



**DINGWALL AMATEUR SWIMMING CLUB  
CONSTITUTION, BYE-LAWS AND REGULATIONS**

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**Constitution**

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## CONSTITUTION

### C1.0 NAME

#### C1.1

The Club shall be called **Dingwall Amateur Swimming Club** (hereinafter referred to as the Club)

### C2.0 OBJECTIVES

#### C2.1

The objectives of the Club shall be to:

Advance the participation in Aquatic Sports by promoting and managing the teaching, knowledge and practice of swimming in accordance with paragraph C2.1 of the Scottish Amateur Swimming Association (hereinafter referred to as SASA) Constitution where relevant.

### C3.0 MEMBERSHIP

#### C3.1

The membership shall consist of the following categories:

a) Adult Member - an Adult is an individual 16 years and over, as recognised by Scots Law

b) Junior Member - a Junior is an individual not recognised in Scots Law as an Adult and not defined in Scottish Swimming Company Rule R4.5.6.

#### C3.2

The Club operates an Equal Opportunities Policy and Equality Statement. Membership is open to all and no membership will be refused unless on reasonable ground, including, but not limited to, swimming ability.

#### C3.3

Swimming members must undertake and pass an assessment of their swimming ability prior to membership being granted. The assessment will be undertaken by Club coaches and their decision on suitability for swimming membership (including Squad placement) will be final. Potential members who are unsuccessful at the swimming assessment must register for a further assessment should they wish to join the Club. Club coaches will advise on the development needs of all potential new members.

#### C3.4

Membership fees for each Squad shall be as agreed at each Annual General Meeting.

#### C3.5

The annual membership fees of existing members (agreed at the AGM) shall become due no later than the 28<sup>th</sup> February each year, for new members they will pay a pro-rated fee depending on the month in which they join.



- C3.6** All members will be excluded from taking part in any of the Clubs activities, competitions and meetings until their fees have been paid in full.
- C3.7** All Club members must be registered with SASA in accordance with the categories in the SASA Constitution C3.3.3.
- C3.8** All members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations adopted by the Club.
- C3.9** Any member wishing to resign from the Club shall inform the Membership Secretary and Head Coach by email.
- C3.10** A Club member wishing to change their 1<sup>st</sup> or 2<sup>nd</sup> Claim Club must do so in accordance with Scottish Swimming Company Rule R5.2.
- C3.11** The Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.2.
- C3.12** When an application for membership is turned down by the Committee, the applicant must be advised of the reason and their right to appeal to Scottish Swimming, in writing.

#### **C4.0 GOVERNANCE**

- C4.1** The Club shall be subject to and bound by, the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules) and the appropriate SASA District Rules.
- C4.2** The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics and Wellbeing and Protection Guidelines.
- C4.3** The Club shall be governed by its Constitution, Bye-Laws and Regulations.
- C4.4** Amendments to the Constitution shall only be made at an Annual General Meeting provided at least a two thirds majority of those present and voting is secured.



**C4.5** Amendments to the Bye-Laws shall only be made at an Annual General Meeting provided a simple majority of those present and voting is secured.

**C4.6** The Club has policies and procedures covering many aspects of the running of the Club. The Committee shall have the power to publish and enforce such Regulations and Policies as the Committee feels necessary to govern the activities of the Club.

## **C5.0 MEETINGS**

### **C5.1 Annual General Meeting**

**C5.1.1** The Club shall hold an Annual General Meeting (AGM) in the month of September.

**C5.1.2** The Club Secretary shall give written notice of not less than 28 days prior to the date of the AGM. This notice shall be published on the Club Spond and emailed to all Adult Members.

**C5.1.3** Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, Bye-Laws and nomination for the Committee.

**C5.1.4** Nomination for the Officers of the Club and other members of the Committee shall be submitted in writing, signed by two Adult Members and the nominee and sent to the Club Secretary no later than 14 (fourteen) days prior to the date of the AGM.

**C5.1.5** Proposed alterations to the Constitution and Bye-Laws and notices of motion must be received by the Secretary no later than 7 (seven) days prior to the date of the AGM.

**C5.1.6** Having received all nominations and proposed alterations, the Secretary shall arrange for this information to be distributed to all members at least 7 (seven) days before the AGM.



- C5.1.7** The business for an AGM shall include:
- a) Welcome
  - b) Apologies for Absence
  - c) Approval of minutes form previous AGM and matters arising
  - d) President's Remarks
  - e) Head Coach's Report
  - f) Treasurer's Report
  - g) Proposed changes to the Constitution
  - h) Proposed changes to the Bye-Laws
  - i) Election of Committee Members
  - j) Appointment of Auditor (s) / Independent Examiner(s)
  - k) Other relevant business
- C5.1.8** A quorum of two Officers of the Club plus 3 members entitled to vote is required at an AGM.
- C5.1.9** All Adult Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution.
- C5.1.10** Voting
- a) With the exception of changes to the Constitution, decisions put to a vote shall be resolved by a simply majority.
  - b) Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.
- C5.1.11** Conduct of Business
- The conduct of business shall be in accordance with Bye-Laws section BL2.1
- C5.2** **Extraordinary General Meetings (EGM)**
- C5.2.1** An Extraordinary General Meeting shall be called by an application in writing to the Club Secretary supported by at least five Adult Members of the Club. The Committee shall also have the power to call an EGM by decision of a simple majority of its members.
- C5.2.2** The Club Secretary will give notice, in writing and via the Club website, of all Extraordinary General Meetings, stating the Agenda, to all Adult Members at least 14 (fourteen) days prior to such meetings being held.



