



# Kingston Royals Swimming Club

## Rules of Kingston Royals Swimming Club

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### 1. **Name**

- 1.1 The name of the Club shall be KINGSTON ROYALS SWIMMING CLUB (“the Club”).
- 1.2 The Club colour shall be Royal Blue and the Club motif shall be as appears at the head of this constitution.

### 2. **Objects**

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming and water polo for its members. In the furtherance of these objects:
  - 2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. 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 Swim England Equal Opportunities Policy (as may be amended from time to time).
- 2.2 The Club shall be affiliated to London Region, and shall adopt and conform to the rules of London Region and to those of Surrey County Water A.S.A., 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 Articles, Regulations and Technical Rules of Swim England (Swim England Regulations) and in particular:
  - 2.3.1 all competing members shall be eligible competitors as defined in Swim England Regulations; and
  - 2.3.2 the Club shall in accordance with Swim England Regulations adopt the Swim England’s Safeguarding Policy and Procedures (“Wavepower”); 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 Swim England Regulations comply with Wavepower.
- 2.4 By virtue of the affiliation of the Club to London Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:
  - 2.4.1 London Region; and
  - 2.4.2 Swim England (to include the Code of Ethics); and

2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial 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 Executive Committee considers that there is a good reason to impose any limit from time to time then the Executive 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 Swim England and the relevant Club and Swim England membership fee shall be paid either by that person or, at the discretion of the Executive Committee, by the Club on their behalf. 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 Swim England’s educational certificates.

3.3 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 Swim England’s Code of Ethics, the Swim England Regulations relating to Wavepower, those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.

3.4 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 determined by the Executive Committee but other person(s) authorised by the Executive 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 Executive Committee (“the Review Panel”) comprised of not less than three members none of whom shall have participated in the taking of the original decision to refuse the application for membership (who may or may not be members of the Executive Committee). The Review Panel shall wherever practicable include one independent member nominated by the 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.

3.5 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and, in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

- 3.6 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.
- 3.7 The Club shall consist of Ordinary Members, Associate Members, Honorary Members, Cadet Members, Swimfit Members and the Past Presidents of the Club.
- 3.8 Associate Membership of the Club may be granted by the Membership Committee on payment of a periodic subscription including the appropriate Swim England membership fee which shall entitle the Associate Member to attend and vote at General Meetings and serve on Club Committees.
- 3.9 Cadet Membership of the Club may be granted by the Membership Committee on payment of a periodic subscription which shall entitle the Cadet Member to attend and participate in courses run by the Club but shall not entitle the Cadet Member to participate in any of the other activities or facilities of the Club.
- 3.10 Swimfit Membership of the Club may be granted by the Membership Committee on payment of a periodic subscription which shall entitle the Swimfit Member to attend and participate in courses run by the Club but shall not entitle the Swimfit Member to participate in any of the other activities or facilities of the Club.

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

- 4.1 The Executive Committee shall, from time to time, have the power to determine the enrolment fee and the annual membership subscription. The Executive Committee shall in so doing make special provision for different classes of membership as it shall determine.
- 4.2 The Executive Committee shall, from time to time, have the power to determine the squad and other fees of the members of the Club.
- 4.3 The enrolment fee and the whole or such proportion of the annual membership subscription as the Executive Committee determine shall be due on joining the Club and thereafter the annual membership subscription shall be due on the 1<sup>st</sup> day of January each year.
- 4.4 Any member whose membership subscription or squad fee is unpaid by the date falling 30 days after the due date for payment may be suspended by the Executive Committee from some or all Club activities from a date to be determined by the Executive Committee and until such payment is made. Any dispute arising from such suspension shall be dealt with in accordance with Rule 6.2 below.
- 4.5. When exercising the power in Rule 4.1 above, the Executive Committee shall have the power to make such increase in the membership subscription as shall, where the Club pays the individual Swim England membership fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees.

#### **5. Resignation**

- 5.1 A member wishing to resign membership of the Club must give to the Membership Secretary written notice of his or 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 membership 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 he or she shall be informed by a notice in writing from the Membership Secretary that he or she is no longer a member such notice to be handed to

him or her or sent by post to his last known address or sent by e-mail to the last e-mail address recorded with the Membership Secretary.

5.3 Within seven days of resignation taking effect the member must return any membership card, trophies and any other property of the Club to the Membership Secretary.

5.4 The Swim England 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 Executive Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him or her to remain a member. The Executive Committee in exercising this power shall comply with the provisions of Rules 6.2 and 6.3 below.

6.2 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures (“the Procedures”) as the same may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration.)

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 Executive Officers of the Club (or any person to whom the Executive Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider activities of the Club, when, in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

## **7. Executive Committee of the Club and Welfare Officer**

7.1 The Executive Committee shall consist of the Chair, Vice-Chair, Honorary Secretary, Membership Secretary, Competition Secretary, Treasurer and Social Secretary (together “the Executive Officers of the Club”), the SwimMark Co-ordinator, the Team Manager and one representative of the Membership all of whom must be members of the Club.

7.2 The Committee shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with Wavepower. The Welfare Officer will have a right to attend Committee meetings without a power to vote.

7.3 The Executive Committee members of the Club shall be not less than 18 years of age (though the Executive Committee may allow younger member(s) to attend meetings without power to vote) and 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 Executive Committee and any person appointed by the Executive to fill any such vacancy shall have the same voting rights as a person elected by ballot at an Annual General Meeting. Retiring members of the Executive Committee shall be eligible for re-election. (See also Rule 8.1)

7.4 Meetings of the Executive Committee of the Club shall be held not less than once every two months (save where the Executive 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 a simple majority of the Executive Committee’s members (to include not less than two of the following Executive Officers: the Chair, the Vice-Chair, the Honorary Secretary or the Treasurer). The Chair and the Honorary Secretary shall have discretion to call further meetings of the Executive Committee if they consider it to be in the interests of the Club. The Honorary

Secretary shall give all the members of the Executive Committee not less than three days' written notice of a meeting. Decisions of the Executive Committee of the Club shall be made by a simple majority (and in the event of equality of votes the Chair (or the acting Chair of that meeting) shall have a casting or additional vote provided that the person chairing the meeting shall have voted when the motion was first put). The Honorary Secretary, or in his or her absence, a member of the Executive Committee shall take minutes of the meetings of the Executive Committee.

- 7.5 In the event that a quorum is not present within thirty minutes of the published start time of a meeting of the Executive Committee, that 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 Chair. If a quorum is not present at the adjourned meeting then those Executive 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.
- 7.6 In addition to the members so elected the Executive 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 Executive Committee and shall not be counted in establishing whether a quorum is present.
- 7.7 The Executive Committee may from time to time appoint from among the membership 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 Executive Committee as the Executive Committee may determine. Any sub-committees so appointed shall periodically report their proceedings to the Executive Committee and shall conduct their business in accordance with the directions of the Executive Committee.
- 7.8 The Executive 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 Executive Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Executive 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 Executive Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in the Rules of the Club.
- 7.9 The members of the Executive Committee of the Club 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.
- 7.10 The Executive 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 insurers in accordance with the Accident/Incident Notification guidelines. The Club shall make an annual return to the Swim England Membership Department indicating whether or not an entry has been in the prescribed online form.

## **8. Officers and Honorary Members**

- 8.1 The Executive Officers, and members of the Executive Committee 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 Executive Committee under Rule 7.3 above. Retiring officers 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 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 Swim England.

8.3 The Executive 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 Executive Committee unless any such person shall have retained prior eligibility by his or her Ordinary or Associate 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 on a date in February or March. The date for the Annual General Meeting shall be fixed by the Executive Committee.

