



CONSTITUTIONAL RULES

**1 NAME**

- 1.1 The name of the club shall be the 'Warrington Dolphins Long Distance Swimming Club'.

**2 AIMS**

- 2.1 The aims of the club shall be to:-
- 2.1.1 Promote the teaching and the practice of swimming.
  - 2.1.2 Promote and conduct annual open water swimming championships.
  - 2.1.3 Raise public awareness of long distance swimming.

**3 OBJECTIVES**

- 3.1 In the furtherance of the aims of the Club the following objectives shall be undertaken:-
- 3.1.1 The club is committed to treat everyone equally.
  - 3.1.2 The club believes that the welfare of children is the responsibility of everyone and that all children and young people have a right to have fun, be safe and be protected from harm.
- 3.2 The club shall be affiliated to at least the Northern Counties Amateur Swimming Association and the British Long Distance Swimming Association.
- 3.3 The club shall in accordance with ASA Law adopt the ASA Child Protection Procedures: and members of the club shall, in accordance with ASA Laws, comply with the ASA Child Protection Procedures.

**4 COMMITTEE**

- 4.1 The Committee shall consist of:-  
The President  
The Hon. Treasurer The Hon.  
Secretary  
The Hon. Swimming Coach  
And up to eight other elected members  
all of whom must be members of the Club.
- 4.2 All committee members must be not less than 18 years of age.
- 4.3 The Committee members shall be proposed, seconded and elected by ballot at the Annual General meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting. Retiring members of the Committee shall be eligible for re-election. The Committee may fill any vacancy occurring due to resignation or by any other means.
- 4.4 In the event of any member of the Committee not attending three consecutive Committee meetings, it shall be considered equivalent to their resignation and the Committee shall proceed to fill the vacancy, unless the Committee are satisfied that such absence is unavoidable and have been notified of the same.
- 4.5 Committee meetings shall be held monthly unless the Committee itself shall by a simple majority resolve not to meet. The quorum for a Committee meeting shall be four members, to include not less than one Officer. The President and the Hon. Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club.
- 4.6 The Hon. Secretary shall give all the members of the Committee not less than seven days notice of a meeting.
- 4.7 Decisions of the Committee shall be made by a simple majority of the votes cast. Each member present, with the exception of the President, or the acting President for that meeting, who shall be selected by general agreement, shall have one vote. In the event of equality of votes the President, or the acting President for that meeting, shall have a casting vote. If there are only 4 members present including the President or acting President, the President can vote but will not have a further casting vote.

- 4.8 The Hon. Secretary, or in the absence of the Hon. Secretary a member of the Committee, shall take the minutes of the meeting.
- 4.9 In the event that a quorum is not present within thirty minutes of the published start, 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 President. 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 7.1 shall not apply.
- 4.10 In addition to the members so elected the Committee may co-opt 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.
- 4.11 The Committee may from time to time appoint from among their members such sub-committee or working groups as they may consider necessary and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees and working groups shall have at least one officer of the club in its membership and shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee. The Committee shall determine the terms of reference of any such sub-committee or working groups.
- 4.12 The Committee shall be responsible for the management of the Club and shall have the power to enter into contracts for the purpose of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that an independent examiner examines the Accounts of the Club for each financial year.
- 4.13 The members of the Committee shall be indemnified by the members of the Club against all reasonable expenses properly incurred by them in the management of the affairs of the Club.

## **5 OFFICERS, HONORARY MEMBERS and LIFE MEMBERS**

- 5.1 The Officers of the Club shall be the President, the Hon. Treasurer and the Hon. Secretary.
- 5.2 The Committee may elect any person as an Honorary Member of the Club for such period as they may think fit and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Club.
- 5.3 On the recommendation of the Committee the Annual General Meeting may as they see fit, elect as Life Members any member of the Club whose services to the Club are considered to entitle them to that recognition. Such life members must be included in the Club's Annual Return of Members to the ASA.

## **6 ANNUAL GENERAL MEETING**

- 6.1 The Annual General Meeting of the Club shall be held in January each year. The Committee shall fix the date of the Annual General Meeting.
- 6.2 The purpose of the Annual General Meeting is to transact the following business:-
- 6.2.1 to receive the President's report of the activities of the Club during the previous year;
  - 6.2.2 to receive and consider; the accounts of the Club for the previous year, the report on the accounts by the independent examiner and the Treasurer's report as to the financial position of the Club;
  - 6.2.3 to receive and comment on the reports of the Hon. Swimming Coach for the activities of the Club during the previous year,
  - 6.2.4 to elect the Officers and the other members of the Committee,
  - 6.2.5 to decide on any other resolution that may be duly submitted in accordance with Rule 6.4.
- 6.3 Nominations for election of members to the position of President, to any office or to membership of the Committee shall be made in writing by the proposer and seconder to the Hon. Secretary, not later than 14 days before the date of the Annual General Meeting.
- 6.4 Notice of any rule change proposed to be moved at the Annual General Meeting shall be given in writing to the Hon. Secretary not less than 21 days before the date of the Annual General Meeting.
- 6.5 The President, the Honorary Offices and the other Members of the Committee shall retire from office at the Annual General Meeting each year, but shall be eligible for re-election.

## **7 SPECIAL GENERAL MEETING**

- 7.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Hon. Secretary within 28 days of receipt of a request in writing signed by not less than four members entitled to vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed.

## **8 PROCEDURES at the ANNUAL GENERAL MEETING and any SPECIAL GENERAL MEETING**

- 8.1 The Hon. Secretary shall be responsible for providing each Member of the Club written notice of the date, time and place of the Annual General Meeting or a Special General Meeting together with the resolutions to be proposed, at least fourteen days before the date of the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. The notice of the meeting shall in addition wherever possible be displayed on the Club Notice Board.
- 8.2 All business of an Annual General Meeting or of a Special General Meeting shall be printed on the agenda.
- 8.3 The quorum for the Annual General meeting and any Special General Meeting shall be eight members entitled to attend and vote at the meeting, which must contain not less than one Officer.
- 8.4 Each member present is entitled to vote and shall have one vote and a simple majority shall pass resolutions. In the event of an equality of votes the President, or the acting President for that meeting, shall have a casting vote. All Members shall be entitled to be heard and to vote on all matters.
- 8.5 The President, or in the absence of the President, a member selected by the Committee, shall chair the meeting.
- 8.6 The Hon. Secretary, or in the absence of the Hon. Secretary a member of and selected by the Committee, shall take minutes.
- 8.7 The President or Chairman shall at all General Meetings have authority upon every question of order and shall be, for the purpose of such meetings, the sole interpreter of the Constitutional Rules of the Club.

## **9 TRUSTEES**

- 9.1 The Trustees shall be the President, The Hon. Secretary and the Hon. Treasurer of the Club during their respective terms of office.
- 9.2 Any of the club's trophies not being competed for shall be lodged with the Hon. Treasurer or other such person as nominated by the Committee for safekeeping.

## **10 FINANCES**

- 10.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. The Treasurer can administer the clubs accounts via Internet banking. Any payment over £150.00 shall be notified to the general committee at the next meeting.
- 10.2 The income and property of the Club shall be applied only in furtherance of the aims and 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 10.3.
- 10.3 The Committee shall have the power to authorise the payment of remuneration and expenses to any officer, member of the Club and to any other person or persons for services rendered to the Club.
- 10.4 The financial transactions of the Club shall be recorded by the Treasurer in such a manner as the Committee think fit.
- 10.5 The financial year of the Club shall be the period commencing on 1<sup>st</sup> November and ending on 31<sup>st</sup> October. Any change to the financial year shall require the approval of the members in a General Meeting.

## **11 MEMBERSHIP**

- 11.1 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.
- 11.2 Any person who wishes to become a member of the Club shall be a minimum of 8 years old, and be capable of swimming one mile, without stopping (with the exception of a non-swimming applicant). Applicants must submit a signed Club application to the Hon. Treasurer.

In the case of application for persons under the age of eighteen the parent or guardian of the applicant must also sign the application.

- 11.3 Election to membership shall be at the discretion of the Committee or other person(s) authorised by the Committee. The Committee or other such authorised person(s) shall not be required to give reasons for the refusal of any application for membership.
- 11.4 Club membership shall consist of Senior Members, Junior Members, Country Members, Students in full time education, Honorary Members and Life Members. A member shall be a Junior until the 1st. January in the year in which the seventeenth birthday occurs, when they shall become a Senior Member. No member under 10 shall participate in any open water swim.
- 11.5 Life Membership may be awarded at the Annual General Meeting in recognition of services rendered to the Club. Such nominations for the award to be presented by and on behalf of the Committee.
- 11.6 Honorary Members shall be Senior Members of the club who, by virtue of their contribution to the operational activities of the club, shall be placed in this category by the Committee.

## **12 SUBSCRIPTIONS and OTHER FEES**

- 12.1 The committee shall consider the finances of the Club and recommend to the Annual General Meeting appropriate membership fees. The annual membership fee for members shall be set at the Annual General Meeting for payment in the season commencing 1<sup>st</sup> January following the Annual General Meeting. Any other fees as applicable, shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.
- 12.2 The annual subscription shall be due on joining the Club and thereafter on the 1st February of each year.
- 12.3 Any member whose subscription is unpaid by 1st March shall be deemed to have let their membership lapse. If they wish to rejoin the Club they will have to pay an administration fee of £3.00.

## **13 EXPULSION and other DISCIPLINARY ACTION**

- 13.1 The Committee shall have the power to expel a member when, in its opinion, it would not be in the interests of the Club to retain the membership of that person.
- 13.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes (the Guidelines) as the same may be revised from time to time.
- 13.3 A member may not be expelled or (subject to Rule 13.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall, by a two-thirds majority, vote in favour of the expulsion or other penalty imposed upon the member.
- 13.4 The Officers of the Club, or any other person to whom the Committee shall delegate this power, may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the complaint will therefore be dealt with in accordance with the Guidelines.

## **14 COMPETITION**

- 14.1 No person shall be allowed to compete for the Club unless they are a member of the Club.

## **15 CLUB BADGE & CERTIFICATE**

- 15.1 Any Member who has swum three miles in open water is entitled to receive the Club badge.
- 15.2 Any Member who has served on the Committee for a period of two consecutive years is entitled to receive the Clubs Badge.
- 15.3 Any Member instrumental in saving a human life from drowning may at the discretion of the Committee be awarded a Certificate in recognition of the achievement.

## **16 CHAMPIONSHIPS**

16.1 The Rules governing the Club Championships are deemed not to be part of the Constitutional Rules of the Club.

## **17 TROPHIES**

17.1 All trophies of The Warrington Dolphins Long Distance Swimming Club shall be considered "Perpetual" and should be returned to the Club for the following years competition, less the donor at the time of giving the trophy specifies otherwise.

## **18 INTERPRETATION OF CONSTITUTIONAL RULES**

18.1 In the event of any question arising as to the correct interpretation of these Constitutional Rules, or to any one of them, or any other question not herein provided for, such questions shall be referred to the Committee, who will make a judgement.

## **19 ALTERATION of the CONSTITUTIONAL RULES and other RESOLUTIONS**

19.1 The Constitutional Rules may be altered by a resolution passed at an Annual General Meeting provided that the resolution is carried by a simple majority of at least two-thirds of the members present and entitled to vote at the Annual General Meeting.

19.2 Any member entitled to attend and vote at a General Meeting shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing is lodged with the Hon. Secretary of the Club not later than 1st January in the case of the Annual General Meeting or in the case of a Special General Meeting 21 days before the date of the meeting and the Hon. Secretary shall supply a copy of the proposal or resolution to the members in the manner provided for in Rule 8.1.

19.3 The Championship Conditions shall not be considered part of the Constitutional Rules for the purpose of this rule.

## **20 DISSOLUTION**

20.1 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.

20.2 The dissolution shall have effect from the date of the resolution and members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.

20.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities, or other non-profit making organisation having similar objectives to those of the Club, for the furtherance of such objects, as nominated by the Committee.

## **21 ACKNOWLEDGEMENT**

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