SAHUC. Any person applying for membership shall submit:
- 9.1.2.6.1. A letter of application which should include a motivation for membership
 - 9.1.2.6.2. A comprehensive curriculum vitae
 - 9.1.2.6.3. At least two (2) supporting letters/testimonials from reputable individuals or organisations:
 - 9.1.2.6.3.1. testifying to the character of the individual
 - 9.1.2.6.3.2. His or her involvement and contribution to community development
 - 9.1.2.6.3.3. His or her capacity to make a meaningful contribution to SAHUC.
 - 9.1.2.6.4. The PC of SAHUC shall reserve the right to request any additional information relating to any application for membership.
- 9.1.2.7. The Term of office of any public representative on the PC of SAHUC could be for a mutually agreed fixed period. Should such a period not be specified then the term of office of such member shall automatically expire at the same time as the expiry of the term of office of the office bearers of the PC of SAHUC.
- 9.1.2.8. The co-option of a public representative to the PC of SAHUC shall be decided by the PC of SAHUC. The appointment of such a member shall only be valid if at least 75% of the representatives of the Member Organisations on the PC of SAHUC at the meeting vote in favour of such appointment.

9.1.2.9. A co-opted member of the PC of SAHUC shall enjoy the same rights as any of the Member Representatives on the PC of SAHUC including the right to vote.

9.1.2.10. Public Representatives may be elected to any of the positions of Office Bearers of a Provincial Committee of SAHUC except that of the position of Chairman of the Provincial Committee. A Public Representative cannot be elected to the position of Chairman of the Provincial Committee of SAHUC.

9.2. Office Bearers of the Provincial Committee of SAHUC

9.2.1. Election of Office Bearers

9.2.1.1. Each PC shall elect its own provincial office bearers.

9.2.1.2. The Provincial Executive for each Region shall consist of the following office bearers:

9.2.1.2.1. Chairperson

9.2.1.2.2. Deputy Chairperson

9.2.1.2.3. Secretary

9.2.1.2.4. Assistant Secretary

9.2.1.2.5. Treasurer

9.2.1.3. The Office bearers of each PC shall be elected from amongst the PC members of the Province.

9.2.1.4. Any person having a direct or indirect interest with a Hajj Operator or Travel Agent shall be prohibited from serving as an office bearer on the Provincial Committee.

9.2.2. Term of Office of Office Bearers of Provincial Committee

9.2.2.1. Provincial Committee members shall remain in office for a period of two years until their successors are elected.

9.2.2.2. Provincial Committee members shall be eligible for re-election upon expiry of their term of office.

9.2.2.3. No office bearer shall serve in the same position for more than two consecutive 2-year terms. He shall however be re-eligible for election to the position he held previously after at least one two-year term has expired.

9.2.3. Vacancy of Office Bearer

9.2.3.1. Any vacancy shall be filled through election from amongst the Provincial Committee members in terms of Clause 8.2.1 above.

9.2.3.2. The term of office of an office bearer so elected shall expire at the same time as the term of office of the office bearers then in office.

9.2.3.3. Should a Provincial Office Bearer be unable to continue in office for an unbroken period of 90 days as a result of illness or in the event of the death of the Office Bearer then his/her office shall be deemed vacant

9.2.4. Election of Office Bearers

- 9.2.4.1. The election of Office Bearers of the PC shall be held every two (2) years after the Annual General Meeting of SAHUC where the office bearers of SAHUC are elected.
- 9.2.4.2 The Meeting of the PC to elect the office bearers shall be held within 30 days from the date of the Elective Annual General Meeting of SAHUC.
- 9.2.4.3 Persons wishing to be elected as Office Bearers of the Provincial Committee of SAHUC must be proposed and seconded by members of the Provincial Committee.
- 9.2.4.4 Members of the Provincial Committee may not nominate more than one candidate for a specific position.
- 9.2.4.5 Nominations must be completed on the prescribed form and submitted to the Secretary of the PC at least seven days before the Meeting that has been convened to elect the Office Bearers.
- 9.2.4.6 Only the Members of the Provincial Committee of SAHUC will be entitled to vote during the meeting to elect the Office Bearers of the Provincial committee.
- 9.2.4.7 Each Member Organisation of the Provincial Committee or Public Representative shall be entitled to one vote
- 9.2.4.8 The person who receives the highest number of votes shall be duly elected as Office Bearer to the position for which he was nominated. In the event of a tie there shall be a run-off election where all members shall cast votes for the members so tied.

