



BEXHILL SWIMMING CLUB

Constitution

1. Name

- 1.1 The name **Bexhill Swimming Club** shall be adopted.

2. Objects

- 2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular the teaching and encouragement of swimming and the improvement of performance of competitive swimming. In the furtherance of these objects:
- 2.1.1 The Club is committed to treat everyone equally within the context of its activity, regardless of age, gender, ethnic origin, religion, ability, sexual orientation or political persuasion.
- 2.1.2 The Club shall implement the A.S.A Equal Opportunities Policy.
- 2.2 The Club shall be affiliated to the A.S.A South East Region and shall adopt and conform to the rules of the Association, and to such other bodies as the Club may determine from time to time and shall be subject to the laws and rules thereof.
- 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 and comply with the A.S.A Child Protection Procedures; and shall recognise that the welfare of children is the responsibility of everyone and that all children and young people have a right to have fun, be safe and protected from harm.
- 2.3.3 The Club shall apply the A.S.A / ISTC Code of Ethics.
- 2.4 By virtue of the affiliation of the Club to A.S.A South East Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitution of:
- 2.4.1 A.S.A South East Region and
- 2.4.2 the Amateur Swimming Association; and
- 2.4.3 British Swimming (in particular its Doping Control Rules and Protocols and Disciplinary 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 not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members 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 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 officers, temporary members, Vice Presidents and verifiers or tutors of the A.S.A's educational certificates.
- 3.3 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 swimmer under 18 the application must be signed by a parent or guardian. Election to membership shall be at the discretion of the Committee. 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 comprised of not less than three members (who may or may not be members of the Committee). The panel shall (wherever practicable) include one independent member nominated by the A.S.A 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.

- 3.4 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and coaching fees shall be determined by the Committee and confirmed at the A.G.M and published separately on the Club's notice board.
- 4.2 The annual subscription shall be due on joining the Club and thereafter on the first day of September each year.
- 4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment without adequate reason being given to the Treasurer may be suspended by the Committee until such payment is made.
- 4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual A.S.A Membership fees. Any increase in subscriptions shall be advised to the members with the reasons for any increase to be reported to the members at the next Annual General Meeting.

5. Resignations

- 5.1 Any member wishing to resign membership of the Club must give to the Secretary written notice of his/her 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 be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member.

6. Expulsion and other Disciplinary Action

- 6.1 The Committee shall have the power to expel a member who has contravened the rules of the Club, or when, in its opinion, it would not be in the best interests of the Club for the person to remain a member.
- 6.2 The Club shall adopt and comply with the A.S.A Guidelines for Handling Internal Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines are set out as an Appendix to the A.S.A Judicial Laws and appear in the A.S.A Handbook. (A copy may be obtained from the A.S.A Legal Department.)
- 6.3 A member may not be expelled or be made the subject of any 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.
- The officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from a particular training session and/or Club activities, when in its opinion, such action is taken the complaint will thereafter be dealt with in accordance with the Guidelines.

7. Committee

- 7.1 The committee shall consist of the Chairman, Secretary, Treasurer, together these are "the Executive Officers of the Club") and other elected members all of whom must be members of the Club. The Club shall have a Welfare Officer. All Committee members must not be less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.
- 7.2 The Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting and shall remain in office until their successors are elected at the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election. (See also 8.1)
- 7.3 Committee meetings shall be held not less than once a quarter (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be at least four members of the Committee (to include not less than one Executive Officer). The Chairman and the Secretary shall have the discretion to call further meetings of the Committee if they consider it to be in the best interests of the Club. The Secretary shall give all the members of the Committee not less than two 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 acting Chairman of that meeting shall have a casting or additional vote.) The Secretary, or in his/her absence a member of the Committee, shall take minutes.
- 7.4 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 the 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 the notice contained in Rule 11.1 shall not apply.

