

RULES of Basingstoke Bluefins Swimming Club

1 Name

- 1.1 The name of the club shall be Basingstoke Bluefins.

2 Objects

- 2.1 The objects of the Club shall be the coaching, teaching, development and practice of swimming and waterpolo for the clubs members and entry into competitions and championships at local, county, regional and national level.

In the furtherance of these objectives:

- 2.1.1 The club is a registered Charity with the Charities Commission and its Charity number is 1114225
- 2.1.2 The Club is committed to treating everyone equally within the context of its activity and with due respect to the difference of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.
- 2.1.3 The Club shall support and implement the ASA Equality Policy (as may be amended from time to time).
- 2.2. The Club shall be affiliated to ASA South East Region and the Hampshire Country Amateur Swimming Association (and shall adopt and conform to the rules of these associations) and such other bodies as the Club may determine from time to time.
- 2.3 As a registered charity, the business and affairs of the Club shall at all times be conducted in accordance with Charity Commission rules and guidelines. As a swimming club the Laws, Regulations and Technical Rules of the Amateur Swimming Association ("ASA Laws") will be followed and in particular:
- 2.3.1 all competing members 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 Safeguarding Policy, Regulations and Procedures 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.
- 2.3.3 members of the Club shall in accordance with ASA Laws comply with Child Safeguarding Policy, Regulations and Procedures.
- 2.4 By virtue of the affiliation of the Club to ASA South East Region, the Club and all members acknowledge that they are subject to the laws and rules of:
- 2.4.1. ASA South East Region; and
- 2.4.2. the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and

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2.4.3. British Swimming (in particular the 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 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.

2.6 In the event of any conflict between the Charity Commission rules and the relevant Governing body, the Charities Commission rules will prevail.

3. **Membership**

3.1 The total membership of the Club shall not normally be limited. If however the Committee considers that there is 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. 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 with the club’s activities shall include, but not be restricted to, administrators, associate members, instructors, teachers and coaches, whether employed, self employed or voluntary, Committee members, helpers, Honorary members, life members, officers, patrons, presidents, technical and non-technical officials, temporary members, vice presidents and verifiers or tutors of the ASA’s educational certificates.

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 and Regulations relating to Child Protection and those parts of the Judicial Laws, Judicial Regulations 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 Regulations.

3.2 Any person who wishes to become a member of the Club must submit a signed application to the Admin Secretary (and in the case of a junior under the age of 16 the application must be signed by the applicant’s parent or guardian). The Admin Secretary will review the application in accordance with guidelines set by the Committee. If the applicant is non-compliant with the guidelines then the application will be referred to the Committee for review. In the event of an unsuccessful application the Committee or such authorised persons(s) 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 (“Review Panel”) 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 South East Region. The person

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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

- 3.3 The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation and shall adhere to the Equality Act 2010.
- 3.4 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, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.
- 3.5 The category of membership shall be decided in accordance with the following
 - 3.5.1 Junior Members, who shall be less than 16 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.
 - 3.5.2 Senior Members, who shall be not less than 16 years of age, shall be eligible to hold office and to attend and vote at Committee and General Meetings.
 - 3.5.3 Honorary Members, who shall be elected by the Committee, with the exception of the President or Vice President(s), for such a period as they think fit and they shall be entitled to all the privileges of membership [except that they shall not be entitled to make proposals and resolutions, to vote at meetings or 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 must be included in the Club's annual return as to membership.
 - 3.5.4 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 are entitled to all the privileges of membership [except that they shall not be entitled to make proposals and resolutions, to vote at meetings or serve as officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the club]. Such Life members must be included in the Club's annual return as to membership.
 - 3.5.5 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 submit propositions and resolutions, 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.
 - 3.5.6 Temporary Members, who are individuals granted temporary membership by the ASA 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 Regulation on temporary membership. Temporary Members shall not be entitled to make proposals and resolutions, to vote at meetings and serve as officers or on the Committee.

