

JERSEY AMATEUR SWIMMING ASSOCIATION

AFFILIATED TO ASA SOUTH EAST REGION AND HAMPSHIRE A.S.A.

CONSTITUTION (REVISED 2010)

1. Name

- 1.1 The name of the Association shall be THE JERSEY AMATEUR SWIMMING ASSOCIATION

2. Objects

- 2.1 The objects of the Association shall be the promotion of the teaching and development and practice of swimming, diving, synchro, open water, water polo and all aquatic activities for its members and to select swimming teams to represent the Island of Jersey. In the furtherance of these objects:

2.1.1 The Association is committed to treat 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 Association shall implement the A.S.A. Equal Opportunities policy.

- 2.2 The Association shall be affiliated to ASA South East Region, Hampshire County A,S,A, The Jersey Sports Council, The Commonwealth Games Association and the Island Games Association of Jersey.

- 2.3 The business and affairs of the Association shall at all times be conducted in accordance with the Laws and Technical Rules of the A.S.A. ("A.S.A. Laws") and in particular:

2.3.1 all competing members shall be eligible competitors as defined in A.S.A. Laws; and

2.3.2 the Association shall in accordance with A.S.A. Laws adopt the A.S.A. 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 members of the Association 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 Association to ASA South East Region, the Association and all its members acknowledge that they are subject to the laws, rules and constitutions of:

2.4.1 ASA South East Region and

2.4.2 the A.S.A. (to include the A.S.A./IOS Code of Ethics); and

2.4.3 British Swimming (in particular its 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 Association and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3. Membership

- 3.1 The Association shall consist of Clubs and similar bodies with their Headquarters within the Island which are affiliated to ASA South East Region (each of which will be referred to as "Clubs") and their members.

- 3.2 The total membership of the Association 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 Association. 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 Association.
- 3.3 All persons who assist in any way with the Association's activities shall become a member of the one of the competitive Clubs within the Association and hence of the A.S.A. and the relevant A.S.A. membership fee shall be paid. Any person who is a member of the A.S.A. by any other means shall also be eligible. Assisting with the Association's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, Officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of the A.S.A.'s educational certificates.
- 3.4 Paid instructors, teachers and coaches who are not members of the Association must be members of a body which accepts that its members are bound by the A.S.A.'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 A.S.A. shall be subject to all the constraints and privileges of the Judicial Laws and Rules.
- 3.5 Any Club wishing to become a member of the Association must submit a signed application to the Secretary. Election to membership shall be determined by the Committee or other person authorised by the Committee.

The Committee shall be required to give reasons for the refusal of any application for membership. Any Club 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 South East Region. The Club 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.

- 3.6 The Association shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, sex, religion, disability, political persuasion or sexual orientation.
- 3.7 The Association may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Association or the sport into disrepute.

4. Subscription and Other Fees

- 4.1 The annual Association subscriptions 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.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Association and thereafter on the 1st day of June each year.
- 4.3 Any Club whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Association activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the A.S.A. membership fees, to address issues of social inclusion.

5. Resignation

- 5.1 A Club wishing to resign membership of the Association must give to the Secretary written notice of her/his resignation. A Club's resignation shall only take effect when this (Rule 5.1) has been complied with.

- 5.2 The Club which resigns from the Association 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 Club whose subscription is more than two months in arrear shall be deemed to have resigned. Where the membership of a Club shall be terminated in this way the club shall be informed in writing that it is no longer a member sent by post to the Club Secretary at/his/her last known address.
- 5.4 The A.S.A. South East Region shall be informed should a Club resign when still owing money or goods to the Association.

6. Expulsion and Other Disciplinary Action

- 6.1 The Committee shall have power to expel a Club when, in its opinion, it would not be in the interests of the Association for the Club to remain a member. The Association in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.2 Upon expulsion the former member Club shall not be entitled to have any part of the annual membership fee to be refunded and must return any Association or external body's trophy or trophies held forthwith. The Association in exercising this power is required to comply with the provision of Rules 6.3 and 6.4 below.
- 6.3 The Association 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 A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Rules may be obtained from the A.S.A. Department of Legal Affairs.)
- 6.4 A Club 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 Club.
- 6.5 The Officers of the Association (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a Club from Association activities, when in their opinion, such action is in the interests of the Association. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

7. Committee

- 7.1 The Committee shall consist of the President, two Vice Presidents, Secretary, Treasurer (together "the Executive Officers of the Association") and two members as elected from clubs with more than 100 members and one member elected from clubs with up to 100 members. All the elected members must be members of the Club and of the A.S.A. 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 The Committee shall appoint a member of the Association 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 A.S.A Child Safeguarding courses. The Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 7.3 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.
- 7.4 Committee meetings shall be held not less than quarterly (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall represent not less than a simple majority of the Committee members (to include not less than two Executive Officers). The President and the Secretary

shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Association. The Secretary shall give all the members of the Committee not less than two days oral 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 Secretary, or in her/his absence a member of the Committee, shall take minutes.

