

Rules of Stockport Metropolitan Swimming Club

1 Title

- 1.1 The name of the club shall be STOCKPORT METROPOLITAN SWIMMING CLUB, herein after called "the Club"

2 General Objectives

- 2.1 The objectives of the Club shall be the teaching, development and practice of swimming and the promotion of competitions and championships for its members. In the furtherance of these objectives:

2.1.1 The Club is committed to treat everyone equally within the context of their activity, regardless of sex, age, ethnic origin, religion, disability or political persuasion.

2.1.2 The Club shall implement the ASA Equal Opportunities Policy.

- 2.2 The Club shall be affiliated to the ASA North West Region and to the Cheshire County Water Polo and Swimming Association and shall adopt and conform to the rules of those Associations and to such other bodies as the Club may determine from time to time.

- 2.3 The business and affairs of the Club shall be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("the ASA") and in particular:

2.3.1 all competing members shall be eligible competitors as defined by ASA Laws; and

2.3.2 the Club shall in accordance with ASA Laws adopt the ASA Child Protection Procedures; and shall recognise that 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 members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures; and

2.3.4 members of the Club will comply with the Club's Anti-bullying Policy.

- 2.4 By virtue of the affiliation of the Club to the ASA North West Region, the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

2.4.1 Cheshire County Water Polo and Swimming Association; and

2.4.2 The ASA North West Region; and

2.4.3 The Amateur Swimming Association to include the ASA/loS Code of Ethics; and

2.4.4 British Swimming, to include in particular the British Swimming Doping Control Rules and Protocols; and

2.4.5 FINA, the world governing body for the sport of swimming in all its disciplines, together with 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 Rules shall prevail.

3 Management Committee

- 3.1 The Management Committee, herein after called "the Committee", shall consist of the Life Members, the Chief Coach of the Stockport Sports Trust Swimming Coaching Scheme, two further representatives of the Stockport Sports Trust and ten elected members all of whom must be members of the club. All Committee members shall be members of the Club and not less than 18 years, though the Committee may allow younger member(s) to attend their meetings without the power to vote.

- 3.2 The Committee members, with the exception of the Life members, the Chief Swimming Coach and the two representatives of the Stockport Sports Trust shall be proposed, seconded and elected by ballot at the Annual General Meeting of the Club. Election to the Committee shall be for

a period of two years and the persons so elected shall remain in office until their successors are elected at the next appropriate Annual General meeting. One half of the members of the Committee so elected shall retire annually but shall be eligible for re-election. The members who have been longest in office shall be those so retiring. 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.

- 3.3 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 but there shall be not less than nine meetings of the Committee per annum. The Chairman and the Secretary shall have the discretion to call further meetings of the Committee if they consider it to be in the best interests of the Club. The Secretary shall give all the members of the Committee not less than seven 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 Chairman, or the acting Chairman of that meeting, shall have a casting or additional vote. The Secretary, or in absence of the Secretary a member of the Committee, shall take minutes.
- 3.4 A quorum for a meeting of the Committee shall be not less than one-half of the elected members, and at least two of those present shall be Officers. No business shall be conducted without a quorum present, which shall be sufficient for all purposes. 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 the Chairman may determine. 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, to which the provisions as to the minimum notice contained in Rule 11.1 shall not apply.
- 3.5 In addition to the members so elected the Committee may co-opt up to four 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 but shall not be counted in establishing whether a quorum is present. Co-opted members must be not less than 18 years of age.
- 3.6 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.
- 3.7 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 the power to enter into contracts for the purpose of the Club on behalf of all the members of the Club.
- 3.8 The Committee shall be responsible for ensuring 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.
- 3.9 The Committee shall have the power to make regulations within the framework of the Constitution and to deal with any matter not provided for in the Constitution.
- 3.10 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and liabilities properly incurred by them in the management of the affairs of the Club.
- 3.11 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of not less than six years.
- 3.12 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related events shall be recorded. Details of such accidents shall be reported to the ASA Office. The Club shall make an annual return to the ASA in the prescribed form.

- 3.13 The Committee shall appoint a Welfare Officer, who shall not be a member of the teaching and coaching staff or an Officer of the Club or a Committee member in any other capacity than Welfare Officer, and who shall not be a member of the family of the teaching and coaching staff or an Officer of the Club. The Welfare Officer shall report not less than four times a year to the Committee on all aspects of welfare concerning the members of the Club.
- 3.14 At the first Committee meeting following the Annual General Meeting the Committee shall appoint the delegates to attend the Council meetings of the ASA North West Region, the Cheshire County Water Polo and Swimming Association and such other bodies and Associations to which the Club is affiliated, as required.

