

**CONSTITUTION,
BYE-LAWS
AND
REGULATIONS 2004**



**BROCH SEALS
AMATEUR
SWIMMING CLUB**

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REGULATIONS

Regulations will be specific to the individual Club.
The following are examples of possible subjects: -

- Club Sessions
- Training Squads
- Competition Entries
- Coach(s)
- Team Managers and Chaperons
- Technical Officials
- Sub Committees
- Trophies
- Annual Championships
- Grievance procedure
- Life Saving Activities.

1. CLUB CHAMPIONSHIP

- 1.1 Club championships will be held in March.
- 1.2 Competitors must be Club members.
- 1.3 Competitors must have attended more than 70% of the Club training during their membership of the Club.
- 1.4 Participants must have a minimum club membership of one 10-week block prior to the event.

2. WINTER LEAGUE EVENTS

- 2 Swimmers will be encouraged to attend Winter league events.
- 2.1 Notification of Winter league events will be posted on the notice board.

CONSTITUTION

1 NAME

The Club shall be called Broch Seals Amateur Swimming Club, (Here in after referred to as the Club)

2 OBJECTS

The objectives of the Club shall be to: -

Promote and manage the teaching, knowledge and practice of one or more Aqua Sports, in accordance with paragraph C2.2 of the Scottish Amateur Swimming Association (SASA) Constitution.

3 MEMBERSHIP

3.1 The membership shall consist of the following categories: -

Adult Member (16 years and Over)

- | | | |
|----|---------------------|---|
| a) | Swimming Member | * |
| b) | Non Swimming Member | * |

Junior Members (Under 16 years)

- | | | |
|----|----------------------|---|
| a) | Learn to Swim Member | * |
| b) | Junior Club Member | * |
| c) | Swimming Member | * |

Life Members

* Sub Categories as defined in SASA Bye-Law BL3.2

3.2 The Committee shall propose the level of Membership fees at each Annual General Meeting and retain the right to authorize the charging and collection of said fees.

- 3.3 All Club Members must be registered with the SASA.
- 3.4 All members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations from time to time adopted by the Club.
The applicant's ability to participate in the activities of the club must be formally confirmed in writing at the time of application by an adult, a parent or a guardian.
- 3.5 The Committee reserves the right to refuse membership to the club provided they act in accordance with BL3.7.

4 GOVERNANCE

- 4.1 The Club shall be subject to and bound by, the Constitution and Bye-Laws of the SASA, Memorandum, Articles and Rules of SASA Ltd SASA and the appropriate SASA District Rules.
- 4.2 The Club shall comply with the SASA Code of Conduct, the SASA Code of Ethics and the SASA Child Protection Guidelines.
- 4.3 The Club shall be governed by its Constitution, Byelaws and Regulations.
- 4.4 Amendments to the Constitution shall only be made at a General Meeting, where the agreement of at least two-thirds of those present secures the vote.
- 4.5 Amendments to the Byelaws shall only be made at a General Meeting, provided a simple majority of those present and voting is secured.
- 4.6 The Committee shall have the power to publish and enforce such Regulations, as the Committee feels necessary to govern the activities of the Club.

5 MANAGEMENT

- 5.1 A Committee consisting of a President, a Vice President, a Club Secretary, a Club Treasurer, a Membership Secretary, a Gala Secretary, a STO Secretary, a Fund Raising Secretary and a Club Fund Secretary shall conduct the affairs of the Club.
- 5.2 Committee members will be elected and appointed at each Annual General Meeting.
- 5.3 If the post of a committee member should fall vacant after such an election, the Committee shall have the power to fill the vacancy.
- 5.4 Committee members co-opted by the Committee shall be subject to endorsement at the first Committee Meeting thereafter.
- 5.5 All Committee members shall be Adult members of the Club.

