

## **Rules of Nuneaton and Bedworth Swimming Club – 2020**

### **1 Name**

1.1 The name of the Club shall be Nuneaton and Bedworth Swimming Club (NBSC). Hereafter referred to as the 'Club'.

### **2 Object**

2.1 The object of the Club shall be to provide facilities for and promote the amateur sport of Swimming in Nuneaton and Bedworth district and surrounding area and community participation in the same.  
In the furtherance of this object:

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, on any grounds;

2.1.2 The Club shall implement the Swim England Equality policy.

2.2 The Club shall be affiliated to the Swim England West Midland 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 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 Laws; and

2.3.2 the Club shall in accordance with Swim England Regulations adopt the Swim England 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 the Wavepower.

2.4 By virtue of the affiliation of the Club to Swim England "West Midland Region" the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

2.4.1 Swim England West Midland Region and Warwickshire ASA; and

2.4.2 the Swim England; (to include the SE/IOS Code of Ethics); and

2.4.3 British Swimming (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.

2.6 In the event of any conflict between the rules of the Governing Body and the statutory requirements for CASCs (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002), the statutory requirements for CASCs shall prevail.

### **3 Membership**

- 3.1 Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, gender identity, age, disability, race or ethnic origin, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.
- 3.2 The Club may have different classes of membership and subscription on a non-discriminatory and fair basis.
- 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. 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 the Swim England educational certificates.
  - 3.3.1 all membership applications for Helpers/volunteers need to be submitted for Committee approval, accompanied with a reference as to the person's activities and recommendation to waive fee. All persons who assist with the Club will be reviewed on an annual basis. Where a person no longer assists but wishes to remain a member a new application for membership is to be submitted for approval in the normal way.
- 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 Swim England's Code of Ethics, Swim England Child Safeguarding Regulations, Wavepower and those parts of the Judicial Laws, Judicial Rules 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 Laws and Rules.
- 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) once application has been approved the appropriate fee will be required to be paid.
- 3.6 The Membership Application Sub Committee shall determine election to membership, but other person(s) authorized by the Committee may make recommendation as to the applicant's acceptability. The Membership Application Sub Committee shall be required to give reasons for the refusal of any application for membership.
- 3.7 Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee, comprised of not less than three members, no members of which will have been involved in the initial decision. The Review Panel shall (wherever practicable) include one independent member nominated by the Swim England West Midland 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.
- 3.8 The Club Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal or removal may be made to the members.

## **Subscription and Other Fees**

- 4.1 The annual members subscription, coaching and squad fees shall be determined from time to time by the Committee and the Committee in doing so make special provision for different classes of members as it shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on 1<sup>st</sup> January.
- 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 fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual SE Membership Fees to the SE on behalf of members, be consequential upon an increase in individual SE 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 AGM.
- 4.5 The Executive Officers shall have the power in special circumstances to remit the whole or part of the fees, including the ASA 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 Membership Secretary or 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 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, they shall be informed in writing that they shall no longer a member by notice handed to them or sent by post to their 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 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. 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. (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 Regulations.

## **7 Committee**

- 7.1 The Committee shall consist of the Chair, Secretary, Treasurer (together "the Executive Officers of the Club") President, Head Coach and 10 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 power to vote.
- 7.2 The Club shall appoint a 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 Wavepower. The Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 7.3 No more than one member of any family shall be allowed to serve as an Executive Officer.
- 7.4 The Executive Officers and Committee members shall be proposed seconded and elected at the AGM each year and shall remain in office until their successors are elected at the next AGM and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Executive Officers and members of the Committee shall be eligible for re-election.
- 7.5 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 such number as shall represent not less than a simple majority of the 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 the members of the Committee not less than two days 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.
- 7.6 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.

- 7.7 In addition to the members so elected the Committee may co-opt up to 4 further members of the Club who shall serve until the next AGM. 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.
- 7.8 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.
- 7.9 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 are examined by an independent examiner who shall be appointed by the members in General Meeting. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.
- 7.10 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 the power to make Regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.

## **8 Officers and Honorary Members**

- 8.1 The AGM 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.
- 8.2 The Committee may elect any person as an honorary member of the Club for a period of 3 years or until they are no longer active in the Club or as a Life Member. Life membership will be awarded to an elected person who has served the Club for 30 years. Honorary and Life Members 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 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 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 after the meetings hears any verbal or written representations, which shall be by secret ballot.

## **9 Annual General Meeting (AGM)**

- 9.1 The AGM of the Club shall be held each year on a date in May or June. The date for the AGM shall be fixed by the Committee.
- 9.2 The purpose of the AGM 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 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;
  - 9.2.6 to decide on the dissolution of existing honorary/Life membership categories.
- 9.3 Any person attending AGM/SGM or standing for election should be registered as a member 30 days prior to AGM or SGM.
- 9.4 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 14 days before 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 AGM shall be given in writing to the Secretary not later than 14 days before 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 be responsible for 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 and in the case of the AGM a list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of members concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition 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 of such members.
- 11.3 The Chairman, or in his absence the vice Chair or 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. 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 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 Schedule 18 of the Finance Act 2002. No amendment 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 County Association/SE West Midlands Region.
- 12.2 Such number of members as represent one-tenth in number of the members entitled to attend and vote at a General Meeting shall be entitled to put any proposal for consideration at any General Meeting or Special 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 not later than 14 days before the meeting. Thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1

## **13 Bye-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 bye-laws providing that nothing in such alterations shall prejudice the Club's C.A.S.C status under existing statutory requirements. Repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

## **14 Finance**

- 14.1 The funds of the Club cannot be used for the direct or indirect private benefit of its members other than as reasonably allowed by this rule.
- 14.2 All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. All cheques shall be signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

- 14.2.1 The Club's Internet Banking may be accessed by a Primary User and two Secondary Users. These to be the Treasurer, Chairman and Secretary respectively. The Primary User and Chairman shall have authority to make payments from the account and to move monies between the Club's accounts via the Business Internet Account. The Secretary shall be given "read only" access to the account.
- 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 be the period commencing on 1 March and ending on 28/29 February. 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.

## **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 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 cannot be used for the direct or indirect private benefits of its members other than as 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.
- 16.4 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

- 16.5 The Club may provide sporting and related social facilities, club sport equipment, coaching courses, insurance cover, medical treatment, reasonable away competition expenses, post competition refreshments and other ordinary benefits of CASCs.

The Club may also in connection with the 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 Dissolution**

- 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.

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

- 17.3 In the event of the dissolution of the Club, any assets remaining after the satisfaction of all debts and liabilities shall not be paid to or distributed among the members of the Club, but shall be given or transferred to one or more of the following approved sporting or charitable bodies:

17.3.1 A registered charitable organisation(s);

17.3.2 Another Club which is a registered as a Community Amateur Sports Club;

17.3.3 The sport'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 CASCs.

## **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.

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 the Nuneaton & Bedworth 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.*