

SOUTH AFRICAN RUGBY UNION

TERMS OF REFERENCE OF THE NATIONAL JUDICIAL COMMITTEE

TERMS OF REFERENCE FOR NATIONAL JUDICIAL COMMITTEE

1. MEMBERSHIP

- 1.1 The Committee shall comprise of not fewer than three (3) members and not more than six (6) members, appointed bi-annually by the Executive Council at the first meeting of the Executive Committee after the relevant Annual General Meeting. The Chairperson shall be appointed by the Executive Committee.
- 1.2 The Chairperson and at least two of the members shall have had experience as a judge, practising advocate or practising attorney for at least 10 years and the majority of the members shall have had appropriate experience in rugby.
- 1.3 The majority of the members should be independent of SARU. An “Independent member” is any member of a sub-committee of SARU who is not a current member of the executive council or any of the governing structures of a province of SARU

2. ROLE OF THE COMMITTEE

The role of the Committee will be:

- 2.1 to act as legal advisers of the Executive Council and otherwise in terms of the Constitution, Regulations and Rules of the Union and/or as mandated or required by the Executive Council, the Chief Executive Officer or the Manager: Legal from time to time; and
- 2.2 to act as the delegated committee referred to in clause 15.9 of the Constitution of the Union and for which purpose the Executive Council hereby delegates its disciplinary powers in terms of clause 15.11 of the Constitution, and otherwise, to the Committee, with the right to further delegate such powers to disciplinary committees or judicial officers.

3. TERMS OF REFERENCE

The functions of the Committee will be to:

- 3.1 advise the Executive Council, the Chief Executive Officer or the Manager: Legal on all legal or quasi-legal matters as required from time to time;
- 3.2 In terms of clause 15.11 of the Constitution the executive council may delegate its disciplinary powers to the national judicial committee or an ad hoc committee, either of which shall have the right, notwithstanding the provisions of this constitution, to further delegate such powers, and may for this purpose issue rules regarding –

- 3.2.1 Any matter which shall or may be prescribed in terms of the SARU constitution, including the right to further delegate such powers to disciplinary committees of judicial officers;
- 3.2.2 Procedures to be observed in the conduct of hearings;
- 3.2.3 Prescribed sanctions;
- 3.2.4 The right of appeal to an appeal committee;
- 3.2.5 The constitution of such appeal committee; and
- 3.2.6 In general, any other matter which it deems necessary or expedient to prescribe in order to achieve or promote the objects of this clause.
- 3.3 The Committee shall have the power to take such steps as it may deem fit against any rugby body or person, as defined in the Constitution, failing to comply with or contravening –
 - 3.3.1 the Constitution or any of SARU's rules or regulations;
 - 3.3.2 the constitution or any of the by-laws, rules and regulations of World Rugby, or any body of persons or organisation to which SARU is affiliated or associated with in terms of a joint venture agreement or other agreement, including, but not limited to, SANZAAR and CAR;
 - 3.3.3 any decisions taken, resolutions adopted or rulings made by the general meeting, the executive council, the IRB or any body of persons or organisation to which SARU is affiliated or associated with in terms of a joint venture agreement or other agreement, including, but not limited to, SANZAAR and CAR;
 - 3.3.4 any contract entered into by or on behalf of SARU; and
 - 3.3.5 the laws of the game;
- 3.4 act in terms of the provisions of or stipulated by the Regulations and Rules of the Union or any resolutions or decisions taken by the Executive Council of the Union;
- 3.5 prepare and recommend amendments and/ or additions to the Constitution, Regulations or Rules or prepare and recommend new regulations, rules or documents that may be required from time to time;
- 3.6 interpret any of the provisions of the Constitution, Regulations or Rules of the Union; and

- 3.7 in general to act as mandated or required by the Executive Council, the Chief Executive Officer or the Manager: Legal from time to time.

4. MEETINGS

Meetings of the Committee will be held at such time and at such venue as the Chairperson deems appropriate.

5. DELEGATION OF POWERS

The Committee shall have the right to delegate its powers and functions to any other committee or person.

6. CONFIDENTIALITY AND GOVERNANCE

- 6.1 All members of the Committee, whether or not they are employees of SARU, automatically undertake to be bound in full by the Code of Conduct of SARU.
- 6.2 All members of the Committee automatically undertake to observe full confidentiality re the content of all information which may come to their attention from time to time. No such information may be revealed to persons outside of SARU without the prior authorisation of the Chairman of the Executive Council.
- 6.3 Unless specifically authorised by the Chairman of the Executive Council or in terms of the Regulations or Rules of SARU, SANZAAR or World Rugby, no member of the Committee may make statements to the media.