

Constitution and Rules for Chelsea and Westminster Swimming Club

1	Name
1.1	The name of the Club shall be Chelsea and Westminster Swimming Club
1.2	The Club colours shall be Navy Blue and Grey

2	Objects
2.1	The objectives of the Club shall be to teach and coach members to compete in swimming galas at club, county and national competitive level on a not for profit basis
2.2	The Club shall implement the Amateur Swimming Association (ASA) Equal Opportunities policy.
2.3	The Club shall be affiliated to 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.
2.3.1	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:
2.3.2	all competing members shall be eligible competitors as defined in ASA Laws; and
2.3.3	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.
2.4	Members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.
2.4.1	By virtue of the affiliation of the Club to ASA London Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:
2.4.2	ASA London Region; and
2.4.3	the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and
2.4.4	British Swimming; and
2.4.5	FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")
2.5	In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing

	Body Rules then the relevant Governing Body Rule shall prevail
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3	Membership
3.1	The total membership of the Club shall not normally be limited. The committee and the head coach will however impose limits on membership numbers which are deemed safe given the lane capacity and teaching resources. In the event of no vacant lane space being available, a waiting list shall operate. If however the Committee considers that there is a good reason to impose any limit from time to time, other than to maintain safety standards, 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	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, voluntary instructors, teachers and coaches, Committee members, helpers, technical and non-technical officials, verifiers or tutors of the ASA'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 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.
3.4	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 swimmer under 18, the application must be signed by the swimmer's parent or guardian). Election to membership shall be at the discretion of the Committee, which privilege may be delegated to the Executive Committee and other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability. The Committee shall not be required to give reasons for the refusal of any application for membership.
3.5	The Club shall not refuse an application for membership

	on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation.
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4	Subscription and Other Fees
4.1	The annual subscription, coaching fees, gala fees and other membership charges (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 deems appropriate
4.1.1	A joining fee shall be due on joining the Club
4.1.2	Monthly fees are due on the 1st of each month and shall be payable by direct debit where this is an option or if not by standing order
4.2	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.
4.3	Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase.
4.4	Members may be entitled to a standard membership discount if monthly fees are paid in quarterly or annually in advance. Such standard discounts will be agreed by the Committee

5	Resignation
5.1	A member wishing to resign membership of the Club must give to the Secretary written notice of resignation.
5.2	Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than 3 months in arrear shall be deemed to have resigned. Where the membership of a member shall be terminated in this way they 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.
5.3	When a member resigns or is deemed to have resigned they shall not be eligible to a refund of their annual subscription nor membership fees

6	Expulsion and other Disciplinary action
6.1	A member of the Executive or the Director of the appropriate Club activity 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.
6.1	The Committee shall have power to warn, reprimand, suspend or expel a member when, in its opinion, it would be in the interests of the Club to take one of these steps. The Committee in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below
6.2	The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook.
6.3	A member may not be expelled or 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.

7	Committee
7.1	The Club shall be managed by an Executive and a Committee. The Executive shall consist of the Chair, Vice-Chair, Secretary and the Treasurer. The Committee shall comprise the Executive plus the Welfare Officer and at least two and up to four other elected members. The Committee and Executive may invite such other persons as they deem appropriate to assist their deliberations, such persons being without the right to vote at any meeting they may attend. All (voting) Committee members must be members of the Club and they must either be swimming members or be parents or guardians of swimming members of the club. All Committee members must be not less than 18 years of age.
7.2	The Committee members shall be proposed, seconded and elected at the Annual General Meeting each year by ballot of members. All Committee members shall stand down and be re-elected each year. Executive members can serve a maximum of 4 years in any one executive position. Executive members can be re-elected into another executive position thereby remaining in the Executive but they can only remain in the Executive for a maximum of six continuous years. Any vacancy occurring by resignation or otherwise during the year may be filled by an existing Committee member or the Committee may elect a new member where there is a two thirds majority of the current Committee in favour.
7.3	Committee meetings shall be held not less frequently

	<p>than quarterly (save where the Committee itself shall by a simple majority resolve not to meet). The quorum of the 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 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 or five days written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his absence a member of the Committee, shall take minutes.</p>
7.4	<p>In the event that a quorum (including at least one member of the Executive) 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 10.1 shall not apply</p>
7.5	<p>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. If it chooses, the Committee can delegate to the Head Coach the right to appoint other coaches on terms and conditions agreed in advance with the Committee. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club.</p>
7.6	<p>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.</p>
7.7	<p>The Committee may establish and shall manage any swimming tuition programmes it may decide to offer to external organisations (e.g. schools) but shall do so only if this presents a benefit to the Club through additional funds or facilities and shall not enter into an</p>

	arrangement that disadvantages the Club.
7.8	The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club. Membership liability will be restricted to membership fees. The club shall pay the necessary insurance premiums to indemnify the Committee.
7.9	The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.
7.10	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.
7.11	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.
7.12	Any member or their representative (parent or guardian if under 16) who wishes to address the Committee with a recommendation, resolution, suggestion or complaint, may do so by giving the Secretary 14 days notice in writing of such a request, prior to the next Committee meeting.

