

## **RULES of Swim England Essex dated**

### **1. NAME**

Swim England Essex (hereinafter referred to as the County) is an unincorporated association, operating as a voluntary body to achieve the Objectives as laid out in these Rules, on behalf of its members.

### **2. GOVERNANCE**

The County is structured as follows:

#### **2.1 the Management Committee (hereinafter referred to as the Committee) comprising:**

2.1.1 The President

2.1.2 The President Elect

2.1.3 The Chairperson

2.1.4 The Treasurer

2.1.5 The Secretary

2.1.6 The Minute Secretary

2.1.7 The Records Officer

2.1.8 The Events Manager

2.1.9 The Trophy Officer

2.1.10 The representative to the Regional Swim England Members' Forum

2.1.11 The Managers of the Disciplines of Swimming, Open Water Swimming, Water Polo, Synchronised Swimming, Disability Swimming, Masters Swimming, Diving and Swimming Officials.

2.1.12 A maximum of six members who shall be elected at an Annual General Meeting

2.1.13 Active Past Presidents

#### **2.2 Standing Committees with delegated power to support the disciplines and the development of the sport.**

### **3. OBJECTIVES**

3.1 Promote development of swimming and swimming related activities and in particular to promote swimming, open water swimming, water polo, synchronised swimming, disability swimming, masters swimming, diving championships and competitions.

3.2 The County shall be affiliated to Swim England London and Swim England East Regions (hereinafter referred to as the Regions) and shall adopt and conform to the rules of the Regions.

3.3 The County will carry out the aims and objectives of the Regions.

3.4 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.

- 3.5 The County shall implement the Swim England Equality Policy (as may be amended from time to time).
- 3.6 The business and affairs of the County shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England ("Swim England Regulations") and in particular:
- 3.6.1 the County shall in accordance with Swim England Regulations adopt Swim England's Child Safeguarding Policy and Procedures ("Wavepower"); and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.
- 3.7 By virtue of the affiliation of the County to the Regions, the County is subject to the regulations, rules and constitutions of:
- 3.7.1 the Regions;
- 3.7.2 Swim England (to include the Code of Ethics);
- 3.7.3 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and
- 3.7.4 FINA, the world governing body for the sport of swimming in all its disciplines (together "**the Governing Body Rules**").
- 3.8 In the event that there shall be any conflict between any rule or by-law of the County and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

#### 4. **MEMBERSHIP**

- 4.1 The County shall consist of the clubs, associations, organisations and bodies affiliated to the Regions whose principal location where the club's swimming activity takes place is located in the County of Essex and the London boroughs of Barking and Dagenham, Havering, Newham, Redbridge and Waltham Forest.
- 4.2 A club wishing to affiliate to the Regions for allocation to the County shall submit a copy of its rules to the Regions with an application form and affiliation fees as set by the Regions.
- 4.3 Upon affiliation the Regions shall provide to Swim England Essex details of the club's membership and details of the club's Secretary as the contact point for the club.

#### 5. **SUBSCRIPTION AND OTHER FEES**

- 5.1 The annual subscription to the County 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.
- 5.2 The subscription shall be set by the County before 30th November in the preceding year.
- 5.3 The annual subscription (if any) shall be due on joining the County and thereafter on the 1<sup>st</sup> of January.
- 5.4 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.
- 5.5 The Committee shall have the authority to remit the whole or part of the County affiliation fee payable by member clubs.

#### 6. **RESIGNATION**

- 6.1 A member wishing to resign membership of the County must give to its Region written notice of its resignation. A member's resignation shall only take effect when this rule has been complied with.
- 6.2 The member who resigns from the County in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee returned.

## 7. **SUSPENSION**

- 7.1 Any club made the subject of a suspension imposed by the Regions shall be automatically suspended by Swim England Essex.
- 7.2 A member of a club, which has not paid its liabilities to the County and/or to the Regions and/or to Swim England by the appointed date, shall not be allowed to compete in any open competition in the name of that club during the period of suspension.
- 7.3 An association, body or league which has not paid its liabilities to the County and/or to the Regions and/or to Swim England by the appointed date shall not be allowed to run its own teaching or training sessions or run competitions during the period of suspension.

## 8. **THE COMMITTEE**

- 8.1 The Committee shall have day to day management of the affairs of the County
- 8.2 The Executive Officers of the County shall be the President , President Elect, The Chairman, the Secretary and the Treasurer
- 8.3 The Committee shall appoint a member of the County 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 Wavepower. The Welfare Officer will have a right to attend Committee meetings with a power to vote.
- 8.4 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 will 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.
- 8.5 Committee meetings shall be held not less than 5 times per year (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be 6 members. The Chairman 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 seven days written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Minutes Secretary, or in his/her absence a member of the Committee, shall take minutes.
- 8.6 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date agreed by the Chairman and Secretary
- 8.7 In addition to the members so elected the Committee may co-opt further members 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 be counted in establishing whether a quorum is present.
- 8.8 The Committee may from time to time appoint from among their number such Standing Committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such Standing Committees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All Standing committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 8.9 The Committee shall be responsible for the management of the County. The Committee shall have power to enter into 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 be examined by an independent examiner to be appointed by the members in General Meeting.
- 8.10 The members of the Committee shall be indemnified by the County against all liabilities properly incurred by them in the management of the affairs of the County. Any member of

the Committee or its Standing Committees will be entitled to claim expenses in accordance with the guidelines agreed by the Management Committee. All expenditure is to be supported by legitimate documentation.

