
RULES OF SALFORD CITY SWIMMING AND WATER POLO CLUB

AS AT 1 JANUARY 2018

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1. Definitions

1.1 In these Rules:

"the ASA"	Means the Amateur Swimming Association;
"ASA North West Region"	Means the North West region of the Amateur Swimming Association;
"By-Law"	means a By-Law of the Club made under Rule 14;
"Club"	means Salford City Swimming and Water Polo Club;
"Committee"	has the meaning set out in Rule 8 and "Committee meeting" shall be construed accordingly;
"General Meeting"	means either the Annual General Meeting of the Club, as defined at Rule 10 or a Special General Meeting as defined at Rule 11. The defining feature of a General Meeting, as set out at Rule 12.7, is that it is one that all Members over the age of eighteen (18) and who have not been excluded are entitled to attend;
"Governing Body Rules"	has the meaning set out in Rule 3.4;
"the Laws"	has the meaning set out in Rule 3.3;
"Member"	means a member of the Club as described in Rule 4;
"Officer"	has the meaning set out in Rule 9 and "Officers" shall be construed accordingly;
"Payment Agreement"	means an agreement between the Club and a Member where payment of fees is made in instalments rather than as a lump sum;
"Review Panel"	has the meaning set out in Rule 4.5;
"Rules"	means these Rules, included appendixes and annexes, and "Rule" shall be construed accordingly; and
"writing"	means any communication by written means, including email and other electronic transmission, and "in writing" shall be construed accordingly.

1.2 Headings are provided for information only and do not affect interpretation.

2. Name

2.1 The name of the Club shall be Salford City Swimming and Water Polo Club.

3. Objects

- 3.1 The objects of the Club shall be the teaching, development and practice of swimming and water polo, the promotion of competitions and championships for its members and shall where appropriate be to compete at Local, County, Region, National and International level. In the furtherance of these objects:
- 3.1.1 the Club is committed to treating everyone equally within the context of its activity and with due respect to the differences 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; and
 - 3.1.2 the Club shall implement the ASA Equality Policy, as may be amended from time to time.
- 3.2 The Club shall be affiliated to ASA North West Region and to Lancashire County Water Polo and Swimming Association and shall adopt and conform to the rules of those Associations, and to such other bodies as the Club may determine from time to time.
- 3.3 The business and the affairs of the Club shall at all times be conducted in accordance with the Laws, Regulations and Technical Rules of the ASA and in particular:
- 3.3.1 all competition entrants from the club shall be Members of the Club and all competing Members shall be eligible competitors as defined in ASA Laws and Regulations;
 - 3.3.2 the Club shall, in accordance with ASA Laws and Regulations, 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; and
 - 3.3.3 Members of the Club shall, in accordance with ASA Laws and Regulations, comply with the ASA Child Safeguarding Policy, Regulations and Procedures.
- 3.4 By virtue of the Club's affiliation to ASA North West Region and to Lancashire County Water Polo and Swimming Association, the Club and all Members of the Club acknowledge that they are subject to the laws, regulations, rules and constitutions of:
- 3.4.1 Lancashire County Water Polo and Swimming Association;
 - 3.4.2 ASA North West Region;
 - 3.4.3 the ASA (including the ASA and Institute of Swimming's Code of Ethics);
 - 3.4.4 British Swimming (and in particular its Doping Control Rules and Protocols and Judicial Code); and
 - 3.4.5 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")

3.5 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.

4. Membership

4.1 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.

4.2 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 is not limited 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 Swim England's educational certificates.

4.3 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, the Laws and Regulations relating to Child Safeguarding and those parts of the Judicial Laws, Judicial Rules and the 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.

4.4 Any person who wishes to become a Member of the Club must submit a signed application to the Membership Officer (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 Membership Officer but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.

4.5 The Membership Officer 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 (3) members (who may or may not be members of the Committee). The Review Panel shall, wherever practical, include one (1) independent member nominated by ASA North West 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.