6 MEETINGS

6.1 General Meetings

- 6.1.1 The Agenda and at least 30 days notice and shall be given to all Adult members of any General Meeting.
- 6.1.2 Attendance;
Adult members and Life Members are entitled to attend, take part and vote.
- 6.1.3 Voting;
- With the exception of changes to the Constitution, simple majority at General Meetings shall resolve decisions put to a vote.
 - Voting shall be by a show of hands, unless decided otherwise, by a majority of those attending the meeting.
- 6.1.4 Quora;
The minimum quorum at General Meetings should be a minimum of 7 of the Adult Members.
- 6.1.5 Changes to the Constitution and Bye-Laws;

A proposal to change the Constitution or Byelaws must be submitted in writing to the Secretary, signed by two members who are eligible to vote at a General Meeting.

6.2 Annual General Meeting (AGM)

6.2.1 The Club shall hold an Annual General Meeting in the month of March to:

- Approve the minutes of the previous year's AGM.
- Receive reports from the President and Secretary.
- Receive a report from the Treasurer and approve the Annual Accounts.
- Receive a report from the Auditors.
- Elect Committee Members.
- Appoint Auditors for the Club's Accounts.
- Consider changes to the Constitution & Bye Laws.
- Present Life Membership(s).
- Look ahead at the following years plans - meetings, galas, commitments, fund raising etc.
- Deal with other relevant business.

6.3 Extraordinary General Meeting (EGM)

6.3.1 An Extraordinary General Meeting shall be called by an application in writing to the Club Secretary supported by at least fifteen Adult Members of the Club. The Committee shall also have the power to call an EGM by decision of a simple majority of its members.

6.4 Committee Meetings (CM)

6.4.1 The club will aim to hold Committee Meetings every two months.

6.4.2 A non-routine Committee Meeting shall be called by the Club Secretary when there is business to transact or an application in writing by at least seven Adult Members of the Club.

6.4.3 A quorum for Committee Meetings shall be a minimum of 5 of the elected Committee members.

6.4.4 The business of the meeting shall be enacted in accordance with Section 6 of the Bye-Laws.

7 FINANCE & ACCOUNTS

7.1 The financial year shall run from 1st March each year to the 28th of February (29th of February on a leap year) of the following year.

7.2 The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.

7.3 The Accounts shall be audited by an independent person(s) elected annually at the Annual General Meeting.

7.4 All cheques drawn against the Club's funds shall be signed by the Treasurer and one other nominated committee member.

7.5 The Committee can enter into contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the minutes of a quorate committee meeting prior to the commitment being made.

7.6 All members of the club shall be jointly responsible for the financial liabilities of the Club.

7.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its members.

8 DISCIPLINE

8.1 The disciplinary procedure is there to protect members of the club from unacceptable behaviour of others. Detailed procedure can be found within the clubs code of conduct (regulations). The Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of infringing the Club Regulations or acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the SASA Constitution Bye-Laws and the SASA Ltd. Rules, have been applied.

- 8.2 All Grievances, Complaints and Appeals, except for doping, child abuse or alleged criminal offences, shall be dealt with in accordance with Section 8 of the Club Bye-Laws.
- 8.3 Grievances and Complaints involving doping, child abuse or other criminal offences shall be referred to the SASA Chief Executive within 48 hours, in accordance with SASA Bye-Law BL16.1.3.

9 AWARDS

- 9.1 Life Membership
Nomination and selection procedures shall be in accordance with Section 9 of the SASA Bye-Laws

10 TROPHIES

- 10.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- 10.2 A person nominated by the committee shall act as Trustee of Club Trophies.

11 DISSOLUTION

- 11.1 In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever, but shall be applied towards the objective of SASA.
- 11.2 For as long as at least three members agree to support the Club it cannot be dissolved.

BYE-LAWS

BL1 NAME

BL2 OBJECTIVES

BL3 MEMBERSHIP

BL3.1 All Club Members must be registered with SASA and are responsible for payment of their fees.

BL3.2 Members not renewing by 31 March will be deemed to be non-members.

BL3.3 The Membership fees (agreed at the AGM) applicable to existing members will become due on the 31st of March in each year and those of new members will be prorated to the start of the month of acceptance to the club and should be paid as soon as possible.

BL3.4 All members will be excluded from taking part in any of the Clubs activities, competitions or meetings if their annual Membership fee is not paid within one month of the due date i.e. 30th of April.

BL3.5 A member wishing to resign from the Club shall inform the Secretary, return all club properties and ensure all financial liabilities that they are responsible for have been settled.

BL3.6 A Junior/Swimming members wishing to change their 1st or 2nd Claim Club must do so in accordance with SASA Bye-Law BL8.2.4. and with the agreement of the committee.

BL3.7 When the Management Committee turns down an application for membership, the applicant must be advised of the reason and their right of appeal to the SASA, in writing.

BL4 GOVERNANCE

BL5 MANAGEMENT

- BL5.1 The Management Committee shall comprise the Officers of the Club (as defined in paragraph C5.2).
- BL5.2 The term of office for President, Secretary and Treasurer shall be a minimum of one year.
- BL5.3 All other committee members shall be elected annually.
- BL5.4 Retiring members of the Management Committee may offer themselves for re-election.
- BL5.5 The Committee shall be responsible for: -
- a) The organisation and control of all child members during Club hours.
 - b) The appointment of coaches and instructors.
 - c) The selection of members to represent the Club.
 - d) The handicapping of Club events as necessary.
 - e) The organisation of swimming activities as may be requested by other bodies.
 - f) If appropriate appointing the Boy and Girl Captains each year.
 - G) Considering and approving or otherwise nominations for Life Membership of the Club.
- BL5.6 The Committee shall appoint such sub-committees as may be considered necessary.
- BL5.7 The Committee shall appoint a Child Protection Officer (CPO) who must have attended an SASA approved training course.
- BL5.8 Only the Management Committee shall have the authority to create or alter regulations within the framework of the SASA Constitution and ByeLaws and to deal with any matter not provided for in such Constitution or laws.

BL6 MEETINGS

- BL6.1.1 At all meetings, if a quorum is present, the Chair shall be taken not later than five minutes after the appointed time of the meeting.
- BL6.1.2 Any Members when called to order at any meeting or gathering of the Club, not complying with the "rule of order" shall be expelled from the meeting.
- BL6.1.3 The Chairperson at all meetings of the Club shall be the President. In the absence of the President, the Vice President shall substitute. In the absence of the President and Vice President, those in attendance shall appoint a substitute.
- BL6.1.4 In the event of equality of votes in any resolution presented at the meeting, which requires a choice to be made for the continued good governance of the Club, the Chairperson of a meeting shall have a second or casting vote.
- BL6.1.5 The Chairperson of a meeting, shall be the sole judge with respect to questions of order and the interpreter of the "rules" governing the Club.
- BL6.1.6 The Chairperson shall not speak to, oppose or move any motion from the Chair. In order to do so, they shall vacate the Chair until that business is concluded. The meeting shall be presided over by a substitute Chairperson elected from among those present.
- BL6.1.7 The minutes of all meetings will be circulated to Adult and Life Members.
- BL6.1.8 Minutes will be issued providing sufficient time before the following meeting for members to review.
- BL 6.1.9 Items may be allowed to be carried forward to the following meeting if agreed by the chairperson. In this event any item carried forward will be concluded at the next subsequent meeting.
- BL6.1.10 Discussions should be limited to 10 minutes per item at each committee meeting.

BL6.2 AGM

- BL6.2.1 The Secretary shall give written notice of not less than 30 (thirty) days and an Agenda prior to the date of the AGM. Reasonable endeavours will be made by the club to inform the public. Notice shall also be published on the Club notice board and circulated to all Adult and Life Members
- BL6.2.2 Appended to the announcement on the notice board will be the agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, Byelaws and nomination for the Committee (constitution).
- BL6.2.3 Nominations for Officers of the Club and other members of the Committee shall be submitted in writing, signed by two Adult Members and the nominee, to the Secretary not later than 7 (seven) days prior to the date required to notify the public and club members of the forthcoming AGM.
- BL6.2.4 Proposed alterations to the Constitution and Bye-Laws and notices of motion must be received by the Secretary not later than 7 (seven) days prior to the date required to notify the public and club members of the forthcoming AGM.
- BL6.2.5 Having received all nominations and proposed alterations, the Secretary shall arrange for this information to be displayed on the Club notice board at least 7(seven) days before the meeting.
- BL6.2.6 The order of business for an AGM shall be:
- Presidents Remarks.
 - Apologies for Absence.
 - Approval of minutes from previous AGM & matters arising.
 - Club Secretary Report.
 - Swimming Convener Report.
 - Financial Report.
 - Proposed changes to Constitution & Bye-Laws.
 - Election of Committee Members.
 - Appointment of Auditors.
 - Life Membership Awards.
 - Look ahead at the following years plans - meetings, galas, commitments, fund raising. Etc.
 - Other relevant business.
 - Agree a tentative date for the following years AGM.

BL6.3 EGM

BL6.3.1 The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the agenda, to all Committee and Life Members providing sufficient time to prepare for the meeting.

BL6.3.2 The order of Business for an EGM shall be restricted to:

President's Remarks

Apologies for Absence.

Business to be transacted of which due notice has been given.

BL6.3.3 No business shall be transacted at the EGM other than business of which due notice has been given.

BL6.4 Committee Meetings

BL6.4.1 Notice of the date, time and venue of each CM shall be published on the Club notice board at least 7(seven) days prior to the meeting.

BL6.4.2 Adult Members who are not members of the CM, may attend, but may only participate with the agreement of the Chairperson.

BL6.4.3 No decision of the CM may be altered or revoked without 14 (fourteen) days prior notice of intent, in writing, being given to the Secretary.

BL7 FINANCE AND ACCOUNTS

BL7.1 Club funds will be lodged in a bank/building society in the name of the club.

BL7.2 The Treasurer shall arrange for the Auditor(s) to examine and certify the Club accounts and balance sheet before presentation of an audited summary to the AGM.

BL7.3 The Treasurer shall submit a budget, at the last meeting of the CM prior to the AGM, for the following financial year.

BL7.4 The Treasurer shall submit a financial statement to each of the CM.

BL7.5 All outgoing payments shall be made by cheque, signed by the Treasurer and either the President or the Secretary.

BL8 DISCIPLINE

BL8.1 Any member guilty of conduct or breach of the Constitution, Byelaws, or Regulations which is detrimental to the interests or aims of the Club may be disciplined by the CM, provided Paragraph C8.1 of the Constitution has been satisfied.

BL8.1.1 Suspensions and Fines: The CM may suspend, from activities wholly within its own jurisdiction, impose a fine or expel a member as a means of discipline.

BL8.2 Grievances

BL8.2.1 A Grievance, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with the management of the Club, can be made by:

- Any member of the Club.
- A parent or guardian on behalf of a member under the age of 16 years.

BL8.2.2 A grievance is made in writing to the Club Secretary not later than 30(thirty) days after the incident.

BL8.3 Complaints

BL8.3.1 A complaint may be made, against decisions taken by the Club in respect to the outcome of a submitted grievance or as A formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by the SASA

BL8.3.2 A complaint must be made in accordance with Section 16 of the SASA Ltd. Rules.

BL8.4 Appeals

BL8.4.1 An appeal may be made against decisions taken by the National Enquiry Panel.

BL8.4.2 An appeal must be made in accordance with Section 18 of SASA Ltd Rules.

BL9 AWARDS

BL9.1. Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the CM.

BL9.2 Any Adult or Life Member may make a recommendation for Life Membership to the Secretary for submission to the CM. Full details of the nominee's service should be included with the recommendation.

BL10 TROPHIES

BL10.1 The winner of a trophy shall guarantee safe custody and return of the trophy when requested by the CM.

BL10.2 The winner shall be responsible for arranging and funding the engraving of the winners name on all trophies.

BL11 DISSOLUTION