

## RULES of City of Carlisle Amateur Swimming Club as at 29<sup>th</sup> January 2007

### 1. **Name**

- 1.1 The name of the Club shall be City of Carlisle Amateur Swimming Club

### 2. **Objects**

- 2.1 The objects of the Club shall be to promote the teaching, development and practice of swimming for its members. In the furtherance of these objects:
  - 2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be for example, regardless of ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation, 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 the ASA North West Region & Cumbria Amateur Swimming Association (and shall adopt and conform to the rules of such associations) 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 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 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.
  - 2.3.3 members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.
- 2.4 By virtue of the affiliation of the Club to the ASA North West Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:
  - 2.4.1 the ASA North West Region and Cumbria Amateur Swimming Association.
  - 2.4.2 the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and
  - 2.4.3 the British Swimming Ltd (to include in particular the British Swimming Ltd Doping Control Rules and Protocols and British Swimming Ltd Disciplinary 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 should be any conflict between any rule or bye-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rules 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 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 a 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, technical and non-technical officials, temporary members, vice presidents 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 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 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). Election to membership shall be determined by the Membership Secretary but other person(s) authorised by the committee may make recommendation as to the applicant's acceptability. The Membership Secretary shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a 'Review Panel' appointed by the Committee comprised of not less than three members (who may or may not be members of the Committee). The panel shall [wherever practicable] include one independent member nominated by the ASA North West 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 The Club shall not refuse an application for membership on discriminatory grounds, in accordance with Rule 2.1.1
- 3.6 The club may refuse membership for good and sufficient cause, such as conduct or character likely to bring the Club or sport into disrepute.
- 3.7 All membership shall be renewed on an annual basis not later than 28/29<sup>th</sup> February in accordance with Rule 4.2.
- 3.8 The categories of membership shall be :
- 3.8.1 Junior Members, who shall be less than 16 years of age, shall not be allowed to hold office, attend meetings of the committee, unless by invitation of the committee or vote at Committee or General Meetings, except under the conditions specified in Rule 11.3
- 3.8.2 Senior Members, who shall be not less than 16 years of age, shall not be allowed to hold office, attend meetings of the committee, unless by invitation of the committee or vote at Committee or General Meetings, except under the conditions specified in Rule 11.3, until such time as they attain 18years of age when they shall become eligible in accordance with rule 7.1
- 3.8.3 Honorary Members, who shall be elected by the Committee, with the exception of the President or Vice President(s) who shall be elected at the Annual General Meeting, for such a period as they think fit and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the club. Such Honorary members must be included in the Club's annual return as to membership.
- 3.8.4 Life Members, who shall be elected at the Annual General Meeting on a recommendation made by the Committee in recognition of outstanding services rendered to the Club. Life Members shall be entitled to all the privileges of membership, shall be eligible to attend General meetings with the power to vote and must be included in the Club's annual return as to membership.
- 3.8.5 Temporary Members, who are individuals granted temporary membership by the Committee by virtue of their participation in specific event(s) organised by the Club in conjunction with a club, body, association or organisation under the provision of the ASA Law on temporary membership.

#### 4. **Membership and Other Fees**

- 4.1 The annual membership fee and squad training fees shall be determined from time to time by the Committee and the Committee shall in doing so make special provision for different classes of membership, as it shall determine. Any increase in fees shall be advised to the members with the reasons for any increase reported to the members at the next Annual General Meeting.
- 4.2 The annual membership fee shall run from the 1<sup>st</sup> February to the 31<sup>st</sup> January and shall be paid in full, due on 1<sup>st</sup> February each year.
- 4.3 Any member not having paid their membership fee on or before 28<sup>th</sup>/29<sup>th</sup> February or within one month in the case of new members may be suspended by the Committee from some or all of the Club's activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Committee shall have the power in special circumstances to remit the whole or part of the fees, including the ASA 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 resignation. A member's resignation shall only take effect when agreed by the Committee and there is no outstanding financial commitment or disciplinary action outstanding against the individual and this (Rule 5.1) has been complied with.
- 5.2 Notwithstanding the provisions of Rule 5.1 above, a member whose fees are 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 shall be informed in writing that he is no longer a member by notice handed to him or sent by post to his last known address.
- 5.3 The Secretary shall notify the ASA should a member resign from the club with outstanding financial commitments to the club.

#### 6. **Expulsion and other Disciplinary Action**

- 6.1 The Committee shall have the power to expel a member when, in its opinion it would not be in the interests of the Club for him to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.2 and 6.3 below.
- 6.2 The Club shall comply with the requirements and procedures of ASA Law for handling all Internal Club Disputes as the same may be revised from time to time.
- 6.3 A member may not be expelled or (subject to Rule 6.4 below) be made subject to any other penalty unless the panel hearing the dispute shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.4 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 disciplinary action is taken it shall be dealt with in accordance with ASA Laws and procedures.
- 6.5 The Officials in charge of a particular event shall be responsible for the discipline. If further action is required this is to be referred to the Disciplinary Sub Committee. The Disciplinary Sub Committee to be five members, appointed by the Committee, of which three members must be present at the "Disciplinary Hearing".
- 6.6 The Committee reserves the right to expel or disqualify (or any other penalty imposed upon) any member by a majority of two thirds at any special meeting, provided notice of such expulsion or disqualification is given on the notice calling the meeting and the accused is invited to attend and speak, to call witnesses and to question witnesses called against him/her. Another person to assist in presenting his/her defence may accompany

the member. If the alleged offence is also an infringement of ASA Law the Club shall not deal with the matter but shall make a complaint to the ASA under the ASA Judicial Laws and Rules.

