

Hertsmere Flyers Swimming Club



affiliated to ASA East Region

RULES of Hertsmere Flyers Swimming Club as at May 2011

1. Name

1.1 The name of the Club shall be Hertsmere Flyers Swimming Club

2. Objects

2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular to promote competitive swimming. 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, 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 East Region (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 ASA East Region, the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

2.4.1 the ASA East Region; and

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

2.4.3 British Swimming (to include in particular the British Swimming Doping Control Rules and Protocols and British Swimming 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 Hertsmere Flyers Swimming 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 Committee Meeting of the Club. The Committee 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.

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 determined by (the Membership Officer) OR* (the Membership Applications sub-committee) but other person(s) authorised by the committee may make recommendation as to the applicant’s acceptability. The (Membership Officer) OR* (the Membership Applications sub-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 Committee). The panel shall (wherever practicable) include one independent member nominated by the ASA 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.

4. Subscription and Other Fees

4.1 The member's subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.

4.2 Membership subscription fees are calculated on an annual basis, with annual fees becoming due on 1st April of each year.

4.3 Members subscription fees shall be payable either monthly or annually as elected by the member, but no discount will be given for annual payment.

4.4 The member's subscription fee shall be due on joining the Club and thereafter on the 1st day of each month (if member elects to pay monthly).

4.5 The member's subscription for new members joining the club mid month shall be pro-rata.

4.6 A joining fee will be payable once a new members application has been accepted.

4.7 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. They also lose their voting rights until such time their subscription outstanding subscription is paid. They are not entitled to represent club in a competitive gala until the outstanding subscription is paid.

4.8 A temporary reduction in a member's subscription may be allowed at the Committees discretion, if for any reason the member is subject to financial hardship, such discretion cannot be perpetual and must be subject to review at a Committee meeting at least once each quarter.

4.9 The Committee shall, from time to time, have the power to determine the membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

4.10 A parent or carer maybe nominated for membership for each member under the age of 16 yrs. Any nomination must be entered on the membership application or in writing to the committee secretary seven days prior to any vote. This membership will automatically be revoked on the members 16th birthday.

5. Resignation

5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of their resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.

5.2 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way they shall be informed in writing that they are no longer a member by notice handed to them or sent by post to their 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. When determining whether or not a member should be expelled the Committee must follow The Club Disciplinary Procedure.

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 of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion; such action is in the interests of the Club. Where such action is taken the complaint will thereafter be dealt with in accordance with the Club Disciplinary Procedure.

6.5 Club members must observe The Club Code of Conduct at all training sessions and galas when representing the Club. Failure to comply with this will result in disciplinary action.

6.6 Parents/carers of younger members must remain on hand throughout the training session. If this is not possible they must leave a contact number with the Coach.

7. Committee

7.1 The Committee shall consist of no more than ten members the Chairperson, Secretary, Treasurer (together “the Officers of the Club”) and co-opted or elected members 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 as observers without power to vote.

7.2 The Officers of the Club 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 shall be eligible for re-election.

7.3 The Committee members (other than the Officers of the Club) shall be proposed, seconded and elected by ballot at the Annual General Meeting each year, If the elected membership exceeds the maximum permitted a secondary ballot must be held to reduce the number to the maximum. Then the duly elected members shall remain in office until their successors are elected at the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election.

7.4 Committee meetings shall be held not less than once a quarter (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be four members (to include not less than one Officer). The Chairperson and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than seven days 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 Chairperson (or the acting Chairperson of that meeting) shall have a casting or additional vote. The Secretary, or in their absence, a member of the Committee, shall take minutes.

7.5 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 Chairperson. 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

7.6 In addition to the members so elected the Committee may co-opt up to six further members of the Club who shall serve 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.

7.7 The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.

7.8 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 Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.

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 Any Committee member who fails to attend two consecutive committee meetings may be suspended from the Committee at the following meeting if so voted by two-third majority of the Committee, if no reasonable explanation has been provided. Any suspension should be notified in writing to the Committee member's last known address and remain in force until the Committee rescind the suspension or re-election at the next Annual General Meeting.

7.11 Members of the Club coaching staff maybe invited to sit on the Committee, but are not entitled to any voting rites. At the discretion of the Committee invited members maybe asked to withdraw from the meeting in order to discuss sensitive issues.

7.12 No Committee member should be involved in a discussion or vote in which they have a personal interest. In such a case the individual concerned must declare their interest and withdraw from the meeting. Such discussions should be minuted separately and remain confidential from the member who withdrew.

7.13 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 ASA office. The Club shall make an annual return to the ASA in the prescribed form.

8. Officers [and Honorary Members]

8.1 The Officers and Committee of the Club shall be proposed, seconded and elected [by ballot] at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or

otherwise may be filled by the Committee. Retiring officers shall be eligible for re-election.

8.2 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-Presidents. A President 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 Committee may elect any person as an honorary member of the Club for such period as they think fit and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as officers or on the Committee unless any such person shall have retained in addition his ordinary membership of the Club. Such honorary members must be included in the Club's annual return 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 1 April and 30 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 Chairperson'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 they remain in office;

9.2.4 to elect the 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 21 days prior to the date of the AGM.. The nominee shall be required to indicate in writing on the nomination form their willingness to stand for election and must attend the Annual General Meeting unless illness prevents them from being present in which case they must submit a written apology. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not

less than 14 days before the date of the AGM.

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 of a requisition in writing signed by not less than one-tenth of the 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 their last known e-mail address written notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 10 days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.

11.2 The quorum for the Annual and Special General Meetings shall be 7 members entitled to attend and vote at the Meeting

11.3 The Chairperson, or in their absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairperson shall have a casting or additional vote. Paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairperson as matters concerning juniors.

11.4 In the absence of a quorum the Annual or Special General Meeting shall be reconvened within fourteen days where no quorum is required. At least two days notice must be given either by notice board or letter to the last known address of each member.

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

11.6 The Chairperson 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 amendment to the rules shall become effective until such amendment shall have been submitted to and validated by ASA East Region,

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 them not later than 14 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1

13. By-Laws

13.1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of the Club which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

14. Finance

14.1 All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum above £100 shall be drawn from that account, except by cheque signed by the two signatories, who shall be any two of the Officers of the Club or by bank transfer, in which case, notification must be given, in writing, to the other signatory. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, [save as set out in Rule 17.3.]

14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club.

14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee think fit.

14.5 The financial year of the Club shall be the period commencing on 6th April and ending on 5th April. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 The Committee shall retain for a minimum period of six years all financial records relating to the club and copies of Minutes of all meetings.

15. Borrowing

15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own for the general upkeep of the Club or with the prior approval of a General Meeting for any other expenditure, additions or improvements.

15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

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 members present and entitled to vote.

17.2 The dissolution shall take effect from the date of the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.

17.3 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.

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.

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 confirm my acceptance of the rules of Hertsmere Flyers Swimming Club (as found at www.hertsmereflyers.org) and understand 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 as set out in these rules.