



CONSTITUTION of the HEMEL HEMPSTEAD Swimming Club ("the Club) as at July 2017

1. Name

- 1.1 The name of the Club shall be the Hemel Hempstead Swimming Club and the Club colours shall be blue and white.

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:
- 2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.
- 2.1.2 The Club shall implement the ASA Equal Opportunities policy.
- 2.2 The Club shall be affiliated to the ASA East Region and shall adopt and conform to the rules of this Association, 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 ASA ("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 shall in accordance with ASA Laws adopt the ASA Child Safeguarding Procedures shall recognize 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 Safeguarding Procedures.
- 2.4 By virtue of the affiliation of the Club to the ASA East Region, the Club and its members acknowledge that they are subject to the laws, rules and constitutions of:
- 2.4.1 the ASA East Region
- 2.4.2 the Amateur Swimming Association (including the ASA/IOS Code of Ethics)
- 2.4.3 British Swimming (in particular its Doping Control Rules and Protocols and Disciplinary Code)

- 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 normally be limited according to the number of swimmers that can be safely managed in each group during training sessions.
- 3.2 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, Executive Officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of the ASA’s educational certificates.
- 3.3 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.
- 3.4 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 the age of 18, the application must be signed by the swimmer’s parent or guardian). Election to membership shall be determined by the Membership Secretary but other person(s) authorised by the Committee may make recommendation as to the applicant’s acceptability. The Membership Secretary 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 Review Panel shall [wherever practicable] include one independent member nominated by the ASA East 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.
- 3.5 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, sex, religion, disability, political persuasion or sexual orientation.
- 3.6 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.
- 3.7 By applying to join the Club, applicants undertake to accept and abide by the Club’s rules, which constitute a contract between Club and members.

- 3.8 Applicants for Full Membership of the Club will be expected to have attained the standard of swimming proficiency determined by the Committee from time to time. Full members are entitled to use all Club facilities.
- 3.9 Non-swimming adults may apply for Associate Membership of the Club. Associate Members will not be entitled to coaching facilities or to represent the Club in swimming events apart from designated parents' races (or unless expressly authorised by the Committee), but will have the same rights as full members in other respects.

4. Subscription and Other Fees

- 4.1 The amount and method of payment of members' subscription, entrance fee, coaching and squad fees (as applicable) shall be determined from time to time by the Committee. 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. In setting members' subscriptions and fees, the Committee shall make special provision for different classes of membership as it shall determine

Any increase in subscriptions or fees shall be advised to the members by email and be posted on the Club notice board with the reasons for any increase to be reported to the members at the next Annual General Meeting.

- 4.2 In exceptional cases, and on a formal proposal passed by a simple majority of the Committee, all or part of the subscription and other fees may be waived, for example to address issues of social inclusion.
- 4.3 Any member whose subscription is unpaid 31 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. Continuing failure to bring a subscription up to date is governed by Rule 5.2.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give the Secretary written notice of 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 may be deemed to have resigned. Where membership is terminated in this way the member shall be informed in writing of that termination by notice delivered by hand or sent by post to the member's last known address.
- 5.3 The ASA Membership Department shall be informed should a member resign when still owing money or goods to the Club.

6. Expulsion and other Disciplinary action

- 6.1 The Committee shall have the power to expel a member when, in its opinion, it would not be in the interests of the Club for that person to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below. Where membership is terminated in this way the member shall be informed in

- writing of that termination by notice delivered by hand or sent by post to the member's last known address.
- 6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.
 - 6.3 The Club shall comply with the relevant Judicial Rules for handling Internal Club Disputes ("the Rules") as the same may be revised from time to time. The Rules are set out in the ASA Judicial Laws and appear in the ASA Handbook. (A copy of the current Rules may be obtained from the ASA Department of Legal Affairs).
 - 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 Executive 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 incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

7. Committee

- 7.1 The Committee shall consist of the Chairman, Vice-Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") and up to 8 other members all of whom shall be members of the Club. No Committee members should be less than 18 years of age though the Committee may allow younger members (e.g. Club Captains) to attend their meetings as observers without power to vote. No person shall hold more than one Office at any one time, nor shall an Officer serve simultaneously as Head Coach.
- 7.2 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 ASA Child Safeguarding courses. The Welfare Officer will be a member of the Committee with the power to vote.
- 7.3 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 three years (other than the posts of Welfare Officer and Head Coach who shall not be subject to this provision) . The newly elected Executive Officers and Committee members will take office when the Chairman has closed the meeting. One third of those holding an Executive post and the members of the Committee shall retire annually but shall be eligible for re-election. The members so retiring being those who have been longest in office. 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. The posts of Welfare Officer and Head Coach shall not be subject to the provisions of this Rule 7.3 and these posts shall therefore not subject to the retirement provisions herein contained.

