



SCAVA

South Cape Association
For Visual Arts

THE CONSTITUTION OF “SOUTH CAPE ASSOCIATION FOR VISUAL ARTS”

(As adopted and approved at Special General meeting held 24 November 2023)

1 NAME

The name of the organisation shall be the “SOUTH CAPE ASSOCIATION FOR VISUAL ARTS”, referred to in this Constitution as the “Association”. It shall be noted for the record that the Association emblem shall depict both the name “South Cape Association for Visual Arts” and/or “SCAVA”. The acknowledged abbreviation is SCAVA. The Association shall be a legal entity and persona in law having an existence distinct from its members and shall have all the powers, rights, and privileges, which are normally applicable to legal entities and shall be liable in law.

2 REGISTERED OFFICE

The registered office of the Association shall be at such place as determined from time to time by the Association Committee.

3 INTERPRETATION AND DEFINITIONS

3.1 "Association" means "SOUTH CAPE ASSOCIATION FOR VISUAL ARTS", located in the town of George, located in the Western Cape Province of the Republic of South Africa.

3.2 "AGM" means the Annual General Meeting held by the South Cape Association for Visual Arts as herein defined.

3.3 "Casting Vote" means one additional vote being cast by the Chairperson or any such other committee member appointed to vote in the absence of the Chairperson, in the event of a tie in votes, once counted by the committee.

3.4 "Chairperson" means the person elected by the Association members at the Annual General Meeting, as the Chairperson of the Association.

3.5 "Committee" means the elected management Committee of the Association.

3.6 "Committee Member" means a Member of the Management Committee duly elected at the Annual General Meeting.

Committee Members

René Scribante (Chairperson) | chairperson@scava.co.za
Kala Combrink (Treasurer) | treasurer@scava.co.za
Liesel du Toit (Secretary) | secretary@scava.co.za
Colin Burgess | Gill Dodington | Susan Alexander
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3.7 "Entrance Fee" means the fee determined at the sole discretion of the Association Committee, payable by new applicants wishing to join the Association.

3.8 "Financial year" of the Association shall start on the 1st day of January each calendar year and ends on the 31st day of December the same year.

3.9 "Gender" - where any word, words, or phrases, in these Rules indicate a gender, both genders are applicable.

3.10 "In good standing" means a member whose subscription and any other charges or dues to the Association are paid-up and who has not been suspended or expelled from the Association in terms of Association rules.

3.11 "Normal Vote" means one vote as defined under paragraph 6.9 herein below, on any Association issue.

3.12 "Masculine" shall also be deemed to be the feminine when the context so admits.

3.13 "Member" means a person 18 years or older, whose application for membership has been accepted by the Committee of the SOUTH CAPE ASSOCIATION FOR VISUAL ARTS and whose membership is in good standing.

3.14 "Notices" For the purpose of the Association Rules and any Regulations, any notices required to be given to any Member hereunder, shall be deemed to be properly given if delivered by e-mail or any other electronic means to such Member at his last known contact details recorded in the Association Register of membership.

3.15 "SANAVA" means the "SOUTH AFRICAN NATIONAL ASSOCIATION FOR THE VISUAL ARTS".

3.16 "SCAVA" means "SOUTH CAPE ASSOCIATION FOR VISUAL ARTS".

3.17 "Secretary" shall be the person elected by the Association members at the Annual General Meeting, to administer the secretarial affairs of the Association.

3.18 "Treasurer" shall mean the person elected by the Association members at the Annual General Meeting, to administer the financial affairs of the Association.

4 ASSOCIATION OBJECTIVES

The aims and objectives of the Association are;

SCAVA is the driving force in promoting and nurturing the visual arts in our community. Our primary focus is to support and connect artists from the Southern Cape region. As an association, we strive to keep our members informed about exhibition opportunities in the region. We operate as a non-profit organization, run by artists for artists, fostering a supportive and collaborative environment

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- 4.1** The principal objective of the Association is to promote social and recreational amenities such as but not limited to exhibitions, lectures, etc. for the members of the Association
- 4.2** To provide an informal association whereby artists and all those interested in the visual arts can consider, discuss and interact, for the benefit of the members.
- 4.3** Through the informal exchange of ideas, experience and knowledge to broaden and improve the creativity of the members.
- 4.4** To conform to the South African National Association for the Visual Arts (SANAVA) constitution. See <http://sanava.co.za/about/our-constitution/>
- 4.5** The organization and / or promotion of competitive events such as Art competitions under the rules of SCAVA/SANAVA as well as non-competitive events for the enjoyment of all artists.
- 4.6** To foster among Association Members a system of mutual voluntary assistance for the maintenance and preservation of all Visual Arts catered for by the Association.

5 ASSOCIATION POWERS

That the Association shall have power to do all acts and things necessary for the furtherance of its objectives and in particular may exercise the following powers;

- 5.1** The Association may have a headquarters or an Association house and other facilities at such places as will from time to time be determined.
- 5.2** The Association may join or liaise with any organization whose aims are similar to, or compatible with those of The Association.
- 5.3** The Association may purchase, lease or otherwise acquire upon such terms as it may think fit, any real and personal property, and any rights and privileges, either necessary or convenient, for the purpose of the Association, and may erect, maintain, improve or alter any building, premises, works, as it may require.
- 5.4** The Association may for any of its objectives borrow or raise money, and for the purpose of securing the repayment thereof may charge all or any of its real or personal property. Any decision to borrow or raise money shall however at all times be subject to a majority vote of the Association members present at a General Meeting, as defined, prescribed and determined under paragraph 13 "GENERAL MEETINGS" herein below.
- 5.5** The Association may invest and deal with the funds of the Association in such manner and upon such terms and conditions, as the Committee may think fit.
- 5.6** The Association may sell, lease, exchange, mortgage, or otherwise deal with all or any of the real financial and personal property of the Association. Any decision to sell, lease, exchange, mortgage, or otherwise deal with any of the real financial and or personal property of the Association, shall however at all times be subject

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to a majority vote of the Association members present at a General Meeting, as prescribed and defined under paragraph 13 “GENERAL MEETINGS” herein below.

5.7 The Association may make grants, donations and subsidies in favour of deserving entities such as charities and the promotion of youth art projects, whether these entities have the same or similar objectives of the Association or not.

5.8 The Association may accept any gifts or property, whether subject to any special trusts, or not, for any one or more of the objectives of the Association.

5.9 The Association may print, publish and sell any newspapers, journals, periodicals, books, bulletins, leaflets, videos, or any electronic media, or other literature that may from time to time be deemed desirable for the promotion of any one or more of the objectives of the Association, subject to the terms and conditions of the Privacy Act.

5.10 The Association shall open accounts with a savings or trading banks as shall be agreed upon and moneys received on account of the Association shall be paid into such accounts and all payments made by the Association will be made in either cash payments against verifiable invoices being remitted for payment, or EFT (the Electronic Funds Transfer internet banking system) linked directly to the Association’s bank accounts, or use other banking systems as appropriate.

5.11 The Association may receive fees, subscriptions, funds and sponsorships/donations.

5.12 The Association may employ staff and engage the services of personnel and organisations to assist and advise the Association. These services may include but are not limited to professional services such as accounting and legal services rendered to the Association and its members where or whenever applicable.

5.13 The Association shall determine its membership, and/or other appointed personnel.

5.14 The Association may establish committees and delegate its power to those committees.

5.15 The Committee shall/may discipline any of its Members.

5.16 The Association may determine By-laws, policies and procedures to administer the Association.

5.17 The Association shall pursue any course of action which will further the aims and objectives of the Association.

6 ASSOCIATION MEMBERSHIP

Membership of the Association shall comprise of Individuals who subscribe, accept and promote the objectives of the Association and whom the Association accepts as its Members. The following shall apply to all memberships;

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6.1 Membership to be open to all persons within a radius of 250kms of George, engaged in or interested in the Visual Arts.

6.2 A member may propose a person, not generally qualifying for membership, as per paragraph 6.1, subject to committee approval.

6.3 Persons who subscribe to the objectives of the Association may apply for membership by submitting a prescribed application form as well as SCAVA indemnity and POPI forms, together with the requisite entrance fee and subscription as prescribed by the committee.

