

RULES of Aireborough Swimming Club (“the Club”) as at 30th November 2023

1. Name

1.1 The name of the Club shall be Aireborough Swimming Club.

2. Objects

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

Commented [CC1]: Previously 'practice and encouragement of swimming'

2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination and shall act in compliance with the protections afforded by the Equality Act 2010.

2.1.2 The Club shall implement the Swim England Equality Policy (as may be amended from time to time).

2.2 The Club shall be affiliated to Swim England North East Region and shall adopt and conform to the rules of North East Region, 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 Articles, Regulations and Technical Rules of Swim England (“Swim England Regulations”) and in particular:

2.3.1 all competing members shall be eligible competitors as defined in Swim England Regulations; and

2.3.2 the Club shall in accordance with Swim England Regulations adopt the current Swim England’s Child Safeguarding Policy and Procedures (“Wavepower”); 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.

Commented [CC2]: Addition of 'the current'

2.3.3 members of the Club shall in accordance with Swim England Regulations comply with Wavepower.

2.4 By virtue of the affiliation of the Club to Swim England North East Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:

2.4.1 Yorkshire Swimming Association; and

Commented [CC3]: Additional wording

2.4.2 North East Region; and

2.4.3 Swim England (to include the Code of Ethics); and

2.4.4 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and

2.4.5 European Aquatics, the European governing body for the aquatic sports; and

Commented [CC4]: Previously 'LEN'

2.4.6 World Aquatics, the World governing body for the aquatic sports.

Commented [CC5]: Previously 'FINA'

(Hereinafter defined as “Rules of a Governing Body”).

Commented [CC6]: Additional wording

2.5 In the event that there shall be any conflict between any rule or by-law of the Club and the Rules of the Governing Body then the relevant Rule of the Governing Body shall prevail.

3. Membership

3.1 The total membership of the Club shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee

shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.

Commented [CC7]: Additional wording

3.2 Club membership consists of four parts all or some of which may have annual fees. The four parts with applicable fees to be paid by the due date are Club, County, Region and Swim England membership.

Commented [CC8]: Additional wording

3.3 All persons who assist in any way with the Club's activities shall become members of the Club and hence Swim England and the relevant Swim England 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 active life members, Officers, Presidents, technical and non-technical officials, temporary members and verifiers or tutors of Swim England's educational certificates.

3.4 Paid individuals who are not members of the Club must be members of a body which accepts that its members are bound by Swim England's Code of Ethics, Swim England Regulations relating to Wavepower, those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.

Commented [CC9]: Additional wording

3.5 Any person who wishes to become a member of the Club must submit an application by the Club's stated process to the Club Secretary (and in the case of a child under 18 years of age the application must be submitted by the applicant's parent or guardian). The Club application process should be able to view either online or via a paper format.

Commented [CC10]: Previously 'submit a signed application'

3.6 Admission to membership shall be determined by the Club's agreed process. In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010. Neither may refusal be made on the grounds of political persuasion.

3.7 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. The Club 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.

3.8 Membership is not transferable. This includes the transfer of membership rights from a child under 18 years of age to a parent or guardian.

4. Membership and Other Fees

4.1 The annual membership subscription shall be set at a General Meeting for all classes of membership

4.1.1 Reduction in annual subscription fees shall be set at a General Meeting
e.g., Joining dates after 1st September.

4.2 The annual subscription to include Swim England, Region and County fees (if any) shall be due on joining the Club and thereafter on the 1st of January each year.

Commented [CC11]: Previously 'Swim England's membership fees are payable in addition to the clubs own subscription'

4.3 Any member whose subscription is unpaid by the 31st January 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 nightly admission fees.

Any increase in the fee shall be advised to the members with the reasons for any increase to be reported to the members at the next Annual General Meeting.

- 4.5 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the Club fees including Swim England, Regional and County fees, to address issues of social inclusion.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Club Secretary written notice of their resignation via post or electronic means.
- 5.2 Notwithstanding the provisions of Rule 5.1 a member whose subscription is not renewed by 28th February each year shall be deemed to have resigned from the Club and their membership terminated. Where membership has been terminated in this way the member shall be informed by e-mail that they are no longer a member.
- 5.3 A member who resigns from the Club or whose membership is terminated shall not be entitled to have any part of the annual Club, Swim England, Region or County membership fee refunded and must immediately return any Club or external body's property.
- 5.4 The Swim England Membership Department and the relevant Swim England Region shall be informed by the Club should a member resign or have their membership terminated when still owing money or property to the Club.

