

**PLEASE NOTE, A MORATORIUM HAD BEEN PUT IN PLACE IN THE WESTERN
CAPE FROM END NOVEMBER 2017 TO END SEPTEMBER 2018.
NO NEW CLUBS OR CHAPTERS OF EXISTING CLUBS WILL BE ALLOWED TO OPEN
IN THE WESTERN CAPE DURING THIS PERIOD.**

PROTOCOLS AND GUIDELINES

PROCEDURES TO START A NEW CLUB/ CHAPTER – WESTERN CAPE (Oct 2017)

The following Protocols, Rules and Guidelines were accepted by both the MAWC (Motorcyclist Association of the Western Cape) and the Western Cape Presidents Meet (WCPM) as being applicable to new clubs, new club chapters, etc wanting to start in the Western Cape.

It is therefore important for anybody wanting to start a new club/ club chapter to first understand all the protocols and rules and to follow the guidelines so as to avoid any confusion and/ or misunderstandings.

On 1 September 2013, a special **Bikers Task Team** was founded to manage the implementation of these protocols by guiding and educating proposed new clubs in the Western Cape. The Task Team operates as an independent body under the auspices of the **MAWC** and the **WCPM (G2G)** as a joint initiative to regulate, educate and screen new club applications and is the only body empowered to deal with new club applications. (See par.5 below)

No new club in the Western Cape will be allowed to start off as a MC. (see guidelines for reference).

1: GENERAL:

1.1. It is highly recommended that a person/ persons who intends starting a new club, first consider riding/ socializing with an existing club (-s) in their area in order to familiarize themselves with the protocols and/ or behaviours of the local biking community.

1.2. No new clubs or club chapters with any International affiliations will be allowed to open in the Western Cape.

1.3. No person (-s) will be allowed to wear a back patch indicating them as being part of the biking community without the consent of the Bikers Task Team.

1.4. COOLING OFF PERIOD:

1.4.1. New clubs are often founded by persons who has left an existing club, whatever the reason might be. However, it is accepted practice that any person (-s) leaving a club, has to wait for a given time period before joining another club, bar the exceptions as indicated below. This is also applicable to such persons starting a new club or opening a new chapter on behalf of an existing club (irrespective of the existing club's rules re such a situation).

Clubs with several chapters normally have a stipulation in their Club Constitutions which determines a cooling off period with regard to members moving between chapters. However, irrespective of what their Constitutions determine, the local Governing Council/ Body within whose area they operate might stipulate a different period of time in which case the Governing Body's determination will take precedence irrespective of whether that particular club belongs to the Governing Council/ Body or not.

1.4.2. This time period is referred to as a *"cooling off"* period.

1.4.3. In the Western Cape the *"cooling off"* period has been determined and accepted by the local clubs to be a minimum of 6 months and is applicable in all situations, bar the exceptions as stipulated below.

1.4.4. **Exceptions:**

1.4.4.1. **Patch-Over:** This is where a whole club or club chapter is closed down thus no longer to be in existence and absorbed into another club or different chapter of the same original club. In such a scenario the members of the club/ chapter being closed down are absorbed into the other club/ chapter as full members. This normally entails a negotiated process between the relevant parties.

1.4.4.2. **Patch-up:** This is where an existing club/ chapter change its name and colours with all reference and ties to the original club being removed. The group membership remains the same, but starts to operate under a different name with a different patch.

In both these scenarios the original club/ chapter will cease to exist.

1.5. **BAD STANDING:**

1.5.1. In general terms a person is considered to be in bad standing when through his actions, he shows total disrespect to his club, dishonours any of his club members, or where he brings the biking community as a whole into disrespect with the general public.

1.5.2. It is a "status" which should be very carefully considered before branding any person as being in bad standing.

1.5.3. A person who is found to be in bad standing will be disavowed by the biker community and not be allowed to join another club, start a new club or to participate in any biking related events.

1.5.4. Such a status is normally for life and only the club that initiated the bad standing status can lift or change this status.

2: PROCESS FOR STARTING A NEW CLUB:

The period involved to start up a new club is 24 months and can be divided into 2 phases, i.e.

- The Application and Registration period (3 months); and
- The Approval and Probation period (21 months).

