

# **TONBRIDGE SWIMMING CLUB RULES**

## **RULES of the TONBRIDGE SWIMMING CLUB as at 1<sup>st</sup> January 2016**

### **1. Name**

- 1.1 The name of the Club shall be Tonbridge Swimming Club (hereafter referred to as the “Club”).

### **2. Objects**

- 2.1 The objects of the Club shall primarily be the teaching, development and practice of swimming and life saving for all its members and shall, where appropriate, be to compete. In the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.

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

- 2.2 The Club shall be affiliated to the 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 and Technical Rules of the A.S.A. (hereafter referred to as the “A.S.A. Laws”) and in particular:

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

2.3.2 the Club shall in accordance with the A.S.A. Laws adopt the A.S.A. Child Safeguarding 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 Safeguarding 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, rules and constitutions of:

2.4.1 the ASA South East Region and

2.4.2 the A.S.A. (to include the A.S.A./ IOS Code of Ethics); and

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

2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (hereafter referred to as 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 may make and implement such decision, which shall be reviewed at the next Annual General Meeting or Special General Meeting (combined hereafter referred to as 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 or Membership Officer (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 Secretary or Membership Officer or such other person(s) authorised by the Committee who may make recommendation as to the applicant's acceptability.

The Secretary or 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 (the "Review Panel") 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 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, sex, religion, disability, political persuasion or sexual orientation.
- 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, 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, if any, 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 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 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 next Annual General Meeting (“AGM”).

- 4.5 The Executive Officers or the Committee shall have the power in special circumstances to remit the whole or part of the fees, including the A.S.A. membership fees, to address issues of social inclusion.

## **5. Resignation**

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his/ 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 or fees is or are 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/ she shall be informed in writing handed to him/ her or sent by post to his/ her last known address that he/ she is no longer a member.
- 5.4 The A.S.A. Membership Department shall be informed should a member resign when still owing money or goods to the Club.

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

- 6.1 The Committee shall have the 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 refunded and must return any Club or external body’s trophy or trophies held forthwith.
- 6.3 The Club shall comply with the relevant Judicial Rules for handling Internal Club Disputes (the “Rules”) as the same may be revised from time to time. The Rules are set out in the A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Rules may be obtained from the A.S.A. Department of Legal Affairs.)
- 6.4 A member may not be expelled or (subject to Rule 6.5 below) be made the subject of any other penalty unless the panel appointed by the Committee for such purposes and hearing the complaint shall by a two-thirds majority vote in favour of the expulsion or any other penalty imposed upon the member.
- 6.5 The panel appointed by the Committee for purposes of Rule 6 or any person to whom the Committee shall delegate this power, may temporarily suspend or exclude a member from particular training sessions and/ or wider Club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

## **7. Committee**

- 7.1 The Committee shall consist of the President, Chairman, Secretary, Treasurer (together “the Executive Officers of the Club”) and 7 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 member(s) to attend their meetings without power to vote.

- 7.2 The Committee shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with the A.S.A Child Safeguarding courses. The committee shall follow the WavePower 2012-2015 guidelines in appointing the Welfare Officer. The Welfare Officer shall carry out their role as defined in the WavePower 2012-2015 guidelines.
- 7.3 The Committee shall appoint a Head Coach and shall determine whether such appointment shall be for reward, remuneration or on a voluntary basis. The appointed Head Coach shall be not less than 18 years of age, and should have appropriate qualifications. The Head Coach shall be responsible to and report to the Committee or such Committee member to whom the Committee may delegate such responsibility. The Head Coach may from time to time be required to attend Committee meetings without a power to vote.
- 7.4 The Executive Offices and Committee members shall be proposed, seconded and elected by ballot at the AGM each year and shall remain in office until their successors are elected at the next Annual General Meeting. No election is needed if a member's proposal to stand on the Main Committee is unopposed. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible of re-election.
- 7.5 Committee meetings shall be held not less than once every two months (save where the Committee itself shall by a simple majority resolve not to meet), and the Executive Officers shall meet whenever circumstance shall require it to meet and if it is not practically possible to call a meeting of the Committee. The quorum at a Committee 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 quorum at a meeting of the Executive Officers shall be such number as shall represent not less than a simple majority of the Executive 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 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.) Decisions of the Executive Officers 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/ her absence a member of the Committee, shall take minutes at Committee meetings.
- 7.6 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 holding a Special General Meeting ("SGM") of the members, to which the provisions contained in Rule 11.1 and 11.2 shall not apply.
- 7.7 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 AGM. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 7.8 The Committee may from time to time appoint from among their number and other members 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.