6.4 On obtaining membership, the Committee shall notify him/her of their membership and advise him/her of the availability of the Association's constitution on the Association's website. An electronic copy of the Association's constitution shall at all times be made available on the Association's official website. The new member's membership card will be available at the Secretarial offices or any such place the Committee may determine from time to time. Payment of the entrance fee and subscription shall be distinct acknowledgement on the part of any member that he/ she is bound by the Constitution of the Association.

6.5 By accepting membership of the Association, a member accepts that the Association, its members and officials, cannot be held responsible or liable for any loss, damage, injury or death suffered while engaged in any Association activity through any cause whatsoever.

6.6 An Association member may be elected by the Committee into one of the following classes of membership:
- Association Patron (term is two years, renewable), and or Honorary Association member (life membership) of the Association.

6.7 The position of Patron shall be the highest honour the Association can offer. An appointment as Patron may be made at the Annual General Meeting on the recommendation of the Committee. Any such recommendation can only be approved by a two-thirds majority vote by the members present at the annual General Meeting.

6.8 Members who have rendered notable service to the Association may be elected to become Honorary Association Members for life. A decision to elect a member as an honorary member shall be made at the sole discretion of the Committee. Honorary Association Members shall be exempt from paying Association subscription fees.

6.9 All Association members, shall be entitled to vote at General Meetings of the Association and or Special meetings of the Association, provided they are in good standing. **6.10** All Members shall be entitled to similar privileges subject to complying with SANAVA requirements as amended from time to time.

6.11 No Member will be allowed to take part in any event without first paying;

6.11.1 The entry fee for that particular event, where applicable, and

6.11.2 Any other monies, which the member owes, according to the Association books.

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7 MISCONDUCT OF AN ASSOCIATION MEMBER (S)

7.1 No Member may by their conduct or activities be injurious to the welfare or character of the Association or by their actions be in breach of any of the pre-scribed rules of the Association. Any member infringing the rules of the Association, Association competitions or events or those competitions and or events associated with the Association, or whose conduct appears likely to bring the Association into disrepute, or who causes strife or dissension in the Association, may be:

7.1.1 Suspended instantly and verbally by the Chairperson and a member of the Committee or any two officials appointed by the Committee in respect of any outing or event or competition sponsored by the Association.

7.1.2 Expelled from the Association by a majority vote of the Committee after a full investigation has been conducted.

7.2 Any participants from another Association in any event of any kind held under the auspices of the SCAVA will be subject to the same rules of conduct as a member. Should he/she be found in breach of these rules, such participant shall be dismissed from that event without the right to appeal.

7.3 In the case of misconduct of a Committee member or a Committee member bringing the Association into disrepute or making public statements on behalf of the Association which are regarded as incorrect / false by a majority decision of the Committee, such committee member may be suspended or expelled as decided by the Committee. Such suspended or expelled committee member may lodge an appeal as provided for in paragraph 7.4 below.

7.4 Any member that has been suspended or expelled from the Association as indicated in paragraphs 7.1 and 7.3 above, may lodge an appeal in writing within 30 days to the Committee against his/her suspension. Any appeal lodged by a suspended member or his/her legal counsel, must follow the Association's appeals procedures. Information on the Association's appeal procedures shall be made available within seven (7) calendar days as of the date of such request having been received by the Association or one of its Committee members in writing. Requests for the appeal procedures can be obtained from any Committee member and or the Association Secretary.

7.5 Upon receipt of a written appeal, the Committee shall deliberate the matter in hand and vote as to whether to uphold or dismiss any applicable suspension. The outcome of the decision at this meeting will be final and the member will have no further recourse.

7.6 Should a Committee member be suspended, and appeal his/her suspension, such appeal may only be heard and considered by the Chairperson, together with the Secretary and another committee member of the Association, unless the Chairperson is the suspended party, in which case the secretary and another two committee members of the Association shall fulfil this function.

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8 MEMBERSHIP RESIGNATION / CANCELLATION

8.1 Any Member may discontinue their membership upon delivering to the Association secretary or a committee member notice in writing of their intention to do so.

