



# **BADMINTON CONFEDERATION AFRICA**

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**CONSTITUTION**

**IN FORCE :  
25 MAY 2023**

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## **SECTION 1 – GENERAL PROVISIONS**

### **1. NAME**

- 1.1. The Confederation shall be known as the “**Badminton Confederation Africa**” (BCA).
- 1.1.1. In French, the name of the Confederation shall be **Confédération Africaine de Badminton**’ (BCA).
- 1.2. The BCA was established on 31 August 1977 with 7 foundingMembers.
- 1.3. The BCA is a Continental Confederation of the BWF and is organisedas a non-profit organisation.
- 1.4. The BCA shall possess legal personality and have the capacity to contract, to acquire and dispose of immovable property, and to institute and defend in legal proceedings.

### **2. LANGUAGES**

- 2.1. The official spoken and written language of the BCA shall be English. However, French, Arabic and Portuguese may also be used for communications and publications.
- 2.2. In case of dispute or misunderstanding, the English version shall be accepted as the correct one.
- 2.3. Any document submitted for consideration shall be written in either English or French.
- 2.4. Discussions, presentations or debates in any meeting shall be in either English or French.

### **3. PURPOSES AND OBJECTIVES**

The purposes and objectives of the BCA are:

- 3.1. Promoting and developing the sport of Badminton from a continental aspect, in all countries in Africa.

- 3.2. Achieving general unity of action.
- 3.3. Enabling mutual recognition of Members in their dealings with each other.

- 3.4. Encouraging the formation of new Members and strengthening the bonds between existing Members.
- 3.5. Making regulations for all BCA Tournaments held in Africa and publishing them as the BCA competition regulations.
- 3.6. Ensuring the observance of the Laws of Badminton and the BWF and the BCA competition regulations in all competitions held in Africa.
- 3.7. Organizing, conducting and presenting continental Badminton competitions in cooperation with the BCA Members and ensuring BWF sanctioned competitions in Africa region meet appropriate standards.
- 3.8. Protecting the integrity of Badminton and supporting the delivery of anti-doping and anti-match manipulation programmes.
- 3.9. Publishing and promoting the BCA Statutes and Principles.
  - 3.9.1. Upholding the BWF and the BCA Statutes
- 3.10. Managing the funds of the BCA in a responsible and sustainable way to achieve the objectives of the BCA.
- 3.11. Advancing the interests of Badminton from a continental point of view, and to achieve the objectives of the BCA.
- 3.12. Assisting BWF to resolve disputes between or within Members

## **4. PRINCIPLES**

### **4.1. Autonomy**

The autonomy of international sport is a fundamental principle.

The BCA shall allow Members complete autonomy in their own territory. It will have no part in purely national issues unless such issues affect the international image, or the Olympic and Paralympic status of the sport in any way. When the autonomy of a Member is being compromised, the BWF, in consultation with the BCA shall take any appropriate measures.

Members must manage their internal affairs with total independence and ensure that no third party interferes in their operations. Members must

remain autonomous and resist political, religious and financial pressure which may infringe their commitment to conform to the BWF's Constitution. Any external form of interference or attempt shall be reported to the BWF.

#### **4.2. Equal Opportunity**

Badminton has equal representation of men and women on the field of play. The BCA supports the active participation of women in Badminton at all levels and the representation of both men and women in the affairs of the BCA beyond the field of play.

#### **4.3. Fair Play**

The BCA and its Members shall take all reasonable care to ensure Tournaments and those participating in Tournaments respect “fair play”. The BCA promotes the highest degree of sportsmanship and integrity among the players, officials and administrators. Players at all levels must be able to participate in Badminton which is free of drugs, violence, discrimination, technical manipulation, cheating and any form of exploitation in an attempt to win or to manipulate matches.

#### **4.4. Harassment Free Sport**

All those working and participating in Badminton including players, coaches, technical officials and administrators have a right to compete, work and participate in a harassment-free environment. The BCA shall ensure there are no forms of harassment whether that be physical, psychological or other forms of harassment.

