

Companies Act 71 of 2008

A Not for Profit Company limited by guarantee

Constitution of





Parkour South Africa **Memorandum of Association**



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1. NAME:

- 1.1. The name of the company (herein referred to as “PKSA”) is Parkour South Africa which is a non-profit company limited by guarantee and not having a share capital.
- 1.2. PKSA was established on 11 February 2014 via a community agreement. (See annexure A)
- 1.3. The registered office of PKSA is in The Republic of South Africa.

2. LANGUAGE:

- 2.1. PKSA adheres to the South African Constitution and thereby all 11 official languages are recognised.
- 2.2. If any controversy or ambiguity arises with respect to the interpretation of this and any other operative document of the Federation due to translation, the English language shall prevail.
- 2.3. As and when appropriate, other working languages may be introduced and simultaneous translations may be provided.
- 2.4. All official English texts should be edited to comply with what is known as “Plain English” in South Africa.

3. LOGO:

- 3.1. The logo of PKSA shall be determined from time to time by the Board who are empowered to register the logo and name of PKSA as trademarks or otherwise protect all or any intellectual proprietary rights in all jurisdictions.
- 3.2. The Board shall administer the use of the logo for all use by PKSA members and external organisations.

4. THE SPORT

- 4.1. South African definition of sport as defined in the White Paper on Sport and Recreation for the Republic of South Africa:
“Sport may be defined as any activity that requires a significant level of physical involvement and in which participants engage in either a structured or unstructured environment, for the purpose of declaring a winner, though not solely so; or purely for relaxation, personal satisfaction, physical health, emotional growth and development”



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- 4.2. The sport of Parkour, Freerunning and/or L'Art Du Déplacement is primarily non-competitive physical discipline of training that develops the ability to move freely over and through any terrain using only the body, principally through, but not limited to, running, jumping, climbing and quadrupedal movement. In practice it focuses on developing the functional attributes required for such movement, which include functional strength and fitness, balance, spatial awareness, agility, coordination, precision, control and creative vision. It is a sport that encourages self-improvement on all levels, revealing physical and mental limits while simultaneously offering ways to overcome them. It is a method of training the body and mind in order to be as completely functional, effective and liberated as possible in any environment. The sport aims to build confidence, determination, self-discipline and self-reliance, and personal responsibility for actions. It encourages humility, respect for others and the environment, self-expression, community spirit, and the importance of play, discovery and safety at all times.
- 4.3. 'The sport' means the sport, art and/or discipline of Parkour, Freerunning and/or L'Art Du Déplacement as defined in 4.2. This definition is the sporting definition and does not fully describe the art, discipline and/or philosophy as a whole.
- 4.4. Beyond the sporting definition in 4.2, Parkour, Freerunning and/or L'Art Du Déplacement is also a method of physical training that develops the ability to overcome obstacles both physical and mental. Underpinning this is the ethos of Altruism, longevity, self-improvement and self-understanding.
- 4.5. Although Parkour, Freerunning and/or L'Art Du Déplacement is a primarily non-competitive discipline, competitive practice is recognised as an element in the training practices of some communities and/or practitioners.
- 4.6. PKSA recognises and protects diversity and non-standardised practice, coaching, teaching and education as a strength and innate character of parkour.
- 4.7. PKSA recognises the Sport was founded in France and the founders are recognised as Châu Belle Dinh, David Belle, Williams Belle, Malik Diouf, Sébastien Foucan, Yann Hnautra, Guylain N'Guba Boyeke, Charles Perrière and Laurent Piemontesi ('The Founders').
- 4.8. PKSA recognises Dane Grant, Neil Craig, Emile Sievers, Ray Bristol, Jackie Ho, and Ciaran O'Kelly as the founders or pioneers of parkour in South Africa.



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5. THE OBJECTS, VALUES AND PRINCIPLES

5.1. The primary objects of PKSA are:

- 5.1.1. To be the custodians of the philosophy, integrity and sovereignty of the Sport for all those who choose to practice the Sport in the Republic of South Africa.
- 5.1.2. To be the sole governing and administering body for the sport within the Republic of South Africa.
- 5.1.3. To protect the rights, freedoms and promote the interests of Traceurs/Traceuses*, Freerunners, practitioners, members & the national community.
- 5.1.4. To comprise national, provincial, sport teams, and individual community representatives leading and administering the sport to their respective constituents and members throughout the Republic of South Africa.
- 5.1.5. To encourage, support and promote the sport in local communities throughout the Republic of South Africa.
- 5.1.6. To encourage, support and promote the formation of local groups, crews and/or teams, and community initiatives such as workshops and community 'jams'*.
- 5.1.7. To represent and protect the interests of any member of PKSA with regards to their practice of parkour and membership to PKSA.
- 5.1.8. To establish, supervise, interpret and amend the rules and/or regulations regulating the Sport and to adjudicate disputes and take any appropriate disciplinary action.
- 5.1.9. To promote, administer and encourage the development and recognition of the sport, and participation in the sport nationally.
- 5.1.10. To be the representative of and responsible for the Sport at all events nationally and internationally including, but not limited to, the Olympic Games, the Youth Olympic Games and any other multisport games and/or any other national events.
- 5.1.11. To be responsible for the Sport's control, organisation, conduct, licensing and/or sanctioning of other championships, or activities to ensure that the objects values and principles of the sport are protected for the benefit of the national community.
- 5.1.12. To promote and support the development of the facilities and/or equipment for the



