

AMATEUR SWIMMING ASSOCIATION NORTH WEST REGION RULES GROUP

Rules of Ellesmere Port Amateur Swimming Club

Given below for your attention are a number of points of editing required for approval of the rules.

Rule 2 Objects

- 1 Rule 2.3.1
The rule as currently stated is not required to identify in line one that the members are amateur. The concept of amateur members and competitors has been removed from ASA Laws and Regulations. The rule does need to be extended to ensure that all entries by the club into any competition are members of the club in addition to being eligible competitors as defined in ASA Laws and Regulations. The rule should be as follows
2.3.1 all competition entrants from the club shall be members of the club and shall be eligible competitors as defined in ASA Laws and Regulations
- 2 Rule 2.3.2 and Rule 2.3.3
To reflect the change of the governance structure for the ASA it is necessary to make reference to ASA Laws and Regulations as the Child Safeguarding procedures have been removed from ASA Laws and placed in a new set of Regulations. The rules will then be as follows:
2.3.2 the Club shall in accordance with ASA Laws and Regulations etc.
2.3.3 members of the Club shall in accordance with ASA. Laws and Regulations etc.
- 3 Rule 2.4
Following the restructuring of the ASA Laws in October 2009 and October 2010 it is necessary for the rule to recognise the introduction of a new set of Regulations designed to cover a number of procedures that were previously incorporated into ASA Law. The rule should now be as follows
2.4 By virtue of the affiliation of the Club to ASA North West Region the Club and all members of the Club acknowledge that they are subject to the laws, regulations, rules and constitutions of:

Rule 3 Membership

- 4 Rule 3.7
It has been recognised that many swimming clubs have an entry stream into the club based on trials or performance assessments where individuals are required to achieve a minimum standard of performance before they can be admitted into the club. To allow the club to refuse admission on this basis Rule 3.7 must be extended as given below:
3.7 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 an athlete, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership
- 5 Rule 3.9.2 and Rule 3.9.4
Rule 3.9.4 is a duplicate of Rule 3.9.2. It is not necessary to distinguish between senior swimmers and senior non-swimmers as they are both given the same membership and voting rights. Rule 3.9.2 can cover all situations by referring to Senior Members.

Rule 6 Expulsion and Other Disciplinary Action

- 6 Rule 6.1
At the end of the rule it is necessary to make reference to Rule 6.3 and Rule 6.4. Rule 6.2 covers the non-return of membership fees and that is not part of the disciplinary procedures.
- 7 Rule 6.7
The rule can be deleted as the procedure for dealing with an internal club dispute are now given in Regulations 150 to 155 which are given as an appendix to the constitutional rules.

