

SURREY COUNTY AMATEUR SWIMMING ASSOCIATION CONSTITUTION 20 June 2023

RULES of SURREY COUNTY AMATEUR SWIMMING ASSOCIATION

1. Name

- 1.1 The name of the Association shall be Surrey County Amateur Swimming Association hereinafter referred to as “The County”.

2. Objects

- 2.1 The County is organised on an amateur basis. The main purpose of the County is the development of swimming, diving, artistic swimming, water polo and open water swimming within the geographical boundary of Surrey. The objects of the County are the provision of competitions, training, advice, and other forms of support to its member clubs and organisations. In the furtherance of these objects:

2.1.1 the County 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

2.1.2 the County shall implement the Swim England Equality Policy (as may be amended from time to time).

- 2.2 The County shall be affiliated to the Swim England South East Region and shall adopt and conform to the rules of Swim England South East Region, and to such other bodies as the County may determine from time to time.

- 2.3 The business and affairs of the County shall always be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England (“Swim England Regulations”) and in particular:

2.3.1 all competitors shall be eligible as defined in Swim England Regulations.

2.3.2 the County shall in accordance with Swim England Regulations adopt the current 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; and

2.3.3 members of the County shall in accordance with Swim England Regulations comply with Wavepower.

- 2.4 By virtue of the affiliation of the County to Swim England South East Region, the County and all its members acknowledge that they are subject to the regulations, rules, and constitutions of:

2.4.1 Swim England South East Region (and where applicable, Swim England London Region);

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

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

2.4.4 LEN, the European governing body for the aquatic sports; and

2.4.5 World Aquatics, the World governing body for the aquatic sports

(Hereinafter defined as “Rules of a Governing Body”).

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

3. Membership

- 3.1 Members of the County are clubs and other organisations affiliated to Swim England operating within the geographical boundary of Surrey. The total membership of the County is not 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 County. 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 County.
- 3.2 County membership is determined from time to time by Swim England policy as implemented by its South East Region. Certain clubs have their headquarters situated within the boundary of Surrey, but outside of the boundary of the Swim England South East Region. These clubs are eligible for membership of the County by virtue of Swim England policy as implemented by its London Region. Individuals who are members of Clubs affiliated to the County through these regions may be charged an annual county fee as part of their Swim England membership.
- 3.3 All persons who assist in any way with the County's activities shall be a member of a Swim England affiliated Club and hence Swim England and the relevant Swim England membership fee shall be paid by that Club.
- 3.4 Paid individuals who do not belong to a member 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, 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.
- 3.5 The County is open to any individual who is a member of any club (as defined in Rules 3.1 and 3.2.) and interested in assisting the sport, regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion, or other beliefs, except as a necessary consequence of the requirements of swimming. Such individuals apply by expressing their interest to their member club secretary who may nominate them to the County on a non-discriminatory and fair basis.
- 3.6 The County committee may refuse a member's nominee, or remove a previously accepted nominee, only for good cause, such as conduct or character likely to bring the County or the sport into disrepute. The County shall be required to give reasons for the refusal or removal of any nominee. Appeal against refusal or removal may be made to the members.
- 3.7 County membership of a Club is not transferable.
- 3.8 The County encourages all member clubs and organisations to participate in county activities and to nominate individuals to represent them regardless of ability. The County does not provide for social membership.

4. Membership and other fees

- 4.1 The County component of the Swim England annual membership fee that is payable by members of Swim England affiliated clubs shall be determined from time to time by the Committee and the Committee shall in so doing distinguish between the different classes of membership as determined from time to time by Swim England. Any increase in the County annual membership fee will be advised to members by Swim England. The reasons for any increase will be recorded by the Committee and provided to the Swim England South East Region on request.
- 4.2 The annual County fees are collected by Swim England from member clubs and organisations and paid subsequently by Swim England to the County.

- 4.3 The County shall inform the Swim England South East Region and the Swim England London Region of any change in the County fees payment structure. When notified by a Region of the suspension of any member club (or their nominee) whose Swim England fees are unpaid by the date falling 30 days after the due date for payment, the Committee may suspend the member (or their nominee) from participation in County activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The County does not have the power in special circumstances to remit the whole or part of the County fees, to address issues of social inclusion. However, clubs that are members of the County have a power in their own rules to address issues of social inclusion in respect of those individuals who they nominate as set out in Rule 3.5.

