

# Rules of Backwell Swimming Club as agreed at AGM, 7<sup>th</sup> September 2001

## 1 Name

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

## 2 Objectives

2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular the promotion and encouragement of all forms of swimming activities and such related activities as the Committee may approve. In the furtherance of these objects:

- The Club is committed to treat everyone equally within the context of their activity, regardless of gender, sexual orientation, ethnic origin, religion, disability or political persuasion.
- The Club believes 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.

2.2 The Club shall be affiliated to Western District Amateur Swimming Association and Somerset County Amateur Swimming Association (and shall adopt and conform to the rules of such association) and 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:

- all competing members shall be eligible competitors as defined in ASA Laws; and
- the Club shall adopt the ASA Child Protection Procedures; and
- members of the Club shall comply with the ASA Child Protection Procedures.

2.4 By virtue of the affiliation of the Club to Western District Amateur Swimming Association and Somerset County Amateur Swimming Association, the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

- Western District Amateur Swimming Association and Somerset County Amateur Swimming Association; and
- the Amateur Swimming Association;(to include the ASA/ISTC Code of Ethics); and
- the Amateur Swimming Federation of Great Britain (to include in particular the ASFGB Doping Control Rules and Protocols and ASFGB Disciplinary Code); and
- 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 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary. In the case of a junior swimmer the application must be signed by the swimmer's parent or guardian. Election to membership shall be at the discretion of the Committee or other person(s) authorised by the Committee. The Committee or such authorised person(s) shall not be required to give reasons for the refusal of any application for membership.

#### **4 Subscription and Other Fees**

- 4.1 The annual member's 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 September each year.
- 4.3 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
- 4.4 Classes of membership, fees etc shall be published by the committee from time to time. Any change in subscriptions shall be advised to the members in writing with the reasons for any change 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 or other fees due are more than two months in arrears, shall (at the discretion of the Committee) be deemed to have resigned. Where membership shall be terminated in this way the member shall be informed in writing that they are no longer a member, by notice handed to them or sent by post to their last known address.

#### **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.
- 6.2 The Club shall adopt the ASA Guidelines for handling Internal Club Disputes ("the Guidelines"). 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 (as required by the Guidelines) hearing the complaint shall by 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 with such additional Secretaries (e.g.: Membership Secretary) as required to manage specific activities of the Club (together "the Officers of the Club") and other elected members all of whom must be members of the Club. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings as observers without power to vote, with the exception of Club Captains.
- 7.2 The Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting. Election to the Committee shall be for three years. One third of the members of the Committee shall retire annually but shall be eligible for re-election. The members so retiring shall be those who have been longest in office. Any casual vacancy occurring by resignation or otherwise may be filled by the Committee. Any member so chosen shall retire at the next Annual General Meeting but shall be eligible for re-election at that Meeting.
- 7.3 Committee meetings shall be held once a month, save where the Committee shall by a simple majority resolve not to meet. The quorum of the meeting shall be a simple majority of the Committee members, to include at least one 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 seven days 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 their 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 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.
- 7.5 Two or more Committee Members (including at least one Club Officer) may, in exceptional circumstances, make interim decisions on behalf of the Committee to ensure the continued smooth running of the Club, and particularly the safety of the members of the Club. Any such decisions shall be reviewed at the next Committee meeting.
- 7.6 In addition to the members so elected the Committee may co-opt further members of the Club, who may serve until the next Annual General Meeting. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 7.7 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. They 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.
- 7.8 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 Committee.

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.

## **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 ASA.

8.2 The Committee may elect any person as an honorary member of the Club for such period as they think 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 their 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 in August or September. 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:

- to receive the Chairman's report of the activities of the Club during the previous year;
- 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;
- to elect the Officers and other members of the Committee;
- 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 28 days before the AGM. The nominee shall be required to indicate in writing on the nomination form 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 less than 28 days before the AGM. If, at the AGM, vacancies still exist, nominations may be made at the Meeting.

## **10 Special General Meeting**

10.1A 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 them of a request signed by not less than 7 members entitled to 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 at their last known address, written 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 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 vote at the Meeting or (if greater) such number as represents one-tenth in number of such members.

11.3 The Chairman, or in their absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and resolutions (other than rule changes – see 12.1 below) shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting or additional vote. Paid up members who have reached their 17<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 17<sup>th</sup> birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors.

11.4 The Secretary, or in their 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.

12.2 Any member shall be entitled to put any proposal for consideration at a General Meeting provided the proposal in writing shall have been delivered to the Secretary of the Club not later than 28 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 Club Rules as they may from time to time consider necessary for the well being of the Club; such 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. Sums less than £250 may be withdrawn on the sole signature of the Treasurer. Sums above £250 shall only be drawn by a cheque signed by two signatories who shall be selected from the Chairman, Secretary, Treasurer or other authorised Officer. 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 in furtherance of the objects of the Club.

14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee deem fit.

14.5 The financial year of the Club shall be the period commencing on 1st April and ending on 31st March of the following year. Any change to the financial year shall require the approval of the members in a General 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 for the general upkeep of the Club or for any other expenditure, additions or improvements. Approval from a General Meeting will be required where the amounts of all loans in force would exceed 50% of annual subscriptions.

15.2 Subject to 15.1, when borrowing the Committee shall have power to raise in any way any sum of money, and to raise and secure its repayment, in such manner or on such terms and conditions as it deems fit.

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 appointed by the Committee, and shall hold office until resignation unless removed by a resolution passed by the Committee.

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.

17.2 The dissolution shall take effect from the date of the resolution, or other date determined by the General Meeting, 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 should appear on Club membership forms and should be signed by the member and must also be countersigned by parent or guardian of members under 18 years of age:***

***'I acknowledge receipt of the rules of Backwell 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.'***

**Backwell Swimming Club Committee  
7 September 2001**