



Club Constitutional Rules of Enderby Swimming Club Dated - November 2007



1. Name

1.1 The name of the Club shall be Enderby Swimming Club.

2. Objects

2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular the teaching, coaching and improvement of the performance of the swimming members in the arts of swimming and competitive swimming.

2.1.1 The Club is committed to treat everyone equally within the context of its activity.

2.1.2 The Club shall implement the A.S.A. Equal Opportunities policy

2.2 The Club shall be affiliated to ASA East Midlands 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 ("ASA Laws") and in particular:

2.3.1 all competing members shall be eligible competitors as defined in ASA Laws; and

2.3.2 the Club shall in accordance with ASA Laws adopt the ASA 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 and all members of the club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.

2.4 By virtue of the affiliation of the Club to ASA Midlands 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 Midlands Region and

2.4.2 the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and

2.4.3 the Amateur Swimming Federation of Great Britain (to include in particular the ASFGB Doping Control Rules and Protocols and ASFGB 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.



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3. Membership

- 3.1 The total membership of the Club shall not normally be limited. The committee may impose a limit from time to time as it considers necessary to ensure the smooth running 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 Save as stated in 3.3 below 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 officials, temporary members, Vice Presidents and verifiers or tutors of the A.S.A's educational certificates. The above shall not include persons who assist on a one off basis from time to time as approved by the committee.
- 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 junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be in the discretion of the Committee acting reasonably. The Committee shall not be required to give reasons for the refusal of any application for membership.
- 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 membership subscription 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 shall be due on joining the Club and thereafter on the 1st day of January each year.
- 4.3 Any member whose subscription is unpaid by the end of February in that year 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
- 4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include but shall not be limited to the power to make such increase in the subscription as shall, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of their 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 arrear shall be deemed to have resigned. Where the membership of a member shall be terminated in this way the Secretary will endeavour to inform such person that they are no longer a member by written notice handed to that person or sent by post to their last known address.



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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 them 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 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes (“the Guidelines”) as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook.
- 6.3 A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the committee shall by a two-thirds majority vote in favour of the expulsion or other penalty imposed.
- 6.4 The Officers of the Club, head coach, 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 complaint will thereafter be dealt with in accordance with 6.1 and 6.2.

7. Committee

- 7.1 The Committee shall consist of the Chairman, Secretary and Treasurer together “the Executive Officers of the Club” and a maximum of ten elected members all of whom must be members of the Club. The club shall have a Welfare Officer. All Committee members must be not less than 18 years of age though the Committee may allow younger members to attend meetings without power to vote.
- 7.2 The Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting each year 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.
- 7.3 Committee meetings shall be held not less than once a month and the quorum of that meeting shall be five committee members including one officer present at the start of the meeting. 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 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 vote.) The Secretary, or other nominated person shall take minutes.
- 7.4 In the event that a quorum is not present at the published commencement time of the meeting the meeting shall stand adjourned to such time and date 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.
- 7.5 In addition to the members so elected and in addition to the maximum number stated in 7.1 the Committee may co-opt up to four 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.



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- 7.6 The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary and may determine, limit or vary the terms of reference of such sub-committees and may delegate to them such of the powers and duties of the Committee as the Committee may determine. The committee may at any time terminate the appointment of such sub-committee or any member thereof. All sub-committees shall periodically report to the committee as required by the committee.
- 7.7 The Committee shall 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 employees 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.
- 7.8 The members of the committee shall be entitled to an indemnity out of the assets of the club in respect of all expenses and other liabilities properly incurred by them in the management of the affairs of the club. Where the assets of the club are not sufficient the members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.
- 7.9 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 3 years.
- 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 A.S.A. Office. The Club shall make an annual return to the ASA 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 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 may if it thinks fit elect a President. A President need not be a member of the Club 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 ASA.
- 8.3 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 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 ordinary membership of the Club. Such honorary members must be included in the Club's annual return as to membership.



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9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in November. The date for the Annual General Meeting shall be fixed by the Committee.
- 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, elect or confirm the continuation in office of the independent examiner who must not be a member of the Committee or a member of the family of a member of the Committee.
 - 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 fourteen days before the date of the AGM. The nominee shall be required to indicate their 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 fourteen days before the date of the AGM.

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 twenty eight days of receipt by him of a requisition in writing signed by not less than fifteen members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolution or resolutions proposed.

11. Procedure at the Annual and Special General Meetings

- 11.1 The Secretary shall ensure that notice of the date, time and location of any AGM or SGM is publicised by placing on the official club notice board not later than twenty one days before the date of the meeting.
- 11.2 The quorum for the Annual and Special General Meetings shall be five and fifteen members (respectively) entitled to attend and vote at the Meeting who shall be present throughout.
- 11.3 The Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and save where otherwise stipulated resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting vote. Only paid up members who have reached their 15th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 15th birthday shall be entitled to be heard on those matters determined by the Chairman as matters concerning juniors but shall not be entitled to vote.



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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 be the final arbiter on points of order and matters of dispute relating to 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 two-thirds of the members present and entitled to vote.

12.2 Any fifteen 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 delivered to the Secretary of the Club not later than 14 days before the date of the meeting.

13. By-Laws

13.1 The Committee at all times acting reasonably shall have power to make, repeal and amend such by-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 moneys 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 signed by two of the three signatories to the account who shall be the Treasurer and two other committee members. Any moneys may be invested as the Committee in its reasonable 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.

14.3 The Committee shall have power to authorise the payment of any fee or expenses to any person for services provided to the club. All fees and expenses paid shall be confirmed by receipt or invoice prior to payment. Save as specifically authorised by an AGM or SGM no member, committee member or officer may be paid any wage or salary by the club.

14.4 The financial transactions of the Club shall be recorded by the Treasurer in such clear and transparent manner as the Committee reasonably thinks fit.

14.5 The financial year of the Club shall be the period commencing on 1st October and ending on 30th September. Any change to the financial year shall require the approval of the members in a General Meeting.

15. Borrowing

15.1 The Committee may not borrow money on behalf of the Club save as expressly and specifically authorised by an AGM or SGM.

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



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16. Dissolution

- 16.1 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.
- 16.2 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.
- 16.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects)

17. ACKNOWLEDGEMENT

- 17.1 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 a person having parental responsibility for the member, if under 18 years of age:

I acknowledge receipt of the rules of Enderby 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.