

# WEYMOUTH SWIMMING

# CLUB CONSTITUTION

**RULES of the Weymouth Swimming Club as at 1<sup>st</sup> November 2002 (edited 31<sup>st</sup> March 2011) (revised May 2012  
Approved by Dorset County Amateur Swimming Association executive on 6<sup>th</sup> December 2012)**

**Club colour: Royal Blue**

## **1. Name**

1.1 The name of the Club shall be the **WEYMOUTH SWIMMING CLUB**.

## **2. Objectives**

2.1 The objectives of the Club shall be those of the Amateur Swimming Association (ASA) and in particular to promote the teaching, development and practice of swimming, open water, synchronised swimming and lifesaving to the widest range of the population of the Weymouth & Portland area as practicable within the resource limits of the club and shall, where appropriate, be to compete.  
In the furtherance of these objects: -

2.1.1 The Club is committed to treat everyone equally within the context of his or her activity, regardless of sex, ethnic origin, religion, disability or political persuasion on any grounds.

2.1.2 The Club shall implement the A.S.A Equal Opportunities policy.

2.2 The Club shall be affiliated to Dorset County Amateur Swimming Association and Amateur Swimming Association South West Region, and shall adopt and conform to the rules of other associations/ bodies such as the Royal Lifesaving Society as the Club may determine from time to time.

2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("ASA Laws") and in particular:

2.3.1 all competing members shall be eligible competitors as defined in ASA Laws; and

2.3.2 the Club shall in accordance with ASA Laws comply with the ASA Child Safeguarding Procedures; 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 ASA Laws comply with the ASA Child Safeguarding Procedures.

2.4 By virtue of the affiliation of the Club to Dorset County Amateur Swimming Association and Amateur Swimming Association South West Region the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

2.4.1 Dorset County Amateur Swimming Association and Amateur Swimming Association South West Region; and

2.4.2 the Amateur Swimming Association; including the ASA/IOS Code of Ethics; and

2.4.3 the British Swimming (to include in particular the ASFGB Doping Control Rules and Protocols and ASFGB Disciplinary Code); and

2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together with "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 it 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 the A.S.A. and the relevant A.S.A. membership fee 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 the A.S.A.'s educational certificates.
- 3.3 In the event that paid instructors, teachers and coaches are used by the club and are not members of the club must be members of a body which accepts that its members are bound by the A.S.A.'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 A.S.A. 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 junior swimmer the application must be signed by the swimmer's parent or guardian). Acceptance of membership shall be determined by the Executive Committee or official/s delegated by them and they may make recommendation as to the applicant's acceptability. The Committee or delegated official shall NOT be required to give reasons for the refusal of any application for membership noting that 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
- 3.5. The membership of the club shall consist of six classes as follows:
- 3.5.1 Senior membership available to all swimmers of 16 years of age and upward as of the 31<sup>st</sup> December in the current season.
- 3.5.2 Junior membership available to all swimmers under 16 years of age as of the 31<sup>st</sup> December in the current season.
- 3.5.3 Teachers/Officials membership available to Tutors, Coaches, Teachers, technical officials, helpers and administrators of the club.
- 3.5.4 Family membership available for two parents with three or more children.
- 3.5.5 Associate membership available to non-swimming members not wishing to be members in the other classes.
- 3.5.6 Out of town membership available to members who have moved outside of the area. E.g. work, college or armed forces. (Limited to no more than twelve visits per year).
- 3.5.7 New swimming members shall be categorised as being probationary for one calendar year from the date of joining and shall then be assessed for entry into the above membership classes. Extended probation shall be used exceptionally and the swimmer shall be advised accordingly. The Executive Committee shall have the authority to allow members transferred from other swimming clubs to join directly into the above classes without the need for probationary membership. E.g. moving into the area through family necessity.
- 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.

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

- 4.1. The annual subscription and swimming pool fees shall be determined from time to time by the Executive Committee on advice from the Honorary Treasurer and the Executive Committee shall in so doing make special provision for different classes of membership, as it shall determine.
- 4.2. The annual subscription and appropriate pool fees shall be due on joining the Club. Thereafter the annual subscription shall be due on the first day of May each year and the pool fees each quarter (or period) specified.
- 4.3. Any member whose annual subscription 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
- 4.4. 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 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 subscriptions or fees shall be advised to the members, with the reasons, at the subsequent Annual General Meeting.
- 4.5. The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the A.S.A. membership fees, to address issues of social inclusion.

