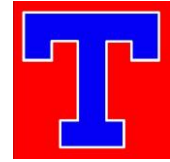




Tiverton Swimming Club Constitution



RULES of Tiverton Swimming Club ("the Club") as at 12th November 2020

1 Name

- 1.1 The name of the Club shall be Tiverton Swimming Club.

2 Objects

- 2.1 The object of the Club is to provide facilities for and promote the amateur sport of swimming in Tiverton and surrounding area; and community participation in the same. This is achieved by the teaching, skill development, practice, training and where relevant competition of swimming for its members. In the furtherance of these objects:
- 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 South West Region and shall adopt and conform to the rules of Swim England South West 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 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.
- 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 South West Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:
- 2.4.1 Swim England South West Region, Devon County ASA; and
- 2.4.2 Swim England (to include the Code of Ethics); and
- 2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial 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.
- 2.6 In the event of any conflict between the rules of the Governing Body and the statutory requirements for C.A.S.C.s (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002), the statutory requirements for C.A.S.C.s shall prevail.

RULES of Tiverton Swimming Club ("the Club") as at 1st January 2020

3 Membership

- 3.1 Membership of the Club shall be open to anyone interested in the sport on application. 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, the Club shall not refuse membership of the basis of a Protected Characteristic within the Act, such as age, disability; gender or gender identity; ethnicity; nationality; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion. However limitation of membership according to available facilities is allowable on a non-discriminatory basis.
- 3.2 The club has different classes of membership and subscription on a non-discriminatory and fair basis. Types of membership includes:
- 3.2.1 Masters (18 +)
 - 3.2.2 Junior (5-18)
 - 3.2.3 Supporter member (coaching, teaching staff, parent volunteers, committee members, team managers, officials).
- 3.3 All persons who assist in any way with the Club's activities shall become members of the Club and hence of Swim England and the relevant Swim England membership fee shall be paid by the Club. 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, Vice Presidents and verifiers or tutors of Swim England's educational certificates.
- 3.4 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 Swim England Code of Ethics, Swim England Child Safeguarding Regulations, Wavepower and 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.
- 3.5 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 junior swimmer 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.
- 3.6 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, no member of which will have been involved in the initial decision. The Review Panel shall (wherever practicable) include one independent member nominated by Swim England 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.
- 3.7 The Club may refuse membership, or remove it only for good cause, such as conduct or character likely to bring the Club or the sport into disrepute. Appeal against refusal or removal may be made to the members.

4 Subscription and Other Fees

- 4.1 The annual member's subscription and also its 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 The annual membership subscription and entrance fee shall be due on joining the Club and thereafter on 1st February each year. The swim coaching and squad fees are to be paid monthly in 12 equal instalments. The club membership year is between January to December each year.

RULES of Tiverton Swimming Club (“the Club”) as at 1st January 2020

- 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.
- 4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other squad fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England Membership Fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England 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. The Committee will endeavour to keep said subscriptions and other fees at levels which will not prevent people from joining.
- 4.5 The Executive Officers (or the committee) shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership fees, to address issues of social inclusion.

5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his/her resignation. A member’s resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 The member who resigns from the club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 5.3 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/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.
- 5.4 The Swim England 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 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 membership fee to be refunded and must return any club or external body’s trophy or trophies held forthwith. The Club in exercising this power is required to comply with the provision of Rules 6.3 and 6.4 below.
- 6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes (“the Rules”) as the same may be revised from time to time. (A copy of the current Rules may be obtained from the website or from the office of Judicial Administration).
- 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. An appeal against such a decision may be made in accordance with Rule 3.6.
- 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; 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.

RULES of Tiverton Swimming Club ("the Club") as at 1st January 2020

7 Committee

- 7.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") and 9 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 without the power to vote.
- 7.2 The club committee shall appoint a member of the club as Welfare Officer who must not be 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 a relative of any of the Executive Officers or the Club coach. The Welfare Officer will report to the committee on any issues relating to child safeguarding in consultation with the Swim England Independent Child Protection Officer/Department of legal affairs with regard to any particular reported concerns. The Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 7.3 The Executive Officers and Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee at any time. Retiring Executive Officers and members of the Committee shall be eligible for re-election.
- 7.4 Committee meetings shall be held not less than quarterly (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 7 Committee members (to include not less than 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 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 events of equality 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 In addition to the members so elected the Committee may co-opt up to 3 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.
- 7.7 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 a General Meeting.

