

RULES OF BRACKNELL & WOKINGHAM SWIMMING CLUB

Date of Issue: January 2018

1. Name

The name of the club shall be 'Bracknell and Wokingham Swimming Club' ("The Club").

2. Objects

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming, diving, synchro, open water, water polo for its members and shall where appropriate be to compete. 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 Amateur Swimming Association ("the ASA") Equality Policy (as may be amended from time to time).
- 2.2 The Club shall be affiliated to ASA South East 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 The business and affairs of the Club shall at all times be conducted in accordance with the Laws, Regulations and Technical Rules of the ASA ("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 adopt the ASA Child Safeguarding Policy, Regulations and Procedures; and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.
 - 2.3.3 Members of the Club shall in accordance with ASA Laws comply with the ASA Child Safeguarding Policy, Regulations and Procedures.
- 2.4 By virtue of the affiliation of the Club to the ASA South East Region, the Club and all members of the Club acknowledge that they are subject to the laws, regulations, rules and constitutions of:
 - 2.4.1 The ASA South East Region; and
 - 2.4.2 The ASA (to include the ASA/Institute of Swimming 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 Committee considers that there is a good reason to impose any limit from time to time 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, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, honorary members, life members, officers, patrons, Presidents & Vice Presidents, technical and non-technical officials, temporary members and 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 and Regulations relating to Child Protection and those parts of the Judicial Laws, Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Regulations.
- 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 an application shall be determined by the Committee but an appointed Membership Officer and/or other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.
- The Committee 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 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 ASA South East 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, the Club shall not refuse membership on the basis of a Protected Characteristic within the Act, 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.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and squad fees (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 shall determine.
- 4.2 The annual subscription and entrance fee shall be due on joining the Club and thereafter on the 1st day of September each year.
- 4.3 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.
- 4.4 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 ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA 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.
- 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 ASA membership fees, to address issues of social inclusion.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give the Secretary 6 weeks written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 5.3 Notwithstanding the provisions of Rule 5.1 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/e-mail to his/her last known address.
- 5.4 The ASA 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 Regulations for handling Internal Club Disputes (“the Rules”) as the same may be revised from time to time. (A copy of the current Rules may be obtained from the website at <http://swimming.org/asa/about-us/asa-handbook-2013-and-extracts-of-laws/> or from the ASA 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 unanimously vote in favour of the expulsion of (or any 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 Regulations.

7. Committee

- 7.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together “the Executive Officers of the Club”) and SIX 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 to attend their meetings without power to vote.
- 7.2 The Committee shall appoint a member of the club as Welfare Officer who must not be less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with ASA Child Safeguarding Courses. The Welfare Officer will have the right to attend any Committee meetings without a power to vote.
- 7.3 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.
- 7.4 Committee meetings shall be held not less than once a month, (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 two days oral notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairman of that meeting shall have an additional casting vote). The Secretary, or in his/her absence a member of the Committee, shall take minutes.
- 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 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 11.1 shall not apply.

- 7.6 In addition to the members so elected the Committee may co-opt up to THREE further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at Committee meetings and shall not be counted in establishing whether a quorum is present.
- 7.7 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.
- 7.8 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 are examined by an independent examiner to be appointed by the members in General Meeting.
- 7.9 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 7.10 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 ASA Membership Department. The Club shall make an annual return to the ASA Membership Department indicating whether or not an entry has been made in the prescribed form, which is to be found on the 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 this Constitution.

8. Ceremonial Positions and Honorary Members/Life Members

- 8.1 The Annual General Meeting of the Club, if it thinks fit may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Club but on election shall, become an honorary member of the Club and must be included in the Club's Annual Return of Members to the ASA.
- 8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Club. Such honorary members and Life 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 October or November. The Committee shall fix the date for 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 Chairman's report of the activities of the Club during the previous year; and
 - 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; and
 - 9.2.3 To remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office.
 - 9.2.4 To elect the Executive Officers and other members of the Committee
 - 9.2.5 To decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 21 days before the day on which the AGM is to be held. 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 21 days before the day on which the AGM is to be held.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than 7 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. Procedure at the Annual and Special General Meeting

- 11.1 The Secretary shall personally be responsible for distributing to each member a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed at least 14 days before the meeting and in the case of the Annual General Meeting a list of the nominees for election and a copy of the examined accounts. The Secretary will, wherever possible, distribute these materials by e-mail using the normal communication addresses utilised by the Squad Reps and in the case of members who are not in an active swimming squad using the e-mail addresses held by the club for such members. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be seven 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 Chairman, or in his 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 9.3. In the event of an equality of votes the Chairman shall have an additional casting vote. Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters.
- 11.4 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and a Special General Meetings.
- 11.5 The Chairman shall have unlimited authority at all General Meetings upon every question or order and shall be, for the purpose of such meetings, 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 only that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. No amendment(s) to the rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the County Association/ASA South East Region.

13. By-Laws

- 13.1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of the Club. They shall have effect until set aside by the Committee or at a General Meeting.

14. Finance

- 14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in one or more bank accounts in the name of the Club. No sum shall be drawn from that account except by cheque signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer. The club recognises the Treasurer and a limited number of nominated deputies to use electronic banking where appropriate. In this case only one authority is required per transaction (as agreed within the bank mandate). Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

In the case where electronic banking is used, all payments to be made should be approved by a person, other than the payer, from within the signatories on the account prior to payment being made.

- 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 15.3.
- 14.3 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.

- 14.4 The financial transactions of the Club shall be recorded and reported by the Treasurer in such manner as the Committee thinks fit.
- 14.5 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.
- 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. Dissolution

- 15.1 A resolution to dissolve the Club shall be proposed at a General Meeting and shall be carried only 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.
- 15.2 The dissolution shall take effect from the date specified in the resolution and the members of the last Committee shall be responsible for the winding up of the assets and liabilities of the Club.
- 15.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or other non-profit making organisation having objects similar to those of the Club as decided at the final General meeting following nominations by the last Committee.

16. Contract of Membership

- 16.1 The Members shall be required to acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club. Thus the following statement shall appear on Club membership forms and is to be signed by the member and 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 Bracknell & Wokingham 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 as set out in these rules.”