- 7.5 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 falling seven days after the date of the meeting, or such other date and time as may be determined by the President. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.
- 7.6 In addition to the members so elected the Committee may co-opt up to 2 further members of the Association who shall serve until the next Annual General Meeting. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 7.7 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 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.
- 7.8 The Committee shall be responsible for the management of the Association and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Association. The Committee shall have power to enter into contracts for the purposes of the Association on behalf of all the members of the Association. The Committee shall be responsible for ensuring that the Accounts of the Association for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.9 The members of the Committee shall be entitled to an indemnity out of the assets of the Association for all expenses and other liabilities properly incurred by them in the management of the affairs of the Association.
- 7.10 The Committee shall maintain an Accident Book in which all accidents to Association members at swimming related activities shall be recorded. Details of such accidents shall be reported to the A.S.A. Membership Department. The Association 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.
- 7.11 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.

8. Officers and Honorary Members/Life Members

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

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Association shall be held each year on a date between 1st March and 31st May. The date, time and venue for the Annual General Meeting shall be fixed by the Committee.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
- 9.2.1 to receive the President's report of the activities of the Association during the previous year;
 - 9.2.2 to receive and consider the accounts of the Association 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 Association;
 - 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 she/he remain in office;
 - 9.2.4 to elect the Executive Officers and other members of the Committee;
 - 9.2.4 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 Committee shall be made in writing by the proposer and seconder to the Secretary not later than three weeks before the date of the AGM. The nominee shall be required to indicate in writing on the nomination form her/his 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 three weeks before the date of the AGM.

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 Association 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 Secretary shall personally be responsible for the handing out or sending to each member at her/his 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 Association Notice Board where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be seven 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 President, or in the President'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 9.3. In the event of an equality of votes the President shall have a casting or additional vote.
- Only paid up members who have reached their 18th birthday shall be entitled to be heard and to vote on all matters.
- 11.4 The Secretary, or in her/his absence a member of the Committee, 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 the Association.
- 11.6 The representatives from clubs at General Meetings shall be as follows:-
- 11.6.1 Clubs with more than 100 members – three delegates.
 - 11.6.2 Clubs with up to 100 members- two delegates
 - 11.6.3 Jersey Schools Sports Association – one delegate.

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 County Association/ASA South East Region.
- 12.2 Such number of members as represent one-tenth in number of the members entitled to attend and vote at a General Meeting shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Association so as to be received by her/him not later than 8th February 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 Committee 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 the Association which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting. (See Attached re Competitions Sub-Committee)

14. Finance

- 14.1 All monies payable to the Association shall be received by the Treasurer and deposited in a bank account in the name of the Association. No sum shall be drawn from that account except by cheque signed by two of the three signatories who shall be the President, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 14.2 The income and property of the Association shall be applied only in furtherance of the objects of the Association and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Association, (save as set out in Rule 17.3.).
- 14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Association and to any other person or persons for services rendered to the Association.
- 14.4 The financial transactions of the Association shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.5 The financial year of the Association 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 the Association and copies of Minutes of all meetings for a minimum period of six years.

15. Borrowing

- 15.1 The Committee may borrow money on behalf of the Association for the purposes of the Association from time to time at their own discretion [up to such limits on borrowing as may be laid down from time to time by the General Meeting] for the general upkeep of the Association 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 Association.
- 15.3 The Committee shall have no power to pledge the personal liability of any member of the Association for the repayment of any sums so borrowed.

16. Property

- 16.1 The property of the Association, other than cash at the bank, shall be vested in 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.
- 16.2 The Custodians shall be elected at a General Meeting of the Association 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 Association 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 Association 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 Association.
- 17.3 Any monies remaining after the discharge of the debts and liabilities of the Association shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Association for the furtherance of such objects) nominated by the last Committee.

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 Association.

The following statement needs to appear on Association membership forms and is to be signed by a representative of the club:

I acknowledge receipt of the rules of Jersey Amateur Swimming Association and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my club's membership of the Association. I further acknowledge and accept the responsibilities of membership as set out in these rules.