

## **BELLSHILL SHARKS ASC**



### **BELLSHILL SHARKS AMATEUR SWIMMING CLUB**

#### **CONSTITUTION**

**Issue: March 2024**

##### **C 1.0 NAME**

**C1.1** The Club shall be called “Bellshill Sharks Amateur Swimming Club” (Hereinafter referred to as the Club)

##### **C 2.0 OBJECTIVES**

**C2.1** The objectives of the Club shall be to:-

- a) Advance the public participation in Aquatic Sports in accordance with paragraphs C2.1 of the SASA Constitution.

##### **C 3.0 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 in Scots Law.

- b) Junior Member

A Junior is an individual not recognised in Scots Law as an adult and not as defined in Scottish Swimming Company Rule R4.5.6.

- c) Life Member

**C3.2** Membership fees shall be as agreed at each Annual General Meeting

**C3.2.1** The Membership Fee of existing members (agreed at the AGM) shall become due on 1 October in each year and those of new members on the date of acceptance for membership.

**C3.2.2** Members not renewing by 1 November will be deemed to be non-members and will be notified in writing accordingly.

**C3.2.3** All members will be excluded from taking part in any of the Clubs activities, competitions or meetings until their annual subscriptions is paid.

**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

**C3.5** A member wishing to resign from the Club shall inform the Secretary in writing.

**C3.6** 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

**C3.7** 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 of the reason and their right of 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 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 Meetings**

###### **C5.1.1 Notices**

At least 7 days notice and the Agenda shall be given to all Adult members of any General Meeting

###### **C5.1.2 Attendance**

All Adult Members and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution.

###### **C5.1.3 Voting**

- a) With the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings.
- b) 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 two Officers of the Club plus thirteen members eligible to vote.*

**C5.1.5 Changes to the Constitution and Bye-Laws**

- a) A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two members eligible to vote at a General Meeting.

**C5.1.6 Conduct of Business**

The conduct of business shall be in accordance with Bye-laws Section BL2.1.

**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 notice not less than 30 days prior to the date of the AGM to all Adult and Life Members. The format of the notice shall be agreed by the Management Committee.

**C5.2.3** Not Used

**C5.2.4** Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing, signed by two Adults or Life Members and the nominee, to the Secretary no later than 1 week prior to the AGM

**C5.2.5** Proposed alterations to the constitution and Bye-Laws and notices of motion must be given to the Secretary not later than 1 week prior to the AGM.

**C5.2.6** The Secretary shall arrange for all nominations and proposed alterations to be circulated at least 3 days before the meeting. The format of the circulation to be decided by the Management Committee.

**C5.2.7** The business for an AGM shall include:

- a) Presidents Remarks
- b) Apologies for Absence
- c) Approve the minutes of the previous AGM and matters arising.
- d) Secretary Report
- e) Financial Report
- f) Coaches Reports
- g) Proposed changes to Constitution
- h) Proposed changes to Bye-Laws
- i) Notice of Motion
- j) Not Used
- k) Election of Management Committee Members
- l) Appointment of Auditors/Independent Examiners
- m) Life Membership Awards
- n) Other relevant business

**C5.3 Extrordinary General Meeting (EGM)**

**C5.3.1** An EGM shall be called by an application in writing to the Secretary supported by at least 15 Adult members of the club.

**C5.3.2** The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the Agenda, to all Adults at least 7 days prior to such meetings being held. The Management Committee shall also have the power to call an EGM by decision of a simple majority of its members.

**C5.3.2** 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

**C5.3.3** No business shall be transacted at the EGM other than business of which due notice has been given.

## **C.6.0 AWARDS**

**C6.1** Life Membership.

## **C7.0 TROPHIES**

**C7.1** All trophies belong to the Club in perpetuity and cannot be won outright

**C7.2** Not Used

**C7.3** The winner of a trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee

**C7.4** Not Used

## **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 objective of the Scottish Swimming.

## **C9.0 CLUB CHAMPIONSHIPS**

**C9.1** All club members entering for championships, or events of a similar nature, shall submit entries through the Secretary of the Club. All members can participate in the club championship each year.

## **BYE-LAWS**

### **BL 1.0MANAGEMENT**

**BL1.1** The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club plus 8 (eight) other Adult Members and Coaches and ex-officio members set out in Bye-Law BL5.1

**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 AGM, 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 Management Committee shall have the power to fill the vacancy.

**BL1.4** All Management Committee members shall be Adult or Life Members of the Club

**BL1.5 Management Committee**

**BL1.5.1** Not Used

**BL1.5.2** The term of office for President, Vice President, Secretary and Treasurer shall be two years.

**BL1.5.3** The term of office for the Adult Committee Members shall be one year.

**BL1.5.4** Not Used

**BL1.5.5** Retiring members of the Management Committee may offer themselves for re-election.

**BL1.5.6** Not Used

**BL1.5.7** Not Used

**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) Not Used
- d) The selection of members to represent the Club.
- e) Not Used
- f) Not Used
- g) 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) 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 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" shall be expelled from the meeting.

**BL2.1.3** The Chairperson 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 Chairperson of a meeting shall have a second or casting vote.

**BL2.1.5** The Chairperson of a meeting shall be the sole judge of questions of order and interpreter of the "rules" governing the Club.

**BL2.1.6** The Chairperson 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 concluded. The meeting shall be presided over by a substitute Chairperson elected from among those present.

**BL2.1.7** The minutes of all meetings will be circulated via the website.

## **BL2.2 MANAGEMENT COMMITTEE MEETINGS (MCM).**

**BL2.2.1** The club shall hold Management Committee Meetings at least once a month except during the months of July and August.

**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 5 Adult or Life Members of the Club.

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

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

**BL2.2.5** The Secretary will give Notice of the date, time and venue of each committee meeting at least 7(seven) days prior to the meeting. The format of the notice shall be agreed by the Management Committee.

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

**BL2.2.7** All, except ex-officio members shall have a deliberative 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 Secretary.

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

**BL3.1** The financial year shall run from 1<sup>st</sup> November to 31<sup>st</sup> October 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 by an independent person(s) elected annually at the Annual General Meeting.

**BL3.4** All cheques drawn against the Club's funds shall be signed by Treasurer and one other nominated Officers of the club.

**BL3.5** All outgoing transactions on the bank account by debit card or bank transfer shall be in agreement by 2 of the signatories on the bank account.

**BL3.6** All 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.

**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** Not Used

**BL3.10** The Treasurer shall submit a financial statement to the Management 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 with 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.

**BL4.0.2** Grievances and Complaints involving wellbeing or protection or other criminal offences shall be referred to the Scottish Swimming Chief Executive within 48 hours, in accordance with the Scottish Swimming Company Rule R13.2.1.

#### **BL4.1 Suspensions and Fines**

**BL4.1.1** The Management Committee may take action (eg. fine, suspend or cancel membership) against any Club Member proved guilty of infringing the Club Regulations or 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 (section 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(b)
- 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.