

## **RULES OF BROMLEY SWIMMING CLUB AS AT NOVEMBER 2016**

### **1. Name**

**1.1** The name of the Club shall be Bromley Swimming Club.

### **2. Objects**

**2.1** The objects of the Club shall be the teaching, development and practice of competitive swimming

for its members. In the furtherance of these objects:

**2.1.1** The Club is committed to treat everyone equally within the context of the Club's activities and facilities. This shall, for example, be regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds. 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 expects:

**2.2.1** every swimmer to participate in any gala in which they may be called upon to represent the Club; and,

**2.2.2** swimmers to wear Club colours when competing for or in the name of the Club; and

**2.2.3** all members who represent the Club in any way to act in a proper and co-operative manner.

**2.3** The Club shall be affiliated to the ASA London 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.

**2.4** The business and affairs of the Club shall at all times be conducted in accordance with the Laws, Regulations and Technical Rules of the Amateur Swimming Association ("A.S.A. Laws") and in particular:

**2.4.1** all competing members shall be eligible competitors as defined in A.S.A. Laws; and

**2.4.2** 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.

**2.4.3** members of the Club shall in accordance with A.S.A. Laws comply with the A.S.A. Child Safeguarding Policy, Regulations and Procedures.

**2.5** By virtue of the affiliation of the Club to the ASA London Region, the Club and all members of the Club acknowledge that they are subject to the laws, regulations, rules and constitutions of:

**2.5.1** ASA London Region; and

2.5.2 the Amateur Swimming Association; (to include the A.S.A./IOS Code of Ethics); and

2.5.3 British Swimming (to include in particular its Anti-Doping Rules and Judicial Code); and

2.5.4 FINA, the world governing body for the sport of swimming in all its disciplines (together the "Governing Body Rules")

**2.6** 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 or remove any limit from time to time on the total membership or on any category of membership of the Club then the Committee shall have the power to do so. The imposition or removal of any such limit shall be reported at the next General Meeting 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, President, 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 (e.g. the Institute of Swimming) 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 Laws and Regulations.

**3.4** Admission to membership of the Club shall be at the discretion of the Committee or other person(s) authorised by the Committee. The Committee or such authorised person(s) 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 practical include one independent member nominated by the ASA London 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 adhere to the Equality Act 2010 (as may be amended) and shall not refuse an application for membership on the basis of a Protected Characteristic within the Act, such as in relation to ethnic origin, age, gender or gender identity, pregnancy, race, religion or belief, disability, political persuasion or sexual orientation.

**3.5** There shall be three general categories of members of the Club, these being, Swimming Members, Non-Swimming Members and Swim School Members.

**3.6** Any person who wishes to become a Swimming Member of the Club must submit a signed application to the Membership Secretary (and in the case of a swimmer who is under the age of 18 the application must be signed by the swimmer's parent or guardian). Potential Swimming Members shall be required to participate in a swimming test. Swimming Membership will only commence on receipt by the Club of all of the appropriate fees.

**3.7** Parents of Swimming Members of the Club may apply to become Non-Swimming Members of the Club for as long as their children remain Swimming Members. Such Non-Swimming Members shall pay the annual Club and A.S.A. membership fees on joining

**3.8** All unpaid, non-swimming volunteers who assist in any way with the Club's activities shall be elected Non-Swimming Members of the Club for as long as they assist the Club. Assisting with the Club's activities shall include, but not be restricted to, administrators, instructors, teachers, Committee members, helpers, officers, patrons, Presidents, technical and non-technical officials, and verifiers or tutors of the A.S.A.'s educational certificates. In the case of this category of Non-Swimming members, the Club shall pay their annual Club and A.S.A. membership fees.

**3.9** Membership of the Swim School is on a term-by-term basis. At the end of each term those swimmers who have made sufficient progress may be offered a place in a squad in the main competitive body of the club as a Swimming Member, or a place in the Swim School for the next term, or shall cease to be members of the club. Any person who wishes to become a Swimming School Member of the Club must submit a signed application to the Swim School Membership

Secretary (and in the case of a swimmer who is under the age of 18 the application must be signed by a parent or guardian of the swimmer).

#### **4. Membership and Other Fees**

**4.1** The annual Club membership and training fees shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different categories of membership as it shall determine.

**4.2** For Swimming Members the annual Club and A.S.A. membership fees shall be due on joining the Club and thereafter on the 31st day of January each year. Those joining after 1st October in a year shall pay half the Club membership fee.

**4.3** Swimming Member training fees shall be due monthly in advance and shall be paid by standing order to the Club's bankers.

**4.4** Swim School Member fees are payable for the whole term, regardless of illness or holiday and are due in advance of the first lesson of each new term.

**4.5** Any member, any of whose fees or debts to the Club are unpaid by the date falling 30 days after the due date for payment shall not, subject to the absolute discretion of the Committee, be entitled to participate in any Club activities.

**4.6** The Committee shall, from time to time, have the power to determine the annual Club membership and other fees. This shall include the power to make such increase in the fees as shall, where the Club pays the individual A.S.A. membership fees to the A.S.A. on behalf of members, be consequential upon an increase in individual

A.S.A. membership fees. Any increase in fees 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 Swimming Member wishing to resign membership of the Club must give to the Membership 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** The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or other fees returned and must return to the Club or external body's trophy or trophies held forthwith.

**5.3** Notwithstanding the provisions of Rule 5.1 above a member any of whose fees or debts to the Club are more than two months in arrears shall be deemed to have resigned from the Club. Where 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.

**5.4** The A.S.A. Membership Department shall be informed should a member resign when still owing money or goods to the Club.

## **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 / her 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 to be refunded and must return to the Club or external body's trophy or trophies held forthwith.