- 8.11 The Committee shall maintain an Accident Book in which all accidents at swimming related activities shall be recorded. Details of such accidents shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines. The County shall make an annual return to the Swim England Membership Department indicating whether or not an entry has been made in the prescribed online form.
- 8.12 The Committee shall have power to make regulations, create by-laws and to settle disputed points not otherwise provided for in this Constitution.
- 8.13 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.
- 8.14 Any member of the Management Committee who is absent from three consecutive Meetings between two consecutive Annual General Meetings, without having received leave of absence or giving any explanation accepted as valid by the Committee, may be deemed to have stepped down from their position and the Management Committee.

## 9. **CEREMONIAL POSITIONS**

The Annual General Meeting of the County will elect a President and President Elect. A President or President Elect needs to be a member of an affiliated club on election.

## 10. **ANNUAL GENERAL MEETING**

- 10.1 The Annual General Meeting of the County shall be held each year on a date in November or December. The Committee shall fix the date, time and venue for the Annual General Meeting.
- 10.2 The purpose of the Annual General Meeting is to transact the following business:
  - 10.2.1 to receive the Chairman's report of the activities of the County during the previous year;
  - 10.2.2 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;
  - 10.2.3 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 he/she remain in office;
  - 10.2.4 to elect the Executive Officers and other members of the Committee; and
  - 10.2.5 to decide on any resolution which may be duly submitted in accordance with Rule 10.3.
- 10.3 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 4 weeks before the date of the Annual General 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 4 weeks before the date of the Annual General Meeting.
- 10.4 Resolutions which emanate from the Management Committee shall be proposed by a member of that Management Committee while those which emanate from a standing or other committee shall be proposed by the manager of the standing committee.

## 11. **SPECIAL GENERAL MEETING**

A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the County within 28 days of receipt by the Secretary of a requisition in writing signed by not less than six delegates of six different Clubs entitled to

attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such delegates, stating the purposes for which the meeting is required and the resolutions proposed.

## **12. PROCEDURE AT THE ANNUAL AND SPECIAL GENERAL MEETINGS**

- 12.1 The Secretary shall personally be responsible for the handing out or sending to each Club at his/her last known email address (or similar form of communication) a written agenda giving notice of the Meeting shall in addition wherever possible be displayed on the County website where one exists.
- 12.2 Each club affiliated to the County shall be entitled to representation based on the total number of its members in the previous year according to the club's Swim England Annual Return of Club Membership. Each Club is encouraged to provide at least one delegate for the meeting.
- 12.3 The number of delegates to which each club is entitled shall be:
- Up to 50 members - one delegate
  - 51 to 200 members - two delegates
  - Over 201 members - three delegates
- 12.4 A delegate shall be appointed by the club he represents. The club's Secretary, or other person authorised so to do, shall sign the delegate authorisation form, supplied for the purpose, as certification that the delegate is a bona fide member of the club and that he has been duly appointed a delegate of the club to the Annual General Meeting or Special Meeting.
- 12.5 The quorum for the Annual and Special General Meetings shall be 12 delegates or Committee members entitled to attend and vote at the Meeting.
- 12.6 The Chairman, or in the Chairman's absence a member appointed by the Committee, 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 10.3. In the event of an equality of votes the Chairman shall have a casting or additional vote.
- 12.7 Only delegates who have been nominated by the affiliated club shall be entitled to be heard and vote only on those matters determined by the Chairman
- 12.8 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 12.9 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the County.

## **13. ALTERATION OF THE RULES AND OTHER RESOLUTIONS**

- 13.1 The Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a simple majority 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 Regions.
- 13.2 Any affiliated club shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 4 weeks before the meeting 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 thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 12.1.
- 13.3 Rule changes approved by the Annual General Meeting and Special General Meeting shall become effective immediately after the approval of the Regions in accordance with Rule 13.1. The revised rules will be available within 14 days.

13.4 All rule changes require an overall majority.

14. **BY-LAWS**

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

15. **FINANCE**

15.1 All moneys payable to the County shall be received by the Treasurer and deposited in a bank account in the name of the County. Monies shall be drawn from that account either by cheque signed by one of two signatories who shall be the Chairman and Treasurer or by BACS by the Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

15.2 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.

15.3 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the County and to any other person or persons for services rendered to the County.