2.1: APPLICATION AND REGISTRATION PERIOD:

2.1.1. This is compulsory for all new Clubs and club chapters in the Western Cape.

2.1.2. Application for registration is made by posting the application on The Register on www.motorcyclists.co.za. from where it is then forwarded to the Bikers Task Team for their information.

2.1.3. The application is posted for a period of three (3) months and is open to public viewing and comments.

2.1.4. All applications must fulfil the necessary criteria such as proposed club name, full names of members, particulars of contact person (-s) and contact details together with an example of the proposed patch, etc.

2.1.5. No application for registration shall be entertained unless all required information is supplied.

2.1.6. An application for registration will be suspended until all the necessary information is supplied.

2.1.7. ***Where there is an objection against/ a dispute re the name, patch, etc, the application will be suspended until all such objections/ disputes has been properly dealt with to the satisfaction of the Task Team.***

2.1.8. A suspension as referred to above will only be lifted once all queries/ objections has been cleared/ resolved to the satisfaction of the Task Team. The 3 month period will then only come into effect on the date upon which the suspension is lifted.

2.1.9. Where a suspension has been lifted, the application for registration will be re-posted and dealt with as a new application.

2.1.10. **NO CLUB NAME, PATCH OR ANY CLUB IDENTIFICATION WILL BE ALLOWED TO BE WORN BY ANY OF THE PROPOSED MEMBERS OF THE PROPOSED NEW CLUB DURING THIS PERIOD.**

2.1.11. **The fact that the application has been made, does not mean an automatic acceptance of the proposed Club.**

2.1.12. On registration being accepted, the Western Cape Bikers Task Team will introduce the prospective new Club to the existing clubs at the first meeting of the relevant Governing Body (MAWC) for that area following the date of registration.

2.2: PROBATION AND APPROVAL PERIOD:

- 2.2.1. Upon registration being approved after the 3 month period, the proposed new Club will do a 21 (twenty-one) month probation period.
- 2.2.2. ***IT IS IMPORTANT TO NOTE, THAT ALTHOUGH THE REGISTRATION OF THE NAME AND PROPOSED PATCH HAS BEEN APPROVED AND REGISTERED, THE CLUB AS SUCH HAS NOT YET BEEN APPROVED.***
- 2.2.3. During the probation period, the members of the new club will only be allowed to wear a small front patch on the left breast of their jackets – no rockers, depiction of type of club or patch on the back will be allowed. The front patch is compulsory and serves to identify the club as a new prospecting club in terms of the protocols.
- 2.2.4. During the probation period, the new club must attend the local governing body (MAWC) meetings as guests in order to familiarize themselves with the current situation within the local biking community in the Western Cape.
- 2.2.5. On completion of the probation period, the club must indicate to the Task Team which type of club they intend to be.
- 2.2.6. On proof of having fulfilled all the necessary criteria and requirements in respect of the type of club they wish to become, the task Team will make a determination at the end of the full term period and allocate them the status for which they qualify.
- 2.2.7. Once approved, the club members will be allowed to progress to wearing a full back patch with all their necessary club depictions.
- 2.2.8. Upon approval by the Task Team, the club will be introduced at the first meeting of the local governing body (MAWC) following their qualifying date, as having fulfilled the criteria and be allowed to operate as a fully fledged club.
 - 2.2.8.1. Where it is not possible for the new club to be in attendance at the meeting as envisaged in par.2.2.8, that club will be introduced in absentia.
 - 2.2.8.2. Due to the Presidents Meet (G2G) in the Western Cape only being a quarterly meeting, all new clubs will be introduced in absentia with only the particulars of those clubs being made known at the meeting.