9.3. Role of the Provincial Committees

- 9.3.1. The role of the Provincial Committees is to assist the General Council and Board of SAHUC in the performance of their functions and duties

9.4. Powers and Responsibilities of the Provincial Committees

- 9.4.1. The Board of SAHUC shall ensure that the Provincial Committees shall operate in terms of the constitution and that the Committees shall be guided by the policy framework laid down by the Board of SAHUC from time to time.
- 9.4.2. The Board of SAHUC shall determine the mandate and prescribe the terms of reference for the Provincial Committees.
- 9.4.3. The Board of SAHUC shall delegate such of its powers and responsibilities to the Provincial Committees as are necessary and appropriate to enable them to carry out their mandate.

9.5. Resources for Provincial Committees

- 9.5.1. The Board of SAHUC shall ensure that the Provincial Committees are

adequately resourced in order to carry out their mandate.

9.6. Attendance of Meetings by Provincial Committee Members

- 9.6.1. Should a Provincial Committee member who has been nominated by a member organisation of SAHUC to represent it on the PC of SAHUC not attend three (3) successive meetings without reasonable written or verbal apology he or she shall be deemed to have withdrawn his representation of such organisation and the organisation shall be requested to nominate another person to represent it on the PC.

9.7 Proceedings of Provincial Committee Meetings of SAHUC

9.7.1 Notice of Meetings

- 9.7.1.1 Notice of meetings shall be received at least 21 days prior to any meeting.
- 9.7.1.2 The Agenda for the meeting and all documentation pertaining to matters on the agenda for the meeting shall be circulated to all members at least 21 days prior to the meeting. Notices of meetings must be given either in writing, by post, fax, hand delivered or electronic mail (e-mail).
- 9.7.1.3 Urgent or emergency meetings may be convened with not less than 24 hours' notice
- 9.7.1.4 Meetings may be held via teleconference or video conference.
- 9.7.1.5 A Provincial Committee of SAHUC shall meet, adjourn or otherwise regulate its meetings as it deems fit, but it shall meet at least four times in each calendar year.

9.7.2 Special Meetings

Notwithstanding the provisions of Clause 9.7.1.1 hereof, the Secretary of the Provincial Committee shall at any time on the requisition of any 4 (four) members of the Provincial Committee, convene a meeting of the Provincial Committee of SAHUC, and the Secretary of the Provincial Committee shall convene such meeting within ten days of having received such request.

9.7.3 Quorum for Provincial Committee Meetings

The quorum for meetings of the Provincial Committee shall be 50% plus one (1) member. If no quorum is present within one (1) hour after the appointed time of the meeting, the meeting shall stand adjourned for one (1) week, to be held at the same time and place. The Board members then present shall constitute a quorum and have the full power to transact the business that would have been transacted had the meeting been held on the date for which it was called.

9.7.4 Voting

- 9.7.4.1 Issues arising at any meeting of the Provincial Committee of SAHUC shall be decided on a majority of votes.
- 9.7.4.2 Each member body/organisation of the Provincial Committee of SAHUC shall have only one (1) vote on a show of hands or on a poll.

- 9.7.4.3 Each Public Representative on the Provincial Committee shall also be entitled to a vote. However, where one or more Public Representatives are members of a Member Organisation of SAHUC which is a Member of the Provincial Committee that Organisation shall be entitled to only one vote, which vote can be exercised either by the Representative of that Member Organisation or a Public Representative who is Member of that Organisation. Other than in such a situation a Public Representative who is Member of a Member Organisation of the Provincial Committee shall not be allowed a vote.
- 9.7.4.4 In the case of an equality of votes the Chairperson of the meeting shall have a second or casting vote, provided he has exercised his deliberative vote.

9.7.5 Chairperson

- 9.7.5.1 The Chairman of the Provincial Committee or in his absence, the Vice Chairman of the Provincial Committee, shall at all times act as Chairperson of all meetings of the Provincial Committee of SAHUC.
- 9.7.5.2 If at any such meeting neither the Chairman nor the Vice Chairman is present at the time appointed therefore, or is unwilling to do so then the members of the Provincial Committee of SAHUC shall choose one of their number to chair the meeting.

