



**Rules and Constitution of Chalfont Otters Swimming Club  
March 2020**

**1. Name**

1.1 The name of the Club shall be Chalfont Otters Swimming Club (“the Club”). The Headquarters shall be the Chalfont Leisure Centre, Nicol Road, Chalfont St Peter, Buckinghamshire SL9 9LR.

**2. Objects**

- 2.1 The objects of the Club shall be the development and practice of swimming and in particular:-
- to provide a progressive teaching and coaching environment in order to develop competitive swimmers;
  - to encourage swimmers to fulfil their potential and personal targets;
  - to encourage swimmers to enter the competitive arena at all levels; and
  - to provide good communication with parents to ensure they understand their child’s goals and objectives as set by the Club Coach(es).

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. This shall be, for example, regardless of gender or gender identity, ethnic origin, religion, disability or political persuasion, on any grounds. 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 the Swim England South East Region (“the Region”) and shall adopt and conform to the rules of the 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 the Swim England Regulations;

- 2.3.2 the Club shall in accordance with the 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; and
- 2.3.3 all 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 the Region, the Club and all members of the Club acknowledge that they are subject to the rules, regulations and constitutions of:
- 2.4.1 the Region; and
- 2.4.2 Swim England (to include the Code of Ethics); and
- 2.4.3 British Swimming (in particular its Anti-Doping Control 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 addition to those listed above, the business and affairs of the Clubs shall at all times be conducted in accordance with the By-Laws of the Club, as detailed in Rule 13 below. 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**

- 3.1.1 The total number of swimming members of the Club shall not normally be limited. If however the Committee (as hereafter defined) considers that there is a good reason to impose any limit from time to time (for example, but without limitation, water time available and safe lane loading) then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose (and remove) from time to time any limits on total numbers of swimming members (or any other category of membership) of the Club.
- 3.1.2 The current categories of members are: Swimmer members (all-swimmers) and non-swimming members (coaches, teaching staff, Committee and parents/guardians (should parents/guardians choose to join and pay the requisite membership fee)) and temporary members. Members under the age of 18 years may have their views represented by one parent or guardian provided that parent or guardian is also a member in their own right.
- 3.1.3 Temporary membership is awarded to those probationary swimmers undertaking their three month trial with the Club. During this time such members are thereby liable to follow the Club rules and become subject to the jurisdiction of Swim England. However, these probationary members have no right to compete in Swim England competitions.

- 3.2 All persons who assist in any way with the Club's activities (save as referred to at Rule 3.3 below) 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, coaches, teachers and poolside helpers, 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.
- 3.3 Paid instructors, coaches and teachers 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, the Swim England Regulations relating to 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 Swim England Regulations.
- 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 Head Coach and 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.
- 3.5 The Club shall not refuse an application for membership on discriminatory grounds or on the basis of a Protected Characteristic within the Equality Act 2010 such as ethnic origin, gender or gender identity, pregnancy, race, religion or belief, disability or political persuasion.
- 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 member, being unable to achieve the entry standards as laid down and provided by the Club to the applicant 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 individual persons (who may or may not be members of the Committee). The Review Panel shall wherever practicable include one independent person nominated by the Region. The person refused membership (or a parent or guardian of such person if under the age of 18) 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.

#### **4. Subscription and Other Fees**

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

- 4.2 A one-off joining fee shall be due on joining the Club and the annual membership subscription fees and coaching and squad fees shall be payable in equal monthly instalments thereafter on the 1<sup>st</sup> day of every month, such payment to preferable be made through a recognised standing order, direct debt or on-line banking procedure.
- 4.3 Any member whose monthly fees(s) 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 one-off joining fee, 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 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 (or to the parent or guardian in the case of a member under the age of 18) in writing with the reasons for any increase to be reported at the next A.G.M.
- 4.5 Any parent/member who experiences difficulty in meeting the financial requirements of the Club may apply for Special Concessions towards payment. These may be determined and reviewed by the Committee and shall include arrangements to pay fees monthly or at a reduced rate. Application for Special Concessions should be made to the Chairperson and will be treated in the strictest confidence.
- 4.6 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 from membership of the Club must give to the Membership 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 Rules 4.3 and 5.1 above a member whose monthly subscription is more than two months in arrear shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she (or his/her parent or guardian in the case of a member under the age of 18) 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 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 refunded and must return any Club or external body's trophy or trophies held forthwith. In exercising this power the Club is required to comply with the provisions 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 Procedures") as the same may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or the Office of Legal 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.
- 6.5 The Executive Officers (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 Chairperson, Secretary and Treasurer (together "the Executive Officers") and three other 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 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 Wavepower. If the appointed Welfare Officer is not a Committee Member 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 an Annual General Meeting. Newly elected Executive Officers and Committee members will take office when the Chairperson 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.