3. NEW CLUB CHAPTERS

- 3.1. Starting a new Chapter of a club is a recognized way of expanding the membership base of a club. However, in the Western Cape **no new Club Chapter** will be allowed to open unless it has been sanctioned by the Task Team, irrespective of the type of club or what the Club's Constitution/ Rules may determine.
- 3.2. For the purpose of the Protocols, a distinction is made between the following methods of starting a new Chapter of an existing Club:
 - 3.2.1. A New Chapter to be formed with existing Full Patch members of the mother Club;
 - 3.2.2. A New Chapter with new prospect members subject to par.3.6.
- 3.3. Any Club wishing to open a new Chapter in the Western Cape must inform the Local Governing Body as well as the Task Team directly, of their intention before taking the steps to start a new Chapter. A fully motivated proposal shall be presented to the Task Team for consideration.
- 3.4. **No Club which is not registered on the Register on www.motorcyclists.co.za. will be allowed to open a new Club Chapter in the Western Cape.**
- 3.5. The opening of a new Club Chapter will only be considered if at least one of the members of the proposed Chapter is an existing full patch member of the mother Club who is resident or working in the area where the proposed new Chapter is to be opened.
- 3.6. A proposed new Club Chapter must present a letter of confirmation from the mother chapter/ main club confirming that approval has been given by them for a new Chapter which letter **must** indicate the following information:
 - 3.6.1. The area where the new proposed chapter will be based.
 - 3.6.2. The name and contact details of the full patch member (-s) under whose supervision and guidance the proposed new Chapter will be run during the probation period.
 - 3.6.3. The name of each prospective member who will be part of the new Chapter.
 - 3.6.4. It must also indicate whether any of the proposed new members has ridden for a club before. Where any such member has ridden for a club before, such members will still be subject to the cooling off period and full particulars of the club concerned must be disclosed accompanied by a letter from the President of that member's old club confirming the member's "standing" when he left the club.
- 3.7. The proposed new Club Chapter, if approved by the Task Team, will have to go through a probation period before being acknowledged as a Chapter and afforded the right to wear any area depiction relevant to the Western Cape. This probation period will, however, be determined by the Task Team but will not be for a period less than **6 months** and will be subject to specific criteria regarding supervision, display of colours, etc. as set out here-under:

- 3.7.1. In respect of a new Chapter as envisaged in terms of par.3.2.1. above, a minimum period of 6 (six) months subject to the provision that there are a minimum of 6 (six) fully patched key holders of the existing Club or in the case of it being an SC, 3 (three) key holders plus 3 non-key holders. No persons classified as hang-around will be considered to enable the prospect Chapter to qualify as a recognized Chapter in the Western Cape.
- 3.7.2. In respect of a new Chapter as envisaged in terms of par.3.2.2. Above, the chapter will only qualify for recognition as a chapter after having complied with the criteria re key holders/ membership relevant to the type of club. Only the chapter will be recognized as a chapter of the Club for the area it is to be based in with only the full patch member(-s) Under whose supervision it has been running for the probation period being allowed to wear the club colours with the new area depiction. All other persons who are not fully patched members of the club at the beginning of the new chapter's probation period will for the duration of the Chapter's prospect period be considered as hang-around. At the end of that period, such persons will not qualify to be patched up as members of the new Chapter, but will first have to fulfil the requirements for membership as per the mother club's constitution.
- 3.7.3. Irrespective of the above and how the new chapter is to be constituted, the same individuals who are to start-up the new Chapter, i.e. the same 6 individuals, must "run" with the new Chapter for the full time of the probation period in order for the prospect Chapter to receive "Chapter status" at the end of the probation period. No other individuals becoming part of the probation chapter will be taken into consideration at the end of the probation period re Chapter status confirmation.
- 3.8. Clubs have their own pre-requisites regarding the opening of new chapters within their clubs. However, irrespective of who the Club is, they have to also abide by the rules of the Local Governing Body and the protocols followed by the biking community in the area where they plan to open a new Chapter.
- 3.9. As is the case with any new club, a new club chapter must also fulfil the minimum criteria applicable to the type of club it constitutes with regard to minimum membership being key holders.
- 3.10. No new Club Chapter will be allowed to open up within **a 120 km radius** from an already existing Club Chapter of the same club. However, it is the prerogative of the Task Team to enforce this condition and the Task Team can, upon considering a full written motivation from a club who wishes to start another Chapter, relax this condition in the manner they deem fit where circumstances warrants such a relaxation. Nobody has the right to demand such a relaxation and any relaxation is considered a privilege.

4: NON COMPLIANCE WITH PROTOCOLS:

- 4.1. Any Individual/ Club or Club Chapter not complying with the protocols and/ or any requirements which may be stipulated by the Task Team, will be considered to be in breach of the protocols.
- 4.2. Where a Club/ Chapter has been found to be in breach of the protocols, that Individual/ Club/ Chapter's full particulars will be published and made available to all existing Clubs in the Western Cape for their information.
- 4.3. A Club/ Chapter which, or an individual who, has been found to be in breach will not be acknowledged and will automatically be black listed and prevented from attending any biking events in the Western Cape until such time as they comply with the protocols.