9.7.6 Resolutions in writing

- 9.7.6.1 A resolution in writing, signed by all the members of the Provincial Committee of SAHUC for the time being who are entitled to receive notice of a meeting of the Provincial Committee of SAHUC, shall be as valid and effectual as if it had been passed at a meeting of the Provincial Committee of SAHUC duly convened and held.

9.7.7 Decisions binding

- 9.7.7.1 All lawful resolutions of the Provincial Committee of SAHUC shall be binding on all Member Organisations and their representatives on the Provincial Committee of SAHUC and all Public Representatives until revoked or rescinded by the Provincial Committee of SAHUC.

9.7.8 Minutes

- 9.7.8.1 The Provincial Committee of SAHUC shall cause minutes and records to be kept at the headquarters of SAHUC and at any other location as shall be designated by the Provincial Committee from time to time, of:
- 9.7.8.1.1 All appointments or nominations of officers, office bearers or other staff of SAHUC made by the Provincial Committee of SAHUC.
 - 9.7.8.1.2 The names of the members of the Provincial Committee of SAHUC present at each meeting of the Provincial Committee of SAHUC.
 - 9.7.8.1.3 All proceedings at all meetings of the Provincial Committee of SAHUC.
 - 9.7.8.1.4 A copy of this Constitution and of all rules and/or regulations of SAHUC.
 - 9.7.8.1.5 A register of all members of SAHUC and of all Committees.

10. ANNUAL GENERAL MEETING

10.1. Frequency and Time of Meeting

- 10.1.1. The Annual General Meeting of SAHUC will take place once a year, and shall be held within 6 months of the financial year end of SAHUC.
- 10.1.2. The Annual General Meeting of SAHUC shall be attended by organisations who are members of SAHUC as at the date of the meeting.

10.2. Notice of Annual General Meeting

- 10.2.1. Written notice of the Annual General Meeting of SAHUC shall be sent to all Member Organisation of SAHUC as well as to the Auditors of SAHUC, at least 21(twenty one) calendar days before the date fixed for such meeting, setting out the place, the day and the time of the meeting, the business to be transacted thereat, and, enclosing copies of the minutes of the preceding Annual General Meeting of SAHUC and of any other General Meeting of SAHUC held since.
- 10.2.2. Copies of SAHUC's annual report, SAHUC's audited financial Statements as at the 31st day of March need not be enclosed with the Notice of Meeting provided that copies of same are furnished to all Member Organisations of SAHUC at least ten (10) calendar days before the date fixed for such meeting.
- 10.2.3. The notice of meeting may be given personally or by sending it by mail, by facsimile, by e-mail or any other medium to the addressee's last known address. Where a notice is sent by mail, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting same.
- 10.2.4. The term of the notice referred to above shall be exclusive of the day on which the notice is sent and also exclusive of the day on which the meeting mentioned in the notice is to be held.
- 10.2.5. An Annual General Meeting of SAHUC shall, notwithstanding that it is called by shorter notice than 21 calendar days, be deemed to have been duly called if it is so agreed by all organisations attending the meeting and entitled to vote thereat, provided that the number of organisations thus agreeing constitute not less than seventy-five per cent(75%)of all organisations entitled to attend and vote at the meeting concerned.
- 10.2.6. The non-receipt of such notice by, any Member organisation or person entitled to receive notice provided that such notice is given in compliance of Clause 9.6 above shall not invalidate the proceedings at that meeting.

10.3. Business at the Annual General Meeting

The business to be transacted at an Annual General Meeting of SAHUC shall be:

10.3.1. To confirm the minutes of the preceding Annual General Meeting and of any other General Meetings held since.

10.3.2. To consider, and if thought fit, to adopt, with or without modification, SAHUC's Annual Report and SAHUC's Annual Audited Financial Statements.

10.3.3. To appoint the members of the Board of SAHUC (if applicable) as follows:

10.3.3.1. Nominations in writing from Member Organisations for the election of the Members of the Board of SAHUC must reach the office of the Secretary General of SAHUC not later than ten (10) calendar days prior to the date of the meeting at which the appropriate election is to take place, and such nominations must in each instance be accompanied by the nominee's written acceptance of the nomination.