#### **4.5. Non-Discrimination**

The BCA shall not allow any form of discrimination to affect its decisions or actions, be it discrimination based on race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### **4.6. Transparency**

The BCA shall operate in a transparent way so that its decisions and actions are open to scrutiny by its membership and the general public. Comprehensive information on its decisions, regulations, policies and programmes shall be available to all.

#### **4.7. Olympic Charter**

The general and fundamental principles of the Olympic Charter are applicable and no provision of the BCA Statutes may conflict with or



derogate from those principles.

## **5. DEFINITIONS**

- 5.1. **AGM** – Annual General Meeting of Member representatives as described in Clause 9.
- 5.2. **BCA** – Badminton Confederation Africa.
- 5.3. **BCA Members** – means any Members or Associate Members of the BWF from the Continental Confederation of Africa who automatically become Members of the BCA.
- 5.4. **BWF** – Badminton World Federation.
- 5.5. **CAS** – means the Court of Arbitration for Sport.
- 5.6. **Council** – the governing board elected by the AGM as defined in Clause 11.1 with its roles and responsibilities described in Clause 13.
- 5.7. **Covered Persons:** means Officials, Players, and Related Persons and also:
- Includes Members of the BCA, as well as any natural person or organisation that has accepted BCA's jurisdiction.
  - Any person who ceases to be a Covered Person for any reason shall for all purposes under these rules be deemed to be and to remain a Covered Person in respect of any investigation or allegation into conduct while that person was a Covered Person, and:
  - Any person who became a Covered Person shall be deemed to be and to remain a Covered Person for a continuous period of 12 months after the date, on each occasion, upon which that person became a Covered Person.
- Any person who is not otherwise a Covered Person but who engages in conduct which would amount to conduct which is a breach of the Statutes shall be deemed for the purposes of these Procedures as a Covered Person but shall be liable only to the Sanction(s) of a Suspension and/or a Venue Exclusion Order.
- 5.8. **Delegate** – means the physical person officially appointed on the delegate form by a Member to be its official representative in a General Meeting.

5.9. **EGM** – Extraordinary General Meeting of Member representatives as described in Clause 10.

- 5.10. **Executive Board** – the board appointed by the Council composed of the President, the Deputy President, the Treasurer and four other members of the Council and whose duties are described in Clause 16.3.
- 5.11. **General Meeting** – an Annual General Meeting or an Extraordinary General Meeting attended by delegates of Members.
- 5.12. **Judicial Panel** – means the judicial body established by the Council under Clause 13.2.7 who shall be responsible for hearing and deciding on any potential breaches of the BCA Statutes under its competency.
- 5.13. **Member in Good Standing** – means a Member who:
- 5.13.1. does not have any BWF subscriptions due;
  - 5.13.2. is not under suspension by the BWF;
  - 5.13.3. has submitted a completed Schedule A to the BWF for the current year.
- 5.14. **Official** means any person (whether paid or unpaid) who is an employee, office holder (including a nominated candidate) or representative of the BCA or who officiates, is a technical official or who is part of the workforce in any Tournament.
- 5.15. **Player** means any player who enters or participates in any badminton Tournament.
- 5.16. **Related Person** means any coach, trainer, therapist, physician, management representative, agent, family member, tournament guest, business associate or other affiliate or associate of any Player, or any other person who receives accreditation at a badminton Tournament at the request of the Player or any other Related Person.
- 5.17. **Statutes** – means the BCA constitution and the full body of regulations of the BWF or the BCA, accordingly, in force at any relevant time, and as published.
- 5.18. **Tournaments** means badminton tournaments recognised by the BWF and belonging to the BCA in accordance with the General Competition Regulations (BWF Statutes, Section 5.1) and the Para badminton General Competition Regulations (BWF Statutes Section 5.5).

5.19. **Votes Cast** – means votes by a show of hands or valid votes that have been submitted in a secret ballot. Blank voting slips, blank pieces of paper or void voting papers are not “Votes Cast”. Similarly

an abstention in a show of hands does not count as a Vote Cast. Voting majorities shall be calculated only on a basis of Votes Cast.

