



# NOVA CENTURION SC CONSTITUTION

Agreed 2019

1. The name of the club shall be **NOVA CENTURION SWIMMING CLUB**

## 2. OBJECTS

2.1 The objectives of the Club shall be to coach, promote and encourage competitive swimming and water polo.

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 Equality Policy (as may be amended from time to time).

2.2 The Club shall be affiliated to Swim England East Midland Region, and shall adopt and conform to the rules of Swim England East Midland Region, 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 Swim England's Child 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 Swim England East Midland Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:

2.4.1 Swim England East Midland 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. ANNUAL GENERAL MEETING**

- 3.1 The Annual General Meeting shall be held whenever possible during the fourth week in October each year. The date, time and venue for the Annual General Meeting shall be fixed by the Committee.
- 3.2 The purpose of the Annual General Meeting is to transact the following business:
- 3.2.1 To receive the Chairman's report of the activities of the Club during the previous year;
  - 3.2.2 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;
  - 3.2.3 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;
  - 3.2.4 To elect the Executive Officers and other members of the Committee;
  - 3.2.5 To decide on the dissolution of existing honorary and/or Life membership categories;
  - 3.2.6 To decide on any resolution which may be duly submitted in accordance with Rule 3.3
- 3.3 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 24<sup>th</sup> September. The nominee shall be required to indicate in writing on the nomination form his/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 24<sup>th</sup> September.

### **4. SPECIAL GENERAL MEETING**

- 4.1 A Special General Meeting may be called at any time by the Committee. It shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than 20 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.

### **5. PROCEDURE AT THE ANNUAL AND SPECIAL GENERAL MEETINGS**

- 5.1 The Secretary shall personally be responsible for the handing out or sending to each member at their last known address or 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 there at least fourteen 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 member(s) concerned distribute these materials by e-mail or similar form of communication.
- 5.2 The quorum for the Annual and Special General Meetings shall be 20 members entitled to attend and vote at the Meeting or, if greater, such number as represents one-tenth in number of such members.
- 5.3 The Chairman, or in the Chairman's absence a member appointed 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 4.1. In the event of an equality of votes the Chairman shall have a casting or additional vote.

Only paid up members who have reached their 16<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters. (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 Chairman as matters concerning juniors, such as the election of club captains.)

- 5.4 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 5.5 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.

## **6. ALTERATION OF THE RULES AND OTHER RESOLUTIONS**

- 6.1 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 until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by Nottinghamshire ASA, East Midland Region.
- 6.2 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 Secretary of the Club so as to be received by him/her not later than 14<sup>th</sup> September in the case of the Annual General Meeting or, in the case of a Special General Meeting, 21 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 5.1.

## **7. BY-LAWS**

- 7.1 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.

## **8. COMMITTEE**

- 8.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") the Director of Coaching, one member of the Notts ASA Executive Board and 6 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 members(s) to attend their meetings without power to vote.
- 8.2 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.
- 8.3 At the first Committee meeting after the Annual General meeting the following shall be appointed:
  - 8.3.1 Competitions Secretary
  - 8.3.2 Accommodation Officer
  - 8.3.3 Membership Secretary
  - 8.3.4 Workforce Co-ordinator
  - 8.3.5 SwimMark Co-ordinator
  - 8.3.6 Water Polo co-ordinator

Such persons if not already members of the committee may be co-opted without power to vote.

- 8.4 The Executive Officers and Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Executive Officers and members of the Committee shall be eligible for re-election.
- 8.5 Committee meetings shall be held not less than quarterly (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than 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 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/her absence a member of the Committee, shall take minutes.
- 8.6 In the event that a quorum is not present within 30 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 5.1 shall not apply.
- 8.7 In addition to the members so elected the Committee may co-opt up to 4 further members of the Club who shall serve until the next Annual General Meeting. Co-opted shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 8.8 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.
- 8.9 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 8.10 The members of the Committee shall be indemnified by the members of the Club against all properly incurred by them in the management of the affairs of the Club.
- 8.11 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 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 made in the prescribed online form.
- 8.12 The Committee shall have power to make regulations, create by-laws (see Rule 7.1) and to settle disputed points not otherwise provided for in this Constitution.

