

## **RULES of BIRKENHEAD SWIMMING & WATER POLO CLUB**

### **1. Name**

1.1 The name of the Club shall be ..\_BIRKENHEAD SWIMMING & WATER POLO CLUB

### **2. Objects**

2.1 The objects of the Club shall be the teaching, development and practice of swimming and water polo and the promotion of competitions and championships 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.

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

2.2 The Club shall be affiliated to ASA North West Region and to the Cheshire County Water Polo and Swimming Association, 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 and Technical Rules of the Amateur Swimming Association (“A.S.A. Laws”) and in particular:

2.3.1 all competing members shall be eligible competitors as defined in A.S.A. Laws; and

2.3.2 the Club shall in accordance with A.S.A. Laws adopt the A.S.A. 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 A.S.A. Laws comply with the A.S.A. Child Protection Procedures.

2.4 By virtue of the affiliation of the Club to ASA North West Region and to the Cheshire County Water Polo and Swimming Association, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:

2.4.1 Cheshire County Water Polo and Swimming Association; and

2.4.2 The ASA North West Region

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

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

2.4.5 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 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 non-technical 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 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 Officer but other person(s) authorised by the committee may make recommendation as to the applicant's acceptability. The Membership Officer shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a review panel appointed by the Committee ("Review Panel") comprised of not less than three members who may or may not be members of the Committee. The 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, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation
- 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 through the process of reapplication not later than 1st January in accordance with Rule 4.2.
- 3.8 The category of membership shall be in accordance with Rule 3.9.
- 3.9 The membership of the club shall be in the following categories:
- 3.9.1 Senior Members, who shall be not less than 16 years of age, shall be eligible to hold office and to attend and vote at Committee and General Meetings.
- 3.9.2 Junior Members, who shall be less than 16 years of age, shall not be allowed to hold office or attend meetings of the committee, unless by invitation of the committee or vote at Committee or General Meetings.
- 3.9.3 Honorary Members, who shall be elected by the Committee, with the exception of the

President or Vice President(s), 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.

- 3.9.4 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 including the right to vote at General Meetings, to hold office and be elected to the Committee and must be included in the Club's annual return as to membership.
- 3.9.5 Associate Members, who shall be elected by the Committee in recognition of support or services rendered to the Club. Associate Members shall be entitled to all the privileges of membership including the right to vote at General Meetings, to hold office and be elected to the Committee and must be included in the Club's annual return as to membership.
- 3.9.6 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 Subscription and Other Fees**

- 4.1 The annual member's subscription and coaching and squad fees, as applicable, shall be recommended from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as the Annual General Meeting shall determine.
- 4.2 The annual subscription and entrance fee shall be due on joining the Club and thereafter on the 1<sup>st</sup> day of January 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 recommend to the Annual General meeting the annual membership subscription and other fees. This shall include such recommendations to increase 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 shall be advised to the members in writing with the reasons for any increase to be reported to the members at the Annual General Meeting.
- 4.5 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 A member who resigns from the club in accordance with Rule 5.1 shall not be entitled to have any

part of the annual (subscription or membership) fee or other fees refunded.

- 5.3 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than [two] months in arrear 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.
- 5.4 Should a member resign from the club with outstanding financial commitments, the club shall notify the ASA of such outstanding commitments.

## **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 him 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 subscription or membership fee or any other fees refunded and must return any club or external body trophies held forthwith.
- 6.3 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.
- 6.4 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 or of 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 disciplinary action is taken it shall be dealt with in accordance with ASA Laws and procedures.
- 6.6 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 Management Committee, of which three members must be present at the "Disciplinary Hearing".
- 6.7 The Management Committee reserves the right to expel or disqualify or any other penalty imposed upon any member by a unanimous decision 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 Committee**

- 7.1 The Committee shall consist of the President, 2 Vice Presidents, Chairman, Vice Chairman, Treasurer, Assistant Treasurer, Secretary, Welfare Officer, Gala Secretary, Chief Swimming Coach, Chief Water Polo Coach, Officials Secretary, Water Polo Captain, Men's Swimming Captain, Ladies Swimming Captain and not more than 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 to attend their meetings without 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. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election. (See also 8.1)
- 7.3 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 7 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 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
- 7.5 In addition to the members so elected the Committee may co-opt up to 6 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members must be not less than 18 years of age and shall be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present.
- 7.6 The Committee may from time to time as they may consider necessary appoint sub committees having members from the general club membership and from a wider field of specialists and advisors from outside the club, 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.
- 7.7 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 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.
- 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 General Meeting.
- 7.9 The Committee shall 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 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.
- 7.11 The Committee shall maintain an Accident Book in which all accidents to club members at

swimming related activities shall be recorded. Details of such accidents shall be reported to the A.S.A. Office. The Club shall make an annual return to the A.S.A. in the prescribed form

- 7.12 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least six years.
- 7.13 The Welfare Officer shall not be a member of the teaching and coaching staff or a member of the family of an officer, committee member or the teaching and coaching staff. The Welfare Officer shall report to the Committee on all aspects of welfare concerning the members of the club.

## **8 Officers and Honorary Members**

- 8.1 The Officers of the Club shall be the Chairman, Secretary and Treasurer.
- 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. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring officers shall be eligible for re-election.
- 8.3 The Annual General Meeting of the Club, if it thinks fit, may elect a President and 2 Vice-Presidents. A President or Vice-President need not be a member of the Club 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 in December or January. The venue, date and time for the Annual General Meeting shall be fixed 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 Treasurer's 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 family of a member of the Committee) or confirm that he 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.
  - 9.2.6 To elect the delegates to attend the Council meetings of the ASA North West Region, the Cheshire County Water Polo and Swimming Association and such other bodies to which the club is affiliated, as required.
- 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 less than 21 days before the date of the meeting. 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 before the date of the meeting.

## **10 Special General Meeting**

- 10.1 The Committee may call a Special General meeting at any time.
- 10.2 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within 28 days of receipt by him of a requisition in writing signed by not less than 20 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 a written notice of the date, time and place of a General Meeting together with the closing date for any resolutions to be proposed thereat at least 28 days before the meeting. The Secretary may, 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 wherever possible be displayed on the Club Notice Board where one exists.
- 11.2 The Secretary shall personally be responsible for the handing out or sending to each member at his last known address a written agenda for 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. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication.
- 11.3 The quorum for the Annual and Special General Meetings shall be 10 members, to include not less than one Executive Officer, entitled to attend and vote at the Meeting.
- 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 a casting or additional vote.
- 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 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.
- 12.2 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.

- 12.3.1 Any member 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 him not less than 21 days before the date of the Annual General Meeting or Special General Meeting, The Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.2. All resolutions, nominations and proposals shall be presented at the Annual General meeting under the provision of Rule 11.1 and Rule 11.2.

### **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 moneys 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 that account except by cheque signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer. Any moneys 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 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 on 1<sup>st</sup> November and ending on 31<sup>st</sup> October .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 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 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.
- 15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.
- 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 cash at the bank, shall be vested in not more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.
- 16.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation 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. .

## **17 Dissolution**

- 17.1 A resolution to dissolve the Club shall only be considered 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 and liabilities of the Club shall be divided equally or rateably in proportion to the amount each member has paid in subscriptions among the members of the Club at the date of dissolution.

## **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.
- 18.2 The following statement shall be included 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 Birkenhead Swimming and Water Polo Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules."***