**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 website at <http://www.swimming.org/asa/about-us/asa-handbook-2013-and-extracts-of-laws/> or from the A.S.A. Department of Legal Affairs).

**6.4** A member may not be expelled or (subject to Rule 6.5 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 complaint will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

## **7. Committee**

**7.1** The Club shall be managed by an unpaid Committee which shall consist of the Chairman, Secretary, Treasurer (together “the Executive Officers of the Club”) and up to eleven other Committee members. For the avoidance of doubt, “unpaid” means not receiving payment from the Club for any services provided to the Club other than expenses properly incurred in performing their duties as Committee members. The Club shall have a Welfare Officer. All Committee members must be not less than 18 years of age although the Committee may allow younger member(s) to attend their meetings as observers without power to vote.

However, there may be an exception to this rule where an existing member of the committee has the opportunity to be paid for services to the club (not including services provided as a committee member). In such a case, the committee can vote to allow, on condition that appropriate protections are put in place to ensure no conflict of interest can occur within the committee member role. In particular, these members lose their vote regarding payment rates or any other matter that directly relates to their paid services. This exception can only apply to a maximum of one fifth of committee members and within this only one of the members can be an executive member.

**7.2** The Committee members shall be proposed, seconded and elected by show of hands or 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 Committee member who, subsequent to election, receives any payment from the Club for services provided to the Club shall resign from the Committee immediately. Any vacancy occurring by resignation or otherwise may be filled by a person appointed 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 at least eight times per year (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum for such meetings 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 the 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’ 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 of the meeting shall have a casting or additional vote. The Secretary, or in his / her absence another member of the Committee, shall take minutes.

**7.4** In the event that a quorum for a Committee meeting is not present within thirty minutes of the published start time, such 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 Rules 10.1 and 11.1 shall not apply.

**7.5** In addition to the members so elected the Committee may co-opt up to two further members of the Club who shall 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.

**7.6** The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary and 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.

**7.7** 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 any self-employed or other paid

providers of products and services to the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of 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. In the event that such independent examiner is unable to examine the Accounts of the Club, the Committee shall have the power to appoint a replacement independent examiner subject to Rule 9.2.3. The Committee shall also have power to make regulations, create by-laws (see Rule 13.1), to settle disputed points and to deal with any other matter not otherwise provided for in these Rules. The Committee shall have the sole power to appoint the Club Captains. Club Captains shall be appointed for a period of one year commencing on 1 September.

**7.8** The members of the Committee and the appointed members of any sub-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.

**7.9** 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 Membership Department. The Club shall make an annual return to the A.S.A Membership Department 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 or show of hands) at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any Executive Officer or Committee member who, subsequent to election, receives any payment from the Club for services provided to the Club shall resign from the Committee immediately. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Executive Officers and Committee members shall be eligible for re- election.

**8.2** 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 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 A.S.A.

**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.

**8.4** Honorary Swimming Members shall be entitled to train with the Club and to compete for the Club if selected to do so and provided that they are eligible competitors as defined in ASA Laws. Honorary Swimming Members shall not be required to pay training and the annual Club fees but shall pay the A.S.A. membership fee collected by the Club.

**8.5** The Membership Secretary shall maintain a "List of Active Honorary Members" which shall be reviewed and agreed annually by the Committee. Those on the "List of Active Honorary Members" shall be included in the Club's Annual Return of Membership to the A.S.A. and Honorary Members shall bear the cost of their A.S.A. Membership fees.

## **9. Annual General Meeting**

**9.1** The Annual General Meeting of the Club shall be held each year in March. 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 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 / she remain in office, subject to Rule 7.7;

9.2.4 to elect the Executive Officers and other members of the Committee;

9.2.5 if necessary, to elect the President of the Club.

9.2.6 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 and for membership of the Committee shall be made by the proposer and seconder to the Secretary not later than 7th February. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 7th February. Nominations and proposed resolutions may only be made by a person eligible to vote at a General Meeting and must be seconded by a person who is also eligible to vote at such 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 six weeks of receipt by him / her of a requisition in writing signed by not less than 7 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed. An amendment to any proposed resolution to change these Rules must be given in writing to the Secretary not later than 21 days before the date of the Special General Meeting. At least 14 days' written notice of the date, time and place of the Special General Meeting shall be given to members.

## **11. Procedure at the Annual and Special General Meetings**

**11.1** The Secretary shall personally 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 the member(s) concerned distribute these materials by e-mail or similar form of communication. Notice of the date, time and place of the General 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 15 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 present shall have one vote and, subject to Rule 12.1, 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 Rules 9.3 and 12.2. In the event of an equality of paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters.

**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 of the meeting 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** These 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 London Region.

**12.2** Any member 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 7th February in the case of the Annual General Meeting or, in the case of a Special General Meeting, six weeks 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 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 signatories who shall be the Chairman, Secretary, Treasurer and one other Committee member authorised by the Committee. Any moneys not required for immediate use may be invested as the Committee in its discretion thinks fit.

**14.2** If the Committee decides to operate all or part of its financial matters on Internet banking it shall first discuss the process with the relevant bank and as a minimum shall make provision, in conjunction with the bank, to ensure that two of the aforesaid signatories shall review the payments made by the club through the internet.

**14.3** 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 16.3).

**14.4** The Committee shall have power to authorise payments for fees and expenses, and payments under any contracts entered into for the purposes of the Club on behalf of members of the Club. Such power may be delegated to persons authorised by the Committee.

**14.5** The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.

**14.6** The financial year of the Club shall be the period commencing on 1st January and ending on 31 December. Any change to the financial year shall require the approval of the members in a General Meeting.

**14.7** 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. Property**

**15.1** 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.

**15.2** 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.

**15.3** 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.

## **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 of 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 nominated by the last Committee.

## **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.

**17.2** 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 Bromley 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.”