15.4 The financial transactions of the County shall be recorded by the Treasurer in such manner as the Committee thinks fit.

15.5 The financial year of the County shall be the period commencing on 1st April and ending on 31 March. Any change to the financial year shall require the approval of the members in a General Meeting.

15.6 The Committee shall retain all financial records relating to the County and copies of Minutes of all meetings for a minimum period of seven years.

16. **BORROWING**

16.1 The Committee may borrow money on behalf of the County for the purposes of the County from time to time at their own discretion.

16.2 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.

16.3 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.

17. **PROPERTY**

17.1 The County may purchase, or by any other means acquire and take options over, any property whatever, and any rights or privileges of any kind over, or in respect of, any property.

17.2 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. 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.

17.3 The Custodians shall be elected at a General Meeting of the County and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

17.4 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.

18. **DISSOLUTION**

- 18.1 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 Committee members and delegates present and entitled to vote. A specific date for the dissolution shall be included in the resolution.
- 18.2 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.
- 18.3 Any property remaining after the discharge of the debts and liabilities of the County shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the County for the furtherance of such objects) nominated by the last Committee.

19. **STANDING COMMITTEES**

- 19.1 Each committee may consist of up to five members and the ex officio members as detailed.
- 19.2 The Manager of each Standing Committee shall be a voting member of that Committee.
- 19.3 The Swimming Standard Committee shall comprise of the following voting members – the Swimming Events Manager; The Swimming Manager and three other members. Other people maybe co-opted on to the committee but will not have voting rights unless agreed by the Committee.
- 19.4 The President, the President elect, the Chairman, the Secretary and the Treasurer may attend any Standing Committee with the power to vote and shall be given notice of all such meetings.
- 19.5 The quorum at any meeting of any committee shall be 1/3rd the number of voting members.
- 19.6 Each committee shall have power to co-opt members for any special purpose, without the power to vote unless such co-option has been agreed by the Committee, in which case such appointees will be considered to be voting members and who must be members of Swim England.
- 19.7 Each Standing Committee shall elect a Chairman from its own voting members.
- 19.8 Each Standing Committee shall keep Minutes of its meetings, including a list of those present, which shall be submitted to the Committee.

20. **STANDING ORDERS FOR THE CONDUCT OF COUNTY AFFAIRS**

20.1 **Annual General Meeting**

**Chairman**

20.1.1 The Chairman shall:

- (A) have unlimited authority upon every question to order;
- (B) have the right to vote on any motion and in the event of a tie the proposal or motion shall be 'not carried'

20.1.2 **Motions**

- (A) Motions made shall be submitted in accordance with Clause 10.3 and 10.4;
- (B) A proposal to change the Rules of the County or Standing Orders shall be carried only if at least two thirds of those voting are in favour. All other proposals, including amendments to proposals whether to change a Swim England Essex Rule or otherwise, shall require a simple majority of those members voting; and

- (C) Rule changes approved by the Annual General Meeting and Special Meeting shall become effective immediately after the approval of such changes by the Regions.

#### 20.1.3 **Voting**

- (A) The Secretary shall appoint two scrutineers, one of whom shall supervise the proper conduct of the scrutinising process. They shall receive from each delegate his delegate authorisation form signed in accordance with these rules. An authorisation form which has not been fully completed or which is of doubtful validity shall be referred to the Chairman for a decision on whether it is acceptable.
- (B) Unless the Chairman directs otherwise, voting on all motions or amendments shall be by a show of delegate forms.
- (C) Voting on elections shall be by secret ballot and any ballot paper containing more votes than the number required shall be void.
- (D) Completed voting papers shall be deposited in a ballot box provided for the purpose not later than ten minutes after the advertised starting time of the meeting: the ballot box shall be closed at the expiry of such ten minutes and voting papers will not be received thereafter. The voting paper shall contain such of the nominations made as require to be voted upon. Proxy voting shall be permitted provided they are received by the Secretary in advance of the meeting.
- (E) The result of each ballot shall be announced by the Chairman during the meeting.

#### 20.1.4 **Standing Orders for the conduct of the Committee**

- (A) The Committee shall be governed by the following rules:
  - (1) The Chairman shall have unlimited authority upon every question of order at each meeting of the Committee and, for the purpose of any meeting, shall be the sole interpreter of the rules governing the Committee;
  - (2) The minutes of the previous meeting as circulated shall be considered as the first substantive item on the agenda after the apologies for absence have been recorded;
  - (3) The minutes of standing committees or other committees and reports of officers or other individuals shall not be considered unless they have been distributed with the agenda, unless the Chairman and the members of the Committee agree;
  - (4) Every motion shall be proposed and seconded;
  - (5) All proposals, including amendments to proposals shall require a simple majority of those members voting unless otherwise specified in these rules;
  - (6) The Chairman shall have a right to vote on any motion and in the event of a tie the proposal or motion shall be deemed 'Not Carried'.