



NENO URBAN FOOTBALL CLUB

THE CLUB CONSTITUTION



FEBRUARY 20, 2020

NENO URBAN FC
BOX 188, NENO

NENO URBAN FOOTBALL CLUB



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CONSTITUTION OF THE NENO URBAN FOOTBALL CLUB

Index A. INTERPRETATION CLAUSE

In interpreting these Statutes and regulations of the words:

Club - Neno Urban football club

NDFA - The Neno District Football Association

FAM – The Football Association of Malawi

FIFA or Federation - "Fédération Internationale de Football Association".

The BOARD - The Board of Trustees.

Management Committee - The Management Committee of Neno Urban football club as constituted in accordance with this constitution unless specified so.

Member - Any person who is in membership with Neno Urban football club or a person who is a member of a committee of Neno football club as constituted in terms of article IV of this constitution.

Officials - All board members, coaches, trainers and people responsible for technical, medical and administrative matters in a confederation, national association, or Club.

Federation Football – The competitions that are fully organised, run and managed by the **Federation**.

Soccer season - The period of twelve consecutive months as prescribed by the Management Committee, during which the Federation football is played.

Financial year - The period prescribed under article X of this constitution.

Note: In this constitution words importing the masculine gender shall include the feminine gender and vice versa

Article I NAME, STATUS, HEADQUARTERS

Section 1.0.1 Name

- (a) The Club shall be known as Neno Urban Football Club (Neno Urban FC).
- (b) The nickname of the Club shall be “The COUGARS”.

Section 1.0.2 Headquarters

- (a) The headquarters of the aforementioned Club shall be located in Neno.

Section 1.0.3 Colours of the Club

- (a) The colours of the Club shall be BLUE, WHITE, GOLD, RED & GREEN.

Section 1.0.4 The Emblem

- (a) The official Club’s emblem shall be as it appears in this document.



Neno Urban FC Official Logo

- (b) The fan base Logo will be as it is depicted in this document.



Neno Urban FC Fan Base Logo.

Section 1.0.5 Structure & Corporate Status

The Club shall;

- (a) Have the following teams:
 - i. Neno Urban Main team (Under 23)
 - ii. Neno Urban Juniors (Under 14)
 - iii. Neno Urban Juniors (Under 16)
 - iv. Neno Urban Women Football Team (Under 23)
 - v. Neno Urban Stars Netball team (Under 23)
- (b) Be a corporate entity.
- (c) Have uninterrupted succession notwithstanding any change in the number or identity of its members.
- (d) The income and assets of the Club shall be applied towards the promotion of the objectives for which it is established.
- (e) No part of the Club’s income or assets shall be paid, directly or indirectly, as in form of dividend, compensation or otherwise to a member of the Club.
- (f) The Club may sue and be sued in its own name.

Section 1.0.6 Policy of the Game

- (a) Unless decided otherwise by the Club, the rules of the game shall be as amended by the Federation and adopted by FAM and as shall be implemented by the NDFA at the start of every soccer season.

Section 1.0.6 Teams By-Laws

We are all equals, no one is more equal than others. No player or official is above the Club.

- (a) No player shall miss a training session for no good reason.
- ⊗ If a player misses a session he will not be allowed to participate in the subsequent sessions but **MUST** be available during all the training sessions.
 - ⊗ If a player fails to comply, a two weeks rustication will be issued.
- (b) No player shall leave the field of play without seeking permission from the person in-charge of the training session.
- ⊗ If a player fails to comply, a two weeks rustication will be issued.
- (c) Players should respect one's views at all times.
- ⊗ If a player fails to comply, a fine of MwK250.00 will be paid.
- (d) No use of foul or obscene language.
- ⊗ If a player fails to comply, a fine of MwK250.00 will be paid.
- (e) All players **MUST** report to training and game meetings.
- ⊗ Failure to comply, the player will miss the training or the game.
- (f) Use of drugs and substance abuse is prohibited.
- (g) All players and team officials to take care of the team's property. No player or official should use team resources for personal use unless otherwise.
- (h) All team activities shall be organised or Authorised/Approved by the management.

Article II. OBJECTIVES

Section 2.0.1 Objectives

The objectives of the Club shall be:

- (a) To promote football skills from the grass root level in Neno district and across the country.
- (b) Develop vocational skills through formal and informal training.
- (c) Promote social-economic status among the youth through sports and vocational skills.
- (d) To promote and encourage mindset change in football administration.
- (e) To negotiate with Government, Local Council, Local Business enterprises and other Clubs for financial or other aids for the creation and development and extension of soccer facilities.
- (f) To promote and encourage education among the youth through different forms of bursaries.
- (g) To organise fund raising activities in order to realize its goals.
- (h) To perform or cause to perform any other task(s) not provided for in this constitution but that are directed to promote the Club's lawful purpose and objectives or that may be incidental to their achievements.
- (i) To conform to the protection of young children and to engage them in a healthy and constructive activities for their mental and physical wellbeing.

Article III. POWERS

Section 3.0.1 Powers

To achieve the objectives in **Article II** of this constitution, the Club shall have the following powers.

- (a) To manage and hold football matches.
- (b) To organise and arrange social functions, contests and shows.
- (c) To prevent the introduction of any inappropriate method(s) or practice(s) in the game and to protect it from exploitation.
- (d) To prevent and forbid discrimination against any member or individual on the ground of race, religion, politics or creed.
- (e) To provide by means of regulations principles for settling of any differences or disputes that may arise between or among members, or members and the Club.
- (f) To accept donations, grants and bequests
- (g) To determine and collect subscriptions and contributions from members.
- (h) To purchase, hire or acquire in any manner movable or immovable property, which may be deemed necessary or convenient for any purpose of the Club.
- (i) To sell, manage, let, or hire services offered by the Club.
- (j) To invest any monies of the Club not immediately required for any particular purpose in such manner as the Club's Management Committee may deem appropriate.
- (k) To pay remuneration for any services rendered to it or on its behalf by any person or persons and whether rendered on a full time, part time, casual or other basis.
- (l) To take any disciplinary action against any member or individual that is registered with the Club, who contravenes the constitution, rule and regulations of the Club, NDFA, FAM or FIFA.
- (m) To undertake any task(s) that may be conducive to the attainment of the objectives of the Club.

Section 3.0.2 Official Languages

- (a) The Official languages for all correspondences shall be English and Chichewa.

Article IV MEMBERSHIP

Section 4.0.1 Membership

- (a) The Club shall be constituted by everyone willing to uphold its constitution.
- (b) Membership shall be upon payment of a membership fee that shall be prescribed by the Management Committee of Neno Urban FC.
- (c) Membership shall be renewed at the beginning of the new year and the prescribed membership fee shall be paid.
- (d) The membership fee shall be subject to review at the start of every new soccer season.

Section 4.0.2 Classes of members

- (a) Executive Members – these shall be members who shall form the BOARD and the Management Committee.
- (b) Ordinary Members – these shall be players of Neno Urban Football Club
- (c) Supporters – who are members of Neno Urban football club by virtue of their contribution to the Club

Section 4.0.3 Termination of Membership

Any member shall cease to be a member:

- (a) If the member notifies the secretary of the Club in writing and the resignation is accepted by the Management Committee.
- (b) If the member's membership is cancelled or terminated by the Management Committee.
- (c) If at the end of each league soccer season the members is in accordance with the Rules and regulation of the NDFA, FAM and FIFA, demoted or promoted.

NOTE!!

- i. The Management Committee may cancel the membership of any member, who is found guilty of contravening the constitution of the Club or the statutes of FIFA
- ii. Where a member ceases to be a member, in terms of parts (b) and (c) of this section, such member will remain liable to the Club for all financial liability he may have due to the Club. Such remaining debt at the time shall be payable immediately.

- iii. Any member who resigns voluntarily or whose membership has been terminated in terms of part (a) of this section, shall forfeit, as from the date of his resignation or termination of membership, all rights, privileges and say in the matters of the Club.

Article V. LEGISLATIVE, MANAGEMENT AND ADMINISTRATIVE BODIES

Section 5.0.1 The Organs of the Club

The Club shall consist of the following organs:

- (a) The Annual general Meeting - Shall be the supreme authority and Legislative body of the Club.
- (b) Board of Directors – shall be the policy body of the club
- (c) The Management Committee - shall be the Management body of the Club.

