



# WELWYN GARDEN SWIMMING CLUB

(Affiliated to H.A.S.A., A.S.A East Region, & R.L.S.S.)



## RULES of Welwyn Garden Swimming Club – 6 March 2017

### 1 Name and colours

- 1.1 The name of the Club shall be Welwyn Garden Swimming Club.
- 1.2 The Club colours shall be black and gold.

### 2 Objects

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming and lifesaving for its members. In the furtherance of these objects:
  - 2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.
  - 2.1.2 The Club shall implement the A.S.A. Equality Policy (as may be amended from time to time).
- 2.2 The Club shall be affiliated to ASA East Region, and shall adopt and conform to the rules of this Association, and to such other bodies as the Club may determine from time to time.
- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association (“A.S.A. Laws”) and in particular
  - 2.3.1 All competing members shall be eligible competitors as defined in A.S.A. Laws; and
  - 2.3.2 The Club shall in accordance with A.S.A. Laws adopt the A.S.A. Child Safeguarding Policy, Regulations and Procedures; and shall recognise that the welfare of children is everyone’s responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.
  - 2.3.3 Members of the Club shall in accordance with A.S.A. Laws comply with the A.S.A. Child Safeguarding Policy, Regulations and Procedures.
- 2.4 By virtue of the affiliation of the Club to ASA East Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:
  - 2.4.1 ASA East Region and
  - 2.4.2 the Amateur Swimming Association; (to include the A.S.A./IOS Code of Ethics); and
  - 2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and
  - 2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together “the Governing Body Rules”)
- 2.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail

### 3 Membership

- 3.1 The total membership of the Club shall be limited to the number of swimmers that can be effectively taught by the staff and by the facilities available. The Committee shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.
- 3.2 All persons who assist in any way with the club’s activities, except for casual helpers, shall become members of the club and hence of the A.S.A. and the relevant A.S.A. membership fee shall be paid. Assisting with the club’s activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of the A.S.A.’s educational certificates.
- 3.3 Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by the A.S.A.’s Code of Ethics, the Laws and Regulations relating to Child Protection and those parts of the Judicial Laws, Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the A.S.A. shall be subject to all the constraints and privileges of the Judicial Regulations.



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- 3.4 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be determined by the Membership Secretary, but other person(s) authorised by the Committee may make recommendation as to the applicants' acceptability.

The Membership Secretary shall be required to give reasons for the refusal of any application for membership.

Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee ("Review Panel") comprised of not less than three members (who may or may not be members of the Committee). The Review Panel shall [wherever practicable] include one independent member nominated by the ASA East Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

- 3.5 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, the Club shall not refuse membership on the basis of a Protected Characteristic within the Act, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.
- 3.6 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute.

## 4 Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st day of April each year. Subscriptions or part thereof are not refundable.
- 4.3 The Committee may decide to permit deferred payments to be made of an amount and to a timetable as it shall determine.
- 4.4 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made.
- 4.5 The Committee shall, from time to time, have the power to revise the annual subscription and other fees in response to a change in circumstances, including, but not limited to, an increase in the individual A.S.A. membership fees. Any increase in subscriptions shall be advised to the members and the reasons for any increase reported to the members at the next Annual General Meeting.
- 4.6 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the A.S.A. membership fees, to address issues of social inclusion.

## 5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Membership Secretary notice of his resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrears shall, subject to review by the Committee, be deemed to have resigned. Where the membership of a member shall be terminated in this way he shall be informed in writing that he is no longer a member by notice handed to him or sent by post to his last known address.
- 5.3 The A.S.A. Membership Department shall be informed should a member resign when still owing money or goods to the Club.



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## 6 Expulsion and other Disciplinary action

- 6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.2 and 6.3 below.
- 6.2 Upon expulsion, the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.
- 6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes ("the Rules") as the same may be revised from time to time. (A copy of the current Rules may be obtained from the ASA website, ASA Handbook or from the A.S.A. Department of Legal Affairs).
- 6.4 A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.5 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulation.

## 7 Committee

- 7.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") and up to nine elected members, all of whom must be members of the Club. The Committee shall have a Fixtures Secretary and Membership Secretary. All Committee members must be not less than 18 years of age though the Committee may allow younger members to attend their meetings without power to vote.
- 7.2 The Committee shall appoint at least one member of the Club as Welfare Officer (s) who shall not be or a relative of any of the Executive Officers, the Coach, the club teachers or the Team Manager, who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with A.S.A Child Safeguarding courses. If not a member of the committee a Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 7.3 The Executive Officers and Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Executive Officers and members of the Committee shall be eligible for re-election.
- 7.4 Committee meetings shall be held not less than quarterly (save where the Committee itself shall by a majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than five days oral or written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his absence a member of the Committee, shall take minutes.
- 7.5 In the event that a quorum is not present within thirty minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.



