

MITCHAM MARLINS CLUB CONSTITUTION

January 2022

RULES of Mitcham Marlins Swimming Club (“the Club”) as at 02.01.22

1. Name

- 1.1 The name of the Club shall be Mitcham Marlins.

2. Objects

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming for its members and shall, where appropriate, be to compete. In the furtherance of these objects:
- 2.1.1 The Club 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.
- 2.1.2 The Club shall implement the Swim England Equality Policy (as may be amended from time to time).
- 2.2 The Club shall be affiliated to London Region, and shall adopt and conform to the rules of London Region, and to such other bodies as the Club may determine from time to time.
- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England (“Swim England Regulations”) and in particular:
- 2.3.1 all competing members shall be eligible competitors as defined in Swim England Regulations; and
- 2.3.2 the Club 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.
- 2.3.3 members of the Club shall in accordance with Swim England Regulations comply with Wavepower.
- 2.4 By virtue of the affiliation of the Club to London Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:
- 2.4.1 London Region; and
- 2.4.2 Swim England (to include the Code of Ethics); and
- 2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial 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 Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3. Membership

- 3.1 All persons who assist in any way with the Club's activities shall become members of the Club and hence of Swim England and the relevant Swim England membership fee shall be paid. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Officers, patrons, technical and non-technical officials, temporary members and verifiers or tutors of Swim England's educational certificates.
- 3.2 The club has three categories of membership, Club Train, Club Compete and Club Support (Coaching/ teaching staff, non-swimmer member).
- 3.3 Any person who wishes to become a member of the Club must complete the club's online registration process (and in the case of a person under 18, this process must be completed by their parent or guardian). Election to membership shall be determined by the Membership Officer but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.
- 3.4 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.
- 3.5 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership. The club will explain the reason(s) for any refusal in writing.
- 3.6 On becoming a member, all members agree to abide by the club bylaws and code of conduct. Any breach of these may be grounds for disciplinary action as set out within section 6.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and squad fees (as applicable) 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 Club and thereafter on the 2nd of January each year.
- 4.3 Any member 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 Club activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Committee shall have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England membership fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. 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.
- 4.5 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership fees, to address issues of social inclusion.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary a minimum of 2 weeks written notice of their (or their child's) resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 The member who resigns from the Club 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 member whose subscription is more than two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.
- 5.4 The Swim England Membership Department shall be informed should a member resign when still owing money or goods to the Club.

6. Expulsion and Other Disciplinary Action

- 6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee refunded. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures ("the Procedures") as the same may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration).
- 6.4 A member 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 member.
- 6.5 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

7. Committee

- 7.1 The Committee shall consist of the Chairperson, Secretary, Treasurer (together “the Executive Officers of the Club”) and four elected members all of whom must be members of the Club. 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 Club 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 without a power to vote.
- 7.3 The Executive Officers and Committee members shall be proposed 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 Chairperson 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 be such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairperson and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. 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 Chairperson (or the acting Chairperson of that meeting) shall have a casting or additional vote.) The Secretary, or in his/her 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 Chairperson.
- 7.6 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.7 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 7.8 The Committee shall maintain an Accident Book in which all accidents to Club members 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 Club 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.
- 7.9 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. Annual General Meeting

- 8.1 The Annual General Meeting of the Club shall be held each year on a date in May. The date, time and venue for the Annual General Meeting shall be fixed by the Committee.
- 8.2 The purpose of the Annual General Meeting is to transact the following business:
 - 8.2.1 to receive the Chairperson's report of the activities of the Club during the previous year;
 - 8.2.2 to receive and consider the accounts of the Club 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 Club;
 - 8.2.3. 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;
 - 8.2.3 to elect the Executive Officers and other members of the Committee;
 - 8.2.4 to decide on any resolution which may be duly submitted in accordance with Rule 8.3.
- 8.3 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 1st April. 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 8th April.

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 Club 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 his/her 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 Club 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 Chairperson, or in the Chairperson'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 Chairperson shall have a casting vote.

Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairperson as matters concerning juniors, such as the election of club captains.)

- 11.4 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairperson 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 Club.

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 Surrey County Association/ London 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. Any such proposal must, in order for consideration, be put in writing and shall have been handed to or emailed to the Secretary of the Club so as to be received by him/her not later than 8th April 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. 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 Club. Such by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

14. Finance

- 14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be withdrawn from this account except via online banking (as set out in 14.2) signed off by two of the three signatories, who shall be the Chairperson, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 14.2 If the committee decides to operate all or part of its financial matters on Internet banking it shall first discuss the process with the relevant bank and as a minimum shall make provision, in conjunction with the bank, to ensure that two of the aforesaid signatories shall approve the payments made by the club through the Internet.
- 14.3 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 17.3.).
- 14.4 The Committee shall have power to authorise the payment of remuneration and expenses to any

Officer, member or employee of the Club and to any other person or persons for services rendered to the Club.

- 14.5 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.6 The financial year of the Club shall be the period commencing on 2nd January and ending on 1st January. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.7 The Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.

15. Property

- 15.1 The property of the Club, 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.
- 15.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

16. Dissolution

- 16.1 A resolution to dissolve the Club 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.
- 16.2 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 Club.
- 16.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be divided equally among the members of the Club at the date of dissolution.

17. Acknowledgement

- 17.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.
- 17.2 The following statement must appear on Club membership forms and is to be signed by the member. It must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

“I acknowledge receipt of the rules of Mitcham Marlins Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.”