## 7. **The Committee**

- 7.1 The Committee shall consist of the Chairman, Vice Chairman, Secretary, Treasurer, Championship Secretary, Child Protection Officer, Welfare Officer and up to 10 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 as observers without the power to vote.
- 7.2 The 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. The Committee may fill any vacancy occurring by resignation or otherwise. Retiring Committee members shall be eligible for re-election. (See also 8.1)(See also 9.3)
- 7.3 Committee meetings shall be held on the last Monday of each month save where the Committee itself shall by a single majority resolve not to meet. The quorum of that meeting shall be 50% of the current elected committee members, excluding current vacancies, the minimum of which shall be six to include not less than two officers. 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 seven 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.
- 7.4 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 11.1 shall not apply.
- 7.5 In addition to the members so elected the Committee may co-opt up to two further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present. Co-opted members must be not less than 18 years of age.
- 7.6 The Committee may from time to time appoint from their number such sub-committees as they may consider necessary (and remove in whole or in part or vary the terms of reference of such sub-committees) and may delegate to them such 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.
- 7.7 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 and voluntary helpers of the Club. The Committee shall have power to enter into contracts for the purpose of the Club on behalf of the members of the Club.
- 7.8 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 a General Meeting.
- 7.9 The Committee shall also have the power to make regulations and to settle disputed points not otherwise provided for in this Constitution.

- 7.10 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.
- 7.11 Any member of the Committee absenting himself from three meetings in succession without sufficient reason shall be considered no longer a member of the Committee. The Committee may co-opt or elect another person if they so wish at this time.
- 7.12 The Committee shall ensure that the financial records and minutes of the meetings are retained for a period of at least six years.
- 7.13 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.
- 7.14 The Club shall at the Annual General meeting appoint a Child Protection Officer and a Welfare Officer, who shall not be members of the teaching and coaching staff or members of the family of an officer, committee member or the teaching and coaching staff. The Child Protection Officer shall be a member of the Committee and shall report to the Committee on all aspects of welfare concerning the junior members of the club. The Welfare Officer shall be a member of the Committee and shall report to the Committee on all aspects of welfare concerning all other categories of membership of the club.
- 7.15 At the first Committee meeting following the Annual General meeting the Committee shall appoint the delegates to attend the Council meetings of the ASA North West Region, the Cumbria Amateur Swimming Association and such other bodies and associations to which the Club is affiliated, as required.

## **8. Officers of the Club**

- 8.1 The Executive Officers of the Club shall be the Chairman, Vice Chairman, Secretary, Treasurer and Championship Secretary.
- 8.2 The Officers 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. Retiring Officers of the Club shall be eligible for re-election

## **9. Annual General Meeting**

- 9.1 The Annual General Meeting of the Club shall be held each year on the last Monday in January, at a time and venue to be decided by the Committee.
- 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;
- 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 Treasurers report as to the financial position of the Club.
- 9.2.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the direct 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 which 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 by the proposer and seconder to the Secretary not later than 21 days before the date of the meeting. The nominee shall be required to sign the nomination form to indicate 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 before the date of the meeting.

## **10. Special General Meeting**

- 10.1 A Special General Meeting may be called at any time by the Committee.
- 10.2 A Special General Meeting shall be called by the Secretary within 28 days of a receipt by him of a requisition in writing signed by not less than 7 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 make available 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 thereat at least 14 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. This will be made available through personal collection, self-addressed envelope or alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of the Meeting shall in addition be displayed on the Club Notice Board.
- 11.2 The quorum for the Annual and Special General Meeting shall be 10 members, entitled to attend and vote at the Meeting. At least one Officer of the Club must be in attendance.
- 11.3 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 9.3. In the event of an equality of votes the Chairman shall have an additional casting vote. Paid up members who have reached their 18<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 18<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.
- 11.4 The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purposes of such meetings, the sole interpreter of the rules of the Club.

## **12. Alterations 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 the ASA North West Region or at a subsequent date decided by the meeting.
- 12.2 Any member shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him no later than 21 days before the date of the meeting. 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 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.

## **14 Finance**

- 14.1 All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be drawn from the account except by cheque signed by two of three signatories who shall be the Treasurer and two other members appointed by the Committee. Any monies not required for immediate use may be invested as the Committee 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 Committee shall have the power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club.
- 14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing 1<sup>st</sup> November and ending 31<sup>st</sup> October. Any change to the financial year shall require the approval of the members in a General Meeting.

## **15. Borrowing**

- 15.1 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 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.
- 15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money in such manner or on such terms and conditions as it thinks fit.
- 15.3 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.

## **16. Property**

- 16.1 The property of the club, other than current account cash at bank shall be vested with not more than four custodians the objectives and powers of whom shall be enshrined in trust deed
- 16.2 The day to day management of the assets shall remain with the Committee other than transactions (or linked transactions) greater than £500 for which the Committee shall seek Custodian approval.
- 16.3 The custodians shall meet not less than twice per year to review their charges and confirm the actions of the Committee. The Custodians shall report and confirm at each Annual General Meeting the assets in their custody, through the Treasurers report.
- 16.4 The custodians shall be appointed by the Committee and the longest serving custodian shall retire annually by rotation. A retiring custodian shall be eligible for immediate re-appointment.
- 16.5 The longest serving custodian shall be viewed as the senior custodian and in the event of disagreement preside.
- 16.6 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.

## **17. Dissolution**

- 17.1 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.

17.2 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.

17.3 Any property remaining after the discharge of the debts 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.

**18. Club Colours**

18.1 The club colours shall be blue and yellow

**19. Acknowledgement**

19.1 The members acknowledge their responsibilities within these Rules which constitute a legally binding contract to regulate the relationship of the members with each other and the Club.