5. Resignation

- 5.1 A member's nominee wishing to resign from a position on the County Committee must give the secretary of their Club and the secretary of the County written notice of their resignation via post or electronic means.
- 5.2 A member's nominee whose fees are more than two months in arrears and therefore deemed by their Club to have resigned from the Club and their membership terminated, shall be deemed to have resigned from any position on the County Committee. Where membership has been terminated in this way the member shall be informed in writing either via post to their last known address or by electronic means.
- 5.3 A member's nominee who resigns from their Club or whose membership is terminated in this way shall not be entitled to have any part of the annual Swim County membership fee refunded and must immediately return money or property they hold on behalf of the County.
- 5.4 The Swim England Membership Department and the relevant Swim England Region shall be informed by the County should a member's nominee have their membership terminated when still owing money or property to the County.

6. Expulsion and other disciplinary action

- 6.1 The Committee shall have power to expel a member or a member's nominee when, in its opinion, it would not be in the interests of the County for the member or the member's nominee to remain a member. The Committee 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 County membership fee refunded and must immediately return any County property held.
- 6.3 The County shall comply with the relevant Judicial Regulations for handling Internal Disputes as the same may be revised from time to time.
- 6.4 A member or a member's nominee 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 or the member's nominee.
- 6.5 The Officers of the County (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member or a member's nominee from training sessions and/or wider County activities, when in their opinion such action is in the interests of the County. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.
- 6.6 Swim England shall have power to temporarily suspend members or suspend members for a specified term in accordance with Judicial Regulations and Child Safeguarding Regulations as

the same may be revised from time to time.

7. Committee

- 7.1 The Committee shall consist of the Chair, Secretary, Treasurer (together “the Executive Officers”) and up to six additional elected members all of whom must be members of a Club (as defined in Rules 3.1. and 3.2.) and must have passed the County’s fit and proper test (including by self-declaration). All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.
- 7.2 In accordance with Wavepower the Committee shall appoint a person who is an affiliated member of a club (as defined in Rule 3) as Welfare Officer. This person must be not less than 18 years of age and they should have an appropriate background. The Welfare Officer is required to undertake appropriate training in accordance with Wavepower. The Welfare Officer shall not be related to or in a relationship with any one of the Executive Officers or the County Coach.
- 7.3 The Welfare Officer will have a right to attend Committee meetings without a power to vote. Attendance at meetings will be for the purpose of sharing or addressing matters relating to Welfare.
- 7.4 The Executive 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 take office when the Chairman has closed the 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.
- 7.5 Committee meetings shall be held at regular intervals and the quorum of that meeting shall be 50% of the number entitled to vote with at least one Executive Officer present. 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 County. 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 Chair (or the acting Chair of that meeting) shall have a casting or additional vote). The Secretary, or in their absence a member of the Committee, shall take minutes.
- 7.6 In the event that a quorum is not present within 30 minutes of the stated 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 Chair. 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 Rule 10.2 shall not apply.
- 7.7 In addition to the members so elected, the Committee may co-opt further Committee members who shall serve until the next Annual General Meeting. Co-opted Committee members shall be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present.
- 7.8 The Committee may from time to time appoint such sub-committees and roles as they may consider necessary (and to remove (in whole or in part) or 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. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.9 The Committee shall be responsible for the management of the County and shall have the sole right of appointing and determining the terms and conditions of service of employees of the County. The Committee shall have power to enter contracts for the purposes of the County on

behalf of all the members of the County. The Committee shall be responsible for ensuring that the Accounts of the County for each financial year are examined by an independent examiner to be appointed by the members in a Annual General Meeting.

- 7.10 The members of the Committee shall be entitled to an indemnity out of the assets of the County for all expenses and other liabilities properly incurred by them in the management of the affairs of the County.
- 7.11 The Committee shall maintain a log of Accidents/Incidents at County related activities. Details of such shall be reported to the insurers in accordance with the Accident/Incident Notification Guidelines. The County shall make an annual return to the Swim England Membership Department indicating whether an entry has been made using the prescribed online form. A copy of entries should be kept for a period of six years or in respect of an injury to a child they should be kept for six years after they attain 18 years of age.
- 7.12 The Committee shall retain all financial records relating to the County and copies of minutes of all meetings for a minimum period of six years.

