



CLUB CONSTITUTION

2014

Rules of Aquavision Swimming 2014

1. Name

1.1 The name of the Club is Aquavision Swimming (“Aquavision”).

The management of the Club shall be vested in two Boards – the Board of Trustees who are responsible for the governance of the Club and the Operations Team who are responsible for the day-to-day running of the Club.

Aquavision is firstly a Charity and so is bound in law by the Charities Act 2006 and in regulation by the Charity Commission for England and Wales (“Commission”). The following rules are considered by the Board of Trustees as by-laws for the purpose of the Club in its affiliation with the Amateur Swimming Association (ASA).

2. Objects

2.1 The objects of Aquavision shall be to carry on activities to benefit the health and wellbeing of the local community and in particular (without limitation) to:

- Actively encourage participation in swimming and in particular synchronised swimming within the local communities across London starting with the Boroughs of Barnet, Enfield, Haringey and Waltham Forest.
- We aim to train and encourage children and adults to take various skill levels that are nationally recognised qualifications for synchronised swimming.
- Actively encourage children and adults to devise routines, organise events and fundraise for the benefit of this charity and other local charities in the community.
- To provide health, wellbeing and educational services to the community.

In the furtherance of these objects:

2.1.1 Aquavision 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 ASA Equal Opportunities Policy.

2.2 The Club is affiliated to the ASA London Region, and shall adopt and conform to the rules of this Association, and to such other bodies as Aquavision may determine appropriate from time to time.

2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the ASA (“ASA Laws”) and in particular:

2.3.1 All competing members shall be eligible competitors as defined in ASA Laws; and

2.3.2 The Club shall in accordance with ASA Laws adopt the ASA Child Safeguarding Procedures; and shall recognise that the welfare of children is everyone’s responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.

2.3.3 The Club shall in accordance with A.S.A. Laws comply with the A.S.A. Child Safeguarding Procedures.

- 2.4 By virtue of the affiliation of the Club to the ASA London Region, the Club and all members of the Club acknowledge that they are subject to the swimming laws, rules and constitutions of:
- 2.4.1 ASA London Region and
 - 2.4.2 The ASA (to include the ASA Code of Ethics); and
 - 2.4.3 British Swimming (in particular it's Doping Control Rules and Protocols and Disciplinary 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 Aquavision shall not normally be limited. If however the Board of Trustees considers that there is a good reason to impose any limit from time to time then the Board of Trustees 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 Aquavision.
- 3.2 Aquavision recognises that there are broadly two significant categories of membership:
- a) Members of Aquavision ("Members") – who participate in the Club element of Aquavision and are, in doing so, affiliated to the ASA London Region, and shall adopt and conform to the rules of this Association as set out in this document
 - b) Friends of Aquavision ("Friends") – who support the charitable work of Aquavision but do not take part in swimming activities.
- 3.3 Paid instructors, teachers and coaches who are not members of Aquavision must be members of a body which accepts that its members are bound by the ASA's Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Rules.
- 3.4 Any person who wishes to become a member of Aquavision must submit a signed application to the Membership Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian).
- 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 members (who may or may not be members of the Committee). The Review Panel shall, wherever practicable, include one independent member nominated by the ASA London Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.
- 3.5 Aquavision shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, sex, religion, disability, political persuasion or sexual orientation.

3.6 Aquavision may refuse membership only for good and sufficient cause, such as conduct or character likely to bring Aquavision 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 Aquavision to the applicant for membership.

4. Subscription and Other Fees

4.1 The annual subscription shall be due on joining Aquavision and thereafter on the 1st day of January each year. Coaching and squad fees will be payable on a monthly basis and fall under the following categories:

- i. Competitive Squad fees
- ii. Recreational Squad fees
- iii. Other fees based on attendance on an *ad hoc* basis (i.e. Aquafun) or private coaching (if applicable).

4.2 The annual members' subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Board of Trustees and the Trustees shall, in so doing, make special provision for different classes of membership as it shall determine.

4.3 Any member whose subscription or monthly fee is unpaid by the date falling six months after the due date for payment may be suspended by the Board of Trustees from some or all Club activities from a date to be determined by the Board of Trustees and until such payment is made.

4.4 The Board of Trustees 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 Aquavision pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

4.5 The Executive Officers (or the Board of Trustees) 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.

5. Resignation

5.1 A member wishing to resign membership of Aquavision must give to the Secretary one month's 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 Aquavision 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 six 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.

5.4 The ASA Membership Department shall be informed should a member resign when still owing money or goods to Aquavision.

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 Aquavision for the individual to remain a member. Aquavision 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 Aquavision shall comply with the relevant Judicial Rules for handling Internal Club Disputes ("the Rules") as the same may be revised from time to time. The Rules are set out in the ASA Judicial Laws and appear in the ASA Handbook. (A copy of the current Rules may be obtained from the ASA Department of Legal Affairs.)
- 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 unanimously vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.5 The Officers of Aquavision (or any person to whom the Board of Trustees 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 Aquavision. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

7. Board of Trustees and Delegation of Power

- 7.1 The Board of Trustees shall consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of Aquavision") and 2 annually elected members all of whom must be members of Aquavision. This Board is responsible for the governance of the Club as a Charity and for strategic development and operational oversight of the organisation. Only the Board of Trustees, as Directors, may call an Annual General Meeting, a Special or Extraordinary General Meeting at any time.

The Swimming Coach Manager and other relevant individuals will be invited to attend Board meetings as appropriate.

The Board of Trustees will designate an Operations Team who will be responsible for the day to day running of the specific activities of the Club. This group will consist of the Swimming Coach manager and appointed representatives responsible for managing key sections of the Club as defined by the Board of Trustees in a Development Plan.

All Board members must be not less than 16 years of age and must be fully up paid members. Both the Trustees and Operations Team may allow younger member(s) to attend their meetings without power to vote.

The Trustees and Operations Team will hold regular Parents Meetings to discuss operational and other matters arising from the day-to-day running of Aquavision.

- 7.2 The Committee shall appoint a member of Aquavision as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with ASA Child Safeguarding courses. The Welfare Officer will have a right to attend Trustee meetings without a power to vote.
- 7.3 The Executive Officers and Board 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 Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Board. Retiring Executive Officers and members of the Board shall be eligible for re-election.

- 7.4 Board meetings shall be held not less than quarterly (save where the Board itself shall by a simple majority resolve not to meet), and the quorum shall be two or the number nearest to one-third of the total number of Trustees, whichever is greater, or such larger number as may be decided from time to time by the Trustees. Any Trustee shall have discretion to call further meetings of the Board if they consider it to be in the interests of Aquavision. The Club Secretary shall give all the members of the Board not less than four days written notice of a meeting. Decisions of the Board shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Club Secretary, or in his/her absence a member of the Board, shall take minutes.
- 7.5 In addition to the members so elected the Board may co-opt up to two 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 Board and shall be counted in establishing whether a quorum is present.
- 7.7 The Board shall be responsible for ensuring that the Accounts of Aquavision for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.8 The Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.

7.9 **The Operations Team**

Members of the Operations Team shall be recommended by the Trustees and Swimming Coach Manager and confirmed by the membership at the Annual General Meeting.

- 7.10 The Operations Team shall meet monthly (save where the Team itself shall by a simple majority resolve not to meet. The quorum of such meetings will be such a number as shall represent a simple majority of the Team Members).

Decisions of the Operations Team shall be made by a simple majority and in the event of equality of votes the final decision will be given by the Trustees of the Charity.

- 7.11 The Operations Team 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 A.S.A. Membership Department. Aquavision shall make an annual return to the A.S.A. 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. Honorary Positions

- 8.1 The Board of Trustees, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of Aquavision on election and shall be an *ex officio* honorary member of Aquavision to be included in Aquavision's annual return of members to the ASA.
- 8.2 The Board of Trustees may elect any person as an Honorary Member of Aquavision 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 Board of Trustees unless any such person shall have retained in addition their ordinary membership of Aquavision. Such Honorary Members and Life Members must be included in Aquavision's annual return as to membership.

9. Annual General Meeting

- 9.1 The Annual General Meeting of Aquavision shall be held each year on a date in July. The date, time and venue for the Annual General Meeting shall be fixed by the Board of Trustees.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
- 9.2.1 To receive the Chairman's report of the activities of Aquavision during the previous year;
 - 9.2.2 To receive and consider the accounts of Aquavision 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 Aquavision;
 - 9.2.3 To remove and elect the independent examiner (who must not be a member of the Board of Trustees or a member of the family of a member of the Board of Trustees) or confirm that he/she remain in office;
 - 9.2.4 To elect the Executive Officers and other members of the Board of Trustees;
 - 9.2.5 To decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 9.3 Nominations for election of members to any office or for membership of the Board of Trustees shall be made in writing by the proposer and seconder to the Secretary not later than four weeks 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 proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than four weeks prior to the Annual General Meeting.