5. CHANGE IN CLUB STATUS:

- 5.1. Where an existing club wants to change its existing status as a club, i.e. to any of the other recognized ones, application has to be made to the Task Team in writing who will then consider the application by taking all the criteria and protocols relevant to that specific status into consideration.
- 5.2. Any Club wishing to change its status to that of an MC, must have been in existence and active for a period of 5 years(excludes the 12 month probation period) **before** such a status change will be considered. In applying for MC status, letters of recommendation and approval by 3 (three) existing and recognized MC's (recognized by the Task Team) must be presented to the Task Team together with proof that the applicant Club fulfils the minimum criteria in terms of the protocols to become a MC. The final decision in this regard rests with the Task Team.
- 5.3. Upon satisfying themselves that the club fulfils all of the specific criteria relating to the type of club status applied for, a status upgrade will not be unreasonably denied.
- 5.4. The Task Team has the right to downgrade a club in status where it is clear that the club has failed or cannot maintain itself in terms of the criteria applicable to that club. This will only be done after affording the club a reasonable time to conform, such time period to be decided upon by taking all relevant circumstances of the club in question, into consideration.
- 5.5. All status changes must be relayed to the local governing body for their information and the necessary changes brought about on the register on Motorcyclist.co.za.

6. DORMANT CLUBS:

- 6.1. A Dormant Club as per the Oxford definition of the word “dormant” will for the purpose of the Protocols be considered as a club which has become or been made “temporarily inactive”, for whatever reason. A Distinction must be drawn between a dormant club and a club which is proven to have become totally “inactive” in its functioning as a club, hereafter referred to as a “dead Club”.
- 6.2. A Club can become dormant for a variety of reasons such as not having enough members to constitute a Club in terms of the protocols, due to personal, work or any other circumstances of the Club members preventing them to carry on with club activities as per the Club Constitution, etc.
- 6.3. Where a Club has become totally inactive in its functioning as a club, it is considered that the club has ceased to exist as a club. (“Dead Club”)
- 6.4. A Dormant Club can be made active again at anytime within the 24 month period subject to the following criteria:
 - 6.4.1. That it be made active by the same members of the club who made it dormant;
 - 6.4.2. That the Club complies with the Protocols.
- 6.5. A Club is considered to cease to exist automatically where it has been dormant for a period of 24 months or longer or where the club members as a whole are patched over to another existing Club, but can also cease to exist through a decision of the Club members to disband the Club or where the Club is “closed down” through a decision of the Task Team in conjunction with the local Governing Body where it is found that the further existence of that Club would be to the detriment of the local biking community as a whole.
 - 6.5.1. With the exception of a Club which has been “closed down” as referred to above, a “Dead Club” can be revived again.
 - 6.5.2. The revival of a “Dead Club” will, however, be dealt with on the same basis as a new club in terms of the protocols as per par.2.
- 6.6. Where a club is found to be dormant or judged to be a “dead Club”, the registration of that Club, i.e. the name and patch, will remain on the Register of Clubs (MSA) but with an indication of its status.

7. BIKER TASK TEAM:

- 7.1. The Task Team is mandated to operate as an empowered body to inter alia deal with the whole process of and all matters pertaining to the establishment and maintenance of new Clubs/ Chapters within the Western Cape Region.
- 7.2. The Task Team performs its duties in terms of the above protocols and must ensure that all new clubs/ club chapters conform to the protocols and guidelines. This mandate has also been extended by the clubs supporting both MAWC and Presidents Meet platforms to include existing clubs/ chapters of clubs.
- 7.3. It inter alia deals with all matters pertaining to the establishment of new clubs as regarding Club Name, Patch Design, Slogans, Membership, etc.
- 7.4. The Task Team will monitor new Clubs/ Chapters from the moment the application for registration is received up to the fulfilment of the pre-requisite probation period before such a Club/ Chapter is to be acknowledged and recognized and has the full authority to impose the necessary sanctions on those Clubs/ Chapters which refuse to follow protocol.
- 7.5. The task team can be contacted at: info@wcbtaskteam.co.za

8. CONFLICT OF PROTOCOLS WITH LOCAL GOVERNING BODY CONSTITUTION:

Where there is a conflict between the above protocols and the Constitution/ Rules of the local governing body, the Protocols will take precedence until such time as the Constitution/ Rules of the Local Governing Body can be amended to reflect same.