8. Ceremonial positions and honorary members / life members

- 8.1 The Annual General Meeting of the County, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the County on election but shall, *ex officio*, be an honorary member of the County and must be included in the County's Annual Return of Members to Swim England.
- 8.2 The Committee may nominate any person as an honorary member of the County for a specified period of time, 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 also be a fee-paying member in accordance with Rule 3.
- 8.3 The County has set and published criteria for awarding honours to individuals, as either an honorary life member (athletes) or honorary Vice President (service). The Committee is responsible annually for identifying individuals who have met these criteria, informing members at the next Annual General Meeting when the award takes effect. If, exceptionally, an individual in receipt of such an honour is not a member of an affiliated club or organisation (as defined in Rule 3), the Committee shall include their details in the County's annual return as to membership. The County may commit to paying all relevant Swim England fees on behalf of an honorary or life member.
- 8.4 Honorary Life Members and Honorary Vice Presidents memberships may only be removed at an Annual General Meeting of the County when it shall be properly proposed in accordance with these Rules. Reasons for the proposal will be circulated with the agenda. 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 Chair 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 as the Chair may determine.

9. Annual General Meeting

- 9.1 The Annual Meeting of the County shall be held in June each year. The date, time and venue / online option for the Annual Meeting shall be fixed by the Committee.
- 9.2 For the purpose of participation in voting at an Annual General Meeting of the County, all persons shall have been nominated as a voting delegate of a member club or organisation using the form provided for this purpose to the member club or organisation.
- 9.3 The purpose of the Annual General Meeting is to transact the following business:

- 9.3.1 to receive the Committee's Annual Report of the activities of the County during the previous year.
 - 9.3.2 to receive and consider the accounts of the County 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 County.
 - 9.3.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that they remain in office.
 - 9.3.4 to elect the Executive Officers and other members of the Committee.
 - 9.3.5 to decide on any changes to the criteria for awarding of existing honorary and/or Life membership categories.
 - 9.3.6 to decide on any resolution which may be duly submitted in accordance with Rule 9.6.
 - 9.3.7 to elect or reaffirm the Custodians of the County.
- 9.4 For the Annual General Meeting the Secretary shall be responsible for sending to the secretary of each member club or organisation at his/her last known postal or electronic address a written agenda giving notice of the date, time and venue of the Annual General Meeting and the delegate form no later than 28 days prior to the published date. The Notice of Meeting and all relevant papers and forms shall in addition be displayed on the County website.
- 9.5 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 21 days prior to the published date of the meeting. Both proposer and seconder must be a fully paid member of a Club (as defined in Rule 3) and Swim England at the time of nomination. The nominee shall be required to indicate in writing on the nomination form their willingness to stand for election. Nominations may also be made and recorded by the secretary at a committee meeting held in advance of the Annual General Meeting. Such committee nominations shall be recorded in the published agenda of the Annual General Meeting.
- 9.6 Any member shall be entitled to put any proposal for consideration at an Annual General Meeting provided the proposal in writing is received by Secretary not later than 21 days prior to the published date of the meeting.
- 9.7 No less than 14 days before the published meeting date, members will be informed that the Agenda has been published. The Agenda will contain the resolutions to be proposed, a list of the nominees for the Officer and Committee posts and a copy of the examined accounts.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee at a committee meeting.
- 10.2 A Special General Meeting shall be called by the Committee and held within 28 days of receipt by the Secretary of a requisition in writing signed by the chairs of not less than seven member clubs or organisations entitled to vote at a General Meeting stating the purposes for which the meeting is required, and the resolutions proposed.
- 10.3 For the purpose of participation in voting at a Special General Meeting of the County, all persons shall have been a nominated as a voting delegate by the member club or organisation using the form provided for this purpose to the member club or organisation.
- 10.4 In the case of a Special General Meeting the Secretary shall be responsible for sending to the secretary of each member club or organisation at his/her last known postal or electronic address a written agenda giving notice of the date, time and venue and the delegate form no later than 21

days prior to the date agreed by the Committee following the requisition submitted stating the purposes for which the meeting is required, and the resolutions proposed. The Notice of Meeting and all relevant papers and forms shall in addition be displayed on the County website.

11. Procedure at the Annual and Special General Meetings

- 11.1 The Committee can decide to hold the Annual or Special General Meeting virtually, using such electronic and video technology as it sees fit.
- 11.2 The quorum for the Annual and Special General Meetings shall be seven members entitled to vote at the Meeting.
- 11.3 The Chair or, in the Chair's absence a member appointed by the Committee, shall take the chair. Each member club or organisation present shall have one vote. A member club or organisation with more than 100 individual members shall be entitled to one additional vote, but this additional vote shall be counted only if a second nominee is present at the meeting. Entitlement to an additional vote is determined by reference to the Swim England membership record of the member club or organisation in advance of the meeting. Resolutions shall be passed by a simple majority. In the event of an equality of votes the Chair shall have a casting or additional vote.
- 11.4 Only individuals who have reached their 18th birthday shall be entitled to be nominated by a member club and vote at the meeting.
- 11.5 The Secretary, or in their absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.6 The appointed Chair of the meeting shall 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 County.

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 Swim England South East Region.

13. By-laws

- 13.1 The Committee shall have power to make, repeal and amend regulations and by-laws as they may from time to time consider necessary for the wellbeing of the County. Such regulations, by-laws, repeals, and amendments shall have effect until set aside by the Committee or at a General Meeting. The Committee shall have power to settle disputed points not otherwise provided for in this Constitution.

14. Finance

- 14.1 All monies payable to the County shall be received by the Treasurer and deposited in a bank account in the name of the County.
- 14.2 No sum shall be drawn from that account except by the method agreed by the Committee which includes a minimum of two authorisations. Any monies not required for immediate use may be invested as the Committee in its discretion think fit. (See Swim England Guidance Notes regarding Accounts.)
- 14.3 The income and property of the County shall be applied only in furtherance of the objects of the County and no part thereof shall be paid by way of bonus, dividend, or profit to any members of the County or any third parties (save as set out in Rule 17.3). All surplus income or profits are to be reinvested in the County. No surpluses or assets will be distributed to officers, committee

members, member clubs or organisations or third parties.

- 14.4 The Committee shall have power to authorise the payment of remuneration and expenses, including training bursaries or grants for equipment purchase, to any officer, member, or employee of the County and to any other person or persons for services rendered to the County.
- 14.5 The financial transactions of the County shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.6 The financial year of the County shall be the period commencing on 1 April and ending on 31 March. Any change to the financial year shall require the approval of the members in a General Meeting.

15. Borrowing

- 15.1 The Committee may borrow money on behalf of the County for the purposes of the County from time to time at their own discretion for the general upkeep of the County or with the (prior) approval of a General Meeting for any other expenditure, additions, or improvements.
- 15.2 When so borrowing the Committee 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 the County.
- 15.3 The Committee shall have no power to pledge the personal liability of any member of the County for the repayment of any sums so borrowed.

16. Property

- 16.1 The property of the County, other than cash at the bank, shall be vested in not less than two but not more than four Custodians who at the time of vesting shall be members of the Committee and over 18 years of age. 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.
- 16.2 The Custodians shall be elected and reaffirmed at an Annual General Meeting of the County and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- 16.3 The Custodians shall be entitled to an indemnity out of the property of the County for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

- 17.1 A resolution to dissolve the County 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.
- 17.2 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 County.
- 17.3 Upon dissolution of the County any remaining assets shall be given or transferred to a registered CASC, a registered charity or the sport's governing body for use by them in related community sports.

18. Acknowledgement

- 18.1 Member clubs and organisations of the County, by virtue of affiliation to Swim England, acknowledge in their approved constitution that they are bound by the Rules of the County which constitute a legally binding contract to regulate the relationship of the member clubs and organisations with the County.

18.2 This County Constitution is readily available to all member clubs and organisations on the County website.