

Silver City Blues (Masters) Swim Club
CONSTITUTION, BYE-LAWS AND REGULATIONS
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Regulations Not Used

Policies and Procedures

The club has the following Policies and Procedures

- Membership Policy
- Equity Policy
- Inclusiveness Policy
- Safeguarding Policy
- Volunteer Policy
- Data Protection Policy
- Complaints/Grievance Policy
- Communication Policy
- Training Fee Policy
- Relay Team Policy
- Policy Regarding Officials at Non-Masters Competitions
- Members Code of Conduct (including Swimming Safety and Lane Etiquette)

CONSTITUTION**C1.0****NAME**

- C1.1 The Club shall be called Silver City Blues (Masters) Swim Club (Hereinafter referred to as the Club).

C2.0**OBJECTIVES**

- C2.1 The objectives of the Club shall be to:-
- a) Advance the public participation in Aquatic Sports in accordance with paragraph C2.1 of the SASA Constitution.
 - b) Uphold the Masters' motto of 'Fun, Fitness and Friendship'.

C3.0**MEMBERSHIP**

- C3.1 The membership shall consist of the following categories of adult members who are individuals 18 years and over:
- a) Life Members - Members who have been awarded this level of membership in accordance with clause C6.1 who are entitled to compete and/or train with the club.
 - b) Swimming members - Members, other than life members, who are entitled to compete and/or train with the club.
 - c) Associate Members – Members who do not require an entitlement to compete and/or train with the club.
- C3.2 Membership fees shall be as agreed at each Annual General Meeting.
- C3.2.1 The Membership fees of existing members (agreed at the AGM) shall become due on 1 March in each year and those of new members on the date of acceptance for membership.
- C3.2.2 Members not renewing by 1 April will be deemed to have ceased to be members and will be notified in writing accordingly.
- C3.2.3 Members may be excluded from taking part in any of the Club's activities unless their annual subscription payments and club fees are up to date.
- C3.3 All Club Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.
- C3.4 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 and to abide by all relevant Club policies and members' Code of Conduct.
- C3.4.1 Individuals who wish to participate in club training sessions but are not members of the club will be required to comply with all relevant Club policies and members' Code of Conduct.
- C3.5 A member wishing to resign from the Club shall inform the Membership Secretary in writing.
- C3.6 A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with Scottish Swimming Company Rule R5.2.
- C3.7 The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.7.1.
- C3.7.1 When an application for membership is turned down by the Management Committee, the applicant must be advised, in writing, of the reason and their right of appeal to Scottish Swimming.

C4.0 GOVERNANCE

- C4.1 The Club, and it's members, 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 a 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 a General Meeting provided a simple majority of those present and voting is secured.
- C4.6 The Management Committee shall have the power to publish and enforce such Regulations as the Committee feels necessary to govern the activities of the Club.

C5.0 MEETINGS**C5.1 General**

- C5.1.1 Notices
At least 30 days notice and the Agenda shall be given to all members of any General Meeting
- C5.1.2 Attendance
- All Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution.
 - Any non-members wishing to attend may only do so with the express, prior permission of the Committee. Non-members will not be entitled to vote.
- C5.1.3 Voting
- With the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings.
 - Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.
- C5.1.4 Quora
The quorum at General Meetings shall be 16 members eligible to vote of which at least four shall be Management Committee Members and of those at least two shall be Officers of the Club.
- C5.1.5 Changes to the Constitution and Bye-Laws
- A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, agreed by two members eligible to vote at a General Meeting.
 - In the absence of the Secretary another member of the management committee must be appointed to receive proposals.
- C5.1.6 Conduct of Business
The conduct of business shall be in accordance with Scottish Swimming Company Rules Section 16.

C5.2 Annual General Meeting (AGM)

- C5.2.1 The Club shall hold an Annual General Meeting in the month of February.
- C5.2.2 The Secretary shall give written notice of not less than 30 days prior to the date of the AGM. This notice shall be published on the Club notice board or website and E-mailed to all Members.
- C5.2.3 Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM

- C5.2.4 Not used
- C5.2.5 Proposed alterations to the Constitution and Bye-Laws and notices of motion must be received by the Secretary (or designated other) not later than 20 January.
- C5.2.6 Having received all proposed alterations, the Secretary shall arrange for this information to be distributed among members at least 7 days before the meeting.
- C5.2.7 The business for an AGM shall include:
- a) President's Remarks
 - b) Apologies for Absence
 - c) Approval of minutes from previous AGM & matters arising.
 - d) President's Report
 - e) Financial Report
 - f) Other committee reports
 - g) Proposed changes to Constitution
 - h) Proposed changes to Bye-Laws
 - i) Election of Management Committee Members
 - j) Appointment of Auditors / Independent Examiners
 - k) Life Membership Awards
 - l) Other relevant business