- 5.20. Words signifying persons in this Constitution include corporations and all legal persons including any other entities or bodies whether incorporated or not.
- 5.21. Words signifying the masculine gender in this Constitution include the feminine and neuter genders and vice versa.
- 5.22. Any deadline referred to in this Constitution shall mean midnight on the day of the deadline at the location of the BCA headquarters.

## SECTION 2 – MEMBERSHIP

### 6. MEMBERSHIP

- 6.1. To be a Member of the BCA, that organisation must be a Member or an Associate Member of the BWF.
- 6.2. Upon becoming a Member or Associate Member of the BWF, the BWF Members and Associate Members from Africa automatically become Members or Associate Members of the BCA.
- 6.3. The territorial region of the BCA shall consist of all the countries of Africa including the adjacent islands, as decided by BWF.
- 6.4. Members shall operate in such a way as to enable the participation of their players in BWF sanctioned competitions without discrimination.
- 6.5. In case of dispute on matters of jurisdiction within a given territory or country, the BCA Council shall refer the matter to the BWF for a decision.
- 6.6. Every Member shall supply to the Chief Executive Officer not later than 01<sup>st</sup> April each year, a list of their current office bearers and their contact details and the name and contact details of a specific person with whom BCA will do all official communications for the said Member.
  - 6.6.1. Every Member shall supply to the BWF Chief Executive Officer, not later than 30<sup>th</sup> September each year, a BWF Schedule A document.
- 6.7. The African countries shall be grouped for operational reasons into Regions as may be decided by the General Meeting, which will also decide on the number of Regions to have and it shall not be less than four or more than seven.
- 6.8. For each region, Council shall appoint one Vice-President from within Council. The Vice-Presidents shall preferably be from their own respective regions.
- 6.9. Each Vice-President shall oversee the activities of his region.

## **SECTION 3 – GOVERNMENT**

### **7. STRUCTURE**

The following bodies shall govern the affairs of the BCA.

- 7.1. The Annual General Meeting (AGM) or the Extraordinary General Meeting (EGM).
- 7.2. The Council.
- 7.3. The Executive Board (EB).

### **8. GENERAL MEETINGS**

- 8.1. The ultimate decision making body is a General Meeting (AGM or EGM) of the BCA.
- 8.2. A General Meeting may delegate to the Council or the Executive Board, to take specific decisions or actions in the interval of the next General Meeting.
- 8.3. General Meetings shall be conducted in conformity with the BCA Constitution.
- 8.4. The Chair shall have the final decision upon all points of order and matters of procedure, but shall not have the power to rule on matters of substance without the consent of the meeting.
- 8.5. A General Meeting may take any decision on proposals for which due notice has been given and which appear on the agenda circulated to the membership. Any other matter may be discussed in other business and if necessary, a delegation may be made to Council to take action before the next General Meeting.

### **9. ANNUAL GENERAL MEETING**

- 9.1. The AGM shall be held once a year no later than 30 June at a location and time decided by the Council.

#### **Notice of the AGM and Deadlines**



- 9.2. The Notice of the AGM shall be sent to the membership by the Chief Executive Officer no later than twelve (12) weeks before the date of the AGM.

- 9.3. The Notice of the AGM shall include a) the date of the AGM, b) the location and c) the closing date for submitting proposals and nominations for elections.
- 9.4. The closing date for submitting proposals and nominations forelections shall be no later than eight (8) weeks before the date of the AGM.
- 9.5. The Agenda for the AGM including a) proposals submitted by Members in Good Standing and seconded by another Member in Good Standing, b) proposals by Council and c) any nominations for election submitted by Members in Good Standing and seconded by another Member in Good Standing before the deadline shall be sentto the membership no later than six (6) weeks before the date of theAGM.
- 9.6. Accidental omission to give notice in Clause 9.2 to any party shall not invalidate the proceedings of a General Meeting.