Section 5.0.2 The Annual General Meeting (AGM)

- (a) The Annual General Meeting shall be convened annually at the beginning of the season or as may be determined by the Board of Directors.
- (b) An Annual General Meeting shall be convened at a place and time after the Management committee has given fourteen days written notice.
- (c) When given the written notice the Management Committee shall attach at the same time the Clubs annual report, the financial report and minutes of the Board of Directors of the whole year.

Section 5.0.3 Notice of the Annual General Meeting

- (a) The secretary shall send the notice of the date, time and place for the holding of the AGM, verbally or by mail, or hand to each member at its registered address as appearing in the register of members at least four weeks before the date for holding the AGM.
- (b) Any omission or failure to send or give notice of the AGM to a member as stipulated in the above clause shall not invalidate the holding of the congress or the passing of any resolution at that AGM, except where the omission or failure affects 50% or more of the members entitled to vote.
- (c) Notice of the terms of any resolution to be proposed at the AGM or questions to be opposed or asked by any member other than those concerning the ordinary business and general business, shall be lodged with the Secretary twenty-one days before the date fixed for the AGM and shall be sent to members at least fourteen days before the date fixed for the AGM.
- (d) The Secretary shall at the written request of the Management Committee or upon receiving a written request by the members as stipulated in Article 8, section 8.0.2, part (c) of this constitution, convene a SPECIAL MEETING and the notice of that AGM shall be sent to all the member at its registered address as appearing in the register of members at least two weeks before the date fixed for the holding of the SPECIAL MEETING.
- (e) The omission or failure to send or give notice of the SPECIAL MEETING as contemplated in the above clause, shall not invalidate the holding of the SPECIAL MEETING, or the passing of any resolution at the AGM except when the omission or failure affects 50% or more of the members.

Section 5.0.4 Quorum at the AGM Or Special Meeting

- (a) A quorum at the Annual General Meeting or Special General Meeting shall be constituted by fifty percent of all members of the Club.
- (b) In the event of failing to form a quorum at an annual general meeting or special general meeting, the meeting shall be adjourned for another seven days, and the secretary shall serve new notices of the meeting to the members, on the same day, and the same venue seven days later, the meeting shall be convened and in the event of the failing to form a quorum again the meeting shall be held regardless of the number of members present.
- (c) In the case of an extra ordinary AGM called by requisition of members, if no quorum is present upon the date duly fixed, and within an hour after the time fixed for the meeting, it shall be dissolved.

Article VI. VOTING AND VOTING PROCEDURE

Section 6.0.1 Voting

- (a) Each member at the Annual or Special General meeting shall by secret ballot be entitled to one (1) vote only (one member, one vote)
- (b) All decisions at the Club's General Meeting or Special Meeting shall be taken by consensus. Members may, however, agree by consensus that on the specific subject or issue, a decision be taken by an ordinary majority vote or two third majority or seventy five percent majority vote with the understanding that the Chairman or in his absence, his representative shall not exercise his ordinary or casting vote, unless the members decide otherwise.
- (c) The Chairperson of any AGM or Special Meeting shall have a final casting vote and a declaration by the chairperson of any AGM of the result of a show of hands or a ballot as the case may be shall be final and conclusive, except where fraud is alleged or proven.

Article VII. PROCEEDING AT AGM

Section 7.0.1 Proceeding at the AGM

At the AGM, the Management Committee shall present a report of its activities of the preceding year and statement of its income and expenditure of the preceding year, and a statement of estimated income and expenditure of the new year.

- (a) The reports and statement referred to in the above clause shall be circulated amongst the members together with the agenda for the meeting.

Section 7.0.2 The Ordinary business to be covered at the AGM:

- (b) Roll Call
- (c) Confirmation of minutes of the previous AGM and any Special Meetings held since the previous AGM.
- (d) Receive and consider the report of the Management Committee, as tabled by the Chief Executive Officer.
- (e) Receive, consider the statement of income and expenditure and approve the statement of the estimated income and expenditure of the new year.
- (f) Consider and pass, with or without modification, any resolutions concerning the affairs of the Club of which due and proper notice has been given.
- (g) Admission and resignation of members.
- (h) Proposals and considerations
- (i) Questions from Members.
- (k) Ratification of the members of the Board of Directors (if any)
- (l) Appointment of the members of the Management Committee (if any)
- (m) Closure

Article VIII. MANAGEMENT COMMITTEE

Section 8.0.1 The Management Committee

The Management Committee is the Management body of the Club.