4.6 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular shall adhere to the Equality Act 2010 (as may be amended). Accordingly, the Club shall not refuse an application for membership on the basis of a protected characteristic within the Act, such as disability, gender or gender

identity, marriage or civil partnership, pregnancy, race, religion or belief, or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

- 4.7 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.
- 4.8 Membership of the Club shall be renewed on an annual basis through the process of reapplication not later than the last day of February.
- 4.9 The category of membership shall be decided in accordance with the following:
- 4.9.1 Junior Members, who shall be less than eighteen (18) years of age, shall not be allowed to hold office, attend meetings of the Committee unless by invitation of the Committee, to vote at Committee or General Meetings or submit nominations, proposals or resolutions for consideration at a General Meeting of the membership.
- 4.9.2 Senior Members, who shall be not less than eighteen (18) years of age, shall be eligible to stand for election for office and for membership of the Committee, to attend and vote General Meetings of the membership and to submit nominations, proposals and resolutions to a General Meeting of the membership.
- 4.9.3 Honorary Members, who shall be elected by the Committee 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.
- 4.9.4 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 shall be entitled to all the privileges of membership including the right to make nominations for office, to submit proposals and resolutions for consideration at a general meeting of the membership, to vote at meetings or serve as officers or on the Committee. Such Life Members must be included in the Club's annual return as to membership.
- 4.9.5 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 proposals 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.

4.9.6 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 meeting or serve as officers or on the Committee.

5. Subscription and Other Fees

- 5.1 The annual Members' subscription and coaching and squad fees shall be determined from time to time by the Committee and the Committee shall in doing so make special provision for different classes of membership as the Committee shall determine.
- 5.2 The annual subscription shall be due on joining the Club and thereafter on the last day of February each year.
- 5.3 Any Member whose subscription is unpaid by the date falling thirty (30) days after the due day for payment and who has not entered into a Payment Agreement with the Club 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.
- 5.4 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 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.
- 5.5 The Officers shall have the power in special circumstances to remit the whole or part of the fees, including the ASA membership fees, to address issues of social inclusion.

6. Resignation

- 6.1 A Member wishing to resign membership of the Club must give to the Secretary written notice of his/her resignation. A Member's resignation shall only take effect when this Rule 6.1 has been complied with.
- 6.2 The Member who resigns from the Club in accordance with Rule 6.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 6.3 Notwithstanding the provisions of Rule 6.1 above, a Member whose subscription is more than three (3) 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.
- 6.4 The ASA's membership department shall be informed should a member resign whilst still owing money or goods to the Club.

7. Expulsion and other disciplinary action

- 7.1 The Committee shall have the power to expel a Member when, in its sole opinion, it would not be in the interests of the Club for the individual to remain a Member. The Club in exercising this power shall comply with the provisions of Rules 7.3 and 7.4 below.
- 7.2 Upon expulsion, the former Member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held immediately.
- 7.3 The Club shall comply with the requirements and procedures of the Judicial Rules and Regulations for handling internal club disputes, as may be revised from time to time. A copy of the relevant regulations and procedures currently in force is given as an appendix to these Rules.
- 7.4 A Member may not be expelled or, subject to Rule 7.5 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.
- 7.5 Where such action is taken, the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules and Regulations.
- 7.6 The officials in charge of a particular event shall be responsible for the discipline. If further action is required, this is to be referred to the Internal Disputes Procedures laid down in the ASA's Judicial Laws and Regulations.

8. Committee

- 8.1 The Committee shall consist of the Chair, Vice-Chair, Secretary and Treasurer (together "the Officers") and not more than nine (9) elected members, all of whom must be Members of the Club. All Committee members must be not less than eighteen (18) years of age though the Committee may allow younger members to attend their meetings by invitation without the power to vote.
- 8.2 The Committee shall appoint as and when required a Member of the Club as Welfare Officer who must be not less than eighteen (18) years old, should have an appropriate background and who is required to undertake appropriate training in accordance with the ASA's Child Safeguarding Procedures. The Welfare Officer shall not be a member of the teaching and coaching staff, nor the Team Manager nor be 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 a power to vote and shall report to the Committee on all aspects of welfare concerning members of the Club.
- 8.3 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 Chair has closed the meeting. Any vacancy occurring by resignation or otherwise in any position previously filled at the Annual General Meeting may be filled by the Committee. Retiring Officers and members of the Committee shall be eligible for re-election.

