



Constitution

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RULES of Bedfordshire Amateur Swimming Association ('the Association') as at 4 July 2019

1. Name and Status

- 1.1 The name of the Association shall be Bedfordshire Amateur Swimming Association (also known as Beds ASA).
- 1.2 The status of the Association is an unincorporated association, operating as a voluntary body, to achieve the objectives and aims, as laid out in this constitution, on behalf of its members.

2. Objectives

- 2.1 As an association of swimming clubs in Bedfordshire that are affiliated to the Amateur Swimming Association (Swim England) Limited (company number 10931571) hereinafter called Swim England, the objectives of the Association shall be the development and practice of swimming, diving, synchronised swimming (aka artistic swimming), open water, water polo (hereafter known as 'swimming') within the County of Bedfordshire (which comprises the Local Authority areas of Bedford Borough, Central Bedfordshire and Luton Borough).
- 2.2 Foster good relations between member clubs, encourage good practice in the context of current Swim England policies and be the voice of swimming in Bedfordshire.
- 2.3 Promote and encourage all forms of swimming as defined by Swim England in the County of Bedfordshire (the County) and to stimulate opinion in favour of providing proper accommodation and facilities.
- 2.4 The activities of the Association shall include, but not be limited to, the organisation of County Championships as appropriate, selection of teams to represent Bedfordshire ASA in inter-county competitions, provision of the talent pathway for swimmers within Bedfordshire and the training of the workforce within its member clubs. In the furtherance of these objectives:
 - 2.4.1 The Association is committed to treat 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.
 - 2.4.2 The Association shall implement the Swim England Equality Policy (as may be amended from time to time).



- 2.5 The Association shall be affiliated to ASA East Region (known as Swim England East Region), hereinafter referred to as SEER, and shall adopt and conform to the rules of the SEER, and to such other bodies as the Association may determine from time to time.
- 2.6 The business and affairs of the Association shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England (“Swim England Regulations”) and in particular:
- 2.6.1 all competing members shall be eligible competitors as defined in Swim England Regulations; and
- 2.6.2 the Association shall act in accordance with Swim England Regulations, shall adopt Swim England’s Child Safeguarding Policy and Procedures (“Wavepower”); and shall recognise that the welfare of children, and vulnerable adults, is everyