

Chippenham Amateur Swimming Club Constitution

Preamble – “Committee” shall mean the Club Executive Committee.

1. Club Name

The club shall be known as Chippenham Amateur Swimming Club and the members of the said club shall be amateurs as defined by A.S.A. Law.

2. Objects

2.1 The objects of the club shall be the objects of the Amateur Swimming Association. In 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, 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.

2.2 The club shall be affiliated to the ASA South West Region (and shall adopt and conform to the rules of the aforementioned association) and such other bodies as the Club may determine from time to time.

2.3 The business and the 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.

2.3.2 The Club in accordance with ASA Laws shall adopt the ASA Child Protection Procedures.

2.3.3 Members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedure.

2.4 By virtue of the affiliation of the Club to the 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 The Wilts County Amateur Swimming Association and the ASA South West Region.

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

2.4.3 The British Swimming (to include in particular the British Swimming Doping Control Rules and Protocols and British Swimming Disciplinary Code).

2.4.4 FINA, the world governing body of 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 rules or by-laws of the Club and any of the Governing Body Rules then the relevant Governing Body Rules shall prevail.

3. Membership

3.1 Any person wishing to become a member of Chippenham ASC must submit a signed application to the Hon. Membership / Registration Secretary. In the case of a junior (Under 16 Years) swimmer the swimmers parent or guardian must sign the application.

3.2 That the election of candidates for membership shall be by a simple majority vote of the committee. The committee may refuse a membership application without the need to give their reasons for the refusal. Membership cannot however be refused on discriminatory grounds.

3.3 All persons who assist in any way with the club’s activities shall become a member of the club and hence the ASA. As such the relevant ASA Membership Fee shall be paid.

3.4 No person, unless a member, shall be allowed to use the swimming pools during the time allocated for the exclusive use of the above Club except when authorised by the committee.

4. Subscriptions and Other Fees

4.1 The 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 the Annual General Meeting shall determine.

4.2 The annual subscription shall be due on joining the club and thereafter on the 1st day of February 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 the annual membership subscription and other fees. This shall include the power to make such increases 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 subscription shall be advised to the members in writing with the reason for any increase to be reported to the members at the next Annual General Meeting.

5. Resignations

5.1 A member wishing to resign membership of Chippenham ASC must give the Hon. Secretary written notice of his / her resignation. A member's resignation shall only take effect when this rule has been complied with.

5.2 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/ she shall be informed in writing that he / she is no longer a member by notice handed to the said member or sent by post to their last known address.

6. Expulsions and Other Disciplinary Action

6.1 All members shall be governed by the regulations laid down by the Pool Management. Any person transgressing any of the Swimming Pool Regulations, or committing any damage, or being guilty of disorderly behaviour shall, at the discretion of the Committee, be deprived of their membership.

6.2 To ensure the implications of the above rule 6.1 are adhered to; all members must sign the behavioural agreement that will form part of the membership application and will be renewed on an annual basis thereafter.

6.3 The Club shall adopt and comply with the ASA Guidelines for handling internal Club Disputes. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook.

6.4 The Officers of the Club may temporarily suspend or terminate 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 complain will thereafter be dealt with in accordance with the ASA Guidelines.

6.5 For more serious complaints a Disciplinary Panel shall be convened. The panel shall consist of three members of the Club Executive Committee not involved the dispute or if this is not possible or desirable, from the members of any other club affiliated to the ASA. The panel has the power to terminate a membership and their decision is final.

6.6 A member may not be expelled or (subject to Rule 6.4 above) 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 the member.

7. Executive Committee

7.1 The Club Executive Committee shall consist of twelve members together with the officers, the Competition Secretary, Assistant Secretary, Coach, Past Presidents and Delegates to the Association, plus a welfare officer as required by the ASA.

7.2 **Officers** - The Officers shall be the Club President, the Club Chairman, the Club Secretary and the Club Treasurer.

7.2.1 The Club Executive Committee members shall be proposed, seconded and elected by ballot or show of hands at the Annual General Meeting. Election to the Committee shall be for two years. Six members of the Committee shall retire annually but shall be eligible for re-election. Any casual vacancy occurring by resignation or otherwise

may be filled by the Committee but any member so chosen shall retire at the next Annual General Meeting but shall be eligible for re-election at that meeting.

7.2.2 If an elected member of the Committee is absent for three consecutive Committee Meetings they will be deemed to have resigned. The Committee may consider only exceptional reasons for absence before applying this rule. The member concerned may stand for re-election at the next AGM.'

7.2.3 The secretary shall inform the Committee Member of their situation concerning '7.2.2' when they have missed two (2) consecutive meetings.

7.3 Committee meetings shall be held every month save where the Committee itself shall by a simple majority resolve not to have a meeting. Five members must be present to form a quorum; this number must 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 to do so.

7.4 The Secretary shall give **all members** of the Committee not less than seven (7) days oral or 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 the minutes.