C5.3 Extraordinary General Meeting (EGM)

- C5.3.1 An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least 10 members of the Club. The Management Committee shall also have the power to call an EGM by decision of a simple majority of its members at a Management Committee Meeting.
- C5.3.2 The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the Agenda, to all members at least 14 days prior to such meetings being held.
- C5.3.3 The order of Business for an EGM shall be:
- a) President's Remarks
 - b) Apologies for Absence.
 - c) Business to be transacted of which due notice has been given.
- C5.3.4 No business shall be transacted at the EGM other than business of which due notice has been given.

C6.0 AWARDS**C6.1 Life Membership**

- C6.1.1 Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the Management Committee.
- C6.1.2 A recommendation for Life Membership may be made by any Member to the Secretary for submission to the Management Committee. Details of the nominee's service should be included with the recommendation.
- C6.1.3 Nominations shall be considered by the Management Committee and approved pending at least a two thirds majority of those present.
- C6.1.4 In the event that a Life Membership should require to be removed from any recipient, the Management Committee will make the decision to rescind and notify the Member concerned.

C7.0 TROPHIES

- C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C7.2 The Club Treasurer shall act as Trustee of Club Trophies.
- C7.3 The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.
- C7.4 The Club shall be responsible for arranging and funding the engraving of the winners name on all Club trophies.

C8.0 DISSOLUTION

- C8.1 In the event of the 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.
- C8.2 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 Management Committee which shall consist of the Officers of the Club plus other Members as set out in Bye-Law BL1.5.1
- BL1.2 The Officers of the Club, who shall be Honorary, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the other Management Committee Members.
- BL1.3 If the post of any Officer or committee member should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy.
- BL1.4 All Management Committee members shall be members of the Club.
- BL1.5 Management Committee
- BL1.5.1 The Management Committee shall comprise the Officers of the Club (as defined in paragraph BL1.2), Meet Convenor, Membership Secretary, Social Secretary and two Ordinary Management Committee Members.
- BL1.5.1.1 In the event that one or more positions on the Management Committee are not filled, the number of Ordinary Management Committee Member places may be increased accordingly.
- BL1.5.2 The term of office for all members of the Management Committee shall be one year.
- BL1.5.3 Not used.
- BL1.5.4 Not used.
- BL1.5.5 Retiring members of the Management Committee may offer themselves for re-election.
- BL1.5.6 Management Committee member(s) elected or co-opted to fill a vacancy part way through a term of office shall retire at the AGM.
- BL1.5.7 Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.
- BL1.5.8 The Management Committee shall be responsible for:
- a) Running the day to day management and affairs of the Club.
 - b) The organisation and control of all members during Club hours.
 - c) The appointment of coaches and instructors. Such appointments to be reconfirmed on an annual basis.
 - d) Considering and approving or otherwise nominations for Life Membership of the Club.
- BL1.5.9 The Management Committee shall appoint such sub-committees as may be considered necessary.
- BL1.5.10 The Management Committee shall appoint at least one Wellbeing and Protection Officer (WPO) in accordance with section C10.6 of the SASA Constitution. BL1.5.11 Any member of the Management Committee who fails to fulfil their elected function may be dismissed from the Management Committee on a two-thirds majority vote by the remaining Management Committee members.

BL2.0 COMMITTEE MEETINGS**BL2.1 Committee Meetings Standing Orders**

- BL2.1.1 At all meetings, if a quorum is present, the Chair shall be taken not later than 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 to the “rule of order” may 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, the Vice President shall substitute.
In the absence of the President and Vice 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 of a meeting shall be the sole judge of questions of order and interpreter of the “rules” governing the Club.
- BL2.1.6 A meeting must keep a record, in writing, of every decision taken by the meeting. The general rule is that any decision made by the meeting must be either a unanimous decision or a majority decision.
- BL2.1.7 Not used
- BL2.1.8 A person is able to exercise the right to speak and vote at a meeting when:
a) that person is able to communicate and vote, during the meeting, on the business of the meeting; and
b) that person's vote can be taken into account in determining whether or not such motions are passed at the same time as the votes of all other persons attending the meeting.
- BL2.1.9 A meeting need not be held in any particular place and the meeting may be held without any number of those participating in the meeting being together at the same place. In determining attendance at a meeting, it is immaterial whether any two or more persons attending it are in the same place as each other.

BL2.2 Management Committee Meetings (MCM)

- BL2.2.1 The club shall hold Management Committee Meetings no less frequently than every two months.
- BL2.2.2 A Management Committee Meeting shall be called by the Secretary when there is business to transact or on request of an Officer of the Club or by an application in writing by at least ten members of the Club.
- BL2.2.3 A quorum for Management Committee Meetings shall be half the members of the committee of which at least one shall be an Officer of the Club.
- 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 published on the Club notice board, by E-mail or website at least 7 days prior to the meeting.
- BL2.2.6 Members who are not members of the Management Committee can request to attend a meeting, but may only participate with the agreement of the Chair. Alternatively they may be invited to attend.
- BL2.2.7 All Management Committee members shall have a deliberative vote.

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

BL3.0 FINANCE AND ACCOUNTS

- BL3.1 The financial year shall run from 1st February to 31st January each year.
- BL3.2 The Treasurer shall be responsible for the preparation of 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 process invoices/expenses online for approval by the President or another authorised Officer of the Club who shall complete the electronic bank transfer payment process.
- BL3.5 The Management committee can enter into contracts 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 As an unincorporated organisation the responsibility for the financial liabilities of the club shall normally be dependent on who was responsible for the liability.
(Interpretation: As an unincorporated association the members are liable for the debts of the club on a "joint and several" basis. Determining which members are liable is usually considered on a case by case basis, and will depend on how the relevant decision that resulted in the liability has been made. For example, if a decision was made by the members at a general meeting then it might be all members of the club who are liable, or it might be all of the committee, or one or more persons (whether office-bearers or not) who assumed the responsibility for taking a particular decision. Further, if a member of the club's committee acts ultra vires or out with the club's constitution then they may have personal liability.)
- BL3.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its members by way of dividend, distribution, bonus, honoraria or otherwise by way of profit. However, the Management Committee may allow a budget for Coach Honoraria payment subject to the provisions of the Club's volunteer policy.
- BL3.8 The Treasurer shall arrange for the Auditor(s) / Independent Examiner(s) 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 Management Committee prior to the AGM, for the following financial year.
- BL3.10 The Treasurer shall submit a financial statement to the Management Committee no less frequently than every 3 calendar months.
- BL3.11 All outgoing payments in excess of £100 shall be made by cheque or by bank transfer, signed and agreed in accordance with paragraph BL3.4. Payments of a lesser amount may be paid in cash.

BL4.0 DISCIPLINARY PROCEDURE, COMPLAINTS and APPEALS**BL4.1 General**

- BL4.1.1 All complaints and appeals, except for doping, wellbeing or protection, or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 and BL4.4.
- BL4.1.2 Complaints involving doping should be referred to British Swimming as Per Scottish Swimming Company Rule R13.1.3.
- BL4.1.3 Complaints involving, wellbeing or protection, or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1.

BL4.2 Disciplinary Procedure

- BL4.2.1 In the event that the behaviour of a swimmer, member of the coaching team or Management Group or a volunteer contravenes the Club's codes of conduct, the following action will be taken.
- BL4.2.2 The President, or a deputising club official, will conduct an investigation into the alleged breach of the Club's codes of conduct as they see fit and all persons and parties shall cooperate fully with the same. Failure to co-operate may amount to misconduct.
- BL4.2.3 The Investigating Club Official shall thereafter be entitled at any time to decide to:
- a) Apply a sanction to the person(s) being investigated
 - b) Refer the matter to a Club Complaint panel
 - c) Take no further action
 - d) Pursue an alternative resolution, which may include Mediation, Arbitration or Conciliation.
- BL4.2.4 The Club will keep a record of each stage of the disciplinary process.

BL4.3 Complaints

- BL4.3.1 A complaint, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming, can be made by:
- a) Any member of the Club
 - b) 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 complaint by themselves.
 - c) Any Individual
- BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules Sections 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 complaint or against decisions taken by a National Complaints Committee.
- BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.

BL4.5 Suspensions and Fines

- BL4.5.1 The Management 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 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 (Scottish Swimming Company Rules Sections R12 to R15) have been applied.