### **Business of the AGM**

- 9.7. To confirm the minutes of the last General Meeting.
- 9.8. To receive the report of the Council.
- 9.9. To consider and approve the accounts, duly audited, for the previousyear.
- 9.10. To receive the annual budget for the current year and forecast for the following year.
- 9.11. To receive the strategic plan of the BCA.
- 9.12. To elect members of the Council as and when that is due.
- 9.13. To consider and deal with proposals for which due notice has been given which are under the competent business of the AGM and whichhave not been specifically delegated to Council or any other body under the constitution.
- 9.14. To appoint a registered auditor as per recommendation of the BCA Council.
- 9.15. To discuss other business.

## **Meeting Procedures**

- 9.16. Delegates, representing at least 40% of all the BCA Members in Good Standing with voting rights, shall form the quorum for a General Meeting.
- 9.17. The President shall act as the Chair of all General Meetings.
- 9.18. In the President's absence, the Deputy President shall act as Chair. In case both the President and Deputy President are absent, the meeting shall appoint a Chair of the meeting.
- 9.19. All matters that need voting shall be decided by simple majority of Votes Cast except for Clauses 27 and Clause 28.
- 9.20. Except for elections which shall be by secret ballot only (Clause 12.13), voting shall take place by a show of hands or secret ballot, if requested by a Delegate and approved by a simple majority of Votes Cast.

## **Proposals and Amendments**

- 9.21. Notice in writing of any proposals to be considered by the General Meeting may be submitted in writing by any Member in Good Standing. It must be seconded by another Member in Good Standing to be valid.
- 9.22. The proposals and its seconding shall be sent to the Chief Executive Officer so as to reach him at least eight weeks before the date fixed for that meeting.
- 9.23. Any valid proposal received by the appropriate date must be circulated to Members at least six weeks before the date fixed for the General Meeting.
- 9.24. Before the proposal is sent out as per Clause 9.23, the Chief Executive Officer together with the proposer shall ensure that the wording and intended meaning of the proposal is clear so as to ensure that, if the proposal is accepted by the AGM, it could be directly incorporated in the Statutes.
- 9.25. The Council is allowed to make proposals to be considered by the General Meeting with the same deadlines as for proposals by Members in Good Standing. Proposals made by the Council do not need to be seconded, but need to be explained.

- 9.26. Before a valid proposal is discussed and voted upon, the Chair will invite the delegate from the proposing Member to present it to the meeting. Thereafter the chair will ask delegates to speak in turn

either “for” the proposal or “against” the proposal until such time as the Chair puts the proposal to the meeting for a vote.

9.27. The Chair of the meeting shall not accept any amendment, other than one of wording, which does not alter the meaning or intent of the original proposal, unless it has been sent to the Chief Executive Officer at latest four weeks in advance of the meeting. The Chief Executive Officer shall circulate the amendments received to Members before the meeting.

### **Representation and Voting Strength.**

9.28. Each Member in Good Standing has the right to appoint not more than two delegates to represent it at a General Meeting. Both delegates shall have the right to speak, but only one of them shall be permitted to vote in a General Meeting.

9.29. A delegate can either be the President, the Secretary General or any other elected member of the Member’s board he is nominated to represent; or a staff member of the association who has been employed for no less than 12 months.

9.30. It is the responsibility of Members to make sure their delegate nomination form is correctly filled and is received by the Chief Executive Officer at latest 24 hours before the starting time of the General Meeting.

9.31. Members are entitled to one vote per unit of BWF subscriptions paid for the current year (known as vote A), in any case not more than three votes are allowed per Member based on subscriptions. Then Members will have one additional vote (B to F) for each of the following based on precedent year data:

- Organised at least one BWF Sanctioned International Series or higher level tournament - one additional vote.
- Participated in the Africa Senior Championships - one additional vote.
- Participated in the Africa U15/U19 Championships - one additional vote.
- Participated in the Africa Schools Championships - one additional votes.
- Participated in the Africa Para Badminton Championships – one additional vote.

9.31.1. At the beginning of the year, the Chief Executive Officer shall publish the number of votes each Member will have in the current year.