- 8.4 Committee meetings shall be held not less than quarterly, save where the Committee itself shall by a simple majority resolve not to meet, but there shall be not less than three (3) meetings of the Committee per year. The Chair 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 members of the Committee not less than seven (7) days' written notice of a meeting. Decisions of the Committee shall be made by simple majority and in the event of equality of votes the Chair or the acting Chair of the meeting shall have a casting or additional vote. The Secretary, or in his/her absence a member of the Committee, shall take the minutes.
- 8.5 Decisions of the Committee may be taken by written resolution where the Chair agrees that the matter is urgent, cannot wait until the next meeting and does not warrant the convening of a special meeting. Any such decision by written resolution must be agreed by at least enough members of the Committee to form a quorum, excluding any members not eligible to vote on the matter. Such decisions shall be as valid and effectual as if passed at a duly convened meeting of the Committee.
- 8.6 The quorum for a Committee meeting shall be such number as represents not less than a simple majority of the Committee members entitled to attend and vote and must include at least one (1) Officer. In the event that a quorum is not present within thirty (30) minutes of the published start time, the meeting shall stand adjourned to the time and date falling seven (7) days after the date of the meeting or such other date and time as may be determined by the Chair but shall be reconvened on a date within one (1) month of the original date and a minimum of seven (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. 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 Rules 12.1 and 12.2 shall not apply.
- 8.7 In addition to the members so elected, the Committee may co-opt up to four (4) further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee but shall not be counted in establishing whether a quorum is present. Co-opted members shall be not less than eighteen (18) years of age.
- 8.8 The Committee may from time to time appoint from amongst the senior membership of the Club such sub-committees as they may consider necessary, and to remove in whole or in part or to 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. For specific projects. Individual Club Members may join the specific sub-committee. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 8.9 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 the power to

enter into contracts for the purposes of the Club on behalf of all the Members of the Club.

- 8.10 The Committee shall be responsible for ensuring that the accounts of the Club for each financial year are examined by an independent examiner to be appointed by the members at a General Meeting.
- 8.11 The members of the Committee shall be indemnified by the Members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.
- 8.12 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 Membership Department. The Club shall make an annual return to the ASA 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.
- 8.13 The Committee shall have the power to make regulations, create By-Laws (see Rule 14.1) and to settle disputed points not otherwise provided for in these Rules.
- 8.14 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least six (6) years.
- 8.15 At the first Committee meeting following the Annual General Meeting, the Committee shall appoint delegates to attend the Council meetings of ASA North West Region, Lancashire County Water Polo and Swimming Association and such other bodies and associations to which the Club is affiliated, as required.

9. Officers

- 9.1 The Officers of the Club shall be the Chair, the Vice-Chair, the Secretary and the Treasurer.
- 9.2 The Officers 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 Chair has closed the meeting. Any vacancy occurring by resignation or otherwise in any position previously filled at the Annual General Meeting may be filled by the Committee. Retiring Officers shall be eligible for re-election.

10. Annual General Meeting

- 10.1 The Annual General Meeting of the Club shall be held each year on a date in December. The date, time and venue of the Annual General Meeting shall be fixed by the Committee.
- 10.2 Only in the event of exceptional circumstances shall an Annual General Meeting be postponed by the Committee once the date, time and venue has been fixed and notified to members. A postponed Annual General Meeting shall normally be reconvened on a date within one (1) month of the original date and a minimum of seven (7) days'

advance notice shall be given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used.