4 Officers of the Club

- 4.1 The Officers of the Club shall be the Chairman, Vice Chairman, the Secretary and the Treasurer.
- 4.2 The Officers shall be proposed, seconded and elected by ballot at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. The Committee may fill any vacancy occurring by resignation or otherwise. Retiring Officers shall be eligible for re-election.
- 4.3 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 the ASA.

5 Membership

- 5.1 The total membership of the Club shall not normally be limited. If however the Committee considers that there is a good reason to impose a limit from time to time 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 membership, or any category of membership, of the Club.
- 5.2 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 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 and Vice Presidents.
- 5.3 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.
- 5.4 Any person who wishes to become a member of the Club must submit a signed application to the 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. 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 comprised of not less than three members (who may or may not be members of the Committee). The panel shall [wherever practicable] include one independent member nominated by the ASA North 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. The category of membership shall be decided in accordance with Rule 5.8.

- 5.5 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.
- 5.6 All membership shall be renewed on an annual basis through the process of reapplication in accordance with Rule 6.2.
- 5.7 The club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, sexual orientation, religion, disability or political persuasion.
- 5.8 The membership of the Club shall be in the following categories:
 - 5.8.1 Senior Swimming Members, who shall be not less than 18 years of age, shall be eligible to hold office and to attend and vote at Committee and General Meetings.
 - 5.8.2 Junior Swimming Members, who shall be less than 18 years of age, shall not be allowed to hold office, attend meetings of the Committee, unless by invitation of the Committee, or vote at Committee or General Meetings.
 - 5.8.3 Parents and Guardians of Swimmers can be members of the club and shall be eligible to hold office and to attend and vote at General Meetings.
 - 5.8.4 Honorary Members, who shall be elected by the Committee, with the exception of the President or Vice President, for such period as they think fit and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as officers or on the Committee unless any such persons shall have retained in addition their ordinary membership of the Club. Such Honorary Members must be included in the Club's annual return as to membership.
 - 5.8.5 Life Members, who shall be elected at the Annual General Meeting on a recommendation made by the Committee in recognition of outstanding services rendered to the Club. Life Members shall be entitled to all the privileges of membership, shall be members of the Committee with the power to vote at Committee and General Meetings and must be included in the Club's annual return as to membership.
 - 5.8.6 Associate Members, who shall be elected by the Committee in recognition of support or services rendered to the Club. Associate Members shall be entitled to all the privileges of membership including the right to vote at General Meetings, to hold office and be elected to the Committee and must be included in the Club's annual return as to membership.
 - 5.8.7 Temporary Members, who are individuals granted temporary membership by the Committee by virtue of their participation in specific event(s) organised by the Club in conjunction with a club, body, association or organisation under the provision of the ASA Law on temporary membership.

6 Subscriptions and Other Fees

- 6.1 The annual members subscription and coaching fees shall be determined from time to time by the Committee and the Committee shall in doing so make special provision for different classes of membership as it shall determine,
- 6.2 The annual subscription shall be due on joining the Club and thereafter on the 1st day of September each year.
- 6.3 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.
- 6.4 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 ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA Membership fees. Any increase 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.
- 6.5 The Committee shall have the power in special circumstances to remit the whole or part of the fees, including the ASA fees, to address issues of social inclusion.

7 Resignation

- 7.1 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 agreed by the Committee and there is no outstanding financial commitment or disciplinary action outstanding against the individual and this Rule 7.1 has been complied with.
- 7.2 Notwithstanding the provisions of Rule 7.1 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.
- 7.3 The ASA shall be informed should a member resign when owing money or goods to the Club.