- 9.32. Delegates of Members whose annual subscriptions for the current year have not been paid at latest 24 hours before the starting time of the General Meeting shall not be allowed to vote at the meeting.'
- 9.33. No person shall act as the delegate of more than one Member.
- 9.34. Delegates from non-financial Members, Associate Members have no voting rights, but have the right to attend and speak at General Meetings.
- 9.35. The Chair has authority to admit observers to a General Meeting. Such observers are not be permitted to speak at the meeting, unless authorised by the Chair.

## **10. EXTRAORDINARY GENERAL MEETING (EGM)**

- 10.1. An EGM may be called for at any time by the Council, or must be called for by the Chief Executive Officer on a date within 12 weeks of the receipt of a requisition in writing to that effect given by 50% of Members in Good Standing at the time of the immediately preceding AGM.
- 10.2. Every such requisition and the calling notice shall specify the business for which the meeting is to be convened.
- 10.3. The Council can call an EGM to consider any proposal, provided due notice of 8 weeks is given.
- 10.4. The quorum and meeting procedures shall be the same as for AGMs.
- 10.5. The minutes of EGMs shall be presented to the next General Meeting for approval.

## SECTION 4 – COUNCIL

### 11. COUNCIL STRUCTURE

11.1. The AGM shall elect a Council which shall have administrative powers to carry on the work of the BCA between AGMs. The Council shall consist of:

- 11.1.1. the President
- 11.1.2. the Deputy President
- 11.1.3. the Treasurer
- 11.1.4. the Chair of the BCA Athletes Commission
- 11.1.5. 11 other members

### 12. ELECTION OF COUNCIL

- 12.1. The President, Deputy President, Treasurer and 11 other members of Council, as per Clause 11.1, shall be elected in that order, at the AGM in the year before the Summer Olympic Games [*as from 2023*] and will serve for a term of office of four (4) years [*with the current Council elections in 2021 being for a two (2) year term*].
- 12.2. The President shall automatically become the BWF Vice President for Africa.
- 12.3. The Chair of the BCA Athletes Commission will be appointed, with full voting rights, by the Athletes Commission as per Guidelines approved by Council.
- 12.4. Nomination for election as President, Deputy President, Treasurer and as other members of the Council shall be made in writing by a Member in Good Standing.
- 12.5. A different Member in Good Standing from the proposer shall second the nomination in writing.
- 12.6. Such nomination and seconding letters shall be sent to the Chief Executive Officer so as to reach him no later than the date fixed for receipt of proposals and nominations [*clause 9.4*] for the General Meeting where elections will be held.
- 12.7. The Chief Executive Officer shall circulate the list of candidates for the elections at latest six (6) weeks before the date fixed for the General Meeting where the elections will be held.

12.8. Council shall put in place guidelines to be followed by all the stakeholders concerned with elections.



- 12.9. Whenever a vacancy occurs on the Council, it shall be filled through election as stipulated in Clauses 12.4 to 12.7.
- 12.10. Whenever a replacement election is held, the term of office of the elected candidate(s) will be to only complete the remaining term of office of the vacant position(s).
- 12.11. Council may decide not to call for an election to fill a vacancy if such an elected Council member cannot serve on Council for at least 18 months of the original term.
- 12.12. At election, in case of parity of votes between two or more candidates, a second round of voting shall be held for them.
- 12.13. Each delegate should vote for as many candidates as there are vacant seats. Voting slips containing more or fewer names than the exact number of vacant seats will be invalid.
- 12.14. Only a maximum of two candidates from the same Member may be elected on Council, if there are more than two, only the two with more Votes Cast for them will be considered as elected.
- 12.15. Voting at elections shall be done by secret ballot.
- 12.16. Council members assume office immediately following the conclusion of the General Meeting at which they were elected and they remain in office up to the conclusion of the General Meeting at which new elections are held.

### **Conditions and Terms of Appointment**

- 12.17. Council members are not the representative of any Member on the Council.
- 12.18. The term of the President, Deputy President, and Treasurer shall be a maximum of two (2) consecutive terms of 4 years each. *[The two (2) year transition term, starting in 2021 and ending in 2023, shall not count as a full term].*

### **13. COUNCIL ROLE AND RESPONSIBILITIES**

- 13.1. The Council has the responsibility to conduct and oversee the day today

affairs of the BCA between AGMs.