- 10.3 In any event, no more than fifteen (15) months shall elapse between any two consecutive Annual General Meetings.
- 10.4 The purpose of the Annual General Meeting is to transact the following business:
- 10.4.1 to receive the Chair's report of the activities of the Club during the previous year;
 - 10.4.2 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;
 - 10.4.3 to remove and elect the independent examiner (who must not be a member of the Committee nor a member of the family of a member of the Committee) or confirm that he/she remains in office;
 - 10.4.4 to elect the Officers and other members of the Committee; and
 - 10.4.5 to decide on any resolution which may be duly submitted in accordance with Rule 13.3.
- 10.5 Nominations for election of members to any office, named position or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than twenty one (21) days prior to the date of the meeting. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election.
- 10.6 Notice of any resolution proposed or submission to be moved at any General Meeting of the membership, duly proposed and seconded, shall be given in writing to the Secretary not less than twenty one (21) days prior to the date of the meeting.

11. Special General Meeting

- 11.1 A Special General Meeting may be called at any time by the Committee.
- 11.2 The Secretary shall notify the members of the arrangements for holding a Special General Meeting within twenty one days of receiving a written request for a Special Meeting to be held, signed by not less than twelve (12) Members entitled to attend and vote at a General Meeting and stating the purposes for which the meeting is required and the resolutions proposed. The meeting shall be held within two (2) months of the receipt of the request to hold the meeting. No business shall be discussed at such a meeting other than that prescribed by the Committee or that stated in the request, as the case may be.
- 11.3 A Special General Meeting shall be called in response to a resolution to that effect passed at the Annual General Meeting or at any other Special General Meeting.

11.4 Only in the event of exceptional circumstances shall a Special General Meeting be postponed by the Committee once the date, time and venue have been notified to members. A postponed Special General Meeting shall be reconvened on a date within one (1) month of the original date and a minimum of seven (7) days' advance notice shall be given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used.

12. Procedure at Annual and Special General Meetings

12.1 The Secretary shall personally be responsible for making available to each member a written notice of the date, time and venue of the Annual General Meeting, together with the closing date for receipt of any resolutions, proposals, nominations or reports to be considered thereat not less than twenty-eight (28) days before the date of the meeting. The Secretary may, alternatively, with the agreement of the member(s) concerned, distribute these materials by email 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.

12.2 The Secretary shall personally be responsible for making available to each member a written agenda for a General Meeting, together with the resolutions to be proposed thereat at least fourteen (14) days before the meeting and in the vase of the Annual General Meeting a copy of the reports to be considered, a list of nominees for the Committee posts and other positions and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned, distribute these materials by email or similar form of communication.

12.3 The quorum for the Annual and Special General Meetings shall be seven (7) Members entitled to attend and vote at the meeting which must include at least one Officer

12.4 Having called a General Meeting, it may only proceed to business if the correct quorum of members is present within thirty (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 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.

12.5 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 fourteen (14) days, all members shall receive seven (7) days' notice in writing of the adjourned meeting, otherwise only those who attend the original meeting will be notified of the date.

12.6 Any adjourned meeting must be re-convened and business completed within two (2) months of the adjournment.

12.7 Senior Members who are not excluded under the conditions of Rule 4.9.2, Rule 4.9.3 and Rule 4.9.6 shall be entitled to be heard and to vote on all matters. Members who are excluded under the conditions of Rule 4.9.2, Rule 4.9.3 or Rule 4.9.6 may be heard by invitation of the Chair only. Members who have not reached their eighteenth birthday

shall be entitled to be heard by invitation of the Chair only on those matters determined by the Chair as matters concerning juniors, such as the election of club captains.

- 12.8 The Chair, or if the Chair is not available or declines to act as Chair, the Vice Chair, shall be invited to take the chair. If the Vice Chair is not available or declines to act as Chair a member appointed by the Committee, shall take the chair.
- 12.9 The Secretary, or in his/her absence a member of the Committee, shall take minutes at Annual and Special General Meetings.
- 12.10 The Chair 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.