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## **9. FINANCE**

9.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. Monies may be drawn from that account by cheque signed by any of the four signatories who shall be the Chairman, Secretary, Treasurer and Competitions Officer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

9.2 If the committee decides to operate all or part of its financial matters on Internet banking it shall make provision, to ensure that one of the aforesaid signatories shall approve in writing or by email the payments made by the Club Treasurer through the Internet.

9.2 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 8d.).

9.3 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Club and to any other person or persons for services rendered to the Club.

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

9.5 The accounts of the Club shall be closed on 31<sup>st</sup> August in each year and shall be submitted for independent financial examination. The approved accounts, and together with the Financial Examiner's report, shall be submitted to the Annual General Meeting.

9.6 A Finance Sub-Committee shall be appointed at the first committee meeting after the Annual General Meeting which shall consist of the Club Chairman, Club Secretary, Club Treasurer, and two others from the Club committee members. This Committee to have full power to co-opt for special purposes. Such co-opted members shall not have voting powers. The Quorum shall be three.

9.7 The Finance Sub-Committee shall be responsible for the coordination of the financial side of the Club's work. Any fund raising to be done by or on behalf of the Club should be done in consultation with this Committee

9.8 The Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years

## **10. MEMBERSHIP**

10.1 Members shall be of the following categories:-

- i) Life member
- ii) Full member (competitors aged 18 and over)
- iii) Swimmer/Water Polo member (i.e. Swimmer/Water Polo player aged under 18)
- iv) Supporter member

Full Members and Swimmer/Water Polo Members shall join the club by invitation only based on their appropriate swimming/water polo ability. All competing members shall be eligible as defined by Swim England Regulations.

- 10.2 Membership fees for all swimmer/water polo members (competitors aged under 18 years) shall include a supporter membership for a parent or guardian.
- 10.3 Life membership may be given to any person who has rendered good service to the Club. Nominations should be submitted to the Club Committee who may make recommendations to the Annual General Meeting.
- 10.4 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 Swim England membership fee shall be paid. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, Officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of Swim England's educational certificates.
- 10.5 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, 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.
- 10.6 The Membership Officer 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 Review Panel shall wherever practicable include one independent member nominated by the East Midlands Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.
- 10.7 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.
- 10.8 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 for membership.

## **11. SUBSCRIPTION AND OTHER FEES**

- 11.1 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England membership fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

11.2 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership fees, to address issues of social inclusion.

## **12. RESIGNATION**

12.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 12.1) has been complied with.

12.2 The member who resigns from the Club in accordance with Rule 12.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.

12.3 Notwithstanding the provisions of Rule 12.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned. Where the 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 by notice handed to him/her or sent by post to his/her last known address.

12.4 The Swim England Membership Department shall be informed should a member resign when still owing money or goods to the Club.

12.5 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).

12.6 A member may not be expelled or (subject to Rule 12.7 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.

12.7 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 incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

## **13. GENERAL**

13.1 The Committee shall have power to co-opt and appoint such sub-committees as it deems necessary. The Committee shall decide the terms or reference, membership and authority of those sub-committees. The Chairman, Secretary and Treasurer of the Club shall be ex officio to any such committees.

13.2 The Committee shall have authority to make regulations within the framework of the Club rules and ASA laws and to deal with any matter not provided for in such rules and laws.

13.3 Any member of the Club Committee who shall be absent from three consecutive meetings of the Committee without previously tendering an explanation satisfactory to the Committee shall be deemed to have vacated his/her seat.

13.4 The minutes and financial records of the club shall be retained for a minimum of six years.

## **14. DISSOLUTION**

14.1 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.

14.2 The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.

14.3 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.

## **15. AREAS OF COMPETITION**

15.1 The areas of competition in which the club may compete are as follows:

- i) SE East Midland Region Individual and Team Championships, Age Group Championships and Youth Championships.
- ii) GB Championships, SE National Championships, SE National Age Group Championships and SE National Youth Championships.
- iii) Selected Open meets as appropriate
- iv) SE National Water Polo Championships

15.2 The club shall not compete in the following competitions, neither shall members of the Club be entered in the name of the Club in these events:

- i) Notts ASA County Championships
- ii) Notts ASA Age Group Competitions
- iii) Any Notts ASA Swimming Leagues
- iv) The Arena Swimming League
- v) Notts ASA Water Polo League

## **16. ACKNOWLEDGEMENT**

16.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

16.2 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 Nova Centurion 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.”***