#### **5. Resignation**

- 5.1. A member wishing to resign membership of the Club must give to the Secretary written notice of his or her resignation. A member's resignation shall only take effect when this rule ( Rule 5.1) has been carried out. 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 any other fees returned.
- 5.2. Notwithstanding the provisions of Rule 5.1 above a member whose annual subscription is more than two months in arrears shall be deemed to have resigned. Intention of this implementation will be notified in writing when the subscription is due. Where the membership of a member shall be terminated in this way they shall be contacted and duly informed that they are no longer a member.
- 5.3. 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 the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 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 any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.
- 6.3. The Club shall comply with the relevant Judicial Rules for handling Internal Club Disputes ("the Rules") as the same may be revised from time to time. The Rules are set out in the A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Rules may be obtained 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 incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

## **7. Executive Committee**

- 7.1 The Committee shall consist of the Officers of the Club; the President/Chairman, Secretary, Treasurer, (together "the Executive Officers of the club) Competition Secretary, Fixtures Secretary, , Welfare (Child Safeguarding) Officer, plus if required an Assistant Secretary and Water Safety Officer and eleven elected members all of whom must be members of the Club, two of which are to be Swimmer's representatives (male/female). The following non elected posts are to be authorised at the first committee meeting following the AGM; Deputy Chairman, Dorset County ASA representative, Arena League Western representative, Southern Junior League representative, Open meet/Age Group Secretary, Public Relations/Press Officer, Team Managers, Volunteer Co-ordinator. In addition when required Swimming Pool Association Representative and Sports Advisory Council representative,. These posts are normally occupied by elected Committee members but exceptionally from non-elected club members. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings as observers without power to vote.
- 7.2 As stated, the Committee shall appoint a member of the Club as Welfare Officer who shall not be a relative of any of the Executive Officers the Coach, the Club Teachers or the Team Managers also must not be less than 18 years of age, should have an appropriate background and is required to undertake training in accordance with the A.S.A. Child Safeguarding courses. The Welfare Officer will have a right to attend Committee meetings as an elected member of the committee but without the power to vote on welfare related issues
- 7.3 The Officers of the club and Executive Committee members 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. Retiring members of the Executive Committee shall be eligible for re-election. The Executive Committee has the power to fill any vacancy by resignation or otherwise as an interim measure until a subsequent general meeting.
- 7.4 Executive Committee meetings shall be bi-monthly and the quorum of that meeting shall be such number as represents not less than a simple majority of the members, to include not less than one Executive Officer. The President/Chairman and the 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 Secretary shall give all the members of the Executive Committee not less than two days oral or written notice of a meeting. Decisions of the Executive 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/Assistant Secretary or a nominated minute secretary shall take minutes that are to be published prior to subsequent meetings and endorsed by the Executive Committee at that meeting as a true record of the business conducted.
- 7.5 In the event that a quorum is not present within thirty minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the President/Chairman and Secretary. 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 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall 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 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 Executive Committee as the Executive Committee may determine. All sub-committees shall periodically report their proceedings to the Executive Committee and shall conduct their business in accordance with the direction 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 if deemed necessary and/or appropriate 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.

- 7.9 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. Therefore no officer of the club or member of the Executive Committee shall be held financially responsible individually or collectively for any debt incurred by the club.
- 7.10 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. in the prescribed form, which is to be found on the A.S.A membership renewal form.
- 7.11 The Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in the Constitution

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

- 8.1 The Officers and Committee of the Club 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. The Executive Committee shall have the power to fill any vacancy, occurring by resignation or otherwise. Retiring officers shall be eligible for re-election.
- 8.2 The Annual General Meeting of the Club, if it thinks fit, may elect Vice-Presidents. A Vice-President need not be a member of the association and on election shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the ASA.
- 8.3 The Executive Committee may elect any person as an honorary member of the Club for such period, including life members, as they think fit. They shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings or serve as officers or on the Committee unless any such person shall have retained in addition his ordinary membership of the Club or as authorised by the Executive Committee. 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 May to July. The Executive Committee shall fix the date of the Annual General Meeting.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
  - 9.2.1 To receive the President/Chairman's and Secretary's reports of the Club activities during the previous year;
  - 9.2.2 To receive and consider the accounts of the Club for the previous year and the Treasurer's report as to the financial position of the Club; This as far as practicable to be the audited/examined accounts. [If time constraints are such that the Honorary Auditor cannot complete the process by the AGM an interim financial report must be presented by the Treasurer and clearly stated as such. An audited set of accounts must be subsequently presented to the Executive Committee for endorsement/approval. Any variations between those accounts presented at the AGM and the final audited accounts must be fully identified and explained to the satisfaction of the Executive Committee.]
  - 9.2.3 To remove or elect the auditor/(independent examiner) [who must not be a member of the Executive Committee or a member of the family of a member of the Committee] or confirm that he remain in office.
  - 9.2.4 To elect the Officers and other members of the Committee;
  - 9.2.5 To decide on any resolution that may be submitted in accordance with Rule 9.3.