13.2. The role of the Council is to:

13.2.1. Take the necessary steps to achieve the objectives of the BCA.

13.2.2. Implement the decisions of General Meetings.

- 13.2.3. Uphold and ensure observance of the Statutes.
- 13.2.4. Appoint one Vice President for each of the Regions, the number of which shall be as decided by the AGM.
- 13.2.5. Determine the Standing Committees, their Terms of Reference and elect the Chairs of Committees.
- 13.2.6. Determine regulations, codes, guidelines and policies that are not under the competent business of the AGM and communicate these to members and publish these on the BCA website.
- 13.2.7. Appoint a Judicial Panel which shall be responsible for hearing and deciding on potential breaches of the BCA Statutes under its competence.
- 13.2.8. Decide who will determine questions which may arise as to the interpretation of the Statutes and whose decisions will be final.
- 13.2.9. Oversee the administrative and financial matters of the BCA.
- 13.2.10. Develop and approve a four years strategic plan and monitor progress against the objectives and performance indicators.
- 13.2.11. Receive reports from Standing Committees, the Judicial Panel and Commissions.
- 13.2.12. Formulate proposals for the AGM.
- 13.3. The Council may co-opt not more than five other members without voting rights to assist them with their work and these may, include:
  - BWF Council members from African countries, who are not elected members of the BCA Council.
  - The Chair of the BCA Women in Badminton Commission.
  - Any other people with skills or expertise in specific areas as may be decided by Council.

## **14. COUNCIL PROCEDURES**

- 14.1. The President and Deputy President shall assume the role of Chair and Deputy Chair of Council respectively.

14.2. The quorum for the Council meeting shall be eight members present and no proxies are allowed.

- 14.3. The Chief Executive Officer, on the instructions of the President, shall call Council meetings with at least six weeks' notice.
- 14.3.1. For virtual meetings (via video conference), notice shall be at least one week.
- 14.4. Between two (face-to-face) meetings, the Council may make decisions by email or by video conference.
- 14.5. All the official documents that commits BCA financially or legally such as contracts and other agreements shall be signed by any two of the President, the Treasurer and the Deputy President.

## **15. COUNCIL COMMITTEES**

- 15.1. The Council shall appoint such Standing Committees and Sub-Committees with such terms of reference as may be deemed necessary.
- 15.2. The Standing Committees of the Council shall be composed of elected members of the Council.
- 15.3. The Chair of each Committee shall oversee the activities related to the Committee.
- 15.4. The Chair of the Standing Committees shall submit an annual report, which will be tabled in the AGM as part of the Council report.

## **SECTION 5 – EXECUTIVE BOARD**

### **16. EXECUTIVE BOARD**

- 16.1. The Council shall appoint an Executive Board composed of the President, the Deputy President, the Treasurer, the Chair of the Administration and Remuneration Committee, the Chair of the Development Committee, the Chair of the Events Committee and the Chair of the Finance Committee.
- 16.2. The Executive Board shall not have more than three members from the same Region.
- 16.3. The Executive Board is authorised:
  - 16.3.1. To take any urgent decision on the interpretation of the Confederation's rules.
  - 16.3.2. To act on behalf of the Council between its meetings.
  - 16.3.3. To nominate representative(s) to BWF sub-committees or to any other continental, regional or international body as and when needed.
- 16.4. The EB shall be responsible and deal with all staff/human resources matters.

### **17. PRESIDENT**

- 17.1. The President shall preside over all meetings (except Standing Committees where another person is appointed as Chair) and has a casting vote in case of parity, except when voting at elections.
- 17.2. If the President is absent, incapacitated or has resigned, the Deputy President shall act as President. If both are absent or incapacitated or have resigned, the General Meeting or the Council shall appoint someone as acting President.
- 17.3. He shall coordinate the work of all the Committees.
- 17.4. He shall make an annual report to the AGM as part of the Council report.