Rule 7 Committee

- 8 Rule 7.1
Rule 7.1 as currently stated contradicts Rule 3.9.2. In Rule 7.1 a person must be 18 years of age in order to be a member of the committee but in Rule 3.9.2 a person can hold office at 17 years of age. At the end of the rule younger members can only attend a meeting of the committee by invitation of the committee. The last part of the rule should read as follows:
7.1 All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings by invitation of the Committee without the power to vote.
- 9 New Rule 7.2 as replacement for existing Rule 7.13
The ASA has recently issued directives to place additional constraints on the Welfare Officer to ensure the Welfare Officer is fully independent of the club management structure and of the poolside staff, The Welfare Officer is no longer allowed to be a member of the Committee but must have the facility of reporting all welfare issues to the committee and must not be a member of the poolside staff or a team manager or a family member of a committee member, a member of the poolside staff or a team manager. In addition the Welfare Officer must be suitably qualified and it is recommended the post is filled by appointment by the committee and not elected by the membership at the Annual General meeting each year. The existing Rule 7.13 rule needs to be renumbered and extended to give the following:
7.2 The Committee shall appoint as and when required 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 ASA Child Safeguarding courses. The Welfare Officer shall not be a member of the committee, or the teaching and coaching staff or the Team Manager or a member of the family of an officer, committee member, the teaching and coaching staff or the Team Manager. The Welfare Officer shall not be a member of the committee but will have a right to attend Committee meetings without the power to vote and shall report to the Committee on all aspects of welfare concerning the members of the club.
- 10 Rule 7.2 as replacement for existing Rule 7.13
At the end of the existing Rule 7.13 it is not necessary for the constitution to specify how the Welfare Officer should make reports to the committee that is a matter for the club to decide and the method of reporting should be placed in the club by-laws or standing orders
- 11 Existing Rule 7.3, Renumbered Rule 7.4
He rule as currently stated allows the committee to decide not to meet. It is therefore necessary for the rule to state the minimum number of meetings the committee will hold during the year. It is recommended that the conditions for the quorum for the meeting are removed from this rule and placed in Rule 7.5 that deals with other aspects involving the quorum for the meeting. The rule should also be extended to allow the Secretary to provide the notice, the agenda and the supporting papers for a meeting of the committee by email as an alternative to a written communication. The rule should be extended as follows:
7.4 Committee meetings shall normally be held on 10 occasions per year save where the Committee itself shall by a simple majority resolve not to meet, but there shall be not less than [insert number] meetings of the Committee per year. 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 seven days notice of a meeting in writing or by e-mail. Decisions of the Committee shall be made by a simple majority and in the event of an equality of votes the Chairman, or the acting Chairman of that meeting, shall have a casting or additional vote. The Secretary, or in his/her absence a member of the Committee, shall take minutes.
- 12 Existing Rule 7.4, Renumbered Rule 7.5
The ASA Legal Department has issued directions concerning the procedures to be adopted should a club committee meeting not be quorate and the requirements should the reconvened meeting not be quorate. The rule should be reworded as follows:
7.5 The quorum for a Committee meeting shall be such number as shall represent not less than a simple majority of the Committee members entitled to attend and vote, to include not less than one Officer. In the event that a quorum is not present within 30 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 but shall be

reconvened on a date within one month of the original date and a minimum of seven days advance notice given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used. 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 and Rule 11.2 shall not apply.

- 13 Existing Rule 7.6, Renumbered Rule 7.7
As currently stated the committee is not given any direction on the appointment of the members of a subcommittee. It is usual for a subcommittee to be selected from the members of the club. The rule can be worded to give the following:
7.7 The Committee may from time to time appoint from among the membership of the club 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.
- 14 Renumbered Rule 7.8
For a club to be Swim 21 accredited it should appoint the officers, the committee members and the other post holders against a role or job description. Therefore the Committee is responsible for determining the terms and conditions of service for its volunteers and helpers in addition to the employees of the club. This requirement should be reflected in the rule as follows.
7.8 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 and voluntary helpers 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.
- 15 Existing Rule 7.13
The rule should be deleted as the revised conditions for the appointment of the Welfare Officer have been moved to a new Rule 7.2

Rule 9 Annual General Meeting

- 16 New Rule 9.2
Once the notice of the Annual General Meeting has been given to the club members then if for any reason the meeting needs to be changed the club has no power to change the arrangements. A new rule is required to provide the committee with the appropriate action should the AGM be postponed and the remaining rules renumbered. A new rule is required as follows:
9.2 Only in the event of exceptional circumstances shall an AGM be postponed by the Committee once the date, time and venue has been fixed and advised to members. A postponed AGM shall normally be reconvened on a date within one month of the original date and a minimum of 7 days advance notice given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used.
- 17 New Rule 9.3
If the AGM is postponed it cannot be postponed indefinitely as it is a mandatory requirement of the ASA that a club must have an Annual General meeting of the membership. A new rule is required as follows to place an upper limit on the time intervals that can elapse between consecutive Annual Meetings and the remaining rules renumbered
9.3 In any event no more than 15 months shall elapse between any two consecutive Annual General Meetings.
- 18 Existing Rule 9.2.5
The reference to the election of the Welfare Officer should be deleted as the Welfare Officer should not be subject to election at the Annual General meeting but should be appointed by the committee under the condition of new Rule 7.2.
- 20 New Rule 9.6
A new rule is required to deal with proposals other than nominations for office and the committee for consideration at the Annual General meeting. The last part of existing Rule 9.3 can be deleted from

