

/Rules of Devonport Royal Swimming Association and Humane Society as at 28.11.2007

1 NAME

- 1.1 This organisation shall be officially known as "DEVONPORT ROYAL SWIMMING ASSOCIATION AND HUMANE SOCIETY". This title may on occasion be abbreviated to "DEVONPORT ROYAL SWIMMING ASSOCIATION" (D.R.S.A.).
- 1.2 The badge of the Association is the coat of arms of the former Borough of Devonport, now incorporated into the City of Plymouth.
- 1.3 The official Association colours shall be white on a red background. A secondary alternative shall be accepted as black on a red background.

2 OBJECTS

- 2.1 The object of the Association shall be the promotion of all recognised activities which involve swimming.
 - 2.1.1 The Association is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation, on any grounds.
 - 2.1.2 The Association shall implement the A.S.A. Equal Opportunities policy
- 2.2 The Association shall be affiliated to the A.S.A. Southwest Region, the Devon County Amateur Swimming Association, the City of Plymouth Amateur Swimming Association and to such other bodies as the Association may determine from time to time.
- 2.3 The business and affairs of the Association shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("A.S.A. Laws") and in particular:
 - 2.3.1 all competing members shall be eligible competitors as defined in A.S.A. Laws; and
 - 2.3.2 the Association shall in accordance with A.S.A. Laws adopt the A.S.A. Child Protection 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 Association shall in accordance with A.S.A. Laws comply with the A.S.A. Child Protection Procedures.
- 2.4 By virtue of the affiliation of the Association to the A.S.A. South West Region, the Association and all members of the Association acknowledge that they are subject to the laws, rules and constitutions of:
 - 2.4.1 the A.S.A. South West Region and
 - 2.4.2 the Amateur Swimming Association; (to include the A.S.A./I.O.S. 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 Association and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3 MEMBERSHIP

- 3.1 Membership shall be defined under three headings:-
 - 3.1.1 "Full"- which includes permission to undertake swimming training and to represent the Association in competitions. This type of membership shall be split into two headings viz: "Junior" (up to and including 18 years of age in year of competition) and Senior (covering those over 18 years in the year of the competition).
 - 3.1.2 "Associate"- which limits the member to either non-swimming or social swimming activities only. Both "Senior Full" and "Associate" membership over 18 years of age shall include full voting rights

and the right to be nominated for any of the Association positions on the General Committee or sub-committee(s).

3.1.3 "Temporary": mainly for students attending University or College in full time Education. This membership will require approval of the Association's executive and at a fee decided by the same. Temporary membership will not have voting rights and may only enter competitions as specified in Rule 15.

3.2 Any person who wishes to become a member of the Association must submit a signed application to the Secretary (in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Any application for membership of the Association shall not necessarily result in acceptance. The General Committee shall reserve the right to refuse any application for membership which may be considered detrimental to the best interests of the Association.

The Association 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.

3.3 If a swimmer has any long term medical conditions which effects their ability to complete a training session/s it is the swimmer or a responsible adult, (in the case of a swimmer under the age of eighteen years) to notify the Association Secretary in writing. The Association's secretary is to advise the chief coach who will take action as required.

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 Committee and approved at the next Annual General Meeting. The membership year shall run from 1st January to 31st December.

4.2 Members (other than those elected to office within the Association at the Annual General Meeting) that intend to renew their membership shall have until 31st January to do so. After that date they shall be adjudged to have lapsed their membership and shall be deleted from the membership list.

4.3 All members elected or serving in official positions within the Association shall renew their membership on or before January 14th each year. The Hon. Membership Secretary shall instigate hastening action as necessary and anyone not paying up promptly shall be automatically disbarred from holding office until the matter is rectified.

4.4 No member shall be permitted to enter any competition in the name of this Association until they have paid their membership dues in full. This will include any competitions taking place in the period 1st January - 31st March each year.

4.5 Any new member joining the Association from the 1st September onwards may have their membership fee adjusted to pay 1.33 times the current annual fee to cover their membership up to the end of the following year.

4.6 The awarding of life membership is to be recommended by members and approval determined at the Annual General Meeting.

5 RESIGNATION

5.1 A member wishing to resign membership of the Association must give to the Secretary written notice of his/her 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 arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.