10. Special General Meeting

- 17.4 A Special General Meeting may be called at any time by the Board of Trustees. A Special General Meeting shall be called by Aquavision within 28 days of receipt by the Secretary of a requisition in writing signed by not less than seven members entitled to attend and vote at a General Meeting or, if greater, such number 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 Charity Secretary shall personally be responsible for the handing out or sending to each 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 fourteen days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be two members 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 the Chairman's absence a member appointed by the Board of Trustees, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. For

the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote.

Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors, such as the election of club captains.

- 11.4 The Secretary, or in his/her absence a member of the Board, shall take minutes at the Annual and Special 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 Aquavision.

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 that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. No amendment(s) to the Rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the ASA London 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 Aquavision so as to be received by him/her not later than four weeks in the case of the Annual General Meeting or, in the case of a Special General Meeting, 18 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

13. By-Laws

- 13.1 The Board of Trustees shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of Aquavision which by-laws, repeals and amendments shall have effect until set aside by the Board or at a General Meeting.

14. Finance

- 14.1 All moneys payable to Aquavision shall be received by the Treasurer or an authorised representative and deposited in a bank account in the name of Aquavision Swimming. No sum shall be drawn from that account except by cheque signed by two of the signatories who shall include the Chairman, Secretary and Treasurer or such person or persons as the Board decides. Any monies not required for immediate use may be invested as the Board in its discretion think fit.
- 14.2 The income and property of Aquavision shall be applied only in furtherance of the objects of Aquavision and no part thereof shall be paid by way of bonus, dividend or profit to any members of Aquavision, (save as set out in Rule 17.3.).
- 14.3 The Board of Trustees shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of Aquavision and to any other person or persons for services rendered to Aquavision.

- 14.4 The financial transactions of Aquavision shall be recorded by the Treasurer or by an authorised representative in such manner as agreed by the Board of Trustees.
- 14.5 The financial year of Aquavision shall be the period commencing on 1st January and ending on 31st December. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Committee shall retain all financial records relating to Aquavision and copies of Minutes of all meetings for a minimum period of six years.

15. Borrowing

- 15.1 The Board of Trustees may borrow money on behalf of Aquavision for the purposes of Aquavision from time to time at their own discretion for the general upkeep of Aquavision or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2 When so borrowing the Board of Trustees shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of Aquavision.
- 15.3 The Board of Trustees shall have no power to pledge the personal liability of any member of Aquavision for the repayment of any sums so borrowed.

16. Property

- 16.1 The property of Aquavision, other than cash at the bank, shall be vested in the Board of Trustees. The Board of Trustees shall deal with the property as directed by resolution of the membership at a General meeting and entry in the minute book shall be conclusive evidence of such a resolution.
- 16.2 The Trustees shall be elected at a General Meeting of Aquavision and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- 16.3 The Trustees shall be entitled to an indemnity out of the property of Aquavision for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

- 17.1 If the members resolve to dissolve the Charity the Trustees will remain in office as Charity Trustees and be responsible for winding up the affairs of the Charity in accordance with this clause.
- 17.2 The Trustees must collect in all the assets of the Charity and must pay or make provision for all the liabilities of the Charity.
- 17.3 The Trustees must apply any remaining property or money:
- i. Directly for the Objects;
 - ii. By transfer to any charity or charities for use for particular purposes that fall within the Objects;
 - iii. In such other manner as the Charity Commission (“the Commission”) for England and Wales may approve in writing in advance.
- 17.4 The members may pass a resolution before or at the same time as the resolution to dissolve the charity

specifying the manner in which the Trustees are to apply the remaining property or assets of the Charity and the Trustees must comply with the resolution if it is consistent with paragraphs (i) – (iii) inclusive in sub-clause (3) above).

- 17.5 In no circumstances shall the net assets of the Charity be paid to or distributed among the members of the Charity (except to a member that is itself a Charity).
- 17.6 The Trustees must notify the Commission promptly that the Charity has been dissolved. If the Trustees are obliged to send the Charity's accounts to the Commission for the accounting period which ended before dissolution, they must send the Commission the Charity's final accounts.

18. Acknowledgement

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

The following statement needs to appear on Aquavision 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 16 years of age:

"I acknowledge receipt of the rules of Aquavision Swimming and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of Aquavision. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules."