

North Dorset Turbos Constitution

Version 2, September 2010



1 Name

- 1.1 The name of the club shall be North Dorset Turbos.
- 1.2 The club colours shall be red and black. The headquarters shall be at 29 Linden Road, Shaftesbury.

2 Objects

- 2.1 The objects of the club shall be the objects of the Amateur Swimming Association: the promotion of and the instruction in, the arts of swimming (both competitive and social), diving, water polo, synchronised swimming, open water swimming and masters swimming.
 - 2.1.1 The Club is committed to treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, disability or political persuasion.
 - 2.1.2 The Club believes 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. The Club shall implement the ASA Equal opportunities policy.
- 2.2 The Club shall be affiliated to the South West Region (and shall adopt and conform to the rules of the association) and 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 Laws and Technical Rules of the Amateur Swimming Association ("ASA Laws") and in particular:
 - 2.3.1 All competing members shall be eligible competitors as defined ASA Laws; and
 - 2.3.2 The Club shall in accordance with ASA Laws adopt the ASA Child Protection Procedures; and
 - 2.3.3 Members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.
- 2.4 By virtue of the affiliation of the Club to the South West Region, the Club and all members acknowledge that they are subject to the laws and rules of:
 - 2.4.1 The South West Region ASA and Dorset County ASA
 - 2.4.2 The Amateur Swimming Association; (to include the ASA/ISTC Code of Ethics); and
 - 2.4.3 The Amateur Swimming Federation of Great Britain (to include in particular the ASFGB Doping Control Rules and Protocols and the ASFGB 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 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.
- 3.2 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 swimmer the application must be signed by the swimmer's parent or guardian. Election to membership shall be at the discretion of the Committee or other person(s) authorised by the Committee. The Committee or such authorised person(s) shall not 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 comprising of three members [who need not be members of the committee]. The panel should include an independent member appointed by the ASA Western Region. The person refused membership may make representations to the panel. The procedures for the review shall be at the discretion of the Panel whose decisions shall be final and binding. The club may not refuse membership on discriminatory grounds whether in relation to ethnic origin, age, sex, disability, political persuasion or sexual orientation.

4 Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and squad 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 the Annual General Meeting shall determine.

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- 4.2 The annual subscription shall be due on joining the Club and thereafter on the First day of January each year.
- 4.3 Any member whose subscription is unpaid by the Thirtieth of September may be suspended by the Committee from some or all Club activities from a date determined by the Committee until such payment is made.
- 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 ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscription 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.

5 Resignation

- 5.1 A member wishing to resign membership of the Club shall give to the Secretary written notice of the resignation. A members' resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way the member shall be informed in writing that they are no longer a member by notice handed to them or sent by post to their last known address.

6 Expulsion and Other Disciplinary Action

- 6.1 The Committee shall have the power to expel a member when, in its opinion, it would not be in the interests of the Club for them to remain a member.
- 6.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines"). These Guidelines may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department.
- 6.3 A member may not be expelled or (subject to Rule 6.4 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.
- 6.4 The Officers of the Club (or any person to whom the Committee delegates 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 thereafter be dealt with in accordance with the Guidelines.

7 Committee

- 7.1 The Committee shall consist of the President, Chairman, Secretary, Treasurer and such other officers as required to manage specific activities of the Club (together "the Officers of the Club") and up to four elected members of whom shall be not less than eighteen years of age though the Committee may allow younger members to attend their meetings as observers without the power to vote.
- 7.2 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. The Committee may fill any vacancy occurring by resignation or otherwise. Retiring members of the Committee shall be eligible for re-election.
- 7.3 Committee meetings shall be held monthly or at such times as agreed by the Secretary in consultation with the chairman, and the quorum of these meetings will be not less than a majority of the committee. The Secretary shall give all the members of the Committee not less than seven days aural or written notice of a meeting. A simple majority shall make decisions of the Committee, and in the event of a tie the Chairman will have the casting vote or additional vote. In the absence of the Chairman the Committee will appoint an acting chairman. The Secretary or in their absence a member of the Committee will take the minutes.
- 7.4 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 Chairman. If a quorum is not present at this meeting

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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 11.1 shall not apply.

- 7.5 In addition to the members so elected the Committee 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 Committee and shall not be counted in establishing a quorum present.
- 7.6 The Committee may from time to time appoint from among their 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 sub-committees) and may delegate to them such powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee. These sub-committees may co-opt members as they deem necessary.
- 7.7 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have the power to enter into contracts for the purposes of the Club on behalf of all its 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.
- 7.8 The members of the Committee shall be indemnified out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the Club.