4 Subscription and Other Fees

- 4.1 The annual member's subscription and coaching and squad fees, (as applicable) shall be determined from time to time by the Executive Committee consisting of the Officers of the club, a Trustee and (if the topic is appropriate) the Head Coach. Recommendations to be ratified by remaining Trustees before submission to the Committee.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on dates as determined by the committee.
- 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 Executive Committee, detailed in Clause 4.1 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.
- 4.5 The Trustees shall have the power in special circumstances to remit the whole or part of the fees, including the A.S.A. membership fees, to address issues of social inclusion.

5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Admin Secretary one month's written notice of their 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 Rule 5.1 above, a member whose subscription or squad fees are more than two months in arrears shall be deemed to have resigned. Officers of the Club may vary this in exceptional circumstances. Where the membership of a member shall be terminated in this way they shall be informed in writing that they are no longer a member by notice handed to them or sent by post to their last known address.
- 5.4 The A.S.A. 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 them 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 to be refunded and must return any Club or external body's trophy or

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trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below

- 6.3 The Club shall adopt and comply with the ASA Rules for handling Internal Club Disputes ("the Rules") as the same may be revised from time to time. The Rules are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. A copy of the current Rules may be obtained from the ASA Legal Affairs Department.
- 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 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 action is taken the complaint will thereafter be dealt with in accordance with the Judicial Regulations.

7. Governance

7.1 Trustees

The club is a registered charity and will have a minimum of three and no more than five trustees. In accordance with Charities Commission guidelines these trustees will have overall responsibility for ensuring that the club

- is carrying out its purposes for the public benefit
- complies with the charity's governing document and the law
- acts in the charity's best interests
- manages the charity's resources responsibly
- acts with reasonable care and skill
- ensures the charity is accountable

Trustee meetings shall be held not less than quarterly (save where the Trustee's themselves 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 Trustees.

The Trustees 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. Anybody can become a Trustee providing that they personally meet the requirements laid down by the Charities Commission.

The Officers of the Club will be called to give account of the clubs activities to the Trustee's quarterly or more frequently as the Trustees see fit.

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Trustees will be elected at the Annual General Meeting of the club and will be expected to serve for a 3 year term, after which they may offer themselves for re-election.

The Trustees will set an annual financial budget for the club which is executed by the club's Operating Committee (the "Committee")

- 7.2 The day to day activities of the club will be run by the Committee. The Committee shall consist of the Chairperson, Secretary, Treasurer (together "the Officers of the Club") and not more than nine elected members all of whom must be members of the Club.
- 7.3 An Executive Committee consisting of Officers of the club and one or more Trustees, if applicable, will make recommendations to the Trustees and Committee on subscriptions and fees and other matters of a financial and strategic nature that are deemed appropriate by the committee and trustees. This committee has the power to temporarily appoint other members to this committee.
- 7.4 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.
- 7.5 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 A.S.A Child Safeguarding courses. The Welfare Officer shall not be a member of the teaching and coaching staff or a member of the family of an officer, committee member, the teaching and coaching staff. The Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 7.6 The Officers and Committee members shall be proposed, seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting.

Trustees, Officers and Committee members with voting rights must be members of the Club and receive no recompense save that in Rule 14.3.

Any vacancy occurring by resignation or otherwise in any position previously filled at the Annual General Meeting or other General Meeting may be filled by the Committee. Retiring Officers and members of the Committee shall be eligible for re-election.

- 7.7 Committee meetings shall be held not less than quarterly (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 an officer of the club, a trustee and two voting meetings of the committee.

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 five 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 Chairperson (or the acting Chairperson of that meeting) shall have a casting or

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additional vote.

The Secretary, or in their absence a member of the Committee, shall take minutes.

Trustees who are not officers of the club can attend Committee meetings.

