



AMATEUR SWIMMING ASSOCIATION

HASTINGS SEAGULL SWIMMING CLUB



CLUB CONSTITUTION

June 2007

RULES of Hastings Seagull Swimming Club as at 20th June 2007

In these rules the masculine shall include the feminine.

1. Name

- 1.1 The name of the Club shall be Hastings Seagull Swimming Club and shall incorporate Hastings and St Leonards Amateur Swimming Club and the Seagull Swimming Club founded 1888 and 1948 respectively. The club colours shall be Royal Blue and White.

2. Objects

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming 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 its activity. This shall be regardless of sex, ethnic origin, religion, disability or political persuasion.

2.1.2 The Club shall implement the Amateur Swimming Association (ASA). Equal Opportunities policy

- 2.2 The Club shall be affiliated to ASA South East Region and the Sussex County Amateur Swimming Association, and shall adopt and conform to the rules of these Associations, and to such other bodies as the Club may determine from time to time.

- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the 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 ASA South East Region and the Sussex County Amateur Swimming Association, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:

2.4.1 ASA South East Region and the Sussex County Amateur Swimming Association; and

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

2.4.3 the Amateur Swimming Federation of Great Britain (to include in particular the Amateur Swimming Federation of Great Britain (ASFGB) Doping Control Rules and Protocols and ASFGB Disciplinary Code); and

2.4.4 Federation Internationale de Natation (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

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 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 and verifiers or tutors of the ASA's educational certificates. The club will pay the ASA membership fees for any paid instructors.

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 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 in the discretion of the Committee but other person(s) authorised by the Committee may make recommendation as to the applicants' acceptability. The Committee shall not be required to give reasons for the refusal of any application for membership.

4 Subscription and Other Fees

- 4.1 The annual members' subscription and session fees shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine. 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.

- 4.2 The annual subscription shall be due on joining the Club and thereafter on the 1st day of January each year. All Persons accepted as members on or after the first September shall pay a membership fee of one tenth of the annual subscription for each month or part of a month remaining in that 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.

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 or whose session fees are three months in arrears shall be deemed to have resigned. 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 him to remain a member. The Club in exercising this power shall comply

with the provisions of Rules 6.2 and 6.3 below

- 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.
- 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 of the Club or the Head Coach may temporarily suspend or exclude a member from a particular training session and/or wider club activity, 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 shall consist of the President, Secretary, Treasurer (together “the Executive Officers of the Club”) and 12 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 members to attend their meetings without power to vote.
- 7.2 The Committee members 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 Committee. Retiring members of the Committee with the exception of the President (see 8.2) shall be eligible for re-election.
- 7.3 Committee meetings shall be held not less than quarterly and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Committee members to include not less than one Executive Officer. The President 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 or one weeks 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 President or the chairman of that meeting shall have a casting or additional vote. The Minutes Secretary, or in his absence a member of 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 President. 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 may delegate to them such of the powers and duties of the Committee as the Committee may determine. The following sub-committees shall be elected at the first Committee Meeting following the Annual General Meeting:
 - a. General Purpose Sub-Committee consisting of the Executive Officers and two other members. They shall meet to deal with matters of urgency and are empowered to act on cases where an immediate decision is deemed necessary. Any actions taken shall be

referred to the next committee meeting for ratification. Three members shall form a quorum which must include one non executive officer.

- b. Finance Sub-Committee consisting of the Executive Officers and three other members. Three members shall form a quorum which must include the Treasurer and one non executive officer.
- c. Gala and Swimming Sub-Committee consisting of the Executive Officers plus five other members and the Head Coach. Five members shall form a quorum which must include one executive officer.

All minutes of sub-committees shall be presented to the next Committee Meeting for ratification.

- 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 provided for in this Constitution.
- 7.8 Any member of the Committee not attending three consecutive meetings without a satisfactory explanation shall be deemed to have resigned.
- 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.
- 7.10 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.
- 7.11 The Committee shall maintain an Accident Book in which all accidents to club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the A.S.A. Office. The Club shall make an annual return to the ASA in the prescribed form

8 Officers and Honorary Members

- 8.1 The Executive 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. (See also 7.2)
- 8.2 Nominations for President may be made by members of the Club to the Secretary no later than the 31st March. The Committee shall review all nominations and make a recommendation to the Annual General Meeting for ratification. The President may be re-elected for a maximum of two consecutive years in any term of office, thereafter a minimum of a year must elapse before a candidate can be reconsidered for election.
- 8.3 The Committee may elect any person as an honorary member of the Club for such period as it thinks 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 as to membership.
- 8.4 The Committee may propose candidates for Life Membership in recognition of valuable services rendered to the club. Such nominations shall be considered by the Annual General Meeting and approved by a simple majority vote. Life Members shall be entitled to all the privileges of membership. Life 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 in June. 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 President'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 Executive Officers and other members of the Committee;

9.2.5 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 10th May. 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 later than 10th May.

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 7 members entitled to attend and vote at a General Meeting 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 Secretary shall personally be responsible for the handing out or sending to each member at his last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed 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 Secretary may, alternatively, with the agreement of members concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition be displayed on the Club Notice Board.

11.2 The quorum for the Annual and Special General Meetings shall be 12 members entitled to attend and vote at the Meeting.

11.3 The President, or in his absence a member selected by the Committee, shall take the chair. Each eligible member present shall have one vote and resolutions, other than alterations to the rules, shall be passed by a simple majority. In the event of an equality of votes the President shall have a casting or additional vote. Members aged 17 years and over on the 31st December in the year of the AGM shall be entitled to a vote at that meeting. Members who are below this age shall be entitled to be heard and vote only on those matters determined by the President as matters concerning juniors, such as the election of club captains.

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

11.5 The President 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 an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. No amendments to the rules shall become effective until such amendments have been submitted to and validated by such person as is authorised to do so by the ASA South East Region.
- 12.2 Any member shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing has been seconded by another member and shall have been handed to or posted to the Secretary of the Club so as to be received by him not later than 10th May 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 (Operational Rules)

- 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 moneys payable to the Club shall be received by the Treasurer and deposited in a bank or building society 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 President, Secretary and Treasurer. Cheques for sums in excess of £10,000 shall be signed by all three Executive Officers. Any moneys 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 thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st April and ending on 31st March.

15 Property

- 15.1 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.
- 15.2 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.
- 15.3 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.

16 Dissolution

- 16.1 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.
- 16.2 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.
- 16.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects) nominated by the last Committee.

17 ACKNOWLEDGEMENT

- 17.1 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 needs to appear on Club membership forms and is to be signed by the member and must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

I acknowledge receipt of the rules of Hastings Seagull 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.