

RULES OF KING'S CORMORANTS SWIMMING CLUB

(Adopted on 24 January 2014)

1. Name

- 1.1 The name of the Club shall be KING'S CORMORANTS SWIMMING CLUB ("**the Club**").

2. Objectives

- 2.1 The objectives of the Club shall be the teaching, training and practice of swimming and participation in competitions of and by its members. In the furtherance of these objectives:

2.1.1 the Club is committed to treat everyone equally within the context of its activity as a Masters and Seniors Swimming Club. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds;

2.1.2 the Club shall implement the Equal Opportunities policy of the Amateur Swimming Association ("**ASA**");

2.1.3 for as long as the Club uses the pool at King's College School, the Club and its members shall be bound by the rules of the King's Club, who manage the pool and other facilities used for Club activities, and the Club's agreement with the King's Club.

- 2.2 The Club shall be affiliated to **ASA** London Region, and shall adopt and conform to the rules of this Association, and to such other bodies as the Club may determine from time to time.

- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the **ASA ("ASA Laws")** and in particular:

2.3.1 All competing members shall be eligible competitors as defined in **ASA** Laws; and

2.3.2 The **ASA** Child Protection Procedures are not adopted as they do not apply to a Masters and Seniors only Club.

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

2.4.1 **ASA** London Region; and

2.4.2 The **Amateur Swimming Association (to include the ASA/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.

3. Membership & Joining

- 3.1 Because of the constraints of space in the pool, the Club has set a limit on the number of full training members. 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 by a majority vote passed at the Annual General Meeting.

- 3.2 A waiting list for membership is held by the Secretary. When a vacancy occurs, those on the waiting list are invited to a Trial and, after seeing the swimming abilities of those who attend, the coach recommends who is best suited to the vacancy taking into account the lane in which the vacancy has occurred.

- 3.3 The Club has three classes of membership:

- (a) Full training members of the Club, who can attend any three out of four sessions a week;
- (b) Non-training members, who normally live in the London Surrey region and who wish to have a club affiliation but are unable to train with the Club regularly. Non-training members can train with the Club at quiet times, such as Bank Holiday Mondays, by prior agreement with the Secretary or coach at the relevant session; and
- (c) Persons who assist in any way with the Club's activities, such as administrators, voluntary instructors, teachers and coaches, poolside assistants, Officers and other Committee members, honorary members, Presidents and Vice-Presidents, technical and non-technical officials, and verifiers or tutors of the ASA's educational certificates. Members in this class can train with the Club by prior agreement with the Secretary or coach at the relevant session.

- 3.4 Any person who wishes to become a member of the Club must submit a signed application to the Membership Administrator stating whether he or she wishes to become a Full Training member or a Non-training member.

- 3.5 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age (except that the applicant must be a Master or Senior), sex, religion, disability, political persuasion or sexual orientation.

4. Subscription and Other Fees

- 4.1 The annual membership subscriptions and coaching fees (as applicable) shall be determined each year by the Committee and the Committee shall in so doing make provision for the different classes of membership. Subscriptions shall be set to cover the Club's annual running expenses, to include pool hire, coaching fees, equipment costs, administrative costs, individual ASA Membership Fees payable to the ASA on behalf of appropriate members, and

any other necessary expenses. Members will be advised of the annual subscription in writing with the reason(s) for setting them at that level.

4.2 The Club's subscription year shall commence on 1 January and end on 31 December in line with its financial year (see Rule 14.5).

4.3 Unless the Committee decides otherwise, the membership of any member whose subscription and appropriate supplement(s) are unpaid by the 1 February shall lapse and he or she shall not be entitled to participate in Club activities after that date. A member whose membership has lapsed under this Rule shall be informed in writing that he or she is no longer a member by notice handed to him or her, sent by post, or e-mailed to his or her last known address.

4.4 If a member resigns during the subscription year, a pro rata payment of his or her annual subscription paid shall be made if the Club is able to fill the membership vacancy with immediate effect. The amount of the refund shall be based on the full remaining months left of the subscription year. Fees due to the ASA shall not be repaid.

4.5 Any person who is admitted to membership part way through the year shall be charged a pro rata part of the annual subscription plus any fees due to the ASA

4.6 The Committee shall, when needed, have the power to levy a supplement to the annual membership subscription and other fees, for that year, if total subscriptions are insufficient to meet expenses for that year.

5. **Resignation**

5.1 A member wishing to resign membership of the Club must give to the Membership Administrator written notice of his or her resignation by notice handed to him or her, sent by post or emailed.