8	Annual General Meeting
8.1	The Annual General Meeting (AGM) of the Club shall be on a date in the 2nd Quarter of the calendar year (April, May or June). This date must be determined by the Committee no later than 1 March each year.
8.2	The purpose of the AGM is to transact the following business:
8.2.1	to receive the Chairman's report of the activities of the Club during the previous year;
8.2.2	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;
8.2.3	to appoint the independent examiner (who must not be

	a member of the Committee or a member of the family of a member of the Committee);
8.2.4	to elect the Executive Officers, Welfare Officer and other members of the Committee;
8.2.5	To decide on any resolution which has been duly submitted in accordance with Rule 7.12.
8.3	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 14 days before the date of 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 AGM shall be given in writing to the Secretary not later 14 days before the date of the AGM.

9	Special General Meeting
9.1	A Special General Meeting (SGM) may be called at any time by the Committee. A SGM shall be called by the Secretary within (28) days of receipt by the Secretary of a requisition in writing signed by the greater of one tenth of members or of 7 members who are entitled to attend and vote at a General Meeting. The requisition shall state the purposes for which the meeting is required and the resolutions proposed.

10	Procedure at the Annual and Special General Meetings
10.1	The Secretary shall personally be responsible for emailing to each member at their last known email 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. In the case of the AGM a list of the nominees for the Committee posts and the Minutes of the previous year's AGM will be posted on the CWSC website. Copies of the examined accounts will be available in hard copy at the AGM. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Boards.
10.2	The quorum for the General Meetings shall be 7 members entitled to attend and vote at the Meeting.
10.3	The Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and 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 8.3. In the event of an equality of votes the Chairman of the meeting shall have a casting or additional vote.
10.4	Members will only be entitled to vote on all matters if they have reached their 16th birthday.
10.5	Where a member who is under the age of 16 years and is represented by a parent / guardian who is not a member of the club but who is a Category 3 Member of the ASA in their own right then that parent / guardian is entitled to vote on behalf of that member.
10.6	Members who have not reached their 16th birthday and who are not otherwise represented 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.
10.7	Members will not be entitled to attend the meeting or vote on any matter if they are delinquent with their annual fee or monthly subscriptions
10.8	The Secretary, or in his absence a member of the Committee, shall take minutes at the General Meetings.
10.9	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.

11	Alteration of the Rules and other Resolutions
11.1	The rules (other than this rule 11.1 and rule 16.6) 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 authorised to do so by the County Association/ASA Region. Rules 11.1 and 16.6 can not be changed at any time

12	By Laws
12.1	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.

13	Finance
13.1	The financial transactions of the Club shall be recorded

	by the Treasurer in such manner as the Committee thinks fit.
13.2	The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.
13.3	All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. Any monies not required for immediate use may be invested as the Committee in its discretion think fit in a low risk money market account with a major and nationally recognised financial institution
13.4	No sum above £200 shall be drawn from that account except by cheque signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer and such other mandated signatories as the Committee might appoint.
13.5	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.
13.6	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 and duly invoiced in reasonable detail.

14	Borrowing
14.1	The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion [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.
14.2	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.
14.3	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.

15	Property
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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.
15.2	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 or Merger
16.1	A resolution to Merge the Club with another club (or to assimilate the Club into another club or to assimilate another club into the Club - which shall all be considered a merger), shall only be proposed at a General Meeting and shall be carried by a majority of at least two thirds of the members present and entitled to vote. A specific date for the Merger shall be included in the resolution.
16.2	In the case of a merger, the club can only merge with another similar club with similar objects where there is approval from the ASA and where the newly merged club includes clauses 16.6 and 11.1 in its Rules
16.3	Any property remaining after the discharge of the debts and liabilities of the Club shall be given to and owned by the newly merged club.
16.4	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.
16.5	The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
16.6	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 shall appear on Club membership forms to be signed by the member and also countersigned by the parent, or a person having parental responsibility for the member if under 18 years of age:
17.3	"I acknowledge receipt of the Rules of the Chelsea and Westminster 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."