

**RULES of Bradford Swimming Club (“the Club”) (23rd November 2022)**

# 1. Name

 1.1 The name of the Club shall be Bradford Swimming Club.

# 2. Objects

2.1 The objects of the Club shall be the teaching, development and practice of swimming, open water, for its members and shall, where appropriate, be to compete. In the furtherance of these objects:

2.1.1 The Club is committed to treating everyone equally within the context of its 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 **Swim England** Equality Policy (as may be amended from time to time).

2.2 The Club shall be affiliated to **Swim England** North East Region and shall adopt and conform to the rules of **Swim England** North East Region, 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 Articles, Regulations and Technical Rules of **Swim England (“Swim England Regulations”**) and in particular:

2.3.1 all competing members shall be eligible competitors as defined in **Swim England Regulations**; and

 2.3.2 the Club shall in accordance with **Swim England** Regulations adopt **Swim**

**England’s Child Safeguarding Policy and Procedures (“Wavepower”)**; 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 **Swim England Regulations** comply with **Wavepower**.

2.4 By virtue of the affiliation of the Club to **Swim England** North East Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:

 2.4.1 **Swim England** North East Region and

 2.4.2 **Swim England (to include the Code of Ethics**); and

2.4.3 British Swimming (in particular its **Anti-Doping Rules and Judicial** **Code**); and

2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together “the Governing Body Rules”).

2.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

# 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. There will be four categories of membership, defined as follows:

3.1.1. Senior / Masters swimming membership – for all those over the age of 18 who wish to compete for the Bradford Swimming Club.

3.1.2. Junior swimming membership – for all those under the age of 18 who wish to compete for the Bradford Swimming Club.

3.1.3. Foundation swimming membership – for all those under the age of 12 (however not restricted) who wish to compete with the Bradford Swimming Club.

3.1.4. Social membership – for parents, friends or other individuals interested in the objectives 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 **Swim England** and the relevant **Swim England** 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 **Swim England’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 **Swim England’s Code of Ethics, Swim England Regulations relating to Wavepower** and those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of **Swim England** shall be subject to all the constraints and privileges of the **Judicial Regulations**.

3.4 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary (and in the case of a junior, foundation or social member/swimmer under the age of 18, the application must be signed by the swimmer’s parent or guardian). Election to membership shall be determined by the Committee or other person(s) authorised by the Committee. The Committee, or other person(s) authorised by the Committee, shall be required to give reasons for the refusal of any application for membership. Any person refused discretion membership may seek a review of this decision before a review panel appointed by the Committee. The (“Review Panel”) comprised of not less than three members, may or may not, be members of the Committee. The Panel shall, wherever practicable, include an independent member nominated by **Swim England** North East Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedure for the review shall be at the discretion of the Review Panel whose decision shall be final and binding.

**3.5 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, (unless the Club chooses to restrict membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic**

**within the Equality Act 2010, such as disability, gender or gender identity, pregnancy, race, religion or sexual orientation. Neither may a refusal be made on the grounds of political persuasion.**

3.6 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 a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

# 4. Subscription and Other Fees

4.1. The annual member’s subscription shall be determined by the Committee. The Committee shall in doing so make special provision for the different classes of membership as the Annual General Meeting shall determine.

4.2. The annual subscription shall be due on joining the Club and thereafter on the 1st of September each year.

4.2.1 Each member on payment of his or her subscription shall be entitled to all the privileges of the Club subject to the provisions of this Constitution.

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.

4.3.1 No member, in arrears, shall be entitled to the privileges of the Club or be eligible to enter any Competitions.

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 **Swim England** membership fees to **Swim England** on behalf of members, be consequential upon an increase in individual Swim England 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 The Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the **Swim England** membership fees, to address issues of social inclusion.

# 5. Resignation

5.1 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 5.1, has been complied with.

5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.

5.3 Notwithstanding the provisions of Rule 5.1 above, a member whose subscription is more than three months in arrears shall be deemed to have resigned. Where 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.

5.4 The **Swim England** Membership Department shall be informed should a member resign when still owing money or goods to the Club.

# 6. 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 the individual to remain a member. The Club in

exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.

6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee to be refunded and must return any Club or external body’s trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.

6.3 The Club shall comply with the relevant **Judicial Regulations** for handling Internal Club Disputes **Procedures (“the Procedures**”) as the same may be revised from time to time. (**A copy of the Procedures may be obtained from the Swim England**

**website, Swim England Handbook or from the Office of the Judicial Administration).**

6.4 A member may not be expelled or (subject to Rule 6.5 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.

6.5 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 incident or matter will thereafter be dealt with in accordance with the appropriate **Judicial Regulations**.

# 7. Committee

 7.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together “the

Executive Officers of the Club”), Championships Secretary, Social sub-committee (maximum 3), Membership Secretary and up to 6 elected members all of whom must have been members of the club for not less than three months prior to the meeting, be not less than 18 years of age though the Committee may allow younger member(s) to attend their meeting without the power to vote.

7.2 The Committee shall appoint a member of the Club as the Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who may be required to undertake appropriate training in accordance with **Wavepower**. The Welfare Officer shall have a right to attend Committee meetings with the power to vote.