- 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 such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairperson and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than two days written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairperson (or the acting Chairperson of that meeting) shall have a casting or additional vote.) The Secretary, or in his/her absence a member of the Committee, shall take minutes.
- 7.5 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairperson. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.
- 7.6 In addition to the six members so elected pursuant to Rule 7.1, the Committee may co-opt up to three 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 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 those persons providing services to the Club including, without limitation, coaches and other training personnel. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club.
- 7.9 The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.10 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.

7.11 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 Swim England Membership Department indicating whether or not an entry has been made in the prescribed online form.

7.12 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. Ceremonial Positions and Honorary Members/Life Members**

8.1 The A.G.M. may, if it thinks fit, elect a President and Vice-Presidents of the Club. A President or Vice-President need not be a member of the Club but 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 their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's Annual Return of Members to Swim England.

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 A.G.M., when it is properly proposed in accordance with these Rules.

8.4 A minimum of 21 days in advance of the A.G.M, the Committee shall write to all holders of honorary or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her them to attend the A.G.M.

8.5 Where the effected holder or holders of the honorary and/or Life membership do not attend or are unable to attend the A.G.M. , the Chairperson 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.

## **9. Annual General Meeting**

9.1 The A.G.M. of the Club ("A.G.M") shall be held each year on a date in October or November. The date, time and venue for the A.G.M. shall be fixed by the Committee.

9.2 The purpose of the A.G.M. is to transact the following business:

9.2.1 to receive the Chairperson's report of the activities of the Club during the previous year;

- 9.2.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;
  - 9.2.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office;
  - 9.2.4 to elect the Executive Officers and other members of the Committee; and
  - 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 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 A.G.M. 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 A.G.M. shall be given in writing to the Secretary not less than 21 days before the A.G.M. In exceptional circumstances, at the Chairperson's discretion, nominations may be taken from the floor at the time of such meeting provided the nominee is present and indicates his/her consent.

## 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 Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than seven members (or parents or guardians of members under the age of 18 provided that parent or guardian is also a member in their own right) entitled to attend and vote at a General Meeting or, if greater, such number of members (or parents or guardians of members under the age of 18 provided that parent or guardian is also a member in their own right) as represents a minimum of one tenth in number of those members entitled to attend and vote at a General Meeting, stating the purposes for which the meeting is required and the resolutions proposed.

## 11. **Procedure at the Annual and Special General Meetings**

- 11.1 The Secretary shall personally be responsible for the handing out or sending to each member at 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 A.G.M. a list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may 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 or Club Website where one exists.
- 11.2 The quorum for the A.G.M. shall be seven members entitled to attend and vote at the Meeting (or parents or guardians of members under the age of 18 provided that parent or guardian is also a member in their own right) and the quorum for a Special General Meeting shall be such number of members (or a parent or guardian of members under the age of 18 provided that



parent or guardian is also a member in their own right ) as represents one tenth in number of those members entitled to attend and vote at a General Meeting.

- 11.3 The Chairperson, or in the Chairperson'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. Resolutions to be considered at a General Meeting shall be submitted in accordance with the provisions of Rule 9.3. In the event of an equality of votes the Chairperson of the General Meeting shall have a casting or additional vote.

Only paid up members who have reached their 18<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 18<sup>th</sup> birthday shall be entitled to be heard and vote only on those matters determined by the Chairperson 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 Chairperson shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

## 12. **Alteration of the Rules and Constitution and Other Resolutions**

- 12.1 The Rules and Constitution may be altered by resolution at an A.G.M. 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 such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the Region.
- 12.2 Any member (or a parent or guardian or a member under the age of 18 provided that parent or guardian is also a member in their own right) shall be entitled to put any proposal for consideration at any General Meeting provided the proposal is made in writing and shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 14 days in the case of the A.G.M. or, in the case of a Special General meeting, 28 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

## 13. **By-Laws**

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

## 14. **Finance**

- 14.1 All 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 or bank instruction signed by two of four nominated/mandated signatories who shall be the Chairperson, Treasurer and two other nominated committee members who are not related to the Chairperson or Treasurer and where one of the two signatories must be either the Chairperson or Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club (save as set out in Rule 17.3).
- 14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer or member of the Club and to any person or persons providing services to the Club including, without limitation, coaches and other training personnel.
- 14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1<sup>st</sup> April and ending on 31<sup>st</sup> March. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 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.

## 15. **Borrowing**

- 15.1 Neither the Committee nor any members may borrow money on behalf of the Club for any purpose.

## 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. A specific date for the dissolution shall be included in the resolution.
- 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 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects) nominated by the last Committee.

## 18. **Acknowledgement**

- 18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.
- 18.2 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 Chalfont Otters 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.**