The protocols also take precedence over a club's constitution/ rules in respect of probation time periods re new Club Chapters opening in the Western Cape region.

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GUIDELINES REGARDING TYPES OF CLUBS:

1. MC:

- Must have a constitution
- Minimum licensed riders (key holders): 6 (each with own bike)
- No patch holders/ members under the age of 18
- Minimum hang around period: 3 months (club to decide in terms of Constitution)
- Minimum prospect period: 12 months (club to decide in terms of Constitution)
- Minimum bike capacity: 600 cc
- ***Minimum period for any new club to become an MC: 5 years from date of qualifying as a club. (Calculated as from the end of the 12 [twelve] month probation period.)***
- MC status to be approved by minimum of 3 existing senior MC's in conjunction with the Task Team in area where the club is to be situated.

2. **MCC:**

- Minimum licensed riders (key holders): 6 (each with own bike)
- No patch holders/ members under the age of 18
- Minimum hang around period: 1 month (club to decide in terms of Constitution)
- Minimum prospect period: 6 months (club to decide in terms of Constitution)
- Minimum bike capacity: 600 cc
- Must have a constitution
- Colours must be approved and registered

3. **SC/ SMC (Social/ Family Club):**

- Must have a set of basic club rules or constitution
- Minimum hang around period: 1 month (club to decide in terms of Constitution)
- Minimum prospect period: 3 months(club to decide in terms of Constitution)
- Minimum members: 6
- Minimum licensed riders (key holders): 6 (Ratio of 50% of total membership at all times)
- Minimum Bike capacity: 250 cc
- Colours must be approved and registered

4. **FRATERNAL MOTORCYCLE CLUBS:**

a Fraternal Motorcycle Club is in essence, a group of people joined together by common interests, beliefs and virtues to preserve the excellence of their fraternity, and of the community in which they live and function, such as Law Enforcement, Military, Fire Fighting, Religion/ Ministry, etc

4.1. **LEMC (Law Enforcement Motorcycle Club)**

- A Law Enforcement Motorcycle Club referred to as **LEMC** or in short **LE**, being a club which is structured to accommodate serving - as well as ex-members of the Law Enforcement fraternity (Police, Metro Police, Traffic Police) who share an interest in motorcycles, irrespective of the basis of its membership or affiliation, must also comply with all the protocols pertaining to motorcycle clubs in the Western Cape.
- For the purpose of these protocols, a **LEMC/ LE** shall be considered as being on the same level as a RC and must therefore fulfil the same criteria as applicable to a RC.

4.2. Motorcycle Ministry (MMC/ MM)

- Motorcycle Ministries are clubs where the members are either members of the same church group or religious background sharing common ground in spreading the gospel as per their religion and must also comply with all the protocols pertaining to motorcycle clubs in the Western Cape.
- For the purpose of these protocols, a MM shall be considered as being on the same level as a SC/ SMC and must therefore fulfil the same criteria as applicable to a SC/ SMC.
- A Motorcycle Ministry can never be an MC/ MCC.

4.3. Brand Clubs/ Associations

- Groups/ Associations which are formed to accommodate members riding the same brand/ type of motorcycles, are also classified as Fraternal Clubs for the purpose of the protocols and are as such also subject to the protocols pertaining to motorcycle clubs in the Western Cape.
- Can never be an MC or MCC.
- Harley Owners group (HOG), the Blackbird Association, Ducati Owners Group, etc. are examples of such groups.

GENERAL:

1. General requirement to form a new club:

The general requirement with regards to forming a new club is a minimum of 6 riding members. However, given the changing circumstances within the biking community, and with the providing for a SC or SMC club, this remains the same with the exception that a SC or SMC club only needs a minimum of 6 members of which 3 must be riding members. However, the ratio for key holders in a SC/SMC must always be a minimum of 50% of the total membership.

2. Qualifying as a Club:

- Minimum period for any new club to qualify for acknowledgement as a full back patch club is **21 months** from the date on which the club registration is formally approved.
- The full process entails a minimum **24** month period, being the 3 month awaiting approval for registration period plus **21** months probation period from date of registration.

3. MC Status:

- Any club that wishes to become a MC, will first have to operate as one of the other types of clubs and will have to fulfil all the criteria with regards to an MC in that period of **5** years.