7.5 In the event that a quorum is not present within thirty minutes of the published start time, the 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 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 in Rule 11 shall not apply.

7.6 The Committee shall have power to co-opt up to four members, who shall sit until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present. Past Presidents who are members of the Club shall be entitled to a seat on the Committee by attending at least three meetings per annum and shall have the power to vote on any issue.

7.7 The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary and may delegate 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.

7.8 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Club Accounts for each financial year; be examined by an independent examiner appointed by the members in General Meeting.

7.9 The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.

8. Club Officers and Life Members

8.1 The Officers and members of the Committee as listed in 7.2 shall be proposed, seconded and elected by ballot or show of hands at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. The Committee may fill any vacancy occurring by resignation or otherwise. Retiring officers shall be eligible for re-election.

8.2 The Annual General Meeting of the Club shall every three years elect the Club President who will hold that office for the next three years. A President Elect shall be elected at the end of the current Presidents second year in office.

8.3 The Committee may elect any person as a Life Member of the Club and they shall be entitled to all the privileges of membership. Such life members must be included in the Club's annual return as to membership.

9. Annual General Meeting

9.1 The A.G.M. shall be held prior to the County A.G.M. when the election of the Officers, Competition Secretary, Assistant Secretary, Delegates to the County Executive and District Association, and the required number of committee members shall take place.

9.2 The Club President shall hold office for three years and a President Elect will be elected at the end of the Presidents second year in office with a seat on the Executive Committee.

9.3 At least 14 days notice of the meeting shall be given and nominations for any of the above positions must reach the Secretary at least 7 days prior to the meeting. Senior (16 and over) and the Parents or Guardians of Junior members under 16 years will be allowed to vote.

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

9.4.1 To receive the Secretary's report of the activities of the Club during the previous year.

9.4.2 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.

9.4.3 To review the membership fees as presented in the Finance Section 14.5

9.4.4 To elect the Officers and other members of the Committee as per Rule 9.1.

9.4.6 To decide on any resolution, which may be duly submitted in accordance with Rule 9.5.

9.5 Members proposing any resolutions, change or alterations to the clubs rules shall present the proposal to the Hon. Secretary, in writing, at least 14 days prior to the meeting. No club rule shall be added, altered or rescinded, except at the Annual General Meeting or Special General Meeting.

10. Special General Meeting

10.1 The Committee shall at any time call a special general meeting and shall also call a meeting at the request of 15 voting members, none of whom shall be members of the Executive Committee. The object of such a meeting must be clearly specified. Not less than 12 voting club members shall form a quorum. Such a meeting shall be convened in the same manner as the Annual General Meeting.

10.2 No question shall be discussed and no proposal entertained that had not been in the written notice of such a meeting.

10.3 Any subject having been placed on the agenda for discussion at a special meeting and discussed at that meeting shall not again be placed on the agenda until the Annual General Meeting.

11. Procedures at the Annual and Special General Meetings

11.1 The Secretary shall be responsible advertising 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.

11.2 The quorum for the Annual General Meeting shall be not less than 8 voting club members and a quorum for a Special Meeting shall be not less than 20 voting club members.

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 a simple majority shall pass resolutions. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.5. In the event of an equality of votes the Chairman, or the acting Chairman of that meeting, shall have a casting or additional vote.

11.4 Paid up members who have reached their 16th birthday shall be entitled to be heard and 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 chairman as matters concerning juniors.

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

11.6 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meetings, the sole interpreter of the Rules of the Club.

12. Alteration of Rules and Other Resolutions

12.1 The rules may be altered by a resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two thirds of the members present and voting at the General Meeting. No

amendments to the rules shall become effective until such amendments shall have been submitted to and validated by the Wilts County ASA.

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 to or posted to the Secretary of the Club so as to be received by the secretary not later than 14 days before the Annual General Meeting and or a Special General 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

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. The 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 of money shall be drawn from that account except by cheque signed by two of the four signatories who shall be the Chairman, Secretary, Treasurer and a nominated committee member. Any money not required for immediate use may be invested as the Committee in its discretion thinks 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, unless 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 a manner as the Committee think s fit.

14.5 The annual subscription for Family Membership, consisting of parents and juniors, seniors and juniors (under 18 years of age and in full time education) shall be agreed at the previous A.G.M. and reviewed annually. Subscriptions become due on 1st February each year and membership expiring on the 31st January.

14.6 That a member shall not be entitled to the privileges of the Club, or to be eligible to enter for any Competitions, until the annual subscription to the Club has been paid.

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 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 issue of debentures charged upon all or any part of the property of the Club.

15.3The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sum 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 proposed at a General Meeting and shall be carried by a majority of at least three quarters of the member present and voting.

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 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 Committee.

18. Acknowledgement

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

I acknowledge these Rules of Chippenham Amateur 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.