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performance and promotion of the Sport within reason and if financially viable. Support is not limited to financial aid, but can include promotional help.

- 5.1.13. To examine, study, investigate, consider and report on all matters affecting the Sport of and any persons interested therein or associated therewith and to collect, analyse and distribute information, statistics, opinions and reports thereon.
- 5.1.14. To facilitate, encourage and support social interaction and knowledge exchange through national events such as jams, gatherings and exchanges within the national community of practitioners.
- 5.1.15. To assert authority for and on behalf of the national community overall current and future forms, variations and derivatives of the sport, including those forms, variations and/or derivatives modified or derived from its traditional form.

5.2. The Values of PKSA are:

- 5.2.1. PKSA and its members are committed to and support the objects, values and principles of the Sport and PKSA.
- 5.2.2. To ensure that the practice of the Sport in all its branches is a human right such that every human can have the possibility of freely practicing the Sport, without discrimination of any kind, within the spirit of friendship, solidarity, equality and fair play regardless of age, colour, gender, physical and mental ability, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 5.2.3. To develop the Sport beyond the sporting context including the promotion of the sport for social change, sport for development, and the arts.
- 5.2.4. To be responsible nationally for the development of non-competitive and/or competitive programmes and to coordinate events national and/or internationally.
- 5.2.5. To develop a commercial, marketing and public relations programme for the Sport.
- 5.2.6. To undertake and execute charitable trusts for the benefit of the Sport.
- 5.2.7. To adopt the principle of 'Ubuntu', "I am because we are", that defines a core philosophy of humanity towards others. By freely sharing with others our individual knowledge and experiences we become one community.



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5.3. The Principles to which PKSA adheres are:

5.3.1. Good Governance

- 5.3.1.1. To encourage and support the promotion of and ensuring that the democratic principles of good governance be applied within and throughout the sport.
- 5.3.1.2. To freely establish and control the rules and regulations of the sport where appropriate.
- 5.3.1.3. To freely determine the structure and governance of the Sport, ensuring the right of elections free from outside influence and to enforce and promote uniformity of rules and/or regulations across all members.
- 5.3.1.4. To promote, through PKSA's rules and regulations, adherence to the Code of Ethics as amended from time to time.
- 5.3.1.5. To promote, through PKSA's rules and regulations, adherence to all applicable laws and regulations issued by the relevant regulatory authorities as amended from time to time.
- 5.3.1.6. To promote and ensure the highest standards of safety across the Sport and the welfare of participants nationally.
- 5.3.1.7. To develop and nurture relationships between PKSA and other national and international federations including but not limited to, the International Olympic Committee (IOC), World Anti-Doping Agency (WADA), South African Sports Confederation and Olympic Committee (SASCOC), and relevant national and international organisations and/or non-governmental organisations.
- 5.3.1.8. To take all steps as may be deemed necessary or advisable to prevent infringements of the rules of the sport, or other improper methods or practices and protect it from abuse.
- 5.3.1.9. To take such action from time to time as the Board may consider desirable for the benefit of the Sport, PKSA, the members of PKSA and the national community.

5.3.2. Autonomy

- 5.3.2.1. The autonomy of the sport is recognised as a fundamental principle and PKSA will



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take all appropriate measures to promote, preserve and protect the autonomy of the Sport nationally.

- 5.3.2.2. PKSA shall provide its Members complete autonomy in their practice. PKSA will have no part nor interfere in personal issues unless such issues affect or undermine the objects, values and principles of the national image and/or the international status of the Sport for South Africa and/or PKSA in any way.
- 5.3.2.3. When the autonomy of a member is compromised, PKSA shall take any appropriate measures within its power to protect that autonomy.
- 5.3.2.4. Members must manage their national affairs with total independence and ensure that no third party interferes in their operations.
- 5.3.2.5. Members must remain autonomous and resist political, religious and financial pressure which may infringe their commitment to conform to PKSA's constitution, its objectives, principles and values.
- 5.3.2.6. Any external form of interference or attempted interference shall be reported to PKSA.
- 5.3.2.7. Members shall make provision for a free system of election and/or appointment system that guarantees the independence of the Member, embraces the principles of Good Governance, transparency and accountability and upholds PKSA's objects, values & principles.
- 5.3.2.8. To establish friendly and loyal cooperation between all Members for the benefit of the Sport and PKSA.
- 5.3.2.9. Decide any dispute that may arise between members if called upon to do so.