6 EXPULSION AND OTHER DISCIPLINARY ACTION

6.1 Every member of this Association shall be expected at all times to exercise maximum self discipline and to uphold the good name of Devonport Royal Swimming Association and Humane Society.

6.2 Due respect should be accorded during training sessions to the poolside coaching and teaching staff and this should be extended during competitions to include both the team and competition officials.

- 6.3 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Association for him/her to remain a member. The Association in exercising this power shall comply with the provisions of Rules 6.4 and 6.5 below.
- 6.4 The Association shall adopt and comply with the A.S.A. 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 A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Guidelines may be obtained from the A.S.A. Legal Affairs Department.)
- 6.5 A member may not be expelled or (subject to Rule 6.6 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.
- 6.6 The Officers of the Association (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 Association activities, when in their opinion, such action is in the interests of the Association. 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 “the Executive of the Association”), Vice Chairman, Assistant Treasurer, Membership Secretary, Competition Secretary, Swimming Secretary, Lifesaving Secretary, Water Polo Secretary, Masters Representative, Social Secretary, Welfare Officer, Volunteer Co-ordinator, Trophy Steward, Badge Secretary and 2 elected members all of whom must be members of the Association. All Committee members must be not less than 18 years of age though the Committee may allow younger members to attend their meetings without power to vote.
- 7.2 The General Committee shall meet at a minimum of bi-monthly intervals throughout the year and accurate minutes shall be taken at each and every meeting and kept as a permanent record. 50% of the recognised complement of committee members plus one shall constitute a quorum.
- 7.3 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.
- 7.4 The Executive shall have the power to convene a meeting at any time to deal with matters of urgency. They may co-opt the services of the relevant facet Secretary (or Secretaries) to assist as necessary. In such circumstances a minimum of three members shall constitute a quorum.
- 7.5 The General Committee meeting scheduled for October each year shall be known as the “Nomination Meeting” for the Association’s Officers, to be put forward for election at the Annual General Meeting (A.G.M.) in November for the forthcoming year.
- 7.6 The Committee shall be responsible for the management of the Association and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Association. The post of Chief Swimming Coach is by appointment to office by the general Committee. The Committee shall have power to enter into contracts for the purposes of the Association on behalf of all the members of the Association. The Committee shall be responsible for ensuring that the Accounts of the Association for each financial year be examined by an independent examiner to be appointed by the members in General Meeting. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.
- 7.7 All sub-committees are answerable to the (Executive/) General Committee, to whom any change of policy should be reported.
- 7.8 The Committee shall maintain an Accident Book in which all accidents to Association members at swimming related activities shall be recorded. Details of such accidents shall be reported to the A.S.A. Office. The Association shall make an annual return to the A.S.A. in the prescribed form.
- 7.9 All records which relate to the Associations activities (e.g. Financial, Membership, Competition etc) which are produced either manually or on computer shall be regarded as such as being the property of the Association. Any member of the Executive shall have the right to ask to view those records at any time.
- 7.10 Where any records relating to individual members are intended to be maintained on computer, the member’s permission shall be sought to comply with the Data Protection Act 1998. Implicit consent can be obtained by giving members the opportunity to read the data protection notice of the A.S.A. This can be via the Association secretary, membership form, notice board or Association website. For health and medical details explicit consent (i.e. a signature) is required for this specific purpose from the Individual.

8 OFFICERS

- 8.1 The sitting Member of Parliament for the Plymouth, Devonport parliamentary constituency shall be formally invited to be the Association's President.
- 8.2 The election of Officers shall form part of the agenda for the Association's Annual General Meeting. They 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.
- 8.3 Where a single nomination for a post has been (received/accepted), that person shall be automatically elected to that position.
- 8.4 Where there is more than one nomination for any post then a secret ballot shall be undertaken to decide the appointment by all the "Senior Full" and Associate members present. Independent tellers shall be appointed to collect and count the votes and the result shall be decided on a simple majority. In the event of a tie, the Chairman shall decide the outcome on a casting vote.
- 8.5 Where no nomination has been received by the required date, any nominations from the floor of the Annual General Meeting shall be considered.