10.3.3.2. A list containing the nominations must be submitted to all Member organisations which are entitled to receive notice and to attend and to vote at the Annual General Meeting not later than two (2) calendar day prior to the meeting at which the appropriate elections are to take place.

10.3.4. Election of Office Bearers of SAHUC

10.3.4.1. The following office bearers shall be elected from among the Members of the General Council of SAHUC (if applicable):

- President
- First Deputy President
- Second Deputy President
- Secretary General
- Assistant Secretary General
- Treasurer
- Assistant Treasurer

10.3.4.2. At any Annual General Meeting of SAHUC the election of Members to the Board of SAHUC and the election of Office Bearers referred to respectively in Clause 6 above shall be done by way of ballot.

10.3.4.3. All elections of such persons at any Annual General Meeting of SAHUC shall require the majority of the votes of all persons present and entitled to vote at such meeting.

10.3.4.4. All elections of such persons shall become effective as from the close of the meeting at which they have been elected,

10.3.5. To appoint an auditor or auditors for SAHUC.

10.3.6. To consider and to pass, with or without modification, any resolutions concerning the affairs of SAHUC, including the right to determine the policy of SAHUC in regard to which due and proper notice has been given.

10.3.7. To consider and to pass, with or without modification, any resolution adding to, rescinding or amending, any part of the Constitution, of which due and proper notice is given.

10.4. Representation of Member Organisations and Their Representatives at the Annual General Meeting of SAHUC.

10.4.1. All member organisations shall be entitled to receive notice and attend General Meetings and appoint representatives to vote thereat. Every member organisation of SAHUC will be entitled to appoint two persons, who could be that Member Organisation's current representatives on the General Council of SAHUC or any other persons to attend the Annual General Meeting of SAHUC provided that they shall be members of that Member Organisation.

10.4.2. In every notice calling an Annual General Meeting of SAHUC, provision shall be made for each Member Organisation to nominate in writing the name of one of the two persons attending the meeting to attend, speak and vote on its behalf at the meeting.

10.4.3. Every nomination of a representative shall be in the form determined from time to time by the General Council of SAHUC and shall be filed with the Secretary General of SAHUC or at SAHUC's registered office not later than half an hour before the scheduled time of the meeting, including an adjourned meeting.

10.5. Quorum

10.5.1. Forty percent (40%) of all member organisations of SAHUC which attend the Annual General Meeting and for purposes whereof a Member Organisation shall be deemed to be properly represented if at least one representative of that Member Organisation is present in person, shall constitute a quorum for an Annual General Meeting.

10.5.2. No business shall be transacted at any Annual General Meeting of SAHUC unless a quorum is present.

10.5.3. If within half an hour from the time appointed for any Annual General Meeting of SAHUC a quorum is not present, the meeting shall stand adjourned to the same day in the next week, at the same time and place, or to such other day or at such other time and place as the persons present may determine (provided that they shall not be entitled to adjourn the meeting for a period shorter than seven days), and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for that meeting the persons present and entitled to vote thereat shall constitute a quorum.

10.5.4. The President of SAHUC or failing him the First Deputy President of SAHUC, or failing both of them the Second Deputy President of SAHUC, shall preside as Chairperson at any Annual General Meeting of SAHUC, or if any of them shall not be present within fifteen (15) minutes of the time appointed for the meeting,

or is unwilling to act as such, a Chairperson shall be elected from among those present.

10.5.5. If at any Annual General Meeting of SAHUC no chairperson is present to act as such, and the representatives of the members present shall elect a Chairperson from amongst their midst.

10.6. Adjournment of Meeting

10.6.1. The Chairperson may, with the consent of any Annual General Meeting at which a quorum is present, and shall if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

10.6.2. When an Annual General Meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given as in the case of the original meeting. Save as aforesaid it shall not be necessary to give notice of such adjournment or of the business to be transacted at such adjournment or of the business to be transacted at such adjourned meeting.

10.7. Motion Put to The Vote

10.7.1. Any motion put to the vote at any Annual General Meeting of SAHUC shall be decided on a show of hands unless a poll is demanded, before or on the declaration of the result of the show of hands:

10.7.1.1. By the Chairperson of the meeting; or

10.7.1.2. By not less than ten per cent (10%) of all persons present and entitled to vote at the meeting

10.7.2. Unless a poll be so demanded, a declaration by the Chairperson of the meeting that a motion has on a show of hands been carried, or carried unanimously, or carried by a particular majority, or lost, shall be the resolution of the meeting, and an entry to that effect in the minutes of proceedings of the Annual General Meeting shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded for or against the particular motion.