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 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 Club membership fee refunded and must immediately return any Club or external body's property held.
- 6.3 The Club shall comply with the relevant Judicial Regulations (Regulations 150-155 inc) for handling Internal Club Disputes as the same may be revised from time to time.
- 6.4 A member may not be expelled or (subject to Rule 6.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.5 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider Club activities, when in their opinion or following, 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 Regulations.
- 6.6 Swim England shall have power to temporarily suspend members or suspend members for a specified term in accordance with Judicial Regulations and Child Safeguarding Regulations as the same may be revised from time to time.

7. Committee

- 7.1 The Executive Committee shall consist of The President (who acts as Chairman), Secretary, Treasurer (together "Officers of the Club"), a Gala Chairman, Swimming Chairman, Finance & Admin Chairman plus two committee members from each of the three sub-committees, 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.

7.1.1 Gala Committee shall consist of a Chairman and up to 6 other members

7.1.2 The Swimming Committee shall consist of a Chairman and up to 6 other members

7.1.3 The Finance & Admin Committee shall consist of a Chairman plus up to 8 members including the Club Treasurer, Secretary, & Welfare Officer, the Chairman acts as Club Assistant Treasurer.

7.1.4 From the sub committees the following job functions are seconded: Vice Chairman, Communications Officer, Membership Secretary & Trophy Controller.

7.2 In accordance with Wavepower 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 Wavepower. The Welfare Officer shall not be related to or in a relationship with any one of the 'Executive Officers of the Club' or the Club's Coaches or Teachers.

7.3 The Welfare Officer will have a right to attend Committee meetings along with the power to vote. Attendance at meetings will be for the purpose of sharing or addressing matters relating to Welfare.

7.4 The Executive Officers and Committee members shall be proposed, seconded, and elected at the Annual General Meeting. Election to an Executive post or Committee shall be for two years. The newly elected Executive Officers and Committee members take office when the Chairman has closed the meeting. Half of the members of the Committees shall retire annually but shall be eligible for re-election.

The members so retiring being those who have been longest in office. Chairman of sub-committees are elected for one year only. 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.

7.5 Committee meetings shall be held not less than quarterly, and the quorum of that meeting shall be 5 numbers to include not less than 2 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 two days oral. 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 their absence a member of the Committee, shall take minutes.

7.6 In the event that a quorum is not present within 30 minutes of the stated 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 10.2 shall not apply.

7.7 The Committee may from time to time appoint such sub-committees and roles 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.

7.8 The Committee shall be responsible for the management 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 a General Meeting.

Commented [CC12]: Previously 'Registration Officer, Membership Club Night Administrator'

7.9 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.

7.10 The Committee shall maintain a log of Accidents/Incidents at Club related activities. Details of such shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines. The Club shall make an annual return to the Swim England Membership Department indicating whether or not an entry has been made in the prescribed online form. A copy of entries should be kept for a period of six years or in respect of an injury to a child they should be kept for six years after they attain 18 years of age.

Commented [CC13]: Additional wording

7.11 The Committee shall retain all financial records relating to the Club and copies of minutes of all meetings for a minimum period of six years.

8. Presidents and Honorary Members Life Members

8.1 The Committee may elect to honour a member by awarding them life membership of the Club and they shall be entitled to all the privileges of membership of the Club. Such active Life Members must be included in the Club's annual return of members to Swim England.

8.2 Nominees for President must be a person with at least three consecutive years membership, or who has done the Club substantial service.

9. Annual General Meeting

9.1 The Annual General Meeting of the Club shall be held each year during the last week in October or nearest available date. The date, time and venue / online option for the Annual General Meeting shall be fixed by the Committee.

9.2 For the purpose of participation in voting at an Annual General Meeting of the Club, all persons shall have been a member as at the membership deadline day which is the date of closure of nominations and submission of proposals.

Commented [CC14]: Additional wording

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

9.3.1 to receive the Chairman's report of the activities of the Club during the previous year;

9.3.2 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.

9.3.3 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/she remain in office.

9.3.4 to elect the Executive Officers and other members of the Committees.