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- 7.6 In addition to the members so elected the Committee may co-opt up to six further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present.
- 7.7 The Committee may from time to time appoint from among their number such subcommittees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such subcommittees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All subcommittees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.8 The Committee shall be responsible for the management of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.
- 7.9 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 7.10 The Committee shall maintain an Accident Book in which all accidents to club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the Committee, and then the A.S.A. Office. The Club shall make an annual return to the A.S.A. in the prescribed form.

## 8 Officers and Honorary Members

- 8.1 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the association and on election shall, ex officio, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the A.S.A.
- 8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit and they shall be entitled to all the privileges of membership. They shall be entitled to vote at meetings and serve as officers or on the Committee. Such honorary members must be included in the Club's annual return as to membership.

## 9 Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in March. The date for the Annual General Meeting shall be fixed by the Committee. Members will be notified of the time, date and place of the meeting and supplied with an agenda not less than 14 days prior to the meeting
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
  - 9.2.1 to receive the Chairman's report of the activities of the Club during the previous year;
  - 9.2.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;
  - 9.2.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he remain in office;
  - 9.2.4 to elect the Executive Officers and other members of the Committee;
  - 9.2.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 8th February. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 8th February.



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## 10 Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within 28 days of receipt by him of a requisition in writing signed by not less than 20 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.

## 11 Procedure at the Annual and Special General Meetings

- 11.1 The Secretary shall be responsible for the handing out or sending to each member at his last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be 10 members entitled to attend and vote at the Meeting.
- 11.3 The Chairman, or in his absence a member selected by the Committee, shall take the chair. For any matter requiring a vote at a General Meeting, the following will apply:

All those for whom an annual subscription has been paid are entitled to a vote, subject to a maximum of two votes for each Family Membership.

The votes for Members under 16 years of age may (unless authorised by the chairman) only be exercised by their parent or legal guardian.

Committee Members and other Club volunteers, with honorary status on the current membership list, are also entitled to a vote.

Resolutions other than changes to the rules shall be passed by a simple majority.

For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. (Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors, such as the election of club captains.)

- 11.4 The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

## 12 Alteration of the Rules and other Resolutions

- 12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least (two-thirds) of members present and entitled to vote at the General Meeting. No amendment(s) to the rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the County Association/ASA East Region.



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- 12.2 Any members entitled to attend and vote at a General Meeting shall be entitled to put any proposal for consideration at any General Meeting, provided the proposal in writing shall have been handed to or posted to the Secretary of the Club, so as to be received by him not later than 8th February in the case of the Annual General Meeting or, in the case of a Special General Meeting, 18 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

## 13 By-Laws

- 13.1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the wellbeing of the Club. These by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

## 14 Finance

- 14.1 All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by cheque or online bank transfer authorized by two signatories. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 17.3.)
- 14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Club and to any other person or persons for services rendered to the Club.
- 14.4 The financial transactions of the Club shall be recorded by the Treasurer in such a manner as the Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1<sup>st</sup> January and ending on 31<sup>st</sup> December. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Committee shall retain for a minimum period of six years all financial records relating to the club and copies of Minutes of all meetings.

## 15 Borrowing

- 15.1 The Committee may not borrow money on behalf of the Club.

## 16 Property

- 16.1 The property of the Club, other than cash at the bank, shall be vested in not less than two but not more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.
- 16.2 The Custodians shall be elected by the Committee, and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- 16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

## 17 Dissolution

- 17.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three - quarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.
- 17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
- 17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be devoted to objects similar to those of the club or charity.



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## 18 Acknowledgement

18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

18.2 The following statement must appear on Club membership forms and is to be signed by the member. It must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

“I acknowledge receipt of the rules of Welwyn Garden Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.”

## 19 Club Championships

19.1 Club Championships shall be open only to members of the Welwyn Garden Swimming Club who have had continuous unbroken membership of the Club from a date prior to the date on which they joined any other swimming Club, of which they are still members. The membership of the Welwyn Garden Swimming Club shall be continuous for at least 3 months prior to the date of the competition. Anyone who competes in the Championships of another Club shall not be eligible to compete in the Welwyn Garden Swimming Club Championships in the same calendar year. The Committee shall have discretion to accept or refuse any entries, irrespective of whether the stated competition entry conditions are satisfied.