

CHELTENHAM SWIMMING AND WATER POLO CLUB

RULES of CHELTENHAM SWIMMING and WATER POLO CLUB as at 1 January 2007

1. Name

- 1.1 The name of the Club shall be CHELTENHAM SWIMMING & WATER POLO CLUB.
- 1.2 The distinctive colours of the Club shall be red, black and silver.

2. Objects

- 2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular the teaching, practice and pursuit of excellence of Swimming, Diving, Synchronized Swimming, Open Water Swimming and Water Polo. In the furtherance of these objects
 - 2.1.1 The Club is committed to treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, sexual orientation, disability or political persuasion.
 - 2.1.2 The Club believes 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.
 - 2.1.3 The Club shall implement the ASA Equal Opportunities policy.
- 2.2 The Club shall be affiliated to ASA South West Region and the Gloucester County Amateur Swimming Association and shall adopt and conform to the rules of such association 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 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
 - 2.3.3 members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.
- 2.4 By virtue of the affiliation of the Club to the A.S.A. 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 the A.S.A. South West Region and Gloucester County A.S.A.; and
 - 2.4.2 the Amateur Swimming Association;(to include the ASA/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 (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 General Committee considers that there is a good reason to impose a temporary limit on total membership or any class of membership or the membership in any Discipline of the Club then the General Committee shall have the right to impose (and remove) such temporary limit

All persons who assist in any way with the Club's activities shall become members of the club and hence of the ASA and the relevant ASA membership shall be paid.

Paid instructors, teachers and coaches who are not members of the club must be members of a body which accepts that its members are bound by the ASA's Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Rules.

- 3.2 Any person who wishes to become a member of the Club must submit a signed application to the Hon. Secretary (and in the case of a junior (under 18 years of age) member the application must be signed by their parent or guardian). Election to membership shall be at the discretion of the General Committee or other person(s) authorised by the General Committee .

The General Committee 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 General Committee). The panel shall [wherever practicable] include one independent member nominated by the ASA South 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.

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

3.3 Classes of Membership

President
Vice President.
Life Member
Honorary Member
Registered Technical Official
Competing Member Senior
Competing Member Junior (Under 18 years on the 1st September)
Associate (Challenger 10 week membership and visitors.)
Ordinary Member Senior (including coaches, volunteers and parents).

- 3.4 The following classes of membership shall be eligible to vote at all General Meetings of the Club:-

President, Vice Presidents, Life Members, Registered Technical Officials, Competing Members Senior and Ordinary Members Senior.

4. Subscription and Other Fees

- 4.1 The annual members subscription and coaching and squad fees (as applicable) shall be determined from time to time by the General Committee and the General 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 First day of September each year (with effect from 1st September 2002)
- 4.3 Any member whose subscription and or training fees are unpaid by the date falling 30 days after the due date for payment as set by the General Committee may be suspended by the General Committee from some or all Club activities from a date to be determined by the General Committee and until such payment is made.
- 4.4 The General 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, ASA South West Region and Gloucester County 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. The reasons for any increase to be reported to the members at the next Annual General Meeting.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Hon. Secretary written notice of his resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with. Any outstanding subscription, other fees and all other monies due to the Club remain payable notwithstanding resignation.
- 5.2 A member shall remain in membership and responsible for his Subscription and other fees up to the date of his resignation.

6. Expulsion and other Disciplinary action

- 6.1 The General 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.
- 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 other penalty imposed upon) the member.
- 6.4 The Officers or any person to whom the General 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. General Committee

