

**CONSTITUTION**  
**OF THE CITY OF SUNDERLAND**  
**AMATEUR SWIMMING CLUB**  
**and affiliated clubs**

Dec 2000

# CONSTITUTION OF THE CITY OF SUNDERLAND AMATEUR SWIMMING CLUB and affiliated clubs

## **RULES of the City of Sunderland Amateur Swimming Club as of December 31st 2000**

### **1. Name**

1. The name of the Club shall be the City of Sunderland Amateur Swimming Club. The Club is an unincorporated association of members. Other sub-clubs may affiliate to COSASC, and members are bound by these rules

### **2. Objects**

- 2.1 The objects of the Club shall be the objects of the Amateur Swimming Association and those set down from time to time in the Mission Statement of the Club .
- 2.2 The Club shall be affiliated to Northumberland and Durham Counties Amateur Swimming Association (N&D ASA) (and shall adopt and conform to the rules of such association) and such other bodies as the Club may determine from time to time.
- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("ASA Laws") and in particular:
  - 2.3.1 all competing members [except for those competing in Masters competitions] shall be eligible competitors as defined in ASA Laws and
  - 2.3.2 the Club shall in accordance with ASA Laws adopt the ASA Child Protection Procedures; and
  - 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 N&D ASA the Club and all members of the Club acknowledge that they are subject to the laws and rules of:
  - 2.4.1 N&D ASA; and
  - 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 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). Annual 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 or renewal of membership.

### **4 Subscription and 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 shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the first day of January each year.
- 4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment- may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made
- 4.4 The power of the Committee to determine the annual membership subscription and other fees from time to time 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, include the power to make such increase in the subscription as shall 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.
- 4.5 The Treasurer may determine that subscription fees may be paid pro-rata for members joining after July on the following basis 1st Aug to 31st Oct, half fees, thereafter no fee or however he thinks fit.

## 5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his resignation. A member's resignation shall only take effect when this Rule 5.1 has been complied with.
- 5.2 Notwithstanding the provisions of Rule 5.1 above a member whose 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 shall be informed in writing that he is no longer a member by notice handed to him or sent by post to his last known address.

## 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 him 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 by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.4 The Officers of the Club (or club teachers and coaches) 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 complaint will thereafter be dealt with in accordance with the Guidelines.

## 7 Committee

- 7.1 The Committee shall consist of the Chairman, Secretary, Treasurer [together with such additional secretaries and Hon. Vice Presidents (eg: Membership Secretary) as required to manage specific activities of the Club] (together "the Officers of the Club") and 3 elected members all of whom must be members of the Club. All Committee members must be not less than 18 years of age.
- 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 6 (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 notice of a meeting. Decisions of the Committee shall be made by a simple majority and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote. The Secretary, or in his absence a member of the Committee, shall take minutes.

- 7.4 In the event that a quorum shall not be present within thirty minutes of the published start time then the 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 shall not be present at the adjourned meeting then the Committee 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 In addition to the members so elected the Committee may co-opt up to 2 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.
- 7.6 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.
- 7.7 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 power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.8 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 [and 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, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the association and on election shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the ASA.
- 8.3 The Committee may propose any person as an honorary member of the Club for such period as they think fit, this shall be approved at the next AGM and they shall be entitled to all the privileges of membership. 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 on a date falling within the period **1 December** (“the Opening Date”) and **31 December** (“the Closing Date”). The date 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;
  - 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 remain in office;
  - 9.2.4 to elect the Officers and other members of the Committee;
  - 9.2.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 14 days before the AGM specified above. 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 AGM.

## **10 Special General Meeting**

- 10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within 28 days of receipt by him of a requisition in writing signed by not less than 10 members entitled to attend and vote at a General Meeting or (if greater) such numbers as represents one-tenth in number of such members stating the purposes for which the meeting is required and the resolutions proposed.

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

- 11.1 The Secretary shall personally be responsible for the handing out notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 10 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 certified accounts. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Boards where they exist.
- 11.2 The quorum for the Annual and Special General Meetings shall be 10 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 Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a

simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. Paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors.

- 11.4 The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

## **12 Alteration of the Rules and other Resolutions**

- 12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least 51% 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 N&D ASA.**
- 12.2 Any member 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 him not later than **28 days prior to** 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 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 signed by (two of the four signatories who shall be the Chairman, Secretary, Treasurer and Swim Shop Manager.) 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, 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 on 1st November and ending on 31st October. Any change to the financial year shall require the approval of the members in a General Meeting.

## **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 approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.
- 15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

## **16 Property**

- 16.1 The property of the Club other than cash at the bank, shall be vested in not less than two nor more than four Trustees. 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 Trustees 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 Trustees 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.
- 16.4 The Chairman is nominated as the person to appoint new trustees within the meaning of section 36 of the Trustee Act 1925. A new trustee or new trustees shall be nominated by resolution of the Committee and the Chairman shall by deed duly appoint the person or persons so nominated by the Committee as the new trustee or trustees of the Club and the provisions of the Trustee Act 1925 shall apply to any such appointment. Any statement of fact in any such deed of appointment shall in favour of a person dealing bona fide with the Club or the Committee be conclusive evidence of the fact so stated.

**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.
- 17.2 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.
- 17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to N&D ASA to be held in trust for a period up to five years to be used to assist any bona fide club or association of members whose purpose is to promote swimming activities in the Sunderland area .

**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.

**THIS ACKNOWLEDGEMENT TO BE SIGNED BY MEMBER (PERSON WITH PARENTAL RESPONSIBILITY FOR A MEMBER UNDER 18 YEARS OF AGE) WILL FORM PART OF THE ANNUAL MEMBERSHIP APPLICATION FORM**

**I acknowledge receipt of the rules of the City of Sunderland ASC 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 the Rules**

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Date .....