## **18. THE TREASURER**

18.1. He shall be responsible for all financial matters.

18.2. He shall prepare the annual accounts & financial report and the annual budget to be considered by the General Meeting.

## **SECTION 6 – ADMINISTRATIVE PROVISIONS**

### **19. STAFF**

19.1. The Council shall employ staff as is deemed necessary.

19.2. Council shall appoint a Chief Executive Officer who shall be responsible for the effective day to day management of the BCA, within the policies and objectives approved by the Council and in accordance with the Statutes and the decisions of the Members at General Meetings.

19.3. The Chief Executive Officer shall:

19.3.1. be the head of the administration, responsible for the day-to-day management and be the head of the staff.

19.3.2. send notice for all meetings, where notice is required.

19.3.3. send invitations for all events and other activities held under the aegis of the BCA.

19.3.4. organise attend the meetings of the Executive Board, the Council and the General Meeting.



## **SECTION 7 – FINANCIAL PROVISIONS**

### **20. FINANCE**

- 20.1. The financial year shall close on 31<sup>st</sup> December each year.
- 20.2. The Executive Board shall ensure the audited financial statements are available not later than four months after the close of the financial year.
- 20.3. A registered auditor shall be appointed by the General Meeting to audit the accounts.

#### **Subscription**

- 20.4. Each Member shall pay a BWF subscriptions as decided by the BWF AGM.
- 20.5. Members must not have any BWF subscriptions due and have completed the BWF Schedule A for the current year to be in Good Standing.
  - 20.5.1. If a General Meeting is held between the time BWF issues the subscription invoices in November and when BWF subscriptions are due on 31 January, Members who have paid the current years' subscription (for year ending 31 December) and who have submitted the current Schedule A due (as of 31 December), shall be considered in Good Standing for the meeting.
- 20.6. The BCA may have more than one bank account in any country and in any currency as may be decided by the Council.
- 20.7. The signatory to the BCA bank accounts shall be any two of the President, the Treasurer and the Deputy President.

## **SECTION 8 – JUDICIAL PROVISIONS**

### **21. JURISDICTION**

21.1. Covered Persons shall recognise and accept the following:

21.1.1. the BCA Statutes and their mandatory nature;

21.1.2. BCA's authority within its sphere of activity concerning Badminton in the region of Africa including its jurisdiction and its right to make decisions and impose sanctions based on the BCA Statutes;

21.1.3. that the BWF judicial bodies and CAS are the only competent judicial authorities external to the BCA, in respect of BCA and its Statutes, to the exclusion of any ordinary court of law in respect of the BCA and its Statutes, any civil judicial authority of any country and any other arbitration body;

21.1.4. the requirement to abide by the decisions of the BCA, the BWF and/or CAS without attempting to hinder their application.

### **22. APPLICATION OF BWF STATUTES**

In addition to the BCA Statutes, Covered Persons are bound by:

22.1. The BWF Judicial Procedures;

22.2. The Badminton Code of Ethics; and

22.3. The BWF Codes of Conduct (BWF Statutes, Section 2.2), except where the BCA has opted out.

22.3.1. If BCA wishes to opt out of the BWF Codes of Conduct, the BCA General Meeting shall be the competent body for the following:

- (a) Section 2.2.1 – Candidates for Election Code of Conduct
- (b) Section 2.2.2 – Elected Officials Code of Conduct.

22.3.2. The BCA Council shall be the competent body to opt out all other BWF Codes of Conduct.

## **23. JUDICIAL AUTHORITY**

23.1. The following bodies of the BCA have judicial powers in accordance with the BCA Statutes:

- 23.1.1. The General Meeting;
- 23.1.2. The Council;
- 23.1.3. The Judicial Panel

23.2. The judicial bodies have the power to make decisions and impose penalties in their areas of duty set out in the BCA Statutes.

23.3. Potential breaches of the BWF and the BCA Statutes shall be processed in accordance with the BWF Judicial Procedures.