- 7.1 The General Committee shall consist of:
 - 7.1.1 the Hon. Secretary, Hon. Treasurer, Hon. Registration Secretary, Hon. Welfare Officer, the Hon. Secretary of each discipline Technical Committee, and not more than three Life Members elected by the Annual General Meeting from the Life Members not already holding office and willing to stand for election to the General Committee together with such additional secretaries as required to manage specific activities of the Club and 8 elected members all of whom must be fully paid up members of the Club. A Life Member may stand for election for any office including one of the 8 elected General Committee members.
 - 7.1.2 The Hon. Welfare Officer shall not be a relative of the Chairman, Treasurer, Secretary, the Coaches or Team Managers
 - 7.1.3 The General Committee at its first meeting after the Annual General Meeting shall elect its Chairman and Vice Chairman from amongst its voting members.
 - 7.1.4 The Hon. Minute Secretary, Assistant Hon. Secretary(s) and Assistant Hon. Treasurer(s) shall be members of the General Committee without power to vote. In the absence of their principal an assistant shall act on behalf of his principal with power to vote.
 - 7.1.5 If the Hon. Secretary of a discipline Technical Committee is unable to attend a meeting of the General Committee, then the Technical Committee or failing that the Hon. Secretary of the Technical Committee shall appoint a substitute (who must be a member of the Technical Committee) to attend the meeting of the General Committee in his place with power to vote.
 - 7.1.6 All General Committee members must be not less than 18 years of age though the General Committee may allow younger member(s) to attend their meetings as observers without power to vote.
- 7.2 General Committee meetings shall be held not less than once a month (save where the General Committee itself shall by a simple majority resolve not to meet or meet more often), and the quorum of that meeting shall be eight members to include not less than one Officer. The Chairman and the Hon. Secretary shall have discretion to call further meetings of the General Committee if they consider it to be in the interests of the Club. The Hon. Secretary shall give all the members of the General Committee not less than two days oral and or seven days written notice of a meeting. Decisions of the General 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 Hon. Minute Secretary, or in his absence a member of the General Committee, shall take minutes.
- 7.3 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 General 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.
- 7.4 In addition to the members so elected the General Committee may co-opt up to 3 further members of the Club who shall serve until the next Annual General Meeting. Co-opted member shall not be entitled to vote at the meetings of the General Committee and shall not be counted in establishing whether a quorum is present.
- 7.5 The General Committee shall appoint from the membership discipline Technical Committees for:- Diving, Swimming, Water Polo, Synchronized Swimming, and Sub-Committees for Finance and others as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such committees) and may delegate to them such of the powers and duties of the General Committee as the General Committee may determine. All discipline Technical and sub-committees shall report monthly their

proceedings by way of written minutes to the General Committee and shall conduct their business in accordance with the directions of the General Committee.

The Chairman, Hon. Secretary and Hon. Treasurer shall be ex officio members of all discipline Technical and sub-committees.

At all meetings of the discipline Technical and sub-committees four members shall form a quorum.

7.6 The General Committee shall :-

7.6.1 be responsible for the management of the Club.

7.6.2 have the sole right of appointing and determining the terms and conditions of service of employees and or sub-contractors to the Club subject to the provisions of Rule 17.

7.6.3 have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club subject to the provisions of Rule 17.

7.6.4 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.

7.7 The members of the General 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.

7.8 Only the General Committee may by unanimous decision of those present and voting from time to time, at its sole discretion, nominate to the Annual General Meeting members for election to Life Membership. The Annual General Meeting may only by the unanimous decision of those present and voting appoint the nominee to Life Membership.

7.9 The General Committee shall maintain an Accident Book in which all accidents to club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the ASA Office. The Club shall make an annual return to the ASA in the prescribed form.

8. President and Honorary Members

8.1 The General Committee shall have the power to nominate and propose to the Annual General Meeting a President of the Club.

8.2 The Annual General Meeting 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 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 ASA].

8.3 The General 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 a 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 as to membership.]

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 November ("the Opening Date") and 30th November ("the Closing Date"). The date for the Annual General Meeting shall be fixed by the General Committee.

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

9.2.1 to receive the Annual Reports of the activities of the Club during the previous year; prepared by the Hon. Secretary and the Hon. Secretaries of the discipline Technical committees including the Club's Championship results;

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 Hon. 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 a Committee or a member of the family of a member of a Committee) or confirm that he remain in office;

9.2.4 to elect :-

9.2.4.1 the President, Vice Presidents and Life Members (see Rule 7.8) and the following

