

RULES OF BELPER MARLIN SWIMMING CLUB
AS AT 13th SEPTEMBER 2009

1. Name

- 1.1 The name of the Club shall be Belper Marlin Swimming Club

2. Objects

- 2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular:-

- a) To promote the teaching and practice of swimming
- b) To encourage and take part in competitive swimming
- c) To encourage the training of coaches and officials for competitive swimming.

In the furtherance of these objects:-

- 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.

- 2.1.2 The Club believes 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.

- 2.2 The Club shall be affiliated to the Amateur Swimming Association East Midland Region and Derbyshire Amateur Swimming Association (and shall adopt and conform to the rules of such association) and other such 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 Amateur Swimming Association ("ASA Laws") and in particular:

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

- 2.3.2 The Club shall, in accordance with ASA Laws, adopt the ASA Child Protection Procedures

- 2.3.3 Members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures

- 2.4 By virtue of the affiliation of the Club to East Midland Region and Derbyshire ASA the Club and members of the Club acknowledge that they are subject to the laws and rules of:-

- 2.4.1 East Midland Region and Derbyshire ASA

- 2.4.2 The Amateur Swimming Association (to include the ASA/ISTC Code of Ethics) and

- 2.4.3 The Amateur Swimming Federation of Great Britain (to include in particular the ASFGB Doping Control Rules and Protocols and ASFGB 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

- 3.1 The total membership of the Club shall not normally be limited. If however, the Committee considers that there is a good reason to impose any 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.

- 3.2 All candidates for any type of membership of the Club must submit a signed application to the Registrar with the appropriate fee, (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 at the discretion of the Committee or other

person(s) authorised by the Committee. The Committee or such authorised person(s) shall not be required to give reasons for the refusal of any application for membership.

- 3.3 **Types of Membership.** Swimming Member – Elite Squad Member - Masters Swimming Member – Disability Swimming Member
Associate Member - Temporary Member – Trial Member – Guest Member

4. **Subscription & Other Fees**

- 4.1 The annual members 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 or the Annual General Meeting shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st day of October each year. The membership fee for new members joining the Club after the 1st of May, can be reduced pro-rata, subject to agreement with the Committee (except for guest members)
- 4.3 Any member who pays monthly subscriptions by standing order may, subject to prior agreement with the Club Treasurer and Registrar, pay their annual subscription in equal payments added to their monthly standing order payments starting with the first payment in October.
- 4.4 Any member whose subscriptions are 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.
- 4.5 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 in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.6 Monthly subscriptions for the following year and per session fees for all types of membership shall be set by the Committee at the last meeting in the swimming year before the Annual General Meeting.
- 4.7 Monthly subscriptions must be paid to the registrars at Club sessions on the either of the first two Fridays in every month, unless with prior agreement with the Registrars or by standing order. They shall include the appropriate fee as set by the Committee as rule 4.6
- 4.8 The Annual fee for all types of membership will be set at the Annual General Meeting each year.

5. **Resignation**

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of their resignation. A member's resignation shall only take effect when this (Rule 5.1) has been compiled with. 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 cancellation of membership of the Club is determined in this way the member shall be informed in writing of this decision.

6. **Expulsions 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 them to remain a member.
- 6.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes (“the Guidelines”) as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department.

- 6.3 A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall (unanimously) OR (by a two thirds majority) vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.4 An Officer 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 any subsequent complaint will thereafter be dealt with in accordance with the Guidelines.

7. Committee

- 7.1 The Committee shall consist of the Chairman, Vice-Chairman, Secretary, Treasurer (together “the Officers of the Club”) Swim 21 Co-ordinator and 5 elected members plus the sub committee secretaries all of whom must be members of the Club (the elected members may hold sub committee posts.) Sub committee secretaries shall have the power of a vote when attending meetings. All Committee members must not be less than 18 years of age though the Committee may allow younger members to attend their meetings as observers without power to vote. The Club President when he/she attends meetings shall have the power of a vote.
- 7.2 The Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election.
- 7.3 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), and the quorum of that meeting shall be five Committee members (to include not less than one 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 oral or 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 at that meeting) shall have a casting or additional vote). The Secretary, or in his absence a member of the Committee, shall take minutes.
- 7.4 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.
- 7.5 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.
- 7.6 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 Account of the Club for each financial year be examined by an independent examiner to be appointed by the members in the General Meeting.
- 7.7 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.

8. Officers & Honorary Members

- 8.1 The Officers and Committee of the Club 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. 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 shall elect a President and may elect Vice-Presidents. A President or Vice-Presidents 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.

8.3 The Committee may elect any person as an Honorary Member of the Club for such period as they think fit and they shall be entitled to all 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 must be included in the Club's annual return as to membership.

9. Annual General Meetings

9.1 The Annual General Meeting shall be held on a date fixed by the Committee during the month of September each year.

9.2 At least twenty one days notice of the AGM shall be given to members. The notice shall specify the business to be conducted at the AGM.

9.3 The business of the AGM shall include:-

- a) Acceptance of the correctness of the minutes of the preceding AGM
- b) The Club President shall be invited to chair the meeting and shall give his/her report for the year
- c) The Chairman's Report
- d) The Secretary's Report
- e) The Treasurer's Report (which shall include a copy of the examined accounts presented to the meeting)
- f) The Chief Coaches Report
- g) Consideration of any Notices of Motion put forward by the Committee or by not less than two members and received by the Secretary, in writing, not less than fourteen days before the date of the AGM
- h) Election of a President for the ensuing year
- i) Election of Officers and Members to serve on the Committee during the ensuing year
- j) Election of such Officers as may from time to time be determined
- k) Appointment of a Financial Examiner.
- l) Fixing of Annual Membership Subscriptions for the ensuing year

9.4 Voting rights at the AGM shall be restricted to members in subscription aged sixteen and over

9.5 Any motion shall be carried by a simple majority of those attending and eligible to vote

9.6 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. 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 Annual General Meeting shall be given in writing to the Secretary not less than 21 days before the date.