## **24. JUDICIAL PROCEDURES**

24.1. Judicial bodies recognize and shall follow the procedures and principles as set out in the BWF Judicial Procedures.

24.2. The BCA judicial bodies shall provide fair procedures to all parties involved and shall respect their fundamental rights.

24.3. All processes undertaken shall respect the following principles:

24.3.1. Presumption of innocence;

24.3.2. Right to a fair hearing, within reasonable time, by an impartial hearing panel;

24.3.3. Right to be represented by lawyer;

24.3.4. Right to be informed of nature and cause of charges, as well as the possible consequences;

24.3.5. Right to call witnesses and give evidence in his/her defence;

24.3.6. Right to have an interpreter;

24.3.7. Right to a timely, written, reasoned decision; and

24.3.8. Right to appeal a decision where such decision is appealable under the BWF Judicial Procedures.

## **25. JUDICIAL PANEL**

25.1. The Judicial Panel shall have general jurisdiction on any dispute that is not

governed by the BWF Judicial Procedures. In particular, it shall be responsible for hearing and deciding on potential breaches of the BCA Statutes related to governance matters.

- 25.2. The Judicial Panel shall be composed of five members appointed by the Council. Two members shall be BCA Council members (elected or appointed) and the other three shall external and independent of the BCA. The three external and independent members of the BCA shall have knowledge of sports law and governance.
- 25.3. The members of the Judicial Panel shall serve a four year term. Casual vacancies shall be filled by Council as and when required.
- 25.4. The Council shall appoint a Chair from the two Council members on the Judicial Panel.
- 25.5. The Chair of the Judicial Panel shall appoint three members of the Judicial Panel to form a hearing panel to hear a particular case. One member shall be from the two Council representatives and the other two shall be selected from the external members on the Judicial Panel.
- 25.6. Decisions of the Judicial Panel are final at the BCA level and may only be appealed through the appeal routes set out in the BWF Judicial Procedures as “BCA Governance cases”.

## **26. SANCTIONS**

- 26.1. The Judicial Panel shall have the power on behalf of the BCA to impose penalties, within the BCA’s competence, on any Covered Person who acts against the interest of the BCA, who breaches the BCA Statutes, or who fails to comply with a decision by the BCA or any of its bodies.
- 26.2. The following penalties may be imposed by a Judicial Panel on Covered Persons:
  - a) Reprimand;
  - b) Suspension of Officials and Related Persons;
  - c) Dismissal;
  - d) Venue Exclusion Order;
  - e) Fine; and
  - f) Administrative Fines and Administrative Sanctions.

## **SECTION 9: TRANSITIONAL FOUNDATION**

### **27. FOUNDATION**

27.1 The foundation shall have the responsibility to manage, and administer the funds that the confederation will receive from the BWF,

27.2 Without prejudice to Clause 27.1 of the constitution, the foundation shall have the following responsibilities and powers:

- (i) To manage the foundation assets as per the instructions of the BCA Executive board.
- (ii) b.To open and hold bank accounts, receive and make payments, keep accounting records and keep the custody of Confederation's Assets.
- (iii) To seek financial and legal advice when its required.

27.3 The foundation shall be a transitional entity that will allow the confederation to operate efficiently and the transitional foundation shall automatically cease to exist when the legal framework in the Republic of Mauritius allows the confederation to be registered and become autonomous.

27.4 The purpose and objectives of the transitional foundation will be governed as per the transitional foundation charter.

## **SECTION 10 – FINAL PROVISIONS**

### **28. ALTERATION OF THIS CONSTITUTION**

28.1. Proposal or motion to alter or change the Constitution can only become effective with a two-thirds majority of votes cast.

28.2. Amendments to the Constitution shall become effective the day after the General Meeting, unless amendments are decided with implementation conditions.

### **29. DISSOLUTION**

29.1. The BCA shall not be dissolved except at an EGM specially convened for

that purpose and the proposal or motion shall be carried by a majority of four-fifths of the votes cast in that respect.

- 29.2. All the assets and the balance of funds in hand or in bank, if any, shall be transferred to the BWF.