9.3.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.5.

9.4 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 prior to the published date of the meeting. Both proposer and seconder must be a fully paid member of the Club and Swim England at the time of nomination. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election.

If there are no nominations for any of the officers or committee members with the Secretary prior to the A.G.M, nominations can be taken from the floor of the A.G.M.

9.5 Any adult member shall be entitled to put any proposal for consideration at an Annual General Meeting provided the proposal in writing is received by Secretary not later than 14 days prior to

the published date of the meeting, in the case of the Annual General Meeting, or in the case of a Special General Meeting 21 days before the date of the meeting.

- 9.6 No less than 7 days before the published meeting date, together with the resolutions to be proposed, a list of the nominees for the Committee posts and a copy of the examined accounts will be available upon request.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee.
- 10.2 A Special General Meeting shall be called by the Committee and held within 21 days of receipt by the Secretary of a requisition in writing signed by not less one-tenth in number of adult members entitled to attend and vote at a General Meeting, stating the purposes for which the meeting is required, and the resolutions proposed.
- 10.3 For the purpose of participation in voting at a Special General Meeting of the Club, all persons shall have been a member as at the membership deadline day which is the date that the requisition for the meeting was made by the Committee.
- 10.4 In the case of a Special General Meeting the Secretary shall be responsible for sending to each member at his/her last known postal or electronic address a written agenda giving notice of the date, time and venue no later than 14 days prior to the date agreed by the Committee following the requisition submitted 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 Committee can decide to hold the Annual or Special General Meeting virtually, using such electronic and video technology as it sees fit.
- 11.2 The Secretary shall notify the membership of the date, time and place of the General Meeting together with the resolutions to be proposed thereat, at least 7 days before the meeting and in the case of the Annual General Meeting on request a list of the nominees for the Committee posts and a copy of the examined accounts. The Notice of the Meeting shall in addition, wherever possible be displayed on the Club Notice Board.
- 11.3 The quorum for the Annual and Special General Meetings shall be seven members entitled to vote at the Meeting
- 11.4 The Chairman, or in the Chairman's absence a member appointed by the Committee shall take the chair. Each adult member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting or additional vote.
- 11.5 Only paid-up members who have reached their 16th birthday shall be entitled to be heard but not to vote.
- 11.6 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.7 The appointed Chairman of the meeting 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 an Annual or Special General Meeting provided that the resolution is carried by a simple majority 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 Swim

England North East Region.

- 12.2 Any adult 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 not later than 14 days , in the case of the Annual General Meeting or, in the case of a Special General Meeting 21 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 11.2.

13. By-Laws

- 13.1 The Committee shall have power to make, repeal and amend regulations and by-laws as they may from time to time consider necessary for the wellbeing of the Club. Such regulations, by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting. The Committee shall have power to settle disputed points not otherwise provided for in this Constitution.

Commented [CC15]: Moved within the Constitution, previously 6.9

14. Finance

- 14.1 All monies payable to the Club shall be received by the Treasurer or Assistant Treasurer and deposited in a bank account in the name of the Club.
- 14.2 No sum above £100 shall be drawn from that account except by cheque signed by two of the four signatories who shall be the Chairman, Secretary, Treasurer and Assistant Treasurer. Where transactions are via online banking the Treasurer should gain the approval of another signatory prior to making a payment. This approval should be recorded and retained by the Club. Any monies not required for immediate use may be invested as the Committee in its discretion thinks fit.
- 14.3 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).
- 14.4 The Committee shall have power to authorise the payment of remuneration and expenses to any member of the Club and to any other person or persons for services rendered to the Club.
- 14.5 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.6 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.

15. Borrowing

- 15.1 The Committee shall have no power to borrow money on behalf of the Club.

16. Property

- 16.1 The property of the Club, other than cash at the bank, shall be vested in three Custodians: The President, Secretary and Treasurer. 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 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 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 other non-profit making organisation having objects similar to those of the Club 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 This constitution must be readily available to all club members via posting on the Club website

18.3 The following statement **must** appear on Club membership renewal forms and is to be signed by the member or by the parent, or a person having parental responsibility for the member, if under 18 years of age:

"I confirm that I have read and agree to abide by the codes of conduct and the club policies. I have read the rules of Aireborough 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."

Commented [CC16]: Additional wording