Rule 9.3 and used to form a new Rule 9.6. In addition it is necessary to have any resolution that is submitted to the Secretary for consideration at the Annual General meeting to be proposed and seconded. The rule needs to be as follows:

9.6 Notice of any resolution, proposal or submission to be moved at the Annual General Meeting, duly proposed and seconded shall be given in writing to the Secretary not later than 28 days before the opening date given above.

Rule 10 Special General Meeting

21 New Rule 10,4

The current constitutional rules do not give the Committee any directives on the action it can take should a special general meeting need to be postponed once the details of the meeting have been notified to the membership. A new rule as follows is required to provide the necessary actions with the remaining rules renumbered

10.4 Only in the event of exceptional circumstances shall a Special General Meeting be postponed by the Committee once the date, time and venue has been fixed and advised to members. A postponed Special General Meeting shall be reconvened on a date within one month of the original date and a minimum of 7 days advance notice given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used.

Rule 11 Procedure at the Annual and Special General Meetings

22 Rule 11.1

The requirements given in Rule 11.1 cover two different actions by the Secretary and preferably should be separated to provide for two different rules. In addition the requirement that the nominations and other information should be in the hands of the Secretary not less than 14 days before the date of the meeting contradicts Rule 9.3 which requires the same information to be in the hands of the Secretary not less than 28 days before the opening date of 1st March. Clearly the Secretary cannot meet all these conflicting requirements at the same time.

23 The first action is that the Secretary must issue the notice of the Annual General Meeting along with the closing date for the submission of nominations for office and other resolutions, which is currently given in the rule as 14 days. The second is that the Secretary must issue the meeting agenda, the list of nominations for office, any other resolutions received and in the case of the Annual General Meeting a copy of the examined accounts. This is presently given in the same rule and also requires the information be sent out 14 days before the meeting.

24 It is not possible to meet these two conditions at the same time if the resolutions and nominations for the Annual General Meeting are to be in the hands of the Secretary 28 days before the meeting to satisfy the conditions of Rule 9.3. To allow consistent information to be given in the different rules it is normal for the notice of the Annual General meeting along with the closing date for the submission of resolutions, nominations and any proposals to be discussed at the Annual General meeting to be sent to the membership 28 days before the meeting. The supporting nominations, resolutions and proposals to be in the hands of the Secretary not less than 21 days before the date of the meeting and the agenda along with the other supporting papers to be sent to the members not less than 14 days before the date of the meeting. The adoption of this timeline results in all the actions being determined by the date selected for the meeting. In addition it removes the concept of having an opening date and a closing date in Rule 9.1.

25 To provide for the first action by the Secretary Rule 11.1 could be worded along the following lines:

11.1 The Secretary shall personally be responsible for the handing out or sending to each member at his last known address a written notice of the date, time and place of a General Meeting together with the closing date for any resolutions to be proposed thereat at least 28 days before the meeting. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of the Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.

26 New Rule 11.2

To provide for the second action a new rule is required to specify that the agenda and the other supporting papers be distributed to members typically 14 days before a General Meeting. The

remaining rules will then be renumbered. The new rule will generally be as follows:

11.2 The Secretary shall personally be responsible for the handing out or sending to each member at his last known address a written agenda for the General Meeting together with the resolutions and proposals to be considered 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 member(s) concerned distribute these materials by e-mail or similar form of communication.

27 Existing Rule 11.3, Renumbered Rule 11.4

The ASA Legal Department has issued revised guidelines as given below should a general meeting not be quorate,

11.4 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.

28 New Rule 11.5

A new rule is required to specify the action the club must take if a general meeting is adjourned before the business specified on the agenda for the meeting has been completed. A new rule is required as follows:

11.5 If the meeting commences but is adjourned for want of time (or other good reason); the 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.

29 New Rule 11.6

If a meeting is adjourned it clearly cannot be delayed indefinitely and a limit must be placed on the time that is allowed to elapse before the business of the initial meeting should be completed. A new rule is required to place an upper limit on the time delay with the remaining rules renumbered

11.6 Any dissolved or adjourned meeting must be re-convened and business completed within 2 months of the adjournment.

30 Existing Rule 11.4

The existing rule deals with two different conditions and it is recommended that the rule is divided to provide one rule to identify who is allowed to attend and vote at meetings of the membership and a second separate rule to specify the options available should the Chairman not be available at the meeting

31 Existing Rule 11.4, Renumbered Rule 11.7

A revised rule is required to cover the part of existing Rule 11.4 that deals with the voting requirements for members attending a general meeting. Clearly a person must be a paid up member in order to be a member of the club but all "paid up" members are not entitled to attend and vote at a general meeting of the membership. The present wording would give voting rights to all paid up members over the age of 17 years at a general meeting including Junior Members, Honorary Members, Live Members and Temporary Members. Life Members do not have voting rights under the condition of Rule 3.9.5. Honorary Members are not allowed to vote at general meetings under the condition of Rule 3.9.6. In addition Temporary Members do not have voting rights under the condition of Rule 3.9.7. The age limit at which members have the right to vote is given in Rule 3.9.1 as 17 years of age but Rule 7.1 says members of the committee must be 18 years of age. Junior members cannot be given the right to vote at the meeting as that then contradicts Rule 3.9.1 which specifically prevents junior members from voting. A rule is therefore required to identify the categories of membership who can attend and vote. A new rule is required as follows with the remaining rules being renumbered

11.7 Members who have reached their 17th birthday who are not excluded under the conditions of Rule 3.9.5, Rule 3.9.6 and Rule 3.9.7 shall be entitled to be heard and to vote on all matters. Members who are excluded under the conditions of Rule 3.9.5, Rule 3.9.6 or Rule 3.9.7 may be heard by invitation of the Chairman only. Members who have not reached their 17th birthday shall be entitled to be heard by invitation of the Chairman only on those matters determined by the Chairman as matters concerning juniors, such as the election of club captains.

- 32 Existing Rule 11.4, Renumbered Rule 11.8
The third sentence in the present rule should be deleted as it relates to the procedure required to submit resolutions to a general committee and not to the conduct of the meeting. The rule will then be as follows with the remaining rules renumbered:

11.8 The Chairman, or if the Chairman is not available or declines to act as Chairman a member appointed by the Committee, shall take the chair. Each member present who is entitled to attend and vote shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting or additional vote.

Rule 12 Alteration to the Rules and Other Resolutions

- 33 Rule 12.3
The current rule requires the Secretary to receive any proposals for consideration at a general meeting not less than 28 days before the meeting but to make the rules consistent this should be 21 before the date of the meeting. In addition at the end of the rule it is necessary to state the information sent out by the Secretary must satisfy the conditions of Rule 11.2 in addition to Rule 11.1.

Rule 14 Finance

- 34 Rule 14.1
With the move by many swimming clubs to electronic banking and the electronic transfer of payments the club may wish to remove the present constraints placed on the club that no payments can be made except by cheque.

- 35 Rule 14.1
The rule as currently stated allows cheques to be sign by the Assistant Treasurer but according to the constitution the position does not exist. The position is not given in Rule 7.1 that gives the committee positions and the constitution does not provide any mechanism for appointing a person to the position of Assistant Treasurer. The rule can be worded as follows:

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 paid from that account except by cheque or by electronic means or online and sanctioned by two of the three authorised individuals who shall be the Chairpman, Secretary and Treasurer [Assistant Treasurer]. Any moneys not required for immediate use may be invested as the Management Committee in its discretion think fit.