13. Alteration of the Rules and Other Resolutions

- 13.1 The Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting.
- 13.2 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 ASA North West Region or at a later date decided by the meeting.
- 13.3 Any senior Member who is not excluded under the conditions of Rule 4.9.3, Rule 4.9.4 or Rule 4.9.6 shall be entitled to put any proposal, resolution or submission for consideration at any General Meeting provided the proposal, resolution or submission in writing shall have been handed to or posted to the Secretary so as to be received by him/her not later than twenty-one (21) days before the date of the meeting in the case of the Annual General Meeting or a Special General Meeting and thereafter the Secretary shall supply a copy of the proposal, resolution or submission to the members in the manner provided for in Rule 12.1 and Rule 12.2.

14. By-Laws

- 14.1 The Committee shall have the power to make, repeal and amend such by-laws as they may from time to time consider necessary for the wellbeing of the Club, which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

15. Finance

- 15.1 All monies 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 (2) of the three (3) authorised individuals who shall be the Chair, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

- 15.2 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.
- 15.3 The Committee shall have the 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.
- 15.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 15.5 The financial year of the Club shall be the period commencing 1 October and ending on 31 September. Any change to the financial year shall require the approval of the members in a General Meeting.
- 15.6 The Committee shall retain all financial records relating to the Club and copies of minutes of all meetings for a minimum period of six (6) years.

16. Borrowing

- 16.1 The Committee may not borrow money on behalf of the Club.

17. Property

- 17.1 The property of the Club, other than cash at the bank, shall be vested in not more than four (4) 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.
- 17.2 The custodians shall be elected at a General Meeting of the club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- 17.3 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.

18. Dissolution

- 18.1 A resolution to dissolve the Club shall only be considered 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.
- 18.2 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.
- 18.3 Any assets 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.

19. Members' acknowledgement

19.1 The Members acknowledge that these Rules constitute a legally-binding contract to regulate the relationship of the members with each other and the Club.

19.2 The following statement shall be included on Club membership forms and must be signed by each member and must also be countersigned by the parent, or a person with parental responsibility, for members under the age of eighteen (18):

"I acknowledge receipt of the Rules of Salford City Amateur Swimming and Water Polo 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 the Rules of the Club".

Annex 1:
ASA Code of Ethics

All individuals within the ASA aquatic disciplines will at all times:

- Respect the rights, dignity and worth of every person, be they adult or child, treating everyone equally within the context of the sport;
- Respect the spirit of the sport adhering to the rules and laws in and out of the pool, incorporating the concept of friendship and respect for others;
- Promote the positive aspects of the sport and never condone the use of inappropriate or abusive language, inappropriate relationships, bullying, harassment, discrimination or physical violence;
- Accept responsibility for their own behaviour and encourage and guide all ASA members and parents of junior members to accept responsibility for their own behaviour and conduct;
- Ensure all concerns of a child safeguarding nature are referred in accordance with Wavepower (ASA Child Safeguarding Policy and Procedures);
- Conduct themselves in a manner that takes all reasonable measures to protect their own safety and the safety of others;
- Promote the reputation of the sport and never behave or encourage or condone others to behave in a manner that is liable to bring the sport into disrepute;
- Adhere to Wavepower the ASA Child Safeguarding Policy and Procedures;
- Adhere to the ASA Anti-Doping Rules;
- Adhere to the ASA Equity Policy;
- Adhere to the ASA Laws and Regulations; and
- Adhere to the ASA Codes of Conduct.

ASA Guidelines for Handling Club Disputes

1. Introduction

The purpose of these notes is to give Clubs guidance in the handling of internal club disputes. With the introduction of the Code of Ethics and the increased risk of litigation it is important that internal disputes are handled correctly from the outset. Whilst most Clubs do from time to time have disputes between Committee members, parents and swimmers these can usually be resolved amicably between the individuals concerned. Occasionally it is also necessary to discipline swimmers for minor incidents of misbehaviour and this can also be done fairly by the Coach/Team Manager.

Sometimes a more serious dispute arises in a Club and because such a situation does not occur frequently Clubs are unsure how to handle the matter. This can lead to the dispute becoming more serious with recourse to the Judicial procedures becoming necessary.