5.2 A member's resignation shall only take effect when Rule 5.1 has been complied with.

6. **Expulsion and other Disciplinary action**

6.1 The Committee may resolve to suspend a member for a period, or terminate his or her membership if, in its opinion, the interest of the Club or any of its other members has been compromised by that member. Such action shall only be taken if the member has been notified by registered post or recorded delivery, stating the reasons for the action being taken. In the event of such member failing to reply accepting the suspension, or termination of his or her membership, a special meeting of the Committee shall be called, of which at least two weeks' written notice shall be given to the member by notice handed to him or her or sent by post or emailed to his or her last known address. The individual concerned shall, at that meeting, have the opportunity of defending his or her actions. At the meeting, should two thirds of the Committee present vote in favour of the action proposed and this is suspension, the member's suspension shall take immediate effect and apply for the period specified. If expulsion is proposed, the individual shall cease to be a member of the Club and will not be entitled to any subscription refund. Such action may be subject to any overriding ASA

complaints procedure. Breaches of **ASA** Law by members shall not be dealt with by the Club but shall be referred to the District Judicial Tribunal.

7. Committee

- 7.1 The Club shall be managed by a Committee comprising the Chair, Secretary and Treasurer (the Executive Officers) and at least two elected members. The quorum at Committee meetings shall be three. The Chair or, in his or her absence, the Treasurer shall chair the meeting.
- 7.2 In so far as the powers and responsibilities of the Chair, Secretary and Treasurer are not set out in these Rules, the Committee may from time to time determine their respective powers and responsibilities and may lay them down in a memorandum or other instrument.
- 7.3 The Committee shall meet at least twice a year. The Chair and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be desirable. The Secretary shall give all the members of the Committee not less than seven days written notice of a meeting (unless all the members of the Committee agree to shorter notice). Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chair (or the acting Chair of that meeting) shall have a casting or additional vote). A member of the Committee shall take minutes.
- 7.4 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. The Committee may appoint a person, who need not be a member of the Committee, to be the Membership Administrator, whose role may include all or any of the following: registration of new members, administering renewals and resignations of membership, and notification and collection of subscriptions.
- 7.5 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 contractors of the Club (including coaches). The Committee shall have power to enter into contracts for the purposes of the Club on behalf of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year are drawn up and approved by the members at the Annual General Meeting. The Committee shall also have power to settle disputed points not otherwise provided for in this Constitution.
- 7.6 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 7.7 All accidents to Club members at swimming-related activities in the King's College School pool shall be recorded in the Accident Book maintained by the school and notified to the King's Club manager.

8. Officers and Honorary Members

- 8.1 The Executive Officers and Committee of the Club shall be proposed, seconded and elected at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring officers shall be eligible for re-election.
- 8.2 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-President. 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**
- 8.3 The Committee may elect any person as an honorary member of the Club for such period as it thinks 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 person shall have retained in addition his/her ordinary membership of the Club. Such honorary members must be included in the Club's annual return as to membership.

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year at such date that the Committee shall decide.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
 - 9.2.1 to receive the Secretary's report of the activities of the Club during the previous year;
 - 9.2.2 to receive and consider for approval the accounts of the Club for the previous year and the Treasurer's report as to the financial position of the Club;
 - 9.2.3 to elect the Executive Officers and other members of the Committee;
 - 9.2.4 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 (with the agreement of the nominee) in writing by the proposer and seconder to the Secretary at least 7 days prior to the Annual General Meeting and, with the agreement of the Chair of the Meeting, may also be made orally at the Meeting.

10. Special General Meeting

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 or her of a requisition in writing signed by not fewer than 7 members entitled to attend and vote at a General Meeting or (if greater) such number as represents at least one-tenth of full training 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 the handing out or sending to each member at his or 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 copy of the accounts for consideration. 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 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 at least one-tenth of full training members.
- 11.3 The Chair, or in his or her absence a member of the Committee selected by it, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority on a show of hands.
- 11.4 The Secretary, or in his or her absence another member of the Committee, shall take minutes at the Annual and Special General Meetings.

12. Alteration of the Rules and other Resolutions

The rules may be altered by resolution of the members passed 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.

13. By-Laws

The Committee shall have power to make, repeal and amend such by-laws as it may from time to time consider useful in achieving the objectives of the Club and for the benefit of the Club and its Members, 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. Payments from the account for Club expenses will be paid either by the Treasurer using on line banking or by cheque signed by an official signatory who shall be the either Chair or Treasurer. Any moneys not required for immediate use may be invested as the Committee in its discretion thinks 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 16.3).
- 14.3 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.

- 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 January and ending on 31 December in each year. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Committee shall retain for a minimum period of 6 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. Dissolution

- 16.1 A resolution to dissolve the Club shall only be proposed at an Annual General (or Special) 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.
- 16.2 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.
- 16.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be divided, in proportion to the amount each member has paid in subscriptions in the year of the dissolution, among the members of the Club at the date of dissolution.