



AMATEUR SWIMMING ASSOCIATION

**HINCKLEY SWIMMING CLUB
CONSTITUTION**

November 2010

RULES OF HINCKLEY SWIMMING CLUB SWIMMING CLUB AS NOVEMBER 2010

1. Name

- 1.1 The name of the Club shall be Hinckley Swimming Club

2. Objects

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming, diving, synchro, open water, water polo for its members in the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of gender, ethnic origin, religion, disability or political persuasion, on any grounds.

2.1.2 The Club shall implement the ASA Equity and 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 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 ASA Laws comply with the ASA Child Protection Procedures.

- 2.4 By virtue of the affiliation of the Club to ASA East 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 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.

All persons who assist in any way with the club's activities shall become members of the club and hence of the ASA and the relevant ASA 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 ASA's educational certificates.

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 ASA's Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Rules.

- 3.2 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian who shall be entitled to vote on their behalf at meetings of the Club). Election to membership shall be determined by the Membership Secretary but other person(s) authorised by the committee may make recommendation as to the applicant's 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 panel shall [wherever practicable] include one independent member nominated by the ASA East Midlands 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.

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

4 Membership Subscription and Other Fees

- 4.1 The members membership 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 membership subscription, coaching and squad fees and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st day of each month.
- 4.3 Any member whose subscription, coaching and squad fees and entrance fee (if any) is unpaid by the 1st of the month shall be prevented from participating in all Club activities until such payment is made.
- 4.4 The Committee shall, from time to time, have the power to determine the 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 ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written 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 unpaid by 10th of the month shall be deemed to have resigned.

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 the person 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. (A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department.)
- 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 panel hearing the complaint shall by a two-thirds majority vote in

favour of the expulsion of (or other penalty imposed upon) the member.

- 6.4 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 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 "the Executive Officers of the Club") and shall not to exceed 20 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 member(s) to attend their meetings without power to vote. The President may attend Committee meetings as an observer and may speak if invited to but may not 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. (See also 8.1)
- 7.3 Committee meetings shall be held on the third Thursday of each month (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than six 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 (two) days oral notice of further meetings of the committee. 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 an additional vote. The Secretary, or in his absence a member of the Committee, shall take minutes.
- 7.4 In addition to the members so elected the Committee may co-opt up to 5 further members of the Club or any other such number as may be determined at the AGM 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.
- 7.5 The Committee may from time to time appoint from among their number 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 of the 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.
- 7.6 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. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.
- 7.7 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.
- 7.8 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 ASA 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 (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 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 and 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 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 reports, as determined by the Annual General Meeting, of the activities of specific sections of the Club during the previous 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 a member of the Committee) or confirm that he remain in office;
 - 9.2.5 to elect the Executive Officers and other members of the Committee;
 - 9.2.6 to elect the President, who shall be the retiring President Elect unless his resignation, death or a decision of the Committee to nominate another person on a resolution passed by four fifths of those present and voting, prevents it;
 - 9.2.7 to elect the President Elect;
 - 9.2.8 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 the date of the Annual General Meeting. 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 21 days prior to the published date of the Annual or Special General 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 of a requisition in writing signed by not less than 7 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 be responsible for the handing out or sending to each member 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 (10) days before the meeting and in the case of the Annual General Meeting a copy of the reports and examined accounts. The Secretary may, alternatively 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 7 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. Each member (which shall include a parent who is present on behalf of a Junior Member) present shall have one vote and resolutions 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 an additional vote. Only 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 and in such circumstances the Parent present shall not have the right to vote on such matters.)

- 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 ASA East Midlands Region.
- 12.2 Any member shall be entitled to put any proposal for consideration at any General Meeting provided the proposal is in writing shall have been handed to or posted to the Secretary of the Club so as to be received not later than 21 days prior to the published date of the Annual General Meeting in the case of the Annual General Meeting or, in the case of a Special General Meeting, 7 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 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 who shall be the Treasurer and two other authorised members of the Committee. Any moneys 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 manner as the Committee 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.
- 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 borrow money on behalf of the Club for the purposes of the Club from time to time 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 (prior) approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of

money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or 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 so borrowed.

16 Property

- 16.1 The property of the Club, other than cash at 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 for a period of three years 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 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) nominated by the last Committee.

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.

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 Hinckley 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.