- C5.2.3** The order of Business for an EGM shall be:  
a) Apologies for absence  
b) Chairperson's Remarks  
c) Business to be transacted of which due notice has been given
- C5.2.4** No business shall be transacted at the EGM other than business of which due notice has been given.
- C5.2.5** All Adult Members are entitled to attend, take part and vote at the EGM unless specifically excluded from doing so by the Club's Constitution.
- C5.2.6** A quorum of 10 (ten) persons present and entitled to vote is required at an EGM.
- C5.2.7** An EGM can only be chaired by an Officer of the Club.
- C6.0 TROPHIES**
- C6.1** All trophies belong to the Club in perpetuity and cannot be won outright.
- C6.2** The Head Coach shall act as Trustee of Club Trophies.
- C6.3** The winner of a Club Trophy shall guarantee safe custody and return of the trophy when requested by the Head Coach.
- C6.4** The Club shall be responsible for arranging and funding the engraving of the winner's name on all Club trophies.
- C7.0 DISSOLUTION**
- C7.1** In the event of dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever but shall be applied towards the objectives of Scottish Swimming.
- C7.2** So long as four members agree to support the Club it cannot be dissolved.



## BYE-LAWS

### BL1.0 MANAGEMENT

#### BL1.1

The affairs of the Club shall be conducted by a Committee which shall consist of the Officers of the Club plus additional Adult Committee members and ex-officio members set out in Bye-Law BL1.5.1.

#### BL1.2

The Officers of the Club shall consist of a President, Treasurer, Secretary and Membership Secretary who shall be elected at an Annual General Meeting, as shall be the said Adult Committee Members.

#### BL1.3

If the post of any Officer or Adult Committee Member should fall vacant after such an election, the Committee shall have the power to fill the vacancy.

#### BL1.4

All Committee Members shall be Adult Members of the Club.

#### BL1.5

##### **Committee**

#### BL1.5.1

The Committee shall comprise the Officers of the Club (as defined in paragraph BL1.2), plus the Wellbeing and Protection Officer, Head Coach, Assistant Coaches and Club Captains.

#### BL1.5.2

All committee positions with the exception of Head Coach, Assistant Coaches, Wellbeing and Protection Officer and Club Captains will be subject to election at the AGM.

#### BL1.5.3

Club Captains, comprising of two swimming members of the Club (at minimum, one female) will be elected by the Head Coach and the Coaching Team in July/August each year and announced at Club Championships in September/October. Club Captains will be appointed for a minimum of one year and will be invited to attend committee meeting from time to time but will have no voting rights. The term of Club Captains will normally be one year however this is subject to change at the discretion of the Head Coach and must be approved by the Committee.

#### BL1.5.4

The term of office for President, Secretary, Membership Secretary and Treasurer would ideally be three years, with one retiring annually in rotation.



- BL1.5.5** The term of office for other Adult Committee Members is ideally two years, retiral not being mandatory.
- BL1.5.6** The Committee shall be responsible for:
- a) Running and day to day management and affairs of the Club.
  - b) The efficient and effective operation of the Club.
  - c) The organisation and control of all members during Club hours.
  - d) The appointment of coaches and instructors.
  - e) The selection of members to represent the Club.
  - f) The organisation of swimming activities as may be requested by other bodies.
- BL1.5.7** The Committee shall appoint such sub-committees as may be considered necessary and may co-opt members of the Club to serve on such sub-committees, although any co-opted members will have no voting rights at any Committee meeting.
- BL1.5.8** The Committee shall appoint at least one Wellbeing and Protection Officer (WPO) who has attended a Scottish Swimming approved training course.

## **BL2.0 MEETINGS**

### **BL2.1 Standing Orders**

- BL2.1.1** At all meetings, if a quorum is present, the Chair shall be taken not later than 15 (fifteen) minutes after the appointed time of the meeting.
- BL2.1.2** All Members when called to order at any meeting or gathering of the Club and not complying with the “rule of order” shall be expelled from the meeting.
- BL2.1.3** The Chair at all meetings of the Club shall be the President. In the absence of the President, those in attendance shall appoint a substitute.
- BL2.1.4** In the event of equality of votes in any resolution before the meeting which requires a choice to be made for the continued good governance of the Club, the Chair of a meeting shall have a second or casting vote.



**BL2.1.5** The Chair shall not speak to, oppose or move any motion from the Chair. In order to do so, they shall vacate the Chair until that business is conducted. The meeting shall be presided over by a substitute Chair elected from among those present.

**BL2.1.6** The minutes of all meetings will be circulated with all Members of the Club and posted onto the Club Website.

## **BL2.2 Committee Meetings**

**BL2.2.1** The Club shall hold Committee Meetings no less frequently than every 3 (three) months.

**BL2.2.2** A Committee Meeting shall be called by the President when there is business to transact or on request of another Officer of the Club or by email agreement by at least 5 (five) Adult Members of the Club.

**BL2.2.3** A quorum for Committee Meetings shall be at least one Officer of the Club and four Committee Members or Adult Members.

**BL2.2.4** The business of the meeting shall be enacted in accordance with Section BL2.1.

**BL2.2.5** Notice of the date, time and venue of each Committee Meeting shall be communicated to Club Members and published on the Club Website at least 14 (fourteen) days prior to the meeting.

**BL2.2.6** Adult Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.

**BL2.2.7** All Committee Members, except ex-officio members, shall have a deliberative vote, with the Chair of the meeting have a casting vote if required. Voting rights at any general or special meeting of the Club shall be extended to all adult members and to the parents or guardians of junior members. Each eligible individual present shall be entitled to one vote on each motion or matter arising. In the event of an equality of votes, the Chair of the meeting shall have a casting vote

**BL2.2.8** No decision of the Committee may be altered or revoked without 14 (fourteen) days prior notice of intent, in writing, being given to the Club Secretary.



### **BL3.0 FINANCE & ACCOUNTS**

- BL3.1** The financial year shall run from 1<sup>st</sup> July to 30<sup>TH</sup> June each year.
- BL3.2** The Treasurer shall be responsible for the preparation of the Annual Accounts of the Club.
- BL3.3** The Accounts shall be audited / examined by an independent person(s) elected annually at the Annual General Meeting.
- BL3.4** All invoices/expenses received by the Club should be signed off by an Officer of the Club before being processed by the Treasurer. All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club. When payments are required to be made by direct Bank Transfer the Treasurer shall obtain e-mail written agreement from the President or another authorised Officer of the Club prior to making an electronic payment.
- BL3.5** The Committee can enter into contacts and/or partnerships on behalf of the Club, provided each proposal is fully discussed at and recorded in the Minutes of a quorate Committee Meeting prior to the commitment being made.
- BL3.6** All Adult Members of the Club shall be jointly responsible for the financial liabilities of the Club.
- BL3.7** Any surplus of the Club's income will be re-invested in the Club and not distributed to its members. Decision on reinvestment, including decisions on reserve funds, will be made by the Committee.
- BL3.8** The Treasurer shall arrange for an Auditor / Independent Examiner to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.9** The Treasurer shall submit a budget, to the last meeting of the Committee prior to the AGM, for the following financial year.
- BL3.10** The Treasurer shall submit a financial statement to the Committee no less frequently than every 3 (three) calendar months).



**BL3.11** All outgoing payments shall be made by cheque or direct Bank Transfer duly authorised in accordance with Paragraph BL3.4.

**BL4.0 DISCIPLINE**

**BL4.0.1** All Grievances, Complaints and Appeals, except for doping, wellbeing or protection, or alleged criminal offences, shall be dealt in accordance with Sections BL4.2, BL4.3 and BL4.4.

**BL4.0.2** Grievances and Complaints involving doping should be referred to British Swimming, as per Scottish Swimming Company Rule R13.1.3.

**BL4.0.3** Grievances and Complaints involving wellbeing and protection or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1.

**BL4.1 Suspension & Fines**

**BL4.1.1** The Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-Laws, Regulations which is detrimental to the interests of or aims of the Club or for acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the Scottish Swimming Governance Documentation (Sections R12 to R15) have been applied

**BL4.2 Grievances**

**BL4.2.1** A Grievance, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with the management of the Club, can be made by:

- a) Any member of the Club
- b) A parent or guardian on behalf of a junior member as defined in Paragraph C3.1.
- c) A parent or guardian on behalf of a member classified as a Vulnerable Person, defined as a person who lacks sufficient capacity to present a grievance by themselves.
- d) Any Individual.

**BL4.2.2** A grievance is made in writing to the Club Secretary, not later than 30 (thirty) days after the incident.



**BL4.2.3** An Enquiry Panel will be set up by the Committee to consider the grievance in accordance with the Club Regulations.

**BL4.2.4** If the decisions of the Enquiry Panel do not satisfy the person who made the grievance, that person shall have a right of appeal to Scottish Swimming in accordance with Section BL4.4

**BL4.3 Complaints**

**BL4.3.1** A complain is formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming.

**BL4.3.2** A complaint must be made in accordance with Scottish Swimming Company Rules, Section R12 to R15.

**BL4.4 Appeals**

**BL4.4.1** An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted grievance or against decisions taken by a National Complain Committee.

**BL4.4.2** An appeal must be made in accordance with Scottish Swimming Company Rules, Section R12 to R15.