RULES of Tiverton Swimming Club ("the Club") as at 1st January 2020

- 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 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 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.
- 7.11 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. See Tiverton Swimming Club "Terms and Conditions" document for details of current by-laws.

8 Officers and Honorary Members/Life 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 club 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 Swim England
- 8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a life member, 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/her ordinary membership of the Club. Such honorary members and life members must be included in the Club's annual return as to membership.
- 8.3 Once created by the Committee, honorary and/or Life membership categories may only be removed (notwithstanding that persons may hold these categories of membership) at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.
- 8.4 A minimum of (21) days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary and/or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting
- 8.5 Where the effected holder or holders of the honorary and/or Life membership do not attend or are unable to attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by (show of hands OR secret ballot).

9 Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in March. The date, time and venue 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/she 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 21 days before the Annual General Meeting. 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 to the Annual General Meeting shall be given in writing to the Secretary not later than 21 days before the meeting.

RULES of Tiverton Swimming Club ("the Club") as at 1st January 2020

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/her 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 notifying each member at his/her 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 nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 11.2 The quorum of the Annual and Special General Meetings shall be 7 members entitled to attend and vote at the Meeting or (if greater) such numbers as represents one-tenth in numbers of such members.
- 11.3 The Chairman, or in the Chairman's absence a member appointed 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 member's are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. Only 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 Chairman as matters concerning juniors, such as the election of Club Captains.)
- 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, provided that nothing in such alterations shall prejudice the club's status as a Community Amateur Sports Club under existing statutory arrangements. 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 the Devon County Association/ Swim England South West 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 no later than 21 days before in the case of 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 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 providing that nothing in such alterations shall prejudice the Club's C.A S.C. status under existing statutory arrangements. Repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

RULES of Tiverton Swimming Club ("the Club") as at 1st January 2020

14 Finance

- 14.1 The funds of the Club cannot be used for the direct or indirect private benefit of its members other than reasonably allowed by this Rule.
- 14.2 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 electronic bank payment made directly by the Treasurer to pay invoices, expenses and bills or a cheque signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer. Any moneys not required for immediate use may be invested as the Committee in its discretion think 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 directly or indirectly, overtly or covertly by way of bonus, dividend or profit to any members of the Club or third parties other than other community sports clubs or charities, (save as set out in Rule 17.3).
- 14.4 The Committee shall have the 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 thinks fit.
- 14.6 The financial year of the Club shall be the period commencing on 1st December and ending on the 30th November. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.7 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.
- 14.8 The Treasurer will provide up to date bank balances at each committee meeting for the committee to review finances on a regular basis.

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 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 by 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 cannot be used for the direct or indirect private benefit of its members other than reasonably allowed by this Rule
- 16.2 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.
- 16.3 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.

RULES of Tiverton Swimming Club ("the Club") as at 1st January 2020

- 16.4 The club may provide sporting and related social facilities, club sporting equipment, coaching courses, insurance cover, medical treatment, reasonable away-competition expenses, post competition refreshments and other ordinary benefits of C.A.S.C.s. The club may also in connection with the swimming purpose of the club:
- a. Sell and supply food, drink and related sports clothing and equipment;
 - b. Employ members (though not for competing nor current Committee Members) and remunerate them for providing goods and services, on fair terms set by the committee without the person concerned being present;
 - c. Pay for reasonable hospitality for visiting teams and guests; and
 - d. Indemnify the Committee and members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets)

17 Winding Up

- 17.1 The members may vote to wind up the club if not less than three quarters of those present and voting support that proposal at a properly convened General Meeting. A specific date for the dissolution shall be included in the resolution.
- 17.2 The Committee will then be responsible for the orderly winding up of the club's affairs.
- 17.3 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.
- 17.4 After settling all liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:
- a. To another club with similar sports purposes which is a registered charity; and/or
 - b. To another club with similar sports purposes which is a registered C.A.S.C.; and/or
 - c. To the Club's national governing body for use by them for related Community sports.

18 Priority

- 18.1 Interpretation of all the Rules must be consistent with the statutory requirements for C.A.S.C.s

19 Acknowledgement

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