8 Officers and Honorary Members

- 8.1 The Officers and Committee of the club shall be proposed, seconded and elected by ballot at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Offices shall be eligible for re-election.
- 8.2 At the Annual General Meeting of the Club the members may elect a Life Member, President and Vice-Presidents of the Club, the nominations being made only by the Committee. Such people must be entered on the annual return of members to the ASA.
- 8.3 The Committee or its nominate Members may elect as an honorary or guest member of the Club for such a period as they think fit and they shall be entitled to all the privileges of membership except they shall not be able to vote at General Meetings or serve on the Committee.

9 Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date falling within the period of 1 September and 30 November. The date and time for the Annual General Meeting shall be fixed by the Committee. The quorum shall be ten members.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
 - 9.2.1 To receive the President's address, and the Chairman's report of the activities of the Club during the previous year. The Chairman may delegate all or part of a year's review of the Club's activities.
 - 9.2.2 To receive and consider the accounts of the Club for the previous year and the report on the Accounts by the independent examiner and the Treasurer's report as to the financial position of the Club
 - 9.2.3 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;
 - 9.2.4 To elect the Officers and other members of the Committee.
 - 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 membership of the Committee shall be made to the Secretary before the meeting. Notice of any resolution including rule changes must be made to the Secretary in writing twenty-one days before the meeting.

10 Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within twenty-one days of receipt of a request in writing

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signed by not less than seven members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions if any proposed.

10.2 No other matters shall be discussed except those referred to in the Special Meeting notice.

11 Procedure at the Annual and Special General Meetings

11.1 The Secretary shall be responsible for notifying all members of the Meetings together with the Agenda, including resolutions and any proposed rule changes at least ten days before the meeting. Notice of the meetings shall be displayed on the Club's Notice Board.

11.2 The quorum shall be 7 members entitled to attend and vote or one tenth of the club's membership.

11.3 The Chairman, or if absent a member selected by the Committee shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. Refer to Rule 9.3 for the procedures to submit resolutions to be considered at a General Meetings. In the event of a tie, the Chairman shall have the casting vote. 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 on those matters determined by the Chairman as matters concerning juniors.

11.4 The Secretary, or if absent a member of the Committee, shall take the 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 purposes of such meeting, the sole arbiter 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 that the resolution is carried by a majority of at least two-thirds of the members present and entitled to vote at the General Meeting. No amendment to the Rules shall become effective until such amendment shall have been submitted to and validated by the Dorset County ASA Rules Sub-committee.

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 no later than the 1st September in the case of a General Meeting or in the case of a Special General Meeting ten 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 Committee shall have the power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of the Club which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

14 Finance

14.1 All moneys payable to the Club shall be received by the Treasurer, or their nominated deputy, and deposited in bank accounts in the name of the Club. No sum shall be drawn from those accounts except by cheque signed by two of three signatories. Any monies not required for immediate use may be invested at the discretion of the Committee.

14.2 The income and property of the Club shall be applied only in the furtherance of the objects of the Club and no part thereof shall be paid by the way of bonus, dividend or profit to any members of the Club, save as set out in Rule 17.3.

14.3 The Committee shall have the power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any person for services rendered to the Club.

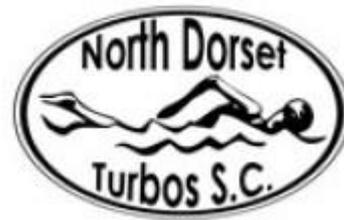
14.4 The financial transactions of the Club shall be recorded by the Treasurer determined by the Committee.

14.5 The Financial year of the Club shall be the period commencing on 1 September and ending 31 August. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 The committee shall retain financial records for a period of six years.

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15 Borrowing

- 15.1 The Committee may borrow money of behalf of the Club for the purpose of the Club from time to time at their own discretion. The limit for such borrowing shall be set by the General or Special Meeting for the general upkeep of the club.
- 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 sum or sums of money in such a manner or on such terms and conditions as it thinks fit and in particular by mortgage or of a charge upon or by issues of debentures on any part of the property of the club.
- 15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16 Property

- 16.1 The property of the Club, other than cash at a bank, shall be vested in not more than four Custodians. They shall deal with the property as directed by resolution of the Committee. Entries in the minute books shall be conclusive evidence of such a resolution.
- 16.2 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.
- 16.3 The Custodians shall be elected at an Annual General Meeting and shall hold office until death or resignation or removal by a resolution at an AGM.

17 Dissolution

- 17.1 A resolution to dissolve the Club shall only be proposed at a General or Special Meeting and shall be carried by two-thirds of the members present and entitled to vote.
- 17.2 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.
- 17.3 Any properties remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities.

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.

Note: The Club's Membership Form, which shall be signed by the member and must be countersigned by a parent or guardian of members under 18 years of age, shall include the following statement:

I acknowledge that I have seen and understand the Rules of North Dorset Turbos Swimming Club, and confirm acceptance of these Rules and further acknowledge and accept my responsibilities of membership upon members as set out in these Rules.