These guidelines do not apply to paid employees of a Club. If a Club is in dispute with a paid employee then the employment contract and employment law needs to be considered. Specialist legal advice may have to be sought.

2. General Principles

A.S.A. Judicial Regulations define Protests and Complaints and it should first be decided whether the matter is a Protest or a Complaint. A Protest can be dealt with by a Club provided they are the Promoter of the Competition to which the Protest relates. A Complaint cannot be dealt with by a Club. However, it is often possible to resolve a dispute within a Club without the matter becoming a formal Complaint. If either party is dissatisfied with a decision reached in an internal Club dispute then they still have the option to make a formal Complaint to the A.S.A. Judicial Administrator.

It must be noted that a Club only has the power to legislate for a breach of its own rules and can only suspend a swimmer from its own Club activities. A Club has not power to handle a dispute relating to a member of another club nor deal with an offence against A.S.A. Law.

The key principle to be followed is that A.S.A. laws and regulations conform to the law of the land in so much that an individual accused of an alleged offence is innocent until proven guilty and he/she must have reasonable opportunity to present a defence and have his/her views heard.

In these notes reference is made to the term "dispute" to avoid confusion with the term "Complaint" used in formal A.S.A. Judicial terms. The term Club could also refer to a League or County Association.

It is assumed for the purpose of these notes that the dispute is between the Club and one or more of its members. It is most important that the same people in the Club do not become both the prosecutor (or defender) and the judge. If the Committee or its

officers are either the prosecutor or defender or involved in the dispute then they must find other members not connected with the matter to hear the evidence from both parties to the dispute.

There are occasions when a problem arises in a Club, for example fighting between members in a training session, where immediate action is required such as a temporary suspension or exclusion from a training session or from wider club activities. Coaches and officers should always be given the power to invoke a temporary suspension. A report should then be made, immediately, to the Club officers who should follow the procedures in the relevant section of the rules.

3. Procedures

On receipt of the dispute every effort should be made to resolve the matter by informal discussion. In difficult cases the Chairman of the relevant Panel is empowered to appoint an independent arbitrator to assist in achieving a settlement. If this fails or it is clearly necessary to discipline a member, the Club should set up a panel to deal with the matter.

The panel should consist of three persons, one to act as Chairman. A Secretary may also be needed. The panel will need to consist of people not involved in the dispute and the Club may want to ask individuals from outside the Club to sit on the panel. The full Club Committee could of course hear the dispute but given the number of people on a Committee this could be seen as intimidating and it is usually preferable to have a smaller number of people to hear a disciplinary matter, hence the recommendation to set up a panel of three persons.

The Chairman must notify both parties of the date, time and place of the hearing and the names of the panel members. Both parties need to be given copies of all the papers and every effort should be made to hold the hearing within 14 days of the receipt of the dispute.

If either party is under 18 years of age they must be advised of their right to be accompanied by a parent (or other person with a parental responsibility for them) or coach to help them present their case.

Both parties should be allowed to bring witnesses.

The hearing should be as informal as possible but needs to be controlled. Points to note:

- (a) The complainant will present evidence first and the accused will have the right of reply.
- (b) Both parties to the dispute are able to call witnesses, the complainant going first and each party should be allowed to question the other party's witnesses.
- (c) Witnesses must wait outside the hearing room until they are called. After questioning they may wait in the hearing room, taking no further part in the proceedings.

- (d) The Chairman or Secretary will make notes of the hearing and the panel will make every effort to announce their decision verbally to all the parties without delay followed by written confirmation to reach all parties within five days.

4. Powers of the Clubs

The powers of Clubs regarding the disciplinary action they can apply must not exceed those in A.S.A. Judicial Laws which can result in full suspension from Club activities for whatever period the panel shall decide or in expulsion. The panel if it wishes can impose a lesser penalty such as a written or verbal reprimand.

If either party to the dispute is dissatisfied with the outcome they are still entitled to make a Complaint to the Judicial Administrator at A.S.A. Head Office, Loughborough.

5. Further Information

Additional guidance can be obtained from the A.S.A. Handbook Judicial Regulations. The Sports Council have also issued a booklet "Getting it Right" a Guide to Sports Ethics and Disciplinary Procedures.

6. Conclusions

The key message when dealing with disputes is to ensure:

- (a) All parties are treated fairly;
- (b) The complainant has the opportunity to present the case; and
- (c) The accused has the opportunity to respond.

ASA Rules and Regulations for Handling Internal Club Disputes

1. Club rights and responsibilities

The rights and responsibilities of a club in terms of its discipline, its internal dispute procedures and the sanctions it can impose are given in ASA Regulation 281 which specifies:

ASA Regulation 281 - Club discipline and internal dispute procedures

281.1 For a breach of its own rules, an affiliated club or body may:

281.1.1 apply sanctions to a member relating to activities wholly within its own jurisdiction up to and including suspension from any or all of them;

281.1.2 expel a member, provided that before doing so it informs the member of the alleged offence and gives him a reasonable opportunity to defend himself against the charge. If the alleged offence is also a breach of ASA Law or Regulations the club or body shall not deal with it but may make a complaint under the Judicial Laws and Regulations.

281.2 A club or body may expel from membership and/or refuse to renew the membership of any member who has been suspended according to Regulation 109 or Regulation 241 provided that any such expulsion or initial refusal shall not be lawful after the twelve months immediately following the end of the suspension.

281.3 Each club shall include in its rules provisions specifying the procedures to be carried out to handle internal club disputes.

281.4 Any such provisions shall comply with the ASA Recommended Club Constitution and the accompanying Guidance Notes.

2. Complaint to ASA

Any dispute that involves an allegation of a breach of ASA Law must be submitted to the ASA and dealt with as a complaint under the condition of ASA Regulation 150.4 and ASA Regulation 281.1.2. ASA Judicial Regulation 102 deals with the circumstance of a complaint made to the ASA. It provides the necessary explanation that defines a complaint, the grounds on which a complaint can be made, who can make a complaint and the procedure to be used.

102.1 A complaint is a formal expression of dissatisfaction with the actions or behaviour of any person, including an individual or a club, or other body, or organisation or with alleged unfair practice in connection with the sport.

3. Internal disputes

When a dispute arises between two or more members of the same club, body or organisation it must be handled using the Internal Disputes procedure specified in the Club Constitutional Rules and the following ASA Judicial Regulations 150 to 155.

ASA Judicial Regulation 150 - General

150.1 The primary objective of the Regulations in this section is to set out ways by which a just outcome of an internal dispute between the members of a club, organisation, association or body may be secured as expeditiously as possible.

150.2 An 'internal club dispute' is a dispute involving an alleged breach of the club's rules, between two or more club members, any or none of whom may be an officer of the club, or one or more club members and one or more employees of the club (the "parties").

150.3 If a dispute cannot be resolved fairly and amicably between the parties concerned, and does not involve a breach of ASA Law, it may be dealt with under the relevant provisions of Regulation 281 which deal with club rights and responsibilities.

150.4 Any dispute which involves an allegation that there has been a breach of ASA Law by a member must be dealt with as a Complaint under Regulation 102 and the other relevant Regulations.

150.5 If the dispute involves an allegation against a paid employee of the club the issue must be dealt with under the terms of his contract of employment.

150.6 A failure by a club or any of the parties to comply with these Regulations 150 to 155 inclusive shall be grounds for a complaint under Regulation 102.

150.7 Organisations, associations or bodies affiliated to the ASA shall conform with such parts of Regulations 150 to 155 inclusive as may reasonably be applied to them, in all respects as if they were a club.

ASA Judicial Regulation 151 - Sequence of steps to deal with a dispute

151.1 The parties shall use any reasonable means to settle the issues between them informally and amicably.

151.2 If such a resolution cannot be achieved, the dispute shall be referred to the chairman of the club committee or, if he is a party to the dispute, to another officer of the club who is not a party who within seven days of the reference shall appoint an independent person to act as a mediator between the parties. The mediator may be a member of the club or a member of another club affiliated to the ASA.