8.2 Any Members being over three months in arrears with their membership fees may be liable to have their membership either suspended or cancelled by the committee. Cancellation of a membership as a result of unpaid membership fees, shall however not result in the member be discharged from liability for any monies owed to the Association.

9 CESSATION OF ASSOCIATION MEMBERSHIP

Any person shall, on ceasing to be a member of the Association for whatever reason, forfeit all rights to and claim upon the Association and its property and or floating trophies in their possession.

10 SUBSCRIPTION FEES AND ENTRANCE FEES

Subscription Fees and Association Entrance Fees shall be determined for the ensuing year at a Committee Meeting. These fees shall take all fixed costs such as SANAVA Subscriptions into account, as well as all budgeted expenditure.

11 THE ASSOCIATION'S COMMITTEE

The management of the Association shall be vested in an Association "Committee" which shall consist of the following;

11.1 No less than five (5) or more than nine (9) Association members. If at any time the number of members of the Committee shall fall below five (5), the remaining members may not act except for the purpose of electing one or more members to bring their numbers up to the minimum of five (5).

11.2 All members shall have been elected to the committee at an Annual General Meeting of the Association. Any two members, whose membership is in good standing, may sponsor the nomination of a member, whose membership is also in good standing, for election to the committee by submitting his name, in writing, to reach the Committee at least seven days prior to the Annual General Meeting, with the approval of the nominee.

11.3 Chairperson: Any two members, whose membership is in good standing, may sponsor the nomination of a member, whose membership is also in good standing, for election as chairperson to the committee by submitting his/her name, in writing, to reach the Committee at least seven days prior to the Annual General Meeting, with the approval of the nominee.

11.4 Secretary: Any two members, whose membership is in good standing, may sponsor the nomination of a member, whose membership is also in good standing, for election as secretary to the committee by submitting his/her name, in writing, to reach the Committee at least seven days prior to the Annual General Meeting, with the approval of the nominee.

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11.5 Treasurer: Any two members, whose membership is in good standing, may sponsor the nomination of a member, whose membership is also in good standing, for election as treasurer to the committee by submitting his/her name, in writing, to reach the Committee at least seven days prior to the Annual General Meeting, with the approval of the nominee.

11.6 Interested persons who agree to become members and shall, subject to the constitution, hold office until the conclusion of the Annual General Meeting held the following year.

11.7 The Committee may elect any member to fill a casual vacancy in the Committee.

11.8 If any member of the Committee fails to attend three consecutive meetings of the Committee without an excuse which, in the opinion of the Committee is reasonable, the Committee may resolve that he forfeits his office, and a casual vacancy shall be deemed to have occurred.

11.9 *Conduct at Committee meetings* - The Chairperson of the Association will be the Chairperson of the "Committee" and may be, ex-officio, a member of all Association appointed sub-committees. In the absence of the Chairperson, the secretary shall be Chairperson of the "Committee". The Chairperson shall be entitled to exercise a "normal" vote, and in the event of a tie, shall be entitled to a "casting" vote, which need not be exercised, or if exercised, need not be cast to preserve the "status quo".

11.10 *Committee voting protocols* - All decisions and resolutions of the Committee shall be passed by a vote of a majority of Committee members in attendance at the Committee meeting. A majority vote or "quorum" at a Committee Meeting shall consist of at least fifty percent (50%) of the committee members present at such meeting, provided that no less than three (3) members shall form a quorum.

11.11 No Committee member or Association member shall be entitled to receive a monthly salary or remuneration for serving the Association in an official or appointed capacity. Committee members or Association members may be eligible to receive reasonable compensation from time to time for special services rendered or products procured for the Association, provided that such services were recognized and or products procured approved by the Committee. Payments made to members or Committee members for any such services rendered or products procured, must remit acceptable invoices and or proof of expenses incurred on behalf of the Association. Any and all financial claims therefore submitted by Committee member or Association member as herein defined, shall therefore at all times require Committee approval, prior to any payments made therefor.

11.12 An Association Committee member having a conflict of interest or conflict of responsibility on any matter involving the Association and any business entity or person, shall refrain from voting on such a matter. No member of the Association Committee shall use his position for his own direct or indirect financial gain.