5.3.3. Olympic Charter

- 5.3.3.1. The general and fundamental principles of the Olympic Charter are applicable, and no provision of the constitution shall be deemed to conflict with or derogate from those principles.

5.3.4. Anti-Doping

- 5.3.4.1. Aims to promote the participation in sport free from the use of prohibited substances or methods intended to artificially enhance performance, thereby



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rendering impermissible doping practices which are contrary to the principles of fair play and medical ethics in the interest of health and well-being of Members.

- 5.3.4.2. PKSA for all intents and purposes will adopt the Anti-Doping Rules as set out by the South African Institute for Drug-Free Sport (SAIDS) in accordance with the South African institute for Drug-Free Sport Act, Act 14 of 1997 as amended from time to time.
- 5.3.4.3. To take steps to counter doping in the Sport by implementing Anti-Doping Rules in accordance with the World Anti-Doping Code.
- 5.3.4.4. To maintain an Anti-Doping Programme and ensure compliance with the WADA Code as amended from time to time.
- 5.3.4.5. To make and vary all such rules for persons participating and/or competing in the Sport, including rules against doping in the Sport from time to time.
- 5.3.4.6. In particular, members must adhere to WADA International Standards as amended from time to time.
- 5.3.4.7. In particular, members must adhere to WADA requirements as amended from time to time, on Anti-Doping, and must cooperate fully with PKSA in measures taken to detect or penalise infringements of those requirements.
- 5.3.4.8. PKSA shall develop and publish Anti-doping Regulations and undertake educational programmes.

5.3.5. Court of Arbitration for Sport (CAS)

- 5.3.5.1. Members undertake to recognise CAS as the only external judicial authority to which an appeal can be made.
 - 5.3.5.2. Subject only to appeal to CAS and PKSA, undertakes to accept as binding and final decisions of the competent authorities within the Federation and to be subject to such binding and final decisions.
- 5.4. To do all such other things as shall be thought fit to further the interests of PKSA or to be incidental or conducive to all or any of the objects, values and principles stated in this Article.



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6. POWERS:

- 6.1. PKSA shall have the following powers to do all such lawful things which are consistent with the furtherance of its Objects which it may exercise at its discretion:
 - 6.1.1. The income and property of PKSA shall be applied solely towards the promotion of its objects, values & principles and no portion thereof shall be paid or transferred directly or indirectly, overtly or covertly by way of distribution, bonus or otherwise by way of profit to the Members and directors of PKSA.
 - 6.1.2. All assets that would otherwise be generally available to the Members on the winding up of PKSA shall be transferred to either:
 - 6.1.2.1. another body with objects similar to those of PKSA; or
 - 6.1.2.2. another body the objects of which are the promotion of charity or anything incidental or conducive thereto
 - 6.1.3. Nothing in Article 6.1.2 shall prevent the payment in good faith by PKSA:
 - 6.1.3.1. to any director, committee or sub-committee member for reasonable and proper out-of-pocket expenses in accordance with Article 6.1.3;
 - 6.1.3.2. of reasonable and proper rent for premises
 - 6.1.3.3. of any premium in respect of the purchase and maintenance of indemnity insurance in respect of liability for any act or default of the directors (or any of them) in relation to the Federation; or
 - 6.1.3.4. other payments as are permitted by these Articles
- 6.2. It is hereby expressly declared that each of the sub-clauses expressed in Article 6.1.3 above shall operate and be construed independently of the other thereof, and none of the objects mentioned therein shall be deemed to be subsidiary or dependent on any other object set out therein, provided always that the provisions of that clause shall be subject to PKSA obtaining where necessary for the purpose of carrying any of its objects into effect, such as licence, permit or authority that may be required by law.



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7. LIABILITY OF MEMBERS

- 7.1. In the event of PKSA being dissolved and/or wound up, every member who is a member of PKSA at that time or who was a member within one year of that undertakes to contribute to the assets of PKSA for the payment of the debts and liabilities thereof which were contracted prior to the date they ceased to be a member thereof and the costs, charges and expenses of winding up and for the adjustment of the rights and of the contributor among themselves such amount as may be required not to exceed the sum of R20.
- 7.2. If upon the winding up or dissolution of PKSA there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, it shall not be paid to or distributed among the Members of PKSA. Instead, such property shall be given or transferred by way of gift to some other institution or institutions having main objects similar to the main objectives of PKSA. The institution or institutions to which the property is to be given or transferred shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on PKSA under or by virtue of Article 4 hereof. Members of PKSA shall select the relevant institution or institutions at or before the time of dissolution, and if and so far as effect cannot be given to such provisions, then the property shall be given or transferred to some charitable object.