

RULES of Portway Swimming Club

1. Name

1.1 The name of the Club shall be Portway Swimming Club, Bristol

2. Object

2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular the teaching, development and practice of swimming in competition. 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 shall implement the ASA Equal Opportunities Policy

2.1.3 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 Gloucester County Amateur Swimming Association and Amateur Swimming Association South West 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 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 Gloucester County and ASA South West 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 its Doping Control Rules and Protocols and Disciplinary Code) (; and

2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")

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

3 Membership

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

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, instructors, teachers and coaches, whether employed, self employed or voluntary, Committee members, helpers, Honorary members, life members, officers, patrons, presidents, technical and non-technical officials, temporary members, vice presidents and verifiers or tutors of the ASA's educational certificates.

3.2 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary (and in the case of a swimmer under 18 the application must be signed by the swimmer's parent or guardian). Such signature shall constitute acceptance of the Rules of the Club. Election to membership shall be in the discretion of the Committee or other person(s) authorised by the Committee. The Committee shall be required to give reasons for refusal of membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee, comprising not less than 3 members (who may or may not be members of the Committee). The Panel shall wherever practicable include one independent member nominated by the ASA South West Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding. Membership may not be refused on discriminatory grounds.

4 Subscription and Other Fees

4.1 The annual or termly members subscription and coaching 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. Members who have not yet reached their 16th birthday shall be junior members, whose voting rights are as in Rule 11.3; other members shall be senior members. The proposed subscriptions and fees shall be advised to the members in writing and shall be reported to members at the Annual General Meeting, but the Committee shall retain the right to review and change them at any time.

4.2 The subscription, coaching fees and entrance fee shall be due on joining the Club and thereafter on the first swimming meet of each term (normally early in September, January and April).

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. The ASA shall be advised if a member leaves the Club owing arrears of subscriptions and fees.

5 Resignation

5.1 A member wishing to resign membership of the Club must give to the Membership 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 shall be deemed to have resigned. Where the membership of a member shall be terminated in this way, he shall be so informed in writing 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.

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 Guidelines.

7 Committee

7.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together “the Officers of the Club”), and not less than 3 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 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 shall be eligible for re-election. As one of the Committee members, the AGM shall elect a Welfare Officer who shall not be one of the Officers of the Club, the Coach, the Club teachers or the Team Manager, or any relative thereof.

7.3 Committee meetings shall be held approximately 6-weekly but in any case no less than 6 times per year (save where the Committee itself shall by a simple majority resolve not to meet), 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 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. The Secretary shall give all the members of the Committee not less than two days oral 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 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 another 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 11.1 shall not apply

7.5 In addition to the members so elected the Committee may co-opt up to 5 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 not be counted in establishing whether a quorum is present.

7.7 The Committee shall be responsible for the management of the Club and its finances 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. All decisions pertinent to the management of the Club and its finances shall be recorded in minutes approved by

the Committee.

7.8 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.

7.9 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 A.S.A. in the prescribed form

8 Officers

8.1 The Officers and Committee of the Club shall be proposed, seconded and elected by simple majority 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. A 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 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.

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 March ("the Opening Date") and 30 April ("the Closing Date"). 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 Chairman'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 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 7 days before the date of the meeting. 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 less than 21 days before the date of the meeting.

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 or (if greater) such numbers as represents one-tenth in number of such members 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 written notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting. 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 or (if greater) such number as represents one-tenth in number of such 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 resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. Paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 16th birthday shall not be entitled to vote.

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

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

12 Alteration of the Rules and other Resolutions

12.1 The rules may be altered by resolution at 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 Gloucester County ASA/ASA South West Region.

12.2 Proposals for alteration of the rules shall be dealt with according to rules 9.3 and 11.

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 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 shall be drawn from that account except by cheque signed by two of the authorised signatories who shall usually be the Chairman, Secretary, Treasurer, and one other member of the Committee, and shall in any case be members of the club. 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.

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 1 Sept and ending on 31 August. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 The Club shall retain for a minimum of 6 years all financial records relating to the Club and copies of minutes of meetings.

15 Dissolution

15.1 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.

15.2 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.

15.3 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.

16 ACKNOWLEDGEMENT

16.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

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

I acknowledge receipt of the rules of _____ 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.