10.7.3. The demand for a poll may be withdrawn.

10.7.4. Except as provided for in Clause 9.7.2 hereof, if a poll is duly demanded at any Annual General Meeting of SAHUC, it shall be taken in such manner as the Chairperson of the meeting directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

10.7.5. At any Annual General Meeting of SAHUC –

10.7.5.1. A poll demanded on a question of adjournment, shall be taken forthwith, and the result thereof shall become effective immediately.

10.7.5.2. A poll demanded on any other issue shall be taken at such time as the Chairperson of the meeting directs, and any business other than that

upon which the poll has been demanded may be proceeded with pending the taking of the poll.

10.8. Voting

- 10.8.1. Every Member Organisation entitled to attend any Annual General Meeting of SAHUC shall have one (1) vote on a show of hands or on a poll.
- 10.8.2. At any Annual General Meeting of SAHUC a resolution shall be considered to have been accepted if a simple majority of those present and eligible to vote, vote in favour of the resolution
- 10.8.3. In the case of an equality of votes, whether on a show of hands or on a poll, the Chairperson of the meeting at which the show of hands takes place or at which the poll is demanded shall be entitled to a second or casting vote, provided he has used his deliberative vote.
- 10.8.4. In the case of any amendments to the constitution of SAHUC at least 75 % (seventy five percent) of those present and voting must be in favour of the amendments

11. VOTES OF NO CONFIDENCE

- 11.1. Any Committee of SAHUC or the Board of SAHUC or the General Council of SAHUC may consider a vote of no confidence in any member of their respective structures for the following reasons:
 - 11.1.1. Failure to undertake the duties of the role which they were elected to perform
 - 11.1.2. Failure to act under the terms set out in this constitution.
- 11.2. A motion of no confidence in any member must first be presented, proposed and seconded at a meeting of the Committee, Board or Council of which that person is a member. Such motion of no confidence must have the demonstrable support of at least 25% of the members who are present and eligible to vote at such meeting before the motion can be considered by the meeting.
- 11.3. The person(s) against whom the vote of no confidence has been made must be able to address the meeting
- 11.4. A vote must then be taken by the members present at the meeting. A majority vote at the meeting either in support or against the motion will then stand.

12. OBSERVERS AT MEETINGS OF SAHUC

- 12.1. It shall be the prerogative of the Meeting to allow observers at an Annual General Meeting of SAHUC, any Meeting of the General Council, Board or Provincial Committee of SAHUC.

- 12.2. Observers wishing to attend any Meeting must apply in writing five days in advance prior to the Meeting to the Secretary General of SAHUC in the case of Annual General Meetings, any meeting of the General Council or Board of SAHUC and to the Chairman of the PC in the case of Provincial Committee Meetings.
- 12.3. Only observers who have been granted permission in writing will be allowed to attend.
- 12.4. Observers who have been granted permission to attend shall have no voting rights and shall not be entitled to speak at such meetings.

13. MEDIA

- 13.1. It shall be the prerogative of the Meeting to allow accredited members of the media to attend the whole or part of any Annual General Meeting of SAHUC, any Meeting of the General Council, Board of SAHUC or Provincial Committee of SAHUC.
- 13.2. Members of the Media wishing to attend any Meeting must apply in writing five days in advance prior to the Meeting to the Secretary General of SAHUC in the case of Annual General Meetings, any meeting of the General Council or the Board of SAHUC and to the Chairman of the PC in the case of Provincial Committee Meetings.
- 13.3. Only members of the media who have been granted permission in writing will be allowed to attend

14. DUTIES AND CONDUCT OF REPRESENTATIVES OF MEMBER ORGANISATIONS AND PUBLIC REPRESENTATIVES WHO ARE MEMBERS OF SAHUC

Representatives of Member Organisations and Public Representatives who are members of SAHUC shall:

- 14.1. Have no direct or indirect interest in any activity with the object of taking business or financial gain or profit out of SAHUC activities.
- 14.2. Belong to and actively participate in the activities and meetings of the National General Council and the Provincial Committee.
- 14.3. Take all the necessary steps to implement and carry out the policies, aims, objectives and programmes of SAHUC
- 14.4. Propagate the aims, objectives, policies and programmes of SAHUC.
- 14.5. Denounce racism, sexism, religious and political intolerance or any other form of discrimination.
- 14.6. Observe discipline, behave honestly and carry out loyally the decisions of SAHUC.