9.2 The purpose of the Annual General Meeting is to transact the following business:

9.2.1 to receive the Chair'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 Executive Committee or a member of the family of a member of the Executive Committee) or confirm that he remain in office;

9.2.4 to elect the Executive Officers and other members of the Executive Committees of the Club;

9.2.5 to elect the Welfare Officer(s);

9.2.6 to elect members to the following posts of the Club; Financial Secretary, Cadet Administrator, Press and Publicity Officer, Club Shop Manager, Web Master, Jack Petchey Co-ordinator, Club Championship Secretary, Assistant Club Championship Secretary, Assistant Competition Secretary, Assistant Team Manager, Open Meet Secretary, Assistant Open Meet Secretary and Trophy Secretary;

9.2.7 to elect a President if recommended by the outgoing Executive Committee under Rule 8.2 above;

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 post or office or for membership of the Executive Committee of the Club shall be made in writing by the proposer and seconder to the Honorary Secretary not later than seven (7) days before the date of the Annual General Meeting. The nominee shall be required to indicate in writing on the nomination form his or 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 14th January.

## 10. **Special General Meeting**

10.1 A Special General Meeting may be called at any time by the Executive Committee. A Special General Meeting shall be called by the Honorary Secretary within twenty eight (28) days of receipt by him or her of a requisition in writing signed by not less than ten (10) members entitled to attend and vote at a General Meeting or (if greater) such number as represents one-tenth in number of such members stating the purposes for which the meeting is required and the resolutions proposed.

## 11.1 Procedure at the Annual and Special General Meetings

- 11.1 The Honorary Secretary shall hand out or send by post or email to each member at his last known postal or e-mail 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 twenty one (21) days before the meeting. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists. Members are responsible for ensuring their contact details are provided.
- 11.2 The quorum for General Meetings shall be ten (10) 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 Chair, or in his or her absence a member selected by the Executive Committee, shall take the chair. Each 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 Chair shall have a casting or additional vote, provided that he or she shall have voted. Members who have not reached their 16<sup>th</sup> birthday shall be entitled to be heard and vote only on those matters determined by the Chair as matters concerning juniors, such as the election of club captains.
- 11.4 The Honorary Secretary, or in his or her absence a member of the Executive Committee, shall take minutes at General Meetings.
- 11.5 The Chair 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 London Region.
- 12.2 Any member 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 Honorary Secretary of the Club so as to be received by him or her not later than 14th January in the case of the Annual General Meeting or, in the case of a Special General Meeting, twenty eight (28) days before the date of the meeting and thereafter the Honorary 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 Executive Committee shall have power to make, repeal and amend such by-laws as the Executive Committee 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 Executive 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. No sum shall be drawn from that account except in accordance with the bank mandates or in the case of on-line banking, by those that the Executive Committee has authorised to operate the internet banking facility on behalf of the Club. Any monies not required for immediate use may be invested as the Executive Committee in its discretion thinks fit.

- 14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club (save as set out in Rule 16.3.) and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club,
- 14.3 The Executive 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 Executive Committee thinks fit, provided that the same shall accord with accepted accountancy practise.
- 14.5 The financial year of the Club shall be the period commencing on 1<sup>st</sup> January and ending on 31<sup>st</sup> December. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Executive 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 Executive 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. Such resolution shall provide a specific date for the dissolution and shall name the charity or charities or other non-profit making organisation or organisations having objects similar to those of the Club to which any property remaining after the winding-up of the assets and liabilities of the Club has been completed is to be given under Rule 16.3 below.
- 16.2 The dissolution shall take effect from the date specified in the resolution and the members of the Executive 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 the charity or charities or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects named in the resolution under Rule 16.1 above.

17. **Acknowledgement**

- 17.1 The members of the Club acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members of the Club with each other and the Club.
- 17.2 The following statement shall appear on the application forms for membership of the Club and is to be signed by the applicant for membership and must also be countersigned by the parent, or a person having parental responsibility for the applicant for membership, if under 18 years of age:

“I acknowledge receipt of a copy of the Rules of Kingston Royals Swimming Club and confirm my understanding and acceptance that such Rules (as amended from time to time) shall govern my membership of the Club should I be offered such membership. I further acknowledge and accept the responsibilities of membership upon members as set out in the Rules of Kingston Royals Swimming Club.”

*(KRSC Club Constitution 2020 Version – Last Amended on 16 April 2020)*