- 7.9 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 Executive Officers only shall have the 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 a General Meeting.
- 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 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the A.S.A. Membership Department and the Club shall make an annual return to the A.S.A. Membership Department indicating whether or not an entry has been made in the prescribed form.
- 7.12 The Committee shall have the 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 AGM 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 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.
- 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 additionally retained 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 (AGM)**

- 9.1 The AGM of the Club shall be held each year on a date in November or December after the financial year end and the accounts are examined. The date, time and venue for the AGM shall be fixed and publicised by the Committee no less than eight weeks prior to the date thereof.
- 9.2 The purpose of the AGM is to transact the following business:
- to receive the Chairman's report of the activities of the Club during the previous year;
  - 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;
  - 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;
  - to elect the Executive Officers and other members of the Committee in accordance with Rule 7.1, 7.4, 8.1 and 9.3;
  - to decide on any resolution which may be duly submitted in accordance with Rule 9.4.
  - to decide on the dissolution of existing honorary and/or life membership categories.

- 9.3 Nominations for election of an Executive Officer 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 three weeks before the AGM. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election.
- 9.4 Notice of any resolution proposed to be moved at the AGM shall be given in writing to the Secretary not later than three weeks before the AGM.
- 9.5 On receipt by the Secretary of a written proposal intended for consideration at the AGM, the Secretary shall supply a copy of the proposal or resolution to the members at least two weeks prior to the AGM in the manner provided in Rule 11.1.

## **10. Special General Meeting (SGM)**

- 10.1 A SGM may be called at any time by the Committee. A SGM shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than seven members entitled to attend and vote at an AGM or if greater, such numbers as represents one-tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed.
- 10.2 On receipt by the Secretary of a written proposal intended for consideration at a SGM, the Secretary shall supply a copy of the proposal or resolution to the members at least two weeks prior to the SGM in the manner provided in Rule 11.1.

## **11. Procedure at the AGM and SGM's**

- 11.1 The Secretary shall personally be responsible for the handing out or sending to each member at their last known address a written agenda giving notice of the date, time and place of the General meeting together with the resolutions to be proposed at such meeting at least two weeks before the meeting and in the case of the AGM a list of the nominees for the positions of Executive Officers and members of the Committee and a copy of the examined accounts. The Secretary may, alternatively with the agreement of member(s) concerned distribute these materials by e-mails or similar form of communication. The Notice of such meetings shall in addition and wherever possible be displayed on the Club Notice Board, where one exists.
- 11.2 The quorum for the 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 President, or in the President's absence the Chairman and 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 resolutions to be considered at a General Meeting, the procedures referred to in Rule 9.4 must be complied with by the member wishing to table a resolution. In the event of an equality of votes the chairman of the General Meeting shall have a casting or additional vote.

Only paid up members, which includes Dry members who have reached their 18th birthday shall be entitled to be heard and to vote on all matters at a General Meeting. Members who have not reached their 18th birthday shall be entitled to be heard and vote at a General Meeting 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/ her absence a member of the Committee, shall take minutes at General Meetings.

- 11.5 The chairman at the General Meetings shall 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 a 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(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.
- 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 in or posted to the Secretary of the Club so as to be received by him/her not later than three weeks before the Annual General Meeting or in the case of a Special General Meeting, 18 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in rule 11.1.

## **13. By-Laws**

- 13.1 The Committee shall have the 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 shall have effect until set aside by the Committee or at an AGM or SGM.
- 13.2 The Secretary shall maintain a list of these by-laws and ensure they are published on the club web site.

## **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 agreement by two signatories who shall be Executive Officers elected in accordance with Rule 7.4. 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. If that paid person is on the Committee they shall abstain from voting on matters where they may be a conflict of interest.
- 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 August and ending on 31st July. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Secretary shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years. Any electronic copies must be available to the entire committee and backed up to a safe location.

## 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 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 the 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 of the property. 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 responsible for the property including any paper or electronic data relating to the club. This should include ensuring electronic backup and electronic virus protection of the data.

## 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 and liabilities of the Club shall be given to a charity or charities or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects nominated by the last 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.
- 18.2 The following statement needs to 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:

***“By signing this form, I acknowledge the rules of Tonbridge Swimming Club as given on the website <http://www.tonbridgeswimmingclub.co.uk> 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.”***