- 14.7. Refrain from publishing and/or disseminating any information without authorisation
- 14.8. Refrain from supporting and encouraging and organizing groups and factions within SAHUC against SAHUC.
- 14.9. Oppose any practice within SAHUC that may be un-Islamic.

15. INCOME AND PROPERTY OF SAHUC AND REMUNERATION AND REIMBURSEMENT OF MEMBERS OF SAHUC

15.1 Income and Property

- 15.1.1 SAHUC shall maintain a record of everything it owns.
- 15.1.2 SAHUC may not give any of its money or property to its Members, Representatives of Members, Board Members or Office Bearers of the Organisation'
- 15.1.3 Members, Representatives of Members, Board Members or Office Bearers of the Organisation' do not have rights over any assets or any other property that belong to the SAHUC and no person shall have any personal or private interest, directly or indirectly, vested in SAHUC or its assets.
- 15.1.4 SAHUC shall not distribute any of its income or assets directly or indirectly to any person other than in the furtherance of its aims and objectives and other than as contemplated in terms of 20.1.6.2.4 of the Constitution.

15.2. Remuneration and Promotion of Economic Self Interest of Employees, Members, Representatives of Members, Board Members and Office Bearers

- 15.2.1. The Board of SAHUC shall have the discretion to remunerate any employees, representatives of members, board members and office bearers of SAHUC for services rendered to further the objectives of SAHUC provided that:
 - 15.2.1.1. No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
 - 15.2.1.2. No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects
 - 15.2.1.3. No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- 15.2.2. The full details of all such remuneration is to be disclosed in the Financial Statements of SAHUC.

15.3 Reimbursement of Members, Representatives of Members, Board Members and Office Bearers

A member of the organisation can only be reimbursed by SAHUC for expenses that she or he has incurred or paid on behalf of the organisation.

16. DISCIPLINARY ACTION AGAINST ORGANISATIONS, REPRESENTATIVES OF ORGANISATIONS, ANY OTHER BODY OR PERSON AND RELATED MATTERS

- 16.1. Should any member representing an organisation or any public representative conduct himself/herself in a manner likely to bring the name of the SAHUC into disrepute or commit any act of dishonesty or fraud or whose actions have resulted in a liability for damages or any action likely to impose legal consequences upon SAHUC, then his or her representation on SAHUC at any level and in any capacity shall be terminated forthwith in which case the organisation represented by the disqualified individual shall be requested to appoint another to represent the organisation in SAHUC.
- 16.2. Any SAHUC member failing to perform in his/her agreed duty/duties shall appear before the SAHUC Constitutional Legal and Disciplinary Committee and/or sub-committee or any of its members, who shall convene to adjudicate such non-performance and shall ascertain whether there are valid grounds for a disciplinary action to be instituted
- 16.3. The National General Council shall have the power to take such steps as it may deem fit against any Member Organisation, Representative of a Member Organisation Pilgrim, Hajj and Umrah Operator or any other body or person in terms of this Constitution, failing to comply with or contravening the Constitution, any of the bye-laws, rules and/or regulations of SAHUC, or any other body of persons or organisation to which SAHUC may be affiliated or associated with in terms of any agreement inter alia, the Hajj Mission Protocols or otherwise, any decisions taken, any resolutions adopted or any rulings made by the National General Council of SAHUC, the Saudi Arabian Hajj Ministry, the Muassasah in Makkah a, the Adillah in Medina or any contract entered into by SAHUC or the disciplinary rules or regulations of SAHUC and in general, to take such steps against any Organisation or Person whose actions, or lack of action in its sole opinion, are/is detrimental to the best interests of SAHUC and the Hajj and Umrah industry.
- 16.4. Notwithstanding anything to the contrary contained in this Constitution the National General Council may delegate its powers in terms of this clause to a sub-committee, or an ad hoc committee established from time to time for a specific purpose and for a specific period of time, with the right to further delegate such powers, and may for this purpose issue regulations regarding any matter which shall or may be prescribed in terms of this clause, including the right to further delegate such powers to disciplinary committees or judicial officers, procedure to be observed in the conduct of hearings, prescribed sanctions, the right of appeal to an appeal committee or appeal officer, the constitution of such appeal committee or appeal officer and in general, with regard to any other matter which it deems necessary or expedient to prescribe in order to achieve or promote the objects of this clause.
- 16.5. Disciplinary Committees or Judicial Officers and Appeal Committees or Appeal Officers constituted under this Constitution and the Regulations made there under shall exercise their functions independently of SAHUC and shall be fully autonomous and in particular any decision they make shall be binding on the