Honorary Officials:-

- 9.2.4.2 Treasurer, Assistant Treasurers, Secretary, Minute Secretary, Assistant Secretaries, Registration Secretary, Welfare Officer, Trophy Controller, Custodians (not more than four) (see Rule 16).
 - 9.2.4.3 Technical Committee Secretaries:- Diving, Swimming, Synchronized Swimming, WaterPolo.
 - 9.2.4.4 Three Life Members to the General Committee (see Rule 7.1.1).
 - 9.2.4.5 Eight Senior Members to the General Committee (see Rule 7.1.1).
 - 9.2.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.
 - 9.2.6 to ratify the election made by the teams for Teams Captains in:-
Diving, Swimming Men, Swimming Ladies, Synchronized Swimming, Water Polo First Team, Water Polo Second Team.
- 9.3 Nominations for election of members to the offices detailed in Rule 9.2.4.2.1 & 2 shall be made in writing by the proposer and seconder to the Hon. Secretary not later than 10th October (ie 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. Nominations for the 3 Life Members and the 8 elected General Committee members (Rule 9.2.4.2. 4 & 5) may be made at the Annual General Meeting or in writing to the Hon. Secretary before the meeting. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing in full detail to the Hon. Secretary no later than 1st October. Where changes to rules are to be considered the precise wording of the resolution must be given and appear on the notice of the General Meeting.
- 9.4 All persons elected under this rule (Rule 9.2.4) 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 General Committee. Retiring members of the General Committee shall be eligible for re-election.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the General Committee. A Special General Meeting shall be called by the Hon. Secretary within 21 days of receipt by him of a requisition in writing signed by not less than 30 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.
- 10.2 The Special General Meeting shall be held within 35 days of receipt by the Hon. Secretary of the requisition (Rule 10.1) in writing.
- 10.3 Notice of any resolution proposed to be moved at the Special General Meeting shall be given in writing in full detail to the Hon. Secretary. Where changes to rules are to be considered the precise wording of the resolution must be given in the requisition calling the meeting and appear on the notice of the Special General Meeting.

11. Procedure at the Annual and Special General Meetings

- 11.1 The Hon. Secretary shall personally 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 election under rule 9.3 and a copy of the examined accounts. The Notice of Meeting shall in addition wherever suitable be displayed on the Club Notice Board where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be 24 members entitled to attend and vote at the Meeting.
- 11.3 The President or in his absence the Chairman, or in his absence the Vice Chairman or in his absence a member selected by the General 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. Paid up members who have reached their 18th birthday shall be entitled to be heard and to vote on all matters.
- 11.4 The Hon. Minute Secretary, or in his absence a member of the General Committee, shall ensure that minutes are taken 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 the Annual General or a Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present 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 Gloucester 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 Hon. Secretary of the Club so as to be received by him not later than 1st October in the case of the Annual General Meeting.

12.2.1 In the case of a Special General Meeting Rule 10. shall apply.

- 12.3 Any member entitled to attend and vote at a General Meeting shall be entitled to put a motion of amendment to any proposal before a General Meeting provided the motion of amendment is in writing and shall have been handed to or posted to the Hon. Secretary of the Club so as to be received by him 7 days before the date of the meeting.

12.3.1 A copy of a motion of amendment shall be sent to the proposer of the resolution and copies made available at the General Meeting.

13. By-Laws

- 13.1 The General 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 General Committee or at a General Meeting.

14. Finance

- 14.1 All moneys payable to the Club shall be received by the Hon. Treasurer and deposited in a bank/building society account in the name of the Club. No sum shall be drawn from that account except by cheque signed by any two of the cheque signatories, who shall be members of the General Committee. Any moneys not required for immediate use may be invested as the General 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 18.3.

- 14.3 The General Committee shall have power to authorise the payment of remuneration and expenses to any officer, member, employee or sub-contractor to 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 Hon. Treasurer in such manner as the General Committee think fit.

- 14.5 The financial year of the Club shall be the period commencing on 1st September and ending on 31st August Any change to the financial year shall require the approval of the members in a General Meeting.

- 14.6 The General 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

A resolution for the Club to borrow funds shall only be proposed at a General Meeting and shall be carried by a majority of at least two-thirds of members present and voting.

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 General 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 Contracts and Conflict of Interest.

- 17.1 The General committee may enter into short term contracts (one year) on behalf of the Club. By resolution at an Annual or Special General Meeting longer term contracts may be entered into provided that the resolution is carried by a majority of at least two-thirds of the members present and voting at the General Meeting.
- 17.2 Any member having a financial interest direct or indirect in any matter under consideration at any meeting held by the Club shall declare such interest to the meeting and shall not take any part in the discussion unless permitted to do so by the express permission of the chairman of the meeting and shall not be eligible to vote on the matter.

18. Dissolution

- 18.1 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 voting.
- 18.2 The dissolution shall take effect from the date of the resolution and the members of the General Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
- 18.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to another non-profit making organisation having objects similar to those of the Club for the furtherance of such objects nominated by the last General Committee.

19. Club Championships

- 19.1 Club championships shall be open to members who are eligible to swim for the Club in all team championships and competitions. Members who are precluded by reason of age but otherwise qualify shall be eligible to swim in Club Championships. No swimmer shall be permitted to enter Club Championships without first having completed 60 days membership prior to the event.

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 receipt of the rules of The Cheltenham Swimming & 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.