- 7.8 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 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
- 7.9 In addition to the members so elected the Committee may co-opt up to 5 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 7.10 The Committee may from time to time appoint from among their number such subcommittees 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 and/or Trustees.
- 7.11 The Committee shall have power to enter into commercial contracts for the purposes of the Club on behalf of all the members of the Club if the contract term is for no greater than three years or the value of such contract is no more than £1500 annually. Contracts with a longer term and of higher commercial value must be referred to the Trustees for ratification. 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 at the Annual General Meeting.
- 7.12 The Members of the Committee and the Trustees 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.
- 7.13 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 A.S.A. Membership Department. The Club shall make an annual return to the A.S.A. Membership Department indicating whether or not an entry has been made in the prescribed form, which is to be found on the membership renewal form.
- 7.14 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.
- 7.15 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years

8. Officers and Honorary Members

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- 8.1 The Officers of the Club shall be the Chairperson, the Secretary and the Treasurer.
- 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 elect any person as an honorary member of the Club 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 person 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.

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 October ("the Opening Date") and 30 November ("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 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 remain in office;
 - 9.2.4 to elect the Officers, Trustees and other members of the Committee;
 - 9.2.5 to decide on any resolution, which may be duly submitted in accordance with Rule 9.4.
- 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 16 days before the published meeting date of the AGM. The nominee shall be required to indicate in writing on the nomination form their willingness to stand for election. Should the number of nominations received be lower than the numbers of vacancies available the Chairperson may, at their discretion, accept nominations at the meeting.
- 9.4. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not less than 16 days before the published date of the meeting.

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 them of a requisition in writing signed by not less than 10 members entitled to attend and vote at a General Meeting

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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 (21 days before the agreed meeting date) personally be responsible for making available to each member a written notice of the date, time and venue of the meeting together with the closing date for the receipt of any resolutions, proposals, nominations or reports to be considered thereat. Receipt of resolutions, proposals, nominations or reports must be with the Secretary not less than 16 days before the date of said meeting. 14 days before the meeting, the Secretary will distribute by e-mail, a draft copy of the previous minutes, an agenda with resolutions to be proposed and in the case of the Annual General Meeting a list of the nominees for the Committee and Trustee posts plus a copy of the draft accounts. The Notice of the Meeting shall in addition be displayed on the Club Notice Board.
- 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-fiftieth in number of such members. Having called a General Meeting, it may only proceed to business if the correct quorum of members is present within 30 minutes after the time fixed for the meeting; otherwise, the meeting if convened at the requisition of the members shall be dissolved; if convened by the direction of the Committee it shall be adjourned to the same time in the following week save that the adjourned meeting may proceed to business whatever the number of members present. If the meeting commences but is adjourned for want of time (or other good reason); members present at the meeting will be notified there and then of the adjourned date if practicable. If not and the matter is adjourned for more than 14 days all members shall receive 7 days notice in writing of the adjourned meeting; otherwise only those who attend the original meeting will be notified of the date. Any adjourned meeting must be re-convened and business completed within 2 months of the adjournment
- 11.3 The Chairperson, or in their 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 9.4. In the event of an equality of votes the Chairperson shall have a casting or additional vote. Only 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 their 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 other Resolutions

- 12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided

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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 such person who is authorised to do so by the ASA South East Region.

- 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 them not later than 16 days before the published 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 bylaws, 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 or paid directly into the Clubs bank account. All sums drawn from that account must be signed by two signatories one of whom shall be an officer of the club or the appointed book keeper. Should the sum be over £500 then the second signature must be a Trustee. Any moneys not required for immediate use may be invested as the Trustees in their 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 Trustees shall have power to authorise the payment of reasonable 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 Trustees think fit.
- 14.5 The financial year of the Club shall be the period commencing on 1 September and ending on 31 August. Any change to the financial year shall require the approval of the members in a General Meeting.

15 Borrowing

- 15.1 The Trustees 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 Trustees shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sum 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

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upon or by the issues of debentures charged upon all or any part of the property of the Club.

- 15.3 The Trustees 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, including cash at the bank, shall be the responsibility of the elected Committee and Trustees at all times.

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 trustees 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) as specified by the Trustees in accordance with Charity Commission guidelines.

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.

The following statement should appear on Club membership forms and should be signed by the member and must also be countersigned by parent or guardian of members less than 16 years of age:

"I acknowledge receipt of the rules of 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. "