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12 POWERS OF THE COMMITTEE

The Association Committee shall have the following powers;

12.1 To plan, manage, administer and report on the affairs and finances of the Association.

12.2 To delegate to any members any of its powers and duties, and or to establish event committees or sub committees as it considers necessary to assist with the administration and functioning of the Association and/ or Association events. The event committee or person may without confirmation by the Association Committee, exercise or perform the delegated powers or duties in the same way and with the same effect as the Committee could itself have done. Any committee or person to whom the Committee has delegated powers or duties will be bound by the charitable terms of the Association and any terms or conditions of the delegation set by the Committee. The Committee will be able to revoke such delegation at will, and no such delegation will prevent the exercise of any power or the performance of any duty by the Committee. It will not be necessary for any person who is appointed to be a member of any such committee, or to whom such delegation is made, to be a member of the Association.

12.3 To decide the frequency and procedure of Committee meetings and to implement Committee policies and procedures, including but not limited to the filling of any vacancies in any committees or sub-committees.

12.4 To co-opt, appoint and or engage the assistance of any persons or organisations to assist or advise the Association as and when required. These persons or organisations appointed at the Committees sole discretion, may or could be auditors, attorneys and/ or legal advisors, a newsletter editor, an events secretary, a librarian, a disciplinary committee, an Association historian, an Association photographer or any such other appointment the Committee might deem appropriate or required from time to time.

12.5 To determine the terms and conditions of employees, volunteers and any other persons rendering service to the Association.

12.6 To fix competition fees and conditions subject to SCAVA and SANAVA rules. The Committee shall from time to time, have the power to make, alter, amend and repeal any regulation, for carrying out any competitions, or other activities not consistent with the objectives of the Association or for regulating their own proceedings as they may deem expedient provided that such regulations are not inconsistent with the rules of the Association. The Secretary of the Association shall at all times keep a record of such regulations.

12.7 The Chairperson shall serve as the Association's SANAVA representative and to vote on behalf of the Association at meetings of SANAVA. If the Chairperson is unavailable to represent the Association, the committee may nominate at least one of its members to serve as the Association's SANAVA representative; i.e., to act as the Association's representative and to vote on behalf of the Association at meetings of SANAVA. At the discretion of the Committee, any number of members may be nominated at any given time, to represent the Association at SANAVA meetings, but only the Chairperson shall act as conduit between the Association and SANAVA.

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12.8 To collect, invest in a registered bank only and spend the funds of the Association in terms of its objects. No long-term financial commitment enduring beyond the term of office of the committee may be entered into without prior approval at a General Meeting of the Association.

12.9 To open Banking, Investment and Savings Accounts in the name of the Association and to authorize at least three members of the committee or other officers of the Association, to transact thereon, provided that any transaction shall require authorization by two authorized signatures. As a general rule, the three authorized persons to manage the Association bank accounts shall consist of the Association treasurer together with any two other Association members, including committee members.

12.10 Minutes shall be recorded at every committee or general meetings of the Association. The Chairperson of that meeting, or the following Chairperson shall sign these minutes, which shall be conclusive evidence of the business transacted at the meeting.

12.11 To settle disputes between members insofar as Association matters are concerned, the Committee's decision being final.

12.12 To discipline any member where and when applicable and in accordance with the terms and conditions of this Constitution.

12.13 To decide on any Association related matter, which is not provided for in the Association constitution.

12.14 In the event of a dispute regarding the wording of the Afrikaans version of the Constitution, the English version of the constitution shall prevail.

13 GENERAL MEETINGS

13.1 An Annual General Meeting of the Association shall be held every calendar year, no later than 3-months after the year-end and at such venue as the Committee shall determine at their sole discretion. The Committee may further give notice at any time during the calendar year, of a Special General Meeting to be held at a venue that the Committee shall determine at their sole discretion.

13.2 *Notice of Meetings:* Twenty-One (21) calendar days' notice in writing by e-mail or any other electronic means shall be given prior to the commencement date of any and all Annual and/ or Special General Meetings to be held. Accidental omission or failure to send a notice to a member shall not invalidate the proceedings at the meeting.

13.3 *Agenda and Business:* The business, which shall be discussed at the Annual General Meeting, includes the Chairperson's annual report, annual financial statements, items of business, elections, and any alterations to this Constitution and or any such other business approved by the Committee for inclusion in the notice calling for the meeting. An agenda containing the business to be discussed at an Annual General Meeting shall be forwarded to all Members by not less than 21 days before the date of the Meeting. The business of the Annual General Meeting shall be restricted to the proposed resolutions in the notice convening it. The Chairperson of

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the Annual General Meeting may allow amendments to such resolutions if, in his opinion, they are necessary or desirable, but only in order to clarify the stated resolutions or render them more practicable. The business of the Annual General Meeting shall further include but not be limited to;

13.3.1 Elect a Chairperson, secretary, treasurer and committee members by ballot at all instances. The newly elected committee will at the first meeting following the AGM, allocate portfolios and tabulate their functions if required.

13.3.2 Transact such other business as the Committee may have received at least seven days prior to the meeting and approved for inclusion in the Notice.

13.4 Voting: At all Annual General or Special General Meetings each Member in good standing, shall have one vote, which must be given personally or by proxy – see paragraph 13.7.3. Voting shall be by a show of hands unless a ballot is demanded. The Chairperson for the time being shall, in all cases of equal voting, have a casting vote as well as a normal vote.

13.5 Special General Meeting: On a requisition in writing, signed by twenty (20) Members of the Association, being given to the Secretary, or on his/ her behalf being directed to do so by the Committee or by the Chairperson, a Special General Meeting shall be called. The provisions relating to notice of and proceedings at the Annual Meeting shall apply to Special General Meetings, so far as applicable. A special General Meeting will only consider business related to the reason for which it is called, as notified to members.

13.6 Quorum: At all Annual General or Special General Meetings of the Association, a quorum at said meetings shall be at least twenty (20) members present and entitled to vote. Each member entitled to a vote shall have one vote. The Chairperson of the meeting shall have his normal vote as well as a casting vote, which he may have in the event of a tied vote, but then only in the interest of retaining the status quo.

13.7 General Procedure

13.7.1 The Chairperson of the committee shall be the Chairperson at any official Association Meeting. If he is not present at the advertised time of the meeting, the members present shall appoint the secretary of the Association to act as Chairperson of the meeting. If neither the Chairperson nor secretary of the Association is available, the members present shall elect another member in good standing as Chairperson of the meeting.

13.7.2 The declaration of the Chairperson as to the passing or defeat of any resolution shall be conclusive unless a recount is immediately called for.

13.7.3 Proxy votes may be exercised only in writing and signed request submitted to the Secretary prior to the commencement of the meeting. Before any voting takes place, the Chairperson shall establish the voting strength of the meeting and make it known to the meeting.

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14 AMENDMENT OR ALTERATIONS TO THE CONSTITUTION AND ASSOCIATION RULES

This CONSTITUTION may only be amended, altered, added to or repealed by resolution passed by quorum of the members present and voting at an Annual General or a Special Meeting of the Association, where not less than 21 days' notice of such a meeting were given setting out the proposed amendments.

15 INDEMNIFICATION

15.1 Committee Members and any other officials of the Association shall be indemnified by the members of the Association in respect of all reasonable matters undertaken for the direct benefit of the Association and in pursuance of its objects.

15.2 The Association shall in no way be liable for, or the recovery of, damage in respect of injuries sustained by members, whether to their person or art and or possessions.

15.3 Any person participating in Association events of whatever nature does so at his own risk.

16 COPYRIGHT AND TRADEMARK PROTECTION FOR THE SOUTH CAPE ASSOCIATION FOR VISUAL ARTS

16.1 Intellectual Property Rights

16.1.1 SCAVA hereby acknowledges that its logo, as designed and adopted by the Association, is a unique and valuable asset that represents the identity and reputation of the organization.

16.1.2 SCAVA, as the creator and owner of its logo, shall hold all intellectual property rights, including but not limited to copyright and trademark rights, related to its logo.

16.2 Copyright Protection

16.2.1 The SCAVA logo, as an original work of authorship, is protected by copyright law, and the Association reserves all rights to its logo as afforded under applicable copyright legislation.

16.2.2 No individual, entity, or organization, without prior written consent from the SCAVA, shall reproduce, modify, distribute, publicly display, or use the logo in any manner that infringes upon the Association's copyright.

16.2.3 The SCAVA may grant a non-exclusive license to third parties for the use of its logo, subject to terms and conditions specified in a separate licensing agreement.

16.3 Trademark Protection

16.3.1 The SCAVA logo is a distinctive mark that distinguishes the Association from others, and as such, it is protected under trademark law.

16.3.2 The SCAVA shall have exclusive rights to use its logo as a trademark in connection with the goods, services, or activities related to the Association's objectives and mission.

Committee Members

René Scribante (Chairperson) | chairperson@scava.co.za
Kala Combrink (Treasurer) | treasurer@scava.co.za
Liesel du Toit (Secretary) | secretary@scava.co.za
Colin Burgess | Gill Dodington | Susan Alexander
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South Africa

Branch of



South African
National Association
for the Visual Arts



16.3.3 Unauthorized use of the SCAVA's logo as a trademark, which may cause confusion among the public or dilute the distinctive character of the mark, is strictly prohibited.

16.3.4 SCAVA may pursue legal action against any individual, entity, or organization that engages in unauthorized use of its logo as a trademark.

16.4 Enforcement and Dispute Resolution

16.4.1 In the event of suspected copyright or trademark infringement of the SCAVA's logo, the Association may take appropriate legal action to enforce its rights, seeking remedies including but not limited to damages, injunctive relief, and attorney's fees.

16.4.2. Any disputes related to the use, ownership, or protection of the SCAVA's logo shall be resolved through negotiation and, if necessary, arbitration in accordance with the laws of [Jurisdiction], unless otherwise agreed upon by the parties involved.

17 MEDIATION & ARBITRATION

Any dispute arising out of or relating to this Constitution may be referred to mediation and or arbitration, a non-binding dispute resolution process in which an independent mediator or arbitrator facilitates negotiation between parties. Either party writing to the other party and identifying the dispute that is being suggested for mediation or arbitration may initiate mediation and or arbitration. The other party will either agree to proceed with mediation/ arbitration or agree to attend a preliminary meeting with the mediator or arbitrator to discuss whether mediation or in fact arbitration would be helpful in the circumstances. The parties will agree on a suitable person to act as mediator and or arbitrator or will ask the Association of Arbitrators (Southern Africa) to appoint a mediator.

18 DISSOLUTION AND WINDING UP OF THE ASSOCIATION

18.1 If the Association is in liquidation, or if at any Annual General Meeting or any Special General Meeting the majority of voting Association members resolve that the Association shall be wound up, a further Special General Meeting shall be called and held not earlier than thirty days after the date of the meeting at which the resolution was passed, to confirm or reject the resolution. A majority shall represent at least 80% of the members present voting for such resolution to be passed, provided that at least ten (10) members are present at said meeting.

18.2 If a resolution to dissolve the Association is confirmed at the further Special General Meeting, the Association shall be wound up and the committee shall be obliged to direct the disposal and transfer of all the Associations assets to another Association or non-profit organization having the same objectives of the Association, as defined under paragraph 4 herein above. If such Association cannot be found in the Western Cape to the satisfaction of the Committee, then the guidance of the Chairperson for the time being of SANAVA shall be requested for this purpose.

Committee Members

René Scribante (Chairperson) | chairperson@scava.co.za
Kala Combrink (Treasurer) | treasurer@scava.co.za
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SCAVA

South Cape Association
For Visual Arts

18.3 The transfer of any assets as defined under sub-paragraph 18.2 above, shall only be made after all the liabilities of the Association up and until the date of it having been dissolved, has been settled in full. Once all debt payments were affected, none of the assets and or funds so transferred would be recoverable from the recipient of the Association's assets.

18.4 No Committee or any other member shall benefit in any way from the dissolution of the Association or in anticipation of such dissolution.

Thus, done at a Special General Meeting held on the 24th of November 2023 in George and signed by the Chairperson and Secretary hereunder.

CHAIRPERSON

SECRETARY

Committee Members

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