- (a) The management and control of the affairs of the Club shall be vested in the Management Committee, which shall have full powers and authority to do any act matters or thing which would or might be done by the Club, except such matters as are in this constitution dealt with an AGM of the Club.

Section 8.0.2 Composition of the Management Committee Meeting

- (a) The Management Committee may be composed of the following persons, who shall be elected by Congress, but shall not comprise more than seven persons
 - (i) The Chief Executive Officer
 - (ii) The Coach
 - (iii) The Finance Director
 - (iv) The General Secretary

- (v) The captain and two (2) additional Committee members
- (b) A member of the Management Committee shall hold office unless he or she resigns to the Chief Executive Officer.
- (c) In the case where a member(s) resigns and the composition of the Management Committee is less than four persons then a special general meeting will be called to fill the vacancies within three months of the situation.

Section 8.0.3 Powers of the Management Committee.

The Management Committee shall deal with all matters that require immediate decision of the meeting of the Congress, and without derogating from that generality, shall -

- (a) Act on behalf of the Club.
- (b) Supervise and control the activities of the Club and members.
- (c) Appoint members to represent the Club or where a member is guilty of misconduct, dismiss the member.
- (d) Approve the rules and regulations for tournaments, or competitions organized by the Club.
- (e) Carry out any functions entrusted on it in terms of the constitution.
- (f) The Management Committee may delegate any of its functions or powers to a standing committee of the Club, but it shall not be divested of a power so delegated and a decision of the committee may be validated, ratified, altered or set aside by the Management Committee at its meeting.

Section 8.0.4 Functions of the Management Committee Meeting

In addition to the powers conferred on the Management committee by the above clause and without limiting such powers the Management Committee may:

- (a) Formulate objectives, policies and strategies of development plans.
- (b) Prepare and coordinate medium and long-term development plans.
- (c) Prepare, coordinate and supervise the development of budget implementation.
- (d) Provide appropriate planning guidelines to members, players and supporters.
- (e) Promote and coordinate the members planning, development and growth points.
- (f) Monitor and evaluate the achievements of development planning, budgeting and project analysis.
- (g) Evaluate the implementation and performance of the plan at the end of the plan period.
- (h) Advise the Chief Executive officer and the members on the general course of social and economic development.
- (i) Ensure efficient functioning and operation of the members by providing administrative and supportive services when necessary.

Section 8.0.5 Meetings & Decision of the Management Committee Meetings.

The Management Committee may:

- (a) Meet, adjourn and otherwise regulate its meetings as it deems appropriate but the Management Committee shall meet at least ten times (10) in a season or as otherwise determined by them.
- (b) Determine what notice is to be given of their meetings and the means of giving that notice.
- (c) Make any other regulations to regulate the conduct and proceedings at its meeting.

Section 8.0.6 Quorum of the Management Committee Meeting.

- (a) The quorum at a meeting of the Management Committee shall be a majority or fifty percent of the members of the Management committee and the decision of the majority members present shall be the decision of the Management Committee.
- (b) The Management committee shall keep or cause a record to be kept of all resolutions passed at the meeting.
- (c) Any record or an extract from the records kept in terms of the above clause shall be prima facie evidence of the matter stated therein if it is signed by the Chief Executive Officer of the meeting and the secretary or any other person who acted secretary for that meeting.