151.3 *If the mediator is unable to bring about a satisfactory settlement within twenty one days, the club committee shall within a further fourteen days appoint a panel (the "panel") to determine the dispute.*

151.3.1 *The panel shall consist of three persons who have not been involved in the dispute, either from the members of the club or, if this is not possible or desirable, from the members of any other club affiliated to the ASA.*

151.3.2 *The parties shall be given the opportunity to object to any of the members of the panel at least seven days before the scheduled date of any hearing. The club committee shall consider any such objections, decide whether they are justified and act accordingly.*

ASA Judicial Regulation 152 - Procedure before a hearing

152.1 *The panel members shall appoint one of their numbers to act as the Chairman and either appoint another of their number, or alternatively appoint an additional person without any other powers, to act as the clerk of the hearing.*

152.2 *The Chairman of the panel shall arrange the date of the hearing and notify the parties of the arrangements at least fourteen days in advance of the date set. The notified date shall not be changed unless one or more of the parties has a compelling reason for not being able to attend on the notified day or time.*

ASA Judicial Regulation 153 - Procedure at a hearing

153.1 *The procedure shall be flexible and it shall be the responsibility of the Chairman of the panel to ensure the orderly and effective conduct of the hearing.*

153.2 *The panel shall not be bound by the judicial rules of the courts of England and Wales governing procedure or the admissibility of evidence provided that the hearing is conducted in a fair and orderly manner and that each party is given a reasonable opportunity to give and call evidence, address the panel and present his case. The Chairman shall have the discretion to limit the number of witnesses that would otherwise have been called.*

153.3 *Witnesses shall normally be provided with an area outside the hearing room and not take any part in the hearing other than giving evidence and responding to questions*

153.4 *The parties shall be informed of their right to make a complaint under Regulation 102 if they are dissatisfied with the conduct of the hearing or the grounds upon which the decision was made or if they consider any sanction imposed to be disproportionate.*

ASA Judicial Regulation 154 - Procedure after a hearing

- 154.1 *The panel shall come to a decision as soon as reasonably practicable after the hearing and if possible announce its findings and decisions orally to the parties.*
- 154.2 *Notwithstanding anything in Regulation 154.1 the Chairman shall notify the parties and, if the club was not a party to the dispute, the club secretary in writing of its findings and decisions within five days of the hearing.*

ASA Judicial Regulation 155 - Considerations regarding children

- 155.1 *Any person under the age of eighteen (a "child") who is a party to a dispute or who has been called as a witness shall normally be accompanied by a parent, a person with parental responsibility or a suitable adult. The Chairman shall have the sole discretion as to whether a child is permitted to present or defend a case or be questioned as a witness and may order that the child be assisted or represented by an adult.*
- 155.2 *The Chairman shall give due consideration to any child attending a hearing as a party to a dispute or to give evidence and in particular:*
- 155.2.1 *No child aged fourteen or under shall normally be expected to attend a hearing to give evidence in person. His evidence shall normally be given as a written statement with the assistance of a club welfare officer or other person acceptable to the child and parent. Questions and responses may be relayed by a panel member*
- If the child appears distressed the panel shall rely only on the written evidence:*
- 155.2.2 *A child over the age of fourteen shall only attend a hearing as a party to the dispute or to give evidence in person provided he wishes to, and the Chairman has consulted with the parent and child and is satisfied that they both understand the nature of the hearing and what will happen and that the child is competent to attend:*
- 155.2.3 *If there is a disagreement between parent and/or child and the Chairman on any of the considerations above, the Chairman shall consider requesting advice from the Independent Child Protection Officer via the ASA Legal Department.*
- 155.3 *During the hearing, a child who is expected to give evidence in person and his accompanying adult(s) shall be required to attend only those parts of the hearing which are necessary for him to give his evidence and shall be*

provided with a separate waiting area with no contact with any of the other parties.

155.4 After the hearing the Chairman shall inform the parent of the panel's findings and decisions and shall discuss whether he or the parent shall inform the child.