

# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

## Andover Swimming and Water Polo Club Constitution as at 1 May 2008

### 1. Name

1.1 The name of the club shall be Andover Swimming and Water Polo Club.

1.2 The club colours shall be dark blue and white.

### 2. Objects

2.1 The objects of the Club shall be the teaching, development and practice of swimming and water polo for its members. In the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of their activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.

2.1.2 The Club shall implement the Amateur Swimming Association (ASA) Equal Opportunities policy.

2.2 The Club shall be affiliated to the ASA South East Region, the Royal Life Saving Society (RLSS) and other such bodies as the Annual General Meeting shall decide. The Club shall adopt and conform to the rules of the ASA and to 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 ASA 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 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 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 ASA South East Region, the Club and all members of the Club acknowledge that they are subject to the laws and rules of:

2.4.1 ASA South East Region; and

2.4.2 The ASA; (to include the ASA/IOS Code of Ethics); and

2.4.3 British Swimming (to include in particular the Doping Control Rules and Protocols and); and

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

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 pursuit of the objectives the Club will seek:

2.6.1 To ensure that everyone has an opportunity to learn to swim.

2.6.2 To support the pursuit of excellence, in all its disciplines and at all levels of the sport.

2.6.3 To provide the direction and effective management of the sport.

2.6.4 To provide a proactive communication service to its customers supported by an efficient service in response to its customer enquiries.

2.6.5 To provide facilities for and to promote personal development.

2.6.6 To promote friendship and club activities.

2.6.7 To arrange and facilitate instructional classes for those involved in learning to swim, swimming improvement and competitive swimming.

### 3. Membership

3.1 The total membership of the club shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.

3.2 All 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, voluntary instructors, teachers and coaches, 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.

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

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

3.4 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). Election to membership shall be determined by the General Committee but other person(s) authorised by the committee may make recommendation as to the applicant's acceptability. The Committee 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 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.

3.5 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.

3.6 Under the provisions of the Data Protection Act, the Club is required to notify all members that it will be keeping membership records on a computer. Details regarding the requirements are displayed on the Club notice board.

## 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 the Annual General Meeting shall determine.

4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1<sup>st</sup> 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 Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

4.5 No member may compete for any Club Trophy or award, nor represent the Club in any inter-club, County, District, National or Open Competition unless they have paid the subscription for the current period, together with any monies due to the club by way of arrears of subscriptions, entry fees, match fees etc.

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

4.6 A request to be entered for any Club, County, District, National or Open Competition for which an entry or match fee is required shall be considered as acceptance by the entrant of responsibility for any fees arising from such entry.

4.7 Personal friends of members and also visiting members of other affiliated clubs may be admitted to the Club nights at the discretion of the Executive Committee, upon payment of the admission fee only, for a maximum of three such attendances. If a period of longer than three attendances is anticipated then the fee for an Associate or Full Membership becomes payable. A record of such persons attending is to be maintained by the Membership Secretary.

## 5 Resignation

5.1 A member wishing to resign membership of the Club must give to the Honorary 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. Any member who fails to give notice of official resignation as in Rule 5.1 and who then re-enters into the activities of the Club may be liable to arrears of subscription in full, at the discretion of the General Committee.

5.3 Anyone one month in arrears in the Teaching Sessions will automatically forfeit their class allocation and must re-apply.

## 6 Suspension, 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. The Club in exercising this power shall comply with the provisions of Rules 6.2 and 6.3 below

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 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 Guidelines.

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

6.5 A complaint or protest against the affairs or conduct of the Club may be made by any fully paid up member for consideration by the Committee, provided that such a complaint or protest is lodged in writing with the Honorary Secretary at least 7 days before the next Committee meeting. The decision of the Committee on any such complaint shall be final, subject to the right of appeal to the Hampshire County ASA.

## 7 Committee

7.1 The administration of the Club shall be through Honorary Executive and General Committees. The Executive Committee shall consist of Chairman, Vice Chairman, Head of Swimming Teaching, Head of Coaching, Secretary and Treasurer. The General Committee shall consist of the Executive Committee plus the Team Manager, Membership Secretary, Competitions Secretary, Championship Secretary, Open Competitions Secretary, Water Polo Secretary and Public Relations Officer. The Club shall also have a Welfare Officer who shall not be or a relative of any of the Executive Officers, the Coach, the club teachers or the Team Manager. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.

7.2 The Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election. Any Committee member being absent from three meetings, without good reason, may at the discretion of the Committee, be considered to have vacated their seat on the Committee. A replacement may be appointed by the General Committee to serve until the next AGM.

7.3 The General Committee shall meet at least six times a year, normally on the first Thursday of each month and the quorum of that meeting shall be 6 (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than two days oral, or written notice of a meeting not held on the regular date. 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 is not present within thirty minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman.

7.5 The Chairman shall conduct the business of the Committee meetings and in his absence the Vice Chairman will chair the meetings. The Executive Committee, subject to four members concurring on any one decision, shall:

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

7.5.1 Conduct day to day business and act on all matters relating to the policy of the Club.

7.5.2 Appoint Hampshire County Amateur Swimming Association (HCASA) delegates.

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. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.

7.8 All decisions taken at Committee meetings will be recorded by the Secretary in the form of minutes and published on the Club notice board after agreement by the Chairman. Where a division takes place this is only to be shown as the number of votes cast for and against a motion.

7.9 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.

7.10 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 ASA Office. The Club shall make an annual return to the ASA in the prescribed form.

7.11 The Chairman is to make all Committee members fully aware of the individual responsibilities they have undertaken as detailed in the Job Descriptions at the first meeting after the AGM and at any other time during their term of office if required.

## 8 Officers and Honorary Members

8.1 The Executive 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.

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

8.3 The Committee may elect any person as an honorary member of the Club for such period as it thinks 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 his 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 in January. 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 Executive 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 21 days before the AGM. 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 later than 21 days before the AGM.

## 10 Extraordinary General Meeting

10.1 An Extraordinary General Meeting may be called at any time by the Committee. A Extraordinary 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 20 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 last known address a written agenda giving notice of the date, time and place of the General Meeting

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

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 member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.

11.2 The quorum for the Annual and Special General Meetings shall be 20 members entitled to attend and vote at the meeting.

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. Only paid up members who have reached their 16<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters, or a parent of a fully paid up member under the age of 16. (Members who have not reached their 16<sup>th</sup> 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 club captains.)

11.4 The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Extraordinary 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 Extraordinary General Meeting provided that the resolution is carried by a majority of at least (two-thirds) of members present and entitled to vote at the General Meeting. No amendment(s) to the rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the County Association/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 him not later than 21 days before the meeting in the case of the Annual General Meeting or, in the case of a Extraordinary General Meeting, 18 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.

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

## 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. All cheques drawn from that account must be signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer. 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 thinks fit.

14.5 The financial year of the Club shall be the period commencing on 1 January and ending on 31 December. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 The Committee shall retain for a minimum period of six years all financial records relating to the club and copies of Minutes of all meetings.

## 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 for the general upkeep of the Club or with the (prior) 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 more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.

16.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

or resignation unless removed by a resolution passed at a General Meeting.

16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

16.4 The safe custody of all Trophies, Medals, Certificates and other Club awards shall be the responsibility of the Honorary Championship Secretary. The Honorary Treasurer shall insure annually all perpetual Trophies, the property of the Club, under a policy approved by the General Committee and the Honorary Championship Secretary shall obtain a receipt from winners of such perpetual Trophies on each occasion that they pass out of their possession.

16.5 Holders of perpetual Trophies shall surrender them to the Honorary Championship Secretary at any time on request and in any case not less than 7 days before that particular Trophy is again put up for competition.

## 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 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 a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects) nominated by the last Committee.

## 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 needs to appear on Club 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 \_\_\_\_\_ 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.***

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009



# Andover Swimming and Water Polo Club

[www.andoverswimming.co.uk](http://www.andoverswimming.co.uk)

Chairman: Don  
McEwen

Secretary: vacant

Affiliated to ASA South East Region

Version: - 1  
Date: - 1 May 2008  
To Be Reviewed: -  
AGM 2009