Article IX. THE DUTIES AND RESPONSIBILITIES OF THE MEMBERS OF THE MANAGEMENT COMMITTEE

Section 9.0.1 The Chief Executive officer

The Chief Executive Officer shall:

- (a) Preside at the Club's General Meeting
- (b) Preside at the meeting of the Management committee
- (c) S/He is the head of the Management Committee
- (d) Responsible for directing the translation and development of policies and plans into programs and projects as agreed by the Management Committee
- (e) Directly monitor and evaluate development programs
- (f) Supervise the application of money appropriated for such capital and development project and programs and related and consequential expenditure.
- (g) Promote and sustain externally assisted development programs through negotiation, appraisal, monitoring and evaluation of such programs in consultation with the development persons concerned.
- (h) Coordinate the team's responsibility in regards to development programs and projects sponsored or financed internally or by outsiders.
- (i) Liaison and consultation with the private sector, businesses and influential persons in creating a favourable sponsorship climate.
- (j) Ensure that procedures are established for planning, coordinating and controlling monitoring, progress reporting of the activities and work programs of the Club.
- (k) Ensure activities are arranged in a program to be completed within defined time and resources limits.
- (l) Ensure after consultation with the Management Committee appoint attorneys to represent the Club in court cases.
- (m) Subject to article VIII, section 8.0.2 of this constitution, represent the Club at all meetings, conferences, seminars or disciplinary hearings.
- (n) Where the Chief Executive officer is absent or unavailable, the next most senior member of the Management Committee shall take over the functions and powers of the Chief Executive Officer or the Management Committee shall nominate one of the members to take reign.

Section 9.0.2 The Secretary

The General Secretary is the administrator of the Management Committee and the Club.

- (a) Is responsible under the overall direction of the Chief Executive Officer.
- (b) Responsible for directing and approving the preparation of coordinated work program and monitoring their execution in order to ensure a timely meeting of agreed deadline.
- (c) Continues consultation with the Management committee as well as the regular review meetings on programs.
- (d) Coordinating the preparation, for submission to the Management Committee, of all documents, including development plans periodic reports and work programs
- (e) Ensuring that the Management Committee and the members are serviced and supported both substantively and administratively
- (f) Exerting general surveillance over the Club.
- (g) Directing the organization and coordination of the necessary machinery for the regular monitoring and evaluation of the implementation of development plans and policies by the responsible persons.
- (h) Providing the Management Committee with sound economic and technical advice as well as efficient operational support.
- (i) Exercising the full range of function of a bookkeeper in conjunction with the Finance Director
- (j) Developing and maintaining a data base system for the Club.
- (k) Participating in all Management Committee meetings.
- (l) Drawing agenda for meeting in consultation with all the members of the Management Committee
- (m) To conduct all correspondence under the direction of the Chief executive Officer or his deputy
- (n) To issue all notices of meeting by the direction of the Chief Executive Officer or his deputy
- (o) To record the main points of the previous congress, Management meeting and congress for confirmation
- (p) To bring all communication directed to the Chief Executive Officer or the Management committee through any channel as soon after their receipt as is possible.
- (q) To have available at each Management meeting or congress a true copy of the articles of the constitution of the club, the NDFA, FAM and FIFA.

- (r) To perform all work consistent with his office as secretary.

Section 9.0.3 The Finance Director.

The Finance Director shall:

- (a) Assisting in the development, implementation, and maintenance of accounting internal and operational controls for Neno Urban Football Club.
- (b) Detailed accountings including recording revenue, expenses, and balance sheet activity for the Management of Neno Urban Football Club.
- (c) Performing weekly and monthly account reconciliation, including related journal entries.
- (d) Developing and publishing statistical information and monthly reports for the Management
- (e) Recommending improvements to procedures, systems, and controls.
- (f) Presenting audited financial statements to General Meeting.
- (g) Performing basic account analysis of Neno Urban Football Club balance sheet accounts related to the approved system and the procedures.
- (h) Keeping a list of and check on all assets of the region
- (i) Preparing journal entries and keeping them into General Ledger system.
- (j) Generating and distributing monthly reports.
- (k) Completing other miscellaneous projects delegated by management of the Club.

Article X. FINANCE

Section 10.0.1 FINANCE

- (a) All the accounts of the Club shall be held and handled by the elected Finance Director of the Club.
- (b) A Banking account shall be opened in the name of the Club and all income shall be deposited in this account.
- (c) The account of the Club shall be administered with the signatory of the Chief Executive Officer, the Finance Director and one additional member.
- (d) Official receipts shall be issued for all monies received.
- (e) Proper books of account must be kept in respect of all income received and disbursed and the way by which such monies received have been disbursed.
- (f) The Books of account of the Club shall be open for inspection by members.
- (g) The Club's financial year shall be from 1 January to 31 December of the same year.

