

BATH DOLPHIN SWIMMING CLUB



(Affiliated to Somerset A.S.A and A.S.A. South West Region)

CONSTITUTION APRIL 2010

1 Name

1.1 The name of the Club shall be BATH DOLPHIN SWIMMING CLUB.

2. Objects

2.1 The objects of the Club shall be the teaching, development and practise of swimming, diving, synchro, open water and water polo for its members in the furtherance of these objects.

2.1.1 The Club is committed to treat everyone equally within the context of their 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 ASA Equal Opportunities policy.

2.2 The Club shall be affiliated to Somerset ASA and consequently to the Amateur Swimming Association South West Region and shall adopt and conform to the rules of both associations and 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 Judicial 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 *Somerset ASA and to ASA South West Region* the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

2.4.1 Bath Dolphin Swimming Club, Somerset ASA and ASA South West Region,

2.4.2 the Amateur Swimming Association;(to include the ASA/ISTC Code of Ethics); and

2.4.3 British Swimming (to include in particular 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 (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. Membership will be open to all without discrimination. 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. At a General Meeting 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 on a non-discriminatory basis where facilities are full or the safety of it's members is compromised.
- 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 at the discretion of the Committee or other person(s) authorised by the Committee. The Committee or such authorised person(s) shall not be required to give reasons for the refusal of any application for membership. 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.

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 OR the Annual General Meeting shall determine.
- 4.2 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.3 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the First day of April each year.
- 4.3.1 Payment of subscription and entrance fees shall be due on joining the Club. Method of payment shall be cash, cheque or instalments.
- 4.4 Any member whose subscription is unpaid by the date falling 30 days after (First of April OR following their trial period) 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.
- 4.5 In special circumstances Officers may remit whole or part of the fees due from a member.

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 this (Rule 5.1) has been complied with.
- 5.2 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned (unless granted special dispensation by the Management Committee) 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.

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 them to remain a member.
- 6.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department.
- 6.3 A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of (or for such 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 action is taken the complaint will thereafter be dealt with in accordance with the Guidelines.

7 Committee

- 7.1 The Committee (known as the Management Committee) shall consist of the Chairperson (who shall take the chair at all meetings of said committee, in his/her absence the meeting shall elect a Chairperson), Secretary, Treasurer and elected members all of whom must be members of the Club. The club shall have a Welfare Officer. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings as observers without power to vote. Voting rights and attendance for Committee Members under the age of 18 years will be at the discretion of the Chairperson of that meeting.
- 7.2 The Committee members shall be proposed, seconded and elected by vote 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 four times a year (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be a minimum of five persons to include not less than one 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 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 Chairperson (or the acting Chairperson of that meeting) shall have a casting or additional vote. The Secretary, or in his absence a member nominated by 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 further members of the Club who shall serve until the next Annual General Meeting. 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.
- 7.6 The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary and to remove (in whole or in part) or vary the terms of reference of such sub-committees and may delegate to them such of the powers and duties of the Committee, as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.7 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. 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. The Committee shall also have power to make regulations and to settle disputed points not otherwise provide for in this Constitution.
- 7.8 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses properly incurred by them in the management of the affairs of the Club.
- 7.9 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 Officers [and Honorary Members]

- 8.1 The Officers and Committee of the Club shall be proposed, seconded and elected 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.
- 8.2 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-Presidents. A President shall not hold office for more than three consecutive years, and will represent the Club on all ceremonial occasions. A President or Vice-President need not be a member of the ASA 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 ASA.
- 8.3 The Committee may elect any person as an honorary member of the Club for such 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 his ordinary membership of the Club. Such honorary members must be included in the Club's Annual Return of membership 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 falling within the period 1st May ("the Opening Date") and 30th June ("the Closing Date"). The date 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 Secretary'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 Officers and such other appointments to the Committee, together with six other members (3 ladies and 3 gentlemen). All the appointments will be elected annually at the A.G.M;
 - 9.2.5 a Swimming Sub-Committee shall be appointed annually at the A.G.M to report and be responsible to the Management Committee;
 - 9.2.6 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 21 days before the Opening Date specified above. 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 Opening Date.

10 Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within 28 days of receipt by him of a requisition in writing signed by not less than 5 members entitled to attend and vote at a General Meeting or (if greater) such numbers as represents of one-tenth in number of such members stating the purposes for which the meeting is required and the resolutions proposed.