SAHUC, which shall not have the power to affirm, revoke or alter any such decision.

17. VALIDITY OF ACTS:

- 17.1. All acts of the National General Council, or of a sub-committee or ad hoc committee of the National General Council, or of any person acting as a member of the National General Council, shall, notwithstanding that it be afterwards discovered that there was some defect in the election/appointment of such person or that the members of such sub-committee or of the National General Council or any of them were disqualified, be as valid as if every such person had been duly elected/appointed and was qualified to be a member of the National General Council, sub-committee or ad hoc committee.

18. ACCOUNTING AND FINANCE

18.1. Annual Financial Statements

- 18.1.1. SAHUC shall maintain and keep proper books of account for the organization.
- 18.1.2. The auditor or accountant shall at all times have access to the books, accounts, securities, and investments of SAHUC.
- 18.1.3. The auditors shall be furnished and be entitled to such information and explanations from the General Council and the Board of SAHUC or its agents or employees as may be required.

18.2. Financial Year

SAHUC's financial year shall be the last day of March of each year.

18.3. Adherence to Reporting Requirements

The organisation shall adhere to such reporting requirements as determined by the Commissioner (South African Revenue Service) from time to time.

19. AUDIT OF SAHUC

19.1. Auditing of SAHUC's Books

The books of SAHUC shall be audited, at least once a year, by an independent Registered Chartered Accountant, who shall prepare the Annual Financial Statements and any supporting Reports for submission to the Annual General Meeting.

19.2. Appointment of Auditors

SAHUC shall appoint the auditors annually at the Annual General Meeting of SAHUC.

20. DISSOLUTION

20.1. SAHUC may be dissolved subject to the following conditions;

20.1.1. At least two thirds (66%) of the voting Member Organisations, who are present, request and are in favour of such dissolution.

20.1.2. A Special General Meeting of Member Organisations shall be convened for the purpose of considering such dissolution.

20.1.3. A meeting notice of not less than sixty (60) working days shall be given.

20.1.4. Such meeting notice shall clearly state the consideration for the dissolution of SAHUC, the disposal of its assets and the settlement of its liabilities.

20.1.5. If there is no quorum at such a meeting the meeting shall stand adjourned for not less than fourteen (14) working days and the members attending a subsequent meeting shall constitute a quorum

20.1.6 Upon the dissolution,

20.1.6.1 No past or present Member, Representative of a Member, Board Member or Office Bearer of SAHUC, or person appointed as Board Member or Office Bearer of SAHUC, shall be entitled to any part of the net value of SAHUC after its obligations and liabilities have been satisfied; and

20.1.6.2 A Board of Guardians must be appointed at the meeting which shall;

20.1.6.2.1 Consist of fifteen (15) members of known repute in the community who shall be Muslims.

20.1.6.2.2 Be vested with the power and authority to wind-up the affairs of SAHUC.

20.1.6.2.3 Settle all the debts and liabilities of SAHUC with the resources available.

20.1.6.2.4 Make provision for the costs of dissolving the Organization.

20.1.6.3. On dissolution of SAHUC as a public benefit organisation the remaining assets must be transferred to –

- i. A public benefit organisation, which has been approved in terms of Section 30 of the Act.
- ii. Any institution, board or body which is exempt from the payment of income tax in terms of section 10(1) (cA)(i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or
- iii. Any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) of the Act.

21. AMENDMENTS TO THE CONSTITUTION OF SAHUC

This Constitution may be amended subject to the following conditions:

- 21.1. A Special General Meeting of Member Organisations shall be convened for the purpose of considering such amendments.
- 21.2. Forty percent (40%) of all member organisations of SAHUC shall constitute a quorum for such a meeting. . A Member Organisation shall be deemed to be properly represented if at least one representative of that Member Organisation is present in person.
- 21.3. At least seventy-five percent (75%) of the voting Member Organisations, who are present, must vote in favour of the amendments.
- 21.4. A meeting notice of not less than twenty-one (21) days shall be given.
- 21.5. Copies of all amendments shall be given to all members at least 21 days prior to the meeting.
- 21.6. Such meeting notice shall clearly state the consideration for the amendments.
- 21.7. If there is no quorum at such a meeting the meeting shall stand adjourned for not less than fourteen (14) days and the members attending a subsequent meeting shall constitute a quorum
- 21.8. The Board shall submit any amendments/changes made to the constitution to the Commissioner (South African Revenue Service) together with a copy of the constitution that includes such amendments, within 30 days of the/these amendment/s, at a place as stated by the Commissioner, from time to time.

22. INDEMNITY

- 22.1. Every person elected, nominated, appointed, co-opted, employed or engaged by SAHUC or the Secretariat, and every officer and employee of SAHUC, shall be indemnified by the SAHUC against all claims arising from or losses and expenses incurred as a result of the execution of their duties, except claims, losses or expenses arising from their own fraud or gross negligence

23. INTERPRETATION

- 23.1. Any question or dispute relating to the interpretation of this Constitution or any amendments thereto shall be referred for decision to the National General Council whose decision will be final and binding;
- 23.2. The singular shall include the plural and vice-versa
- 23.3. The masculine shall include the feminine

24. TRANSITION

- 24.1. In order to ensure continuity of SAHUC, the following transitional arrangements shall be followed from the date of adoption of this constitution to the next Annual General Meeting of SAHUC where after they will become obsolete.
- 24.2. The National Executive Council shall become the General Council of SAHUC.
- 24.3. The present Management Committee of SAHUC (MANCO) shall form the Board of SAHUC.
- 24.4. The present office bearers of SAHUC shall remain in office until the Annual General Meeting of SAHUC in 2015 when the Board and Office Bearers shall be elected.
- 24.5. The Provincial Executive Committees of SAHUC shall become the Provincial Committees of SAHUC.
- 24.6. In the event of any conflict arising in regard to these transitional arrangements, the Board of SAHUC shall make the final decision.

**ANNEXURE A - FOUNDER MEMBERS OF THE SOUTH AFRICAN HAJJ
AND UMRAH COUNCIL (SAHUC)**

**ANNEXURE A TO THE CONSTITUTION OF SAHUC AS AMENDED ON
18TH OCTOBER 2015**

Africa Muslim Agency
Central Islamic Trust
Dural Waqaf Foundation
Islamic Business Chamber
Islamic Council Of South Africa
Islamic Dawah Movement
Islamic Medical Association
Islamic Research Centre
Jamiatul Ulama
Jamiatul Ulama (Kwazulu Natal)
Majlis Ashura-AI-Islamia
Muslim Assembly
Muslim Judicial Council (MJC)
Muslim Youth Movement
SAMTA
Sunni Jamiat Ulama
United Ulama Council of South Africa
Al Ansaar Foundation

**ANNEXURE B - MEMBER ORGANISATIONS OF SOUTH AFRICAN HAJJ
AND UMRAH COUNCIL(SAHUC) AS AT 06th APRIL 2019**

**ANNEXURE B TO THE CONSTITUTION OF SAHUC AS
AMENDED ON 06th APRIL 2019**

ORGANISATION
Africa Muslims Agency
Al Ansaar Foundation
Al Ansaar Radio
Avitrec
AWQAF South Africa
Central Islamic Trust
Crescent of Hope
Dar Ul Ihsan
Islamic Business Chamber
Islamic Council of SA
Islamic Dawah Movement
Islamic Forum
Islamic Relief Fund
Islamic Research Centre
Islamic Society Centre
Jamiatul Ulama KZN
Jamiatul Ulama South Africa
Lenz South Muslim Assoc.
Majlisus Shura Al Islami
Muslim Assembly
Muslim Judicial Council
Muslim Youth Movement
SAMTA
SATHUOA
Sunni Jamiat Ulama
Sunni Ulama Council
United Ulama Council of SA
RAUF