Article XI. POLITICS

Section 11.0.1 Politics

- (a) The Club is strictly non-party political organization and no party politics of any nature shall be permitted at its deliberations, negotiations, discussions, proceedings, Club matches, competitions and tournaments of the Club.

Article XII. DISPUTES

Section 12.0.1 Disputes

- (a) Members or support members shall not be permitted to refer disputes with the Club or other Clubs or Club members to a court of law and they shall agree to submit each one of such disputes to an arbitration tribunal appointed by common consent.
- (b) Even if the law of a country allows Clubs or Club members to contest at a civil court any decisions pronounced by sports bodies, Clubs or Club members shall refrain from doing so until all the possibilities of sports jurisdiction within, or under the responsibility of, their national association have been exhausted. The national associations shall ensure, as far as they can competently do so, that their Clubs and Club members observe this obligation and that they are aware of the consequences of disregarding it.
- (c) In the event of disagreement between two or several members, which are unable to agree on the composition of the arbitration tribunal, the Management Committee shall have the right to decide. This decision shall be final and binding upon the members concerned.

- (d) Officials or Club members shall adhere strictly to the decisions taken by the competent bodies in respect of disputes in accordance with the terms of the foregoing paragraphs.
- (e) Any breach of the aforementioned provisions shall be sanctioned in accordance with the FIFA List of Disciplinary Measures (cf. 40). Any member who contravenes the terms outlined above may be sanctioned by being suspended from all football activity (official competitions and friendly matches) in addition to receiving a ban on all matches (involving the Club) played in its stadium.
- (f) Disputes regarding the transfer and eligibility of players shall be settled in accordance with the procedure laid down in the rules and regulation of the NDFA, or FAM.

Article XIII. FINAL PROVISIONS

Section 13.0.1 Final Provisions

- (a) Any matters not provided for under these Statutes or cases of force majeure shall be settled by the Management Committee, whose decisions shall be final.
- (b) Decisions in matters of legislation shall not become operative until they have been approved by the Annual General meeting.

Article XIV. DISSOLUTION

Section 14.0.1 Dissolution

- (a) In the event of the dissolution of the Club, its funds shall not be distributed. They shall be transferred to a charitable organization of the town, in which the headquarters are situated, which shall invest them in gilt-edged securities until the re-establishment of the Club.

Article XV. ADOPTION

Section 15.0.1 Adoption Status

- (a) These Statutes were adopted by the Neno Urban Football Club in February 2020 in Neno.

Neno Urban FC Membership Undertaking Form

DATA SHEET

I _____, (Name of MEMBER) of _____
(village), Traditional Authority (T/A) _____, District _____ herewith undertake:

- (a) To accept and respect the Neno Urban football club as the official representative of the Neno Urban FC within Neno District Football Association and the Football Association of Malawi as the supreme controlling body of soccer in Malawi
- (b) To conform to the constitution, rules and regulations, bye laws and standing orders of the congress of and the Neno Urban football club, the Neno District Football association, FAM, FIFA.
- (c) To Observe the Law of the Game in force with the club and the Association.

Dated and signed at _____ on this _____ Day of _____ 20____ before me:

For and on behalf of the Club

Name: _____ in his/her capacity as Chief Executive Officer

Signature: _____

Witness

Name: _____ in his/her capacity as the General Secretary

Signature: _____

COMMENT(S)

FOR OFFICIAL USE ONLY

RECEIVED BY.....DATE RECEIVED.....

APPROVED BY.....DATE APPROVED

Neno Urban Football Club

c/o Post Office Box 188

Neno, Malawi.

Telephone: +265 993 023 498 / +265 888 756 217 Email: nenourbanfc@gmail.com

Neno Urban FC Supporters Application Form

Name:

Postal address:

Residential address:

Telephone number:

Mobile Number:

Occupation:

Next of Kin:

Contact Numbers:

Relationship With Next of Kin:

Date of Application: Day...../Month...../Year 20..... Sign.....

Date Received:

Date Approved:

Date of Renewal:

Membership Number:

OFFICIAL STAMP