11 Procedure at the Annual and Special General Meetings

- 11.1 The Management Committee will be responsible for the handing out or sending to each member at his last known address written 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. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be 12 members entitled to attend and vote at the Meeting or (if greater) such number as represents a minimum of one-tenth in number of such members.
- 11.3 The Chairperson, or in his/her 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 Chairperson shall have a casting or additional vote. Paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairperson on matters concerning juniors.
- 11.4 The Secretary, or in his/her absence a nominated member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairperson shall at all General Meetings have authority upon every question of order, and for the purpose of such meeting, on occasions when disputes arise, the two thirds majority rule for voting members shall apply the sole interpreter of the Rules of the Club.

12 Alteration of the Rules and other Resolutions

- 12.1 The rules shall only 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, entitled to vote and voting at the General Meeting. No amendment to the rules shall become effective until such amendment shall have been submitted to and validated by Somerset County ASA.
- 12.2 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 later than 10 April in the case of the Annual General Meeting or (in the case of a Special-General Meeting) 14 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 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 that account except by cheque signed by two of the three signatories who shall be the Treasurer, Secretary and Membership Secretary. 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 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 think fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st April and ending on 31st March.. 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 all 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 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.
- 15.4 Sponsorship money shall be distributed at the discretion of the Management Committee after consultation with the sponsors.

16 Property

- 16.1 The property of the Club, shall be vested in not more than three Trustee's. The trustee's shall have the power to invest in property, securities, or, in any other manner and adopt such measures in relation to such investments as may appear to them necessary in the interest of the Club.
- 16.2 The Trustee's shall normally be Trustee's for life.
- 16.3 Should circumstances arise whereby there is a need for the removal of a Trustee or Trustee's this shall be by resolution passed at an Emergency or General meeting.
- 16.3 In the event of death, insanity, resignation of a Trustee, or, the conditions of 16.3 apply, the Trustee's, can propose a suitable replacement to be voted on at an Emergency or General meeting. Following agreement at the Emergency or General meeting of a suitable candidate, the appointment to the office of Trustee shall take place within twenty weeks.
- 16.4 The three Trustee's shall receive notice of, and have the right to attend all meetings of the Club.
- 16.5 The Trustee's 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 Special or General Meeting and shall be carried by a majority of at least two-thirds of the members present and entitled to vote.
- 17.2 The dissolution shall take effect from the date of 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 In the event of dissolution or, winding up, all assets remaining after settlement of all debts and liabilities shall be given to another CASC, or, to a registered charity, or to the Sports National Governing Body.

18 Data Protection

- 18.1 The Club shall comply with the Data Protection act as applicable. Guidance Notes will be issued to all relevant personnel

19 Club Rules

- 19.1 The Management Committee reserves the right to hold other functions such as galas on Club nights. All galas shall be held under A.S.A laws.
- 19.1.1 Only FIRST CLAIM MEMBERS of the Club may enter Club Championships or be awarded a Club Trophy. Any member entering Club Championships must have attended at least twenty Club nights in the twelve months prior to the date of the event. No entries shall be accepted later than seven days prior to the date of the event. Swimmers who are selected to swim in a competition squad will be expected to swim for the Club when selected. Any swimmer who does not swim for the club when selected shall not be eligible to swim in Club Championships.
- 19.1.2 No members of the club shall receive any prize or award due to them unless all monies due by them to the Club have been paid.
- 19.1.3 All trophies are perpetual trophies and shall remain the property of Bath Dolphin Swimming Club. The winners of each trophy shall return same to the club in a clean condition by such time as required for various competitions. The Club shall be informed immediately should a trophy be lost, stolen or damaged. In the event of a trophy holder leaving the Club or through termination of membership the trophy shall be returned to the Club upon the trophy holders departure.
- 19.1.4 The Management Committee shall have the power to make decisions which the aforementioned Rules do not cover within the framework of the Constitution of the Club and A.S.A laws.

20 ACKNOWLEDGEMENT

- 20.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

The following statement should appear on Club membership forms and should be signed by the member and must also be countersigned by parent or guardian of members under 18 years of age:

I acknowledge the rules of Bath Dolphin Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.

Signed Chairperson Secretary

Date