- 7.5 In addition to the members so elected the Committee may co-opt 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 not be counted in establishing whether a quorum is present.
- 7.6 The Committee may from time to time appoint from among their members such sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.7 The Committee will be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of the employees of the Club. The Committee shall have the power to enter into contracts for the purposes of the Club on behalf of all 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 each General Meeting. The Committee shall also have the power to make regulations and to settle disputed points not otherwise provided for in this constitution.
- 7.8 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 Club. All expenses must have been previously sanctioned by an officer at the Club.
- 7.9 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 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 Executive Officers and Committee of the Club shall be proposed, seconded and elected (by ballot) at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring officers shall be eligible for re-election.
- 8.2 The Annual General Meeting of the Club, if it thinks fit, may elect 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.
- 8.3 The Committee may elect any person as an honorary member of the Club for such a period as it thinks fit and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as officers or on the Committee unless any such person shall have retained in addition his/her ordinary membership of the Club. 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.
- 9.2 The date for the Annual General Meeting shall be fixed by the Committee.
- 9.2.1 The purpose of the Annual General Meeting is to transact the following business:
- 9.2.2 to receive the Chairman's report of the activities of the Club during the following year;
- 9.2.3 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;
- 9.2.4 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of the Committee) or confirm that he/she remain in office;
- 9.2.5 to elect the Executive Officers and the other members of the Committee;
- 9.2.5 Nominations for election of members to any office or membership of the Committee shall be made in writing by the proposer and the seconder to the secretary not later than a month before the meeting. The nominee shall be required to indicate in writing on the nomination form his/her 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 one month before the meeting.

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/her of a requisition in writing signed by not less than 4 members entitled to attend and vote at a General Meeting or (if greater) such numbers as represents (one-tenth) in number of such members) 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 personally be responsible for handing out or sending to each member at his/her last address a written agenda giving notice of the date, time, 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 4 members entitled to attend and vote at the Meeting or (if greater) such number as represents (one-tenth) in number of such members.
- 11.3 The Chairman, or in his/her absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting or addition vote. Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. (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/her 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 the members present and entitled to vote at the General Meeting. No amendment(s) to the rules shall become effective until such amendments(s) shall have been submitted to and validated by such person as is authorized to do so by the County Association/A.S.A.
- 12.2 (Any member) (Such number of members as represent one tenth in number of the 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/her not later than one month 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 the power to make, repeal and amend such laws as they may from time to time consider necessary for the well being of the Club which 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. Payments by cheque must be signed by (two of the three signatories who shall be the Chairman, Secretary and the Treasurer.) The Treasurer has the authority to make payments by BACS. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 14.2 The income and the 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 the 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 the 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. These accounts shall be independently examined at least once a year.
- 14.5 The financial year of the club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in an Annual General Meeting.a
- 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 meetings.
- 14.7 The Treasurer shall provide an up-to-date balance of the Club's finances at every committee meeting.

15. Borrowing

- 15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion (up to such limits on borrowing as may be laid down from time to time by the General Meeting) for the general upkeep of the Club or with the approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2 When so borrowing the Committee shall have the power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or in charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

- 15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums borrowed.

16. Property

- 16.1 The property of the Club, other than cash in the bank, shall be vested in 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 at a General Meeting of the Club 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 Funds and the property of the Club shall not be distributed among members, save as legitimate out of pocket expenses incurred in the running of the Club, but shall be applied toward the furtherance of the objects of the Club or for charitable purposes. In the event of the Club being dissolved or ceasing to exist, the funds remaining shall be devoted to objects similar to those of the Club or to charity.

18. Club Championships

- 18.1 The Committee shall be responsible for the control and administration of the Club Championships and have the power to make rules within A.S.A Law.
- 18.2 A person nominated by the Committee shall be responsible for engraving and safety of cups and trophies.

19. Duty of Care

- 19.1 Any accident that occurs during the period of hire shall be placed in the Club's Accident Report Book and the Accident book of the pool where the incident took place. Members have a duty of care to inform the Club of such incidents.

20. Colours

- 20.1 The colours of the Club are navy and light blue.

21. Acknowledgement

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

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

I acknowledge receipt of the rules of Bexhill 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.