9 ANNUAL GENERAL MEETING

- 9.1 The Annual General Meeting of the Association shall be held in November each year, and details of nominations and date made aware to the members. 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 Committee's reports of the activities of the Association during the previous year;
 - 9.2.2 to receive and consider the accounts of the Association for the previous year prepared by the Hon Association Treasurer and examined by an independent competent person. The treasurer must also produce interim reports at each of the general committee meetings;
 - 9.2.3 to remove and elect the independent examiner or confirm that he/she remain in office;
 - 9.2.4 to elect the Executive, other Officers and 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 prior to the October Committee meeting. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall also be given in writing to the Secretary prior to the October Committee 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 him/her/er of a requisition in writing signed by not less than 7 members entitled to attend and vote at a General Meeting 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/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 list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of the members concerned distribute these materials by e-mail or similar form of communication and display them on the Association Notice Board.
- 11.2 The quorum for the Annual and Special General Meetings shall be (15) members entitled to attend and vote at the Meeting.
- 11.3 The Chairman, or in his/her 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. 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, such as the election of Association captains.)

- 11.4 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 Association.

12 ALTERATION OF THE RULES AND OTHER RESOLUTIONS

- 12.1 Any proposed future amendments to these rules can be introduced by submitting them in writing to the Hon Association Secretary in accordance with Rule 9.3. All such submissions shall be signed by the proposer and a seconder, both of whom must have extant membership of this Association. Every submission so received shall be placed on the agenda for debate at the Annual or Special General Meeting. To be accepted the alteration to the rules requires a majority of at least two-thirds of the members present and entitled to vote at the General Meeting.
- 12.2 No amendment(s) to the rules shall become effective until such amendment(s) have been submitted to and validated by such person as is authorised to do so by the A.S.A South West Region.

13 FINANCE

- 13.1 All moneys payable to the Association shall be received by the Treasurer and deposited in a bank account in the name of the Association. No sum shall be drawn from that account except by cheque signed by (two of the three signatories who shall be the Chairman, Secretary and Treasurer). Any moneys not required for immediate use may be invested as the Committee in its discretion think fit.
- 13.2 The income and property of the Association shall be applied only in furtherance of the objects of the Association and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Association.
- 13.3 The Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or employee of the Association and to any other person or persons for services rendered to the Association.
- 13.4 The financial transactions of the Association shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 13.5 The financial year of the Association shall be the period commencing on 1st October and ending on 30th September. Any change to the financial year shall require the approval of the members in a General Meeting.
- 13.6 The Committee shall retain for a minimum period of six years all financial records relating to the Association and copies of Minutes of all meetings.

14 BORROWING

- 14.1 The Committee may borrow money on behalf of the Association for the purposes of the Association 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 Association or with the approval of a General Meeting for any other expenditure, additions or improvements.
- 14.2 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 Association.
- 14.3 The Committee shall have no power to pledge the personal liability of any member of the Association for the repayment of any sums so borrowed.

15 COMPETITIONS

- 15.1 No member of this Association shall be permitted to partake in any competition unless it is being promoted under A.S.A. Law by a body that is affiliated to the region in which it is being held or that the promoter has obtained a permit from the region in accordance with A.S.A. Law.

- 15.2 Where the requirement is specified within the conditions of a competition, each competitor shall be A.S.A. Registered for that activity. A.S.A. Registration shall be controlled within the Association by the Hon Membership Secretary in accordance with A.S.A. Law.
- 15.3 "First Claim" status as defined in the A.S.A. law is required for swimmers to partake in any internal Association competition. Swimmers without a "First Claim" status may swim for times only and are not entitled to any titles.
- 15.4 Eligible swimmers who are up to date with their membership and training fees may enter any number of events in the internal Association Competitions. The longer distance championship events are only open to swimmers aged 9yrs and over. The limitations in force with respect to the Novices Gala shall apply (see rule 4.4 for external competitions).
- 15.5 Each Association trophy awarded to the winners of internal competitions shall be signed for at the time of receipt and returned to the Trophy Steward at a time to be determined by the General Committee to allow for the organisation of the current presentation evening.

16 DISSOLUTION

- 16.1 A resolution to dissolve the Association 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.
- 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 Association.
- 16.3 Any property remaining after the discharge of the debts and liabilities of the Association shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Association for the furtherance of such objects) nominated by the last Executive.

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 Association.

The following statement needs to appear on Association membership forms and is to be signed by the member and must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

I acknowledge receipt of the rules of _____ Association and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Association. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.