9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing, proposed and seconded, to the Secretary not later than 7 days before the AGM. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not less than 21 days prior to the first day of the period in which the AGM. can take place

## **10. Special General Meeting**

10.1 A Special General Meeting may be called at any time by the Executive Committee and a Special General Meeting shall be called by the Secretary within 28 days of receipt of a requisition in writing signed by not less than 10 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.

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

11.1 The Secretary shall personally be responsible for the handing out or sending to each member at his last known address written notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting. The Notice of Meeting shall in addition be displayed on the Club Notice Board and for an AGM a list of the nominees for the Committee posts. A copy of the examined, or exceptionally interim accounts, is to be made available to members, on request, prior to the AGM.

11.2 The quorum for the Annual and Special General Meetings shall be one-tenth of the voting members entitled to attend and vote at the Meeting. (Nominally 10 at 2012)

11.3 The President or Chairman or Deputy Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and a simple majority of those eligible to vote shall pass resolutions. 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 Chairman shall have a casting or additional vote. 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. Parents of junior members shall be entitled to be heard and although not constitutionally entitled to vote should have their views taken into consideration by the Chairman of the meeting.

11.4 The Secretary, or a nominated minute secretary, shall take minutes at the Annual and Special General Meetings.

11.5 The President/Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

## **12. Alteration of the Rules and other Resolutions**

12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. No amendment to the rules shall become effective until such amendment shall have been submitted to and validated by DCASA or A.S.A . South West Region.

Such number of members as represent one-tenth in number (10) of the members 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 no later than 21 days prior to the first day of the period in which the AGM. can take place 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 Executive 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. Such by-laws, repeals and amendments shall have effect

until set aside by the Executive Committee or at a General Meeting.

13.2 The rules and conditions for open water and club trophy galas shall be published separately.

#### **14. Finance**

14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in bank accounts in the name of the Weymouth Swimming Club. No sum shall be drawn on those accounts except by cheque signed by two of the three signatories who shall be the President or Chairman, Secretary and Treasurer noting that the Treasurer in the course of normal club business can carry out any transfers between bona fide club accounts. Any moneys not required for immediate use may be invested as the Executive Committee and/or the Treasurer in its discretion think fit.

14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, save as set out in Rule 17.3.

14.3 The Executive Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or if deemed necessary an 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 accordance with good accounting practice, or such manner approved by the Executive Committee. If the financial transactions are recorded by computer then back up copies are to be taken together with a manual record.

14.5 The financial year of the Club shall be the period commencing on 1<sup>st</sup> May and ending on 30<sup>th</sup> April. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 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. Borrowing**

15.1 Exceptionally, the Executive 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. However sums borrowed should be commensurate with club assets, expected income and ability to pay

15.2 When so borrowing the Executive Committee shall have power to raise in any way, any sum of money, and to raise/secure the repayment of any sum of money in such manner or on such terms and conditions as it thinks fit.

15.3 The Executive Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

#### **16. Property**

16.1 The property of the Club, other than cash at the bank, shall be vested in not more than three custodians the President or Chairman, Secretary and Treasurer. 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.

- 16.2 The Custodians shall be elected "ex officio" annually at a General Meeting of the Club and shall hold office until resignation or otherwise unless removed by a resolution passed at a General Meeting.
- 16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.
- 16.4 The Weymouth Swimming Club Challenge cups shall be competed for annually by members only and shall be subject to the Club's rules and Conditions governing such races. The Club is the custodian of the Sampson Trophy the Weymouth and Portland Secondary Schools relay award and it shall arrange the race annually within its domestic Trophy Galas.

## 17. Dissolution

New 17.1 In view of the inordinate length of time that the club has been established and to acknowledge the voluntary work that has been done by club members and parents to accumulate the current assets/finances over the intervening years an interim stage prior to formal dissolution is to be completed. This stage should take the form of formal suspension of activities but to hold all financial assets in a reserve or trust fund for a period of **ten years** to enable the restart of Swimming Club activities when appropriate. The nominated administrators appointed should oversee this period, investing monies in a non risk (protected capital) manner, during which time the re-formation of the club under its original name and as far as practicable the original ethos must be actively pursued. The Administrators of the fund will be appointed at the time but will normally be the 3 current Principal Officers plus two independent members who were the executors of the legacy from Mrs M Rowley.

- 17.2 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. Subject to 17.1
- 17.3 The dissolution shall take effect from the date of the resolution and the members of the Executive Committee shall be responsible for the winding-up of the assets and liabilities of the Club. Leaving the administrators (17.1) to finalise
- 17-4 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 Executive Committee or in the case of 17.1 by the administrators.

## 18. ACKNOWLEDGEMENT

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