8 Expulsion and Other Disciplinary Matters

- 8.1 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 him/her to remain a member. The Club in exercising this power shall comply with the provisions of Rules 8.2 and 8.3 below.
- 8.2 The Club shall adopt and comply with the requirements and procedures of ASA Law for handling all internal Club disputes, as the same may be revised from time to time.
- 8.3 A member may not be expelled or (subject to Rule 8.4 below) be made the subject of any other penalty unless the panel hearing the dispute shall by a two-thirds majority vote in favour of the expulsion of, or other penalty imposed upon, the member.
- 8.4 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion such action is in the interests of the Club. Where such disciplinary action is taken, it shall be dealt with in accordance with ASA Laws and Procedures.
- 8.5 The Officials in charge of a particular event shall be responsible for the discipline. If further action is required, this is to be referred to the Disciplinary Sub Committee. The Disciplinary Sub Committee to be five members, appointed by the Committee, of which three members must be present at the "Disciplinary Hearing".
- 8.6 The Committee reserves the right to expel or disqualify (or any other penalty imposed upon) any member by a majority of two-thirds at any special meeting, provided notice of such expulsion or disqualification is given on the notice calling the meeting and the accused is invited to attend and speak, to call witnesses and to question witnesses called against him/her. Another person to assist in presenting his/her defence may accompany the member. If the alleged offence is also an infringement of ASA Law, the Club shall not deal with the matter but shall make a complaint to the ASA under the ASA Judicial Laws and Rules.

9 Annual General Meeting

- 9.1 An Annual General Meeting of the Club shall be held on a date in September. 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 including Minutes of the previous AGM;
- 9.2.2 To receive the Secretary's report of the activities of the Club during the previous year;

- 9.2.3 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; to set membership fees and membership categories;
 - 9.2.4 To remove and elect the independent examiner, who must not be a member of the Committee or a member of the family of a member of the Committee, or confirm that he remain in office;
 - 9.2.5 to elect the Officers and other members of the Committee;
 - 9.2.6 to approve the Welfare Officer;
 - 9.2.7 to decide on any resolution which may be duly submitted in accordance with Rule 9.3;
 - 9.2.8 to receive and note the names of the Chief Swimming Coach and two Representatives of the Stockport Sports Trust;
 - 9.2.9 to receive the report of the Chief Swimming Coach.
- 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 not later than twenty one days prior to the date of the Meeting. The nominee shall be required to indicate on the nomination form his/her willingness to stand for election. The nomination form shall contain the signatures of the proposer and seconder.
- 9.4 Notice of any resolutions proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than twenty one days before the date of the Meeting.

10 Special General Meetings

- 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 request in writing signed by no less than 12 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.
- 10.2 A Special General Meeting shall be called within 28 days of the receipt by the Secretary of a written request from at least twelve members entitled to attend and vote at a General Meeting who have attained at least eighteen years of age, such meeting to deal with only the matter of which notice is given in the said request.

11 Procedures at Annual and Special General Meetings

- 11.1 The Secretary shall personally be responsible for handing out or sending to each member at his/her last known address a written agenda giving notice of the date, time and venue 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. The Secretary may alternatively, with the agreement of member(s) concerned, distribute these materials by e-mails or similar form of communication. The Notice of Meeting shall in addition be displayed on the Club Notice Board at each training pool.
- 11.2 The quorum for the Annual General Meeting or any Special General Meeting shall be twelve members to include at least two Officers and at least four other members of the Committee.
- 11.3 The President of the Club, or in his absence the Vice President or, in his absence, Chairman of the Committee or, in his absence, a member selected by the Committee shall take the chair at the Annual General Meeting. The Chairman, or in his absence a member selected by the Committee shall take the chair at a Special General Meeting. Each member present shall have one vote and

resolutions shall be passed by a simple majority. In the event of an equality of votes, the Chairman shall have a casting or additional vote. Only club members who have reached their 18th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 18th birthday shall be entitled to be heard only on those matters determined by the Chairman as matters concerning juniors.

- 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 Alterations to Club Rules and Other Resolutions

- 12.1 The Club Rules may be altered by a resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. No amendment to the Club Rules shall become effective until such amendment shall have been submitted to and validated by the ASA North West Region or at a subsequent date decided by the meeting.
- 12.2 Any member entitled to attend and vote at a General Meeting 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 not later than 21 days before the date of the Annual General Meeting or Special 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 Finance

- 13.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club within a calendar month. No sum above £500 shall be drawn from that account except by 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.
- 13.2 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 13.3).
- 13.3 The Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club.
- 13.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 13.5 The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.
- 13.6 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 Dissolution

- 14.1 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.
- 14.2 The dissolution shall take effect from the date specified in of the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.

14.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to the Stockport Sports Trust.

5 Acknowledgement

15.1 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 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 Stockport Metropolitan 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. Payment of fees implies acceptance that the Rules constitute a legally binding contract.