10. Special General Meetings

9.7 A Special General Meeting shall be called within 28 days of the receipt by the Secretary of a written request from at least 7 members, such meeting to deal only with the matter of which notice is given in the request.

9.8 At least 14 days notice of a SGM shall be given to members. The notice shall specify the business to be conducted.

9.9 Voting rights and rules shall be as Rules 9.4 and 9.5 above.

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 last known address 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 Annual General Meeting a list of the nominees for the Committee posts and copy of the examined accounts. 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) in number of such members.

- 11.3 The Club President or in his absence the Club Chairman 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 9.6. In the event of an equality of votes the Chairman shall have a casting or additional vote. Paid up 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.
- 11.4 The Secretary or in her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

12. Alteration of the Rules and Other Resolutions

- 12.1 The Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. No amendment to the rules shall become effective until such amendment shall have been submitted to and validated by Midland District ASA.
- 12.2 Any member or 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 provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by her not later than 21 days prior to the meeting. In the case of the Annual General Meeting or in the case of a Special General Meeting 14 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 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. Sums shall be drawn from that account 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.
- 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 office, 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 think fit.
- 14.5 The financial year of the Club shall be the period commencing 1st August and ending 31st July. Any change to the financial year shall require the approval of the members in a General Meeting.

15. Property

- 15.1 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. The Custodians are the President, Chairman, Secretary and Treasurer.
- 15.2 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.

15.3 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.

16. Dissolution

16.1 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.

16.2 The dissolution shall take effect from the date of 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 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.

17. Acknowledgement

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

17.2 The following acknowledgement shall be included on the application for membership form.
I acknowledge receipt of the rules of Belper Marlin 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.
Signed by Swimmer _____ **Signed by Parent or Guardian (if swimmer is under 18 years old)** _____

18. Accidents.

Any accident that occurs during the period of hire shall be placed in the Clubs accident report book and the accident report book of the establishment where the incident took place. A copy of the report sheet shall be given to the Club, members have a duty of care to inform the Club of such an incident.

JWP/
13/9/09

INTERPRETATION OF TYPES OF MEMBERSHIP

SWIMMING MEMBERS

All swimming members who pay monthly subscriptions and train on Fridays and Sundays each week.

ELITE SQUAD MEMBER.

The swimmer must have progressed his/her swimming career within Belper Marlin Swimming Club. He/She shall agree to carry out demonstrations to other swimmers at Belper Marlin Swimming Club, subject to availability when requested by the Chief Coach.

He/She may be allowed to train with Belper Marlin Swimming Club when the elite squad are not training, subject to availability of pool space and after consultation with the Chief Coach.

He/She shall agree to represent the Club in the West Midlands League and any other such competitions.

The Annual Membership fee for an Elite Squad Member shall be the same fee as an Associate Member plus their National Registration, District & County Fees.

When an Elite Squad Member trains with the Club He/She pay the agreed per session fee same as other member.

If an elite squad member wishes to enter the Club Championships He/She shall complete a Club Championship entry form, if the swimmer does not represent Belper Marlin in rounds One & Two of the West Midlands League their Club Championship entry may be withdrawn. When He/She is swimming in competitions registered as a Belper Marlin Swimmer they shall be allowed to claim Club Records.

MASTERS SWIMMING MEMBERS

Masters (over 19yrs of age) who are not classed as swimming members and pay the masters fee as agreed by the Committee

DISABILITY SWIMMING MEMBERSHIP

Any person who by reason of their disability has to train at another pool so therefore can only train once a week. **NOTE** Any member with a disability who trains more than the one session per week in the main stream sessions must pay full membership.

ASSOCIATE MEMBERSHIP

Associate Members shall be Committee members and any non-swimming members/helpers who must have paid the Associate Members fee to help at the Club in any way whatsoever.

TEMPORARY MEMBERSHIP

Prospective members on the learn to swim programme,

Any ex member who by virtue of being at university or moving to another area, therefore being unable to train on a weekly basis. The temporary membership fee as agreed must be paid and a per session fee must be paid on each visit. If the swimmer is a member of another Club they must complete a dual registration form.

All temporary members on the learn to swim programme can become full members after they complete the learn to swim sessions. The temporary membership fee shall be deducted of the full membership fee when becoming a full member.

TRIAL MEMBERSHIP

All candidates for membership shall be allowed three swimming sessions for a trial and pay the per session fee as agreed by the Committee. After the three sessions they must then become a member of the Club to continue swimming.

GUEST MEMBERSHIP

Any swimmer who by their status of being a member of an elite Club and that the Chief Coach and the Committee feel would be of benefit to the Club may, on paying the full membership fee and completing the dual Club registration form become a guest member, subject to the following conditions.

All applicants for guest membership shall have full approval of the Committee

The guest members must be prepared to carry out demonstrations for other swimmers/coaches and represent Belper Marlin at galas.

Be committed to train with Belper Marlin at least two sessions per month

Per session fee must be paid on each visit to the Club.

Guest members cannot claim a Club record or Club relay record (Only full swimming members being first claim to Belper Marlin can claim records)

