

CONSTITUTION of CHELMSFORD SWIMMING CLUB

as at 25th November 2010

1. Name

1 The name of the Club shall be Chelmsford Swimming Club.

2 Objects

2.1 The objects of the Club shall be the teaching, development and the practice of the art of swimming in all its disciplines, including synchro, water polo, and life saving for its members.

2.2 The Club shall be affiliated to ASA East Region, and, to such other bodies as the Committee may decide.

2.3 By virtue of the affiliation of the Club to ASA East Region, the Club shall adopt and conform to the rules of this Association. The Club and all members of the Club also acknowledge that they are subject to the laws, rules and constitutions of:

2.3.1 ASA East Region and

2.3.2 The Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and

2.3.3 British Swimming (in particular its Doping Control Rules and Protocols and Disciplinary Code); and

2.3.4 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")

2.4 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 ("A.S.A. Laws") and in particular:

2.4.1 All competing members shall be eligible competitors as defined in A.S.A. Laws; and

2.4.2 The Club and its members shall in accordance with A.S.A. Laws adopt the A.S.A. Child Protection Procedures.

2.5 In the event that there shall be any conflict between any rule or bylaw 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 A.S.A. and the relevant A.S.A. 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 nontechnical officials, temporary members, Vice Presidents and verifiers or tutors of the A.S.A.'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 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 and medical declaration to the Secretary accompanied by the appropriate membership fee. Membership of the Club is a contract, and the application form is signed indicating acceptance of the Club rules and Bylaws as terms of the contract. In the case of a junior swimmer the application must be signed by the swimmer's parent or guardian. Election to membership shall be approved by the committee. The committee reserve the right to reject applications without explanation.

3.5 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation. Progression and selection through the club is on merit alone.

3.6 Membership Categories

Ordinary Member Over 16 years of age Full facilities of the Club. When Annual Subscription is included in a course fee, those on the course at the date of a General Meeting shall have voting rights as an Ordinary Member.

Junior Member Under 16 years of age Full facilities of Club No voting rights

Family Three members at full Annual Subscription and each additional family member at 50% of Annual Subscription. Full facilities of the Club.

Associate Summer or holiday school / student member. Members of other clubs, schools on holiday will have limited facility to swim. No voting rights. Subscription to be decided by the Committee.

Honorary Member by invitation of the Committee. No voting rights, no Annual Subscription and limited facilities to be decided by the Committee.

Club Helper Annual Subscription of not less than A.S.A. Category three registration fee. No Voting rights. No facilities to swim. Committee decision to define Club Helper.
O.A.P. Pension card holder. 50% reduction to participation fees. Not part of family membership. Full facilities of the Club
Life Member Voted for at A.G.M. Proposed and Seconded by the Committee not later than 21 days prior to meeting. No Annual Subscription or voting rights

4 Subscription and Other Fees

4.1 The annual member's subscription, section participation, and course fees (as applicable) shall be determined by the Committee and the Committee shall in so doing make special provision for different classes of membership as it determines. 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.

4.2 The annual subscription and entrance fee shall be due on joining the Club and
thereafter on the 1st day of January each year.

4.3 Any member whose subscription is unpaid by 31st January will be assumed to have resigned membership of the club and will be suspended by the Committee from all Club activities until such payment is made.

5 Resignation

5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of their resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.

6 Expulsion and other Disciplinary action

6.1 The Club shall adopt and comply with the A.S.A. Guidelines for handling Internal Club Disputes.

6.2 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for them to remain a member. The Club in

exercising this power shall comply with the provisions of Rules 6.1

6.3 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. Any such action taken must be reported as soon as possible to the Club Secretary who will inform the Committee at its next meeting.

6.4 A member expelled or suspended in accordance with rule 6.3 must be notified by registered post, or recorded delivery, stating the reasons for the action being taken.

6.5 In the event of such member objecting to the suspension, or expulsion within seven days, a special meeting of the Disciplinary Committee shall be called before which at least 14 days notice shall be given to the member. The member concerned shall have the opportunity of defending his/her actions at that hearing.

6.6 The Disciplinary Committee shall consist of the President plus two noncommittee members of the Club from a section other than that to which the member belongs, nominated by the Sections at their first meeting. If the decision of the Disciplinary Committee is to expel the member, his/her membership shall cease forthwith and any subscription that may have been paid shall be forfeited. Such action may be subject to any overriding A.S.A. complaints procedure.

6.7 Breaches of A.S.A. Law by members shall not be dealt with by the Club but shall be referred to the District Judicial Tribunal.

7 Committee

7.1 The Club shall be managed by a Committee comprised of:

Executive Officers Chairman Hon. Secretary Hon. Treasurer

Sectional Officers Competition Secretary Assistant Competition Secretary
Swimming Teaching Secretary Water Polo Secretary
Disability Swimming Secretary Masters Secretary
LifeSaving Secretary Synchronised Swimming
Secretary

Service Officers Publicity and Press Relations Secretary Membership Secretary
Club Trophy Secretary

Lady Child Protection Officer Gentleman Child Protection Officer Committee Members Lady Member