- 7.4 Committee meetings shall be held not less than once a month (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be a simple majority of members entitled to vote at Committee (and include at least one Executive 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 one week's notice of a meeting (via email or verbally). 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/her 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 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.
- 7.6 Committee members who are absent for more than three consecutive meetings without satisfactory explanation shall be assumed to have vacated their seats on the Committee. Where Committee membership is terminated in this way the Committee member shall be informed in writing of that termination by notice delivered by hand or sent by post to the member's last known address.
- 7.7 In addition to the members elected, the Committee may co-opt further members of the Club, up to the maximum Committee size dictated by Rule 7.1, who shall serve until the next AGM. Co-opted members shall be entitled to vote at meetings of the Committee and shall be counted in establishing whether a quorum is present.
- 7.8 The Head Coach will be a member of the Committee with the power to vote. Other paid coaches of the Club may be nominated for election. Any paid coaches will not have the right to vote on matters relating to their terms of service.
- 7.9 The Committee may from time to time appoint from among its number such sub-committees as it 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.
- 7.10 The Committee shall be responsible for the management of the Club and Committee Members at the direction of the Committee shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee and Committee Members at the direction of 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 are examined by an independent examiner to be appointed by the members in a General Meeting.

- 7.11 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.
- 7.12 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 Membership Department. The Club shall make an annual return to the ASA Membership Department indicating whether or not an entry has been made in the prescribed form, which is to be found on the membership renewal form.
- 7.13 The Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.

8. President, Vice-Presidents and Honorary Members

- 8.1 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 shall be included in the Club's annual return of members to the ASA.
- 8.2 The Committee may elect any person as an Honorary member of the Club for such period as they think fit. An Honorary member shall be entitled to all the privileges of membership but not be entitled to vote at meetings or serve as Officers or on the Committee unless any such person shall have retained in addition ordinary membership of the Club. Such Honorary members shall be included in the Club's annual return of members to the ASA.

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held in July each year or as close as possible. The date for the Annual General Meeting shall be fixed by the Committee.
- 9.2 The purpose of the AGM is to transact the following business:
 - 9.2.1 to receive reports from the Chairman and Head Coach 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 on 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 nor a member of the family of a member of the Committee) or confirm that he/she remain in office
 - 9.2.4 to elect the Executive Officers and other members of the Committee in accordance with Rule 9.3
 - 9.2.5 to decide on any resolution which may be duly submitted in advance, according to Rule 9.3 below.
- 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 31st May in each year before the AGM. The nominee shall be required to indicate in writing on the nomination form his/her 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 31st May in each year before the AGM.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at 14 days' notice by the Chairman or Secretary or quorum of members of the Committee.
- 10.2 A Special General Meeting shall be called by the Secretary within 21 days of receipt by him of a requisition in writing signed by not fewer than 10 members entitled to attend and vote at a General Meeting, or if greater, such number as represents one-tenth of such members, stating the purpose(s) for which the meeting is required and the resolutions proposed.

11. Procedure at the Annual and Special General Meetings

- 11.1 The Secretary, with the support of the Membership secretary, shall be responsible for communicating to each member (e.g. via email or the Club notice board) 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.
- 11.2 The quorum for the Annual and Special General Meetings shall be twenty members entitled to attend and vote at the Meeting.
- 11.3 The Chairman, or in his/her 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 Rules 9.3 and 10.2. In the event of an equality of votes the Chairman shall have a casting or additional vote. Paid up members who have reached their 15th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 15th birthday shall be entitled to be heard and vote only on those matters determined in advance by the Committee as matters concerning juniors.)
- 11.4 The Secretary, or in his/her 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(s) to the rules shall become effective until it has been submitted to and validated by such person as is authorised to do so by the County Association/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 him/her not later than 30 days prior to the Annual General Meeting or, in the case of a Special General Meeting, 18 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 Rules 9.3, 10.2 and 11.1.

13. By-Laws

13.1 The Committee shall have power to make, repeal and amend such by-laws (including without limit codes of conduct and policies) 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 Shop shall be received by the designated person in charge of the shop and deposited in the Club Bank Account. All other monies received by the Club shall be received by the Treasurer and deposited in the Club Bank Account.

No sum shall be drawn from that account except:

14.1.1 by cheque signed by two of the 4 approved signatories being the Executive Officers of the Club from time to time.

14.1.2 by bank transfer by the Treasurer as the sole approver subject to an upper limit of £1000 for any one transaction. Any transfers in excess of the upper limit are to be subject to e-mailed and/or written authorisation by one of the other two approved signatories.

14.2 Any monies received by the Club and 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 officer, member or employee 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 think fit.

14.6 The financial year of the Club shall commence on 1st September and end on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.

14.7 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.

14.8 The Committee shall oversee any fundraising activity and monies raised in the name of the Club and ensure spending of such monies is appropriate and benefits all members.

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 (up to such limits on borrowing as may be laid down from time to time by the General Meeting) 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 to 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. (See Guidance Notes ref Taxation)

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

"I acknowledge receipt of the Rules and Constitution of Hemel Hempstead Swimming Club and confirm my understanding and acceptance that such Rules and Constitution (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 and Constitution."