7.3 The Officers and 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 Executive Officers and members of the Committee shall be eligible for re-election.

7.4 The Committee shall meet at least once per month (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such members as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairman and the Secretary’s shall have discretion to call further meetings of the Committee if they consider it to be in the interest of the Club. The quorum of the meeting shall be such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairman and the Secretary shall have the discretion to call further meetings of the Committee if they consider it in the best interest 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. 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 vote. The Secretary, or in his/her absence a member of the Committee, shall take the minutes.

7.4.1 The Honorary Secretary shall take charge of and conduct all correspondence, keep a record of attendance at meetings and record and publish the minutes.

7.5 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. 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 the minimum notice contained in Rule 11.1 shall not apply.

**7.6** **In addition to the members so elected, the committee may co-opt up to 4 further members who shall serve until the next AGM. Such members shall be entitled to vote in the meetings of the committee. They shall not count in establishing whether a quorum is present.**

**7.7 The Committee may from time to time appoint from among its 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 subcommittees) 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. Each sub-committee will have a maximum of five members and will elect a Secretary from its members.**

 **7.7.1 Sub-committees may co-opt specialists in their respective fields.**

**7.7.2 All decisions made by sub-committees are subject to confirmation by the General Committee.**

7.8 The Committee shall be responsible for the management 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.

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 insurers in accordance with the Accident/Incident Notification guidelines. The Club shall make an annual return to Swim England Membership Department indicating whether or not an entry has been made in the prescribed online form.**

7.11 The Committee shall also have power to make regulations, create By-laws and to settle disputed points not otherwise provided for in this Constitution.

7.12 At the termination of office, all elected Officers and officials shall return all books, documents and equipment belonging to the Club.

# 8. Ceremonial Positions, Honorary and Life Members

8.1 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 Club 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 **Swim England.**

**8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, 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 their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club’s annual return as to membership**.

8.3Once created by the Committee, honorary and/or Life membership categories may only be removed (notwithstanding that persons may hold these categories of membership) at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.

8.4 A minimum of 21 days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary and/or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting*.*

8.5 Where the effected holder or holders of the honorary and/or Life membership do not attend or are unable to attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by show of hands OR secret ballot.

# 9 Annual General Meeting

9.1 The Annual General Meeting shall be held each year in October (unless otherwise advised). 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 reports 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 and the Treasurer’s report as to the financial position of the Club;

 9.2.3 to elect the Officers and other members of the Committee;

9.2.4 to decide on any resolution which may be duly submitted in accordance with paragraph 9.3.

9.3 Nominations for election to any office or for membership of the Committee shall be made in writing by the proposer and seconder, who shall both be members of the Club and aged 18 year or over, to the Secretary not later than 28 days before 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. Notice of any resolution to be moved at the Annual General Meeting shall be given, in writing, to the Secretary not later than 28 days before the meeting.

# 10 Special General Meeting

10.1 Special General Meeting may be called at any time by the Committee.

A Special General Meeting must be called within 28 days of receipt by the Honorary Secretary of a requisition for such a meeting, signed by not less than 7 members over the age of 18 (Other than Rising Stars Members) entitled to attend and vote at a General Meeting or (if greater) such numbers as represents one-tenth in number of such members, 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 Honorary Secretary shall be responsible for the handing out or sending to each eligible voting member at his/her last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting. The Notice of Meeting shall in

addition wherever possible be displayed on Club notice board where one exists, to include any Social Media platforms that the club uses.

11.2 The quorum for the Annual and Special General Meetings shall be 7 paid up members over the age of 18 entitled to attend and vote at the Meeting or (if greater) such number as represents one-tenth in number of such members.

11.3 The Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member over the age of 18 present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting or additional vote.

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 Special General Meeting provided the resolution is carried by a majority of at least two-thirds of members present and entitled to vote. No amendments to the Rules shall become effective until such amendments shall have been submitted to and validated by such person as is authorised to do so by **Swim England** North 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 28 days in the case of the Annual General Meeting or, in the case of an Extraordinary General Meeting, 28 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.

1. **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 wellbeing of the Club which bylaws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

1. **Finance**
	1. All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by BACS/cheque signed by two of the signatories. Any moneys not required for immediate use may be invested as the Committee in its discretion think fit.
	2. The income and property of the Club shall be applied only in furtherance of the objectives 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 16.3).
	3. The Committee shall have power to authorise the payment of remuneration and expense to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club.
	4. The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
	5. The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.
	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 years.
2. **Property**
	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.
	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.
	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.
3. **Dissolution**
	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.
	2. The dissolution shall take effect from the date of the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
	3. Any property remaining after the discharge of the debts and liabilities of the Club shall be given, by nomination of the last Committee, to a charity or charities (or other non-profit making organisation) having objectives similar to those of the Club, for the furtherance of those objectives.
4. **Acknowledgement**
	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.
	2. 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 Bradford Swimming 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*.”**

**Signature of member (or parent/guardian if member is under the age of 18)**

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Print name

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Date