Gentleman Member
Supporters Club Representative

- 7.1.1. All Committee members must be Club members and not less than 18 years of age.
- 7.1.2. The Child Protection Officers shall not be any of the executive officers, club coaches, teachers, or a relative of these.
- 7.1.3 Lady Member and Gentleman Member are not to hold any other position on the Committee.
- 7.2 Nominations for Committee members and Executive Officers shall be received by the Club Secretary, in writing, not later than 21 days prior to the Annual General Meeting duly proposed and seconded by Club members. Election shall then be by ballot at the Annual General Meeting each year. Elected Members shall remain in office until the next Annual General Meeting when they may, if they so wish, seek reelection. Any vacancy occurring by resignation or otherwise may be filled by the Committee during the year.
- 7.3 The Committee shall meet at such times as it considers necessary with a minimum of 4 meetings per year. At least 14 days notice must be given of each meeting. The quorum for a meeting shall be five members, one of whom must be an Executive Officer. Decisions of the Committee shall be made by a simple majority (and in event of equality of votes, the Chairman (or Acting Chairman of the 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 thirty minutes of the published start time, the meeting shall stand adjourned to such other date and time as may be determined by the Chairman. If a quorum is not present at the rescheduled 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 shall not apply.
- 7.5 A Vice Chairman shall be elected by the Committee at its first meeting following the A.G.M.
- 7.6 Standing Section Committees shall be Competition, Swimming Teaching, Waterpolo, Disability Swimming, Masters, Lifesaving, and Synchronised Swimming. The Committee may also from time to time appoint such subcommittees as they may consider necessary and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All subcommittees shall report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee. No decision of a Standing Section Committee or Subcommittee shall be binding, until the minutes are approved and adopted by the main Committee. Executive Officers shall be ex officio members of these Standing Section and SubCommittees.

7.7 The Minutes of all meetings must be recorded and kept for a minimum of 6 years

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 be examined by an independent examiner to be appointed by the members at the Annual General Meeting. The Committee shall also have power to make regulations and to settle any disputed points not otherwise provided for within this Constitution.

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.

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. Office. The Club shall make an annual return to the A.S.A. in the prescribed form

8 President and Vice Presidents

8.1 The Annual General Meeting of the Club, shall elect a President and VicePresident(s). A President or VicePresident 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 A.S.A.

9 Annual General Meeting

9.1 The Annual General Meeting of the Club shall be held each year on a date in November. The date for the Annual General Meeting shall be fixed by the Committee. Members will be notified of the time, date, and place of the meeting, and an agenda displayed on Club notice boards not less than 14 days prior to the meeting.

9.2 The purpose of the Annual General Meeting is to transact the following business:

9.2.1 To receive reports from the Chairman and Section Secretaries 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 Treasurer's report as to the financial position of the Club;

9.2.3 To elect an independent examiner (who must not be a member of the

Committee or a member of the family of a member of the Committee).

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 Alterations to this Constitution may only be made at a General Meeting or Special General Meeting. Any proposals for such alterations to be made at a General Meeting must be submitted in writing, duly proposed and seconded by members, and received by the Hon. Secretary not later than 21 days prior to that meeting. The proposed alterations must be clearly set out in the agenda for the General Meeting.

10 Special General Meeting

A Special General Meeting may be called at 14 days notice by the Committee or by a written request to the Hon. Secretary of the Club from a minimum of 15 members of the Club. The agenda for the Special General Meeting shall only include matters properly notified by the Committee or in the written request.

11 Procedure at the Annual and Special General Meetings

11.1 A quorum at a General Meeting shall be 15 members and voting shall be confined to members aged 16 and over. Junior members under 16 may be allowed to vote on non constitutional matters concerning juniors at the discretion of the Chairman. Any member more than one month in arrears with subscriptions or fees shall not be entitled to vote at General Meetings.

11.2 The Chairman, or in his absence a member selected by the Committee, shall take the chair. Voting at General Meetings shall be by simple majority except for alterations to the Constitution when a two thirds majority shall be required.

11.3 The Secretary, or in his absence a member of the Committee, shall take minutes at Annual and Special General Meetings.

11.4 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.

12 Alteration of the Rules and other Resolutions

12.1 Amendments to any rules altered by resolution at an Annual or Special General Meeting are subject to approval by the County Association / A.S.A. East Region and shall not become effective until such amendment(s) have been submitted to and validated by such person as is authorised to do so.

13 ByLaws

13.1 The Committee shall have the power to make, repeal, or amend any Byelaws in accordance with this Constitution. All Byelaws are to be additionally listed, and dated separately. The Byelaws are to be reviewed and updated by each new

Committee at the beginning of its year of office.

14 Finance

14.

1 All moneys payable to the Club shall be recorded by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by cheque signed by two of the Executive Officers. Any monies not required for immediate use may be invested as the Committee, in its discretion, think fit.

14. Funds and property of the Club shall only be applied towards the furtherance of
2 the objectives of the Club, and no part thereof shall be paid by way of bonus, dividend or profit to any member of the Club.

14. The Committee shall have the power to authorise payment of remuneration and
3 expenses to any officer, member, or employee of the Club for services rendered, the purchase of awards, or other legitimate expenses incurred in the running of 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 on 1st October and ending on 30th September.

14. All financial records shall be retained by the Committee for a minimum period of
6 six years.

17 Dissolution

17.

1 A resolution to dissolve the Club shall only be proposed in accordance with other changes to the Constitution, and must be voted on and at a General Meeting and carried by a majority of at least threequarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.

17. The dissolution shall take effect from the date specified in the resolution and the
2 members of the Committee shall be responsible for the windingup of the assets and liabilities of the Club.

17.

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 nonprofit making organisation having objects similar to those of the Club for the furtherance of such objects nominated by the last Committee.

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.