

Schedule 1

PROVISIONS CONCERNING NON- PROFIT COMPANIES [[Sch. 1](#) amended by [s. 122](#) of [Act No. 3 of 2011](#).]

4. Members.

- (1) A non-profit company is not required to have members, but its Memorandum of Incorporation may provide for it to do so.
- (2) If the Memorandum of Incorporation of a non-profit company provides for the company to have members, it-
 - (a) must not restrict or regulate, or provide for any restriction or regulation of, that membership in any manner that amounts to unfair discrimination in terms of [section 9 of the Constitution](#);
 - (b) must not presume the membership of any person, regard a person to be a member, or provide for the automatic or *ex officio* membership of any person, on any basis other than life-time membership awarded to a person-
 - (i) for service to the company or to the public benefit objects set out in the company's Memorandum of Incorporation; and
 - (ii) with that person's consent;
 - (c) may allow for membership to be held by juristic persons, including profit companies;
 - (d) may provide for no more than two classes of members, that is voting and non-voting members, respectively; and
 - (e) must set out-
 - (i) the qualifications for membership;
 - (ii) the process for applying for membership;
 - (iii) any initial or periodic cost of membership in any class;
 - (iv) the rights and obligations, if any, of membership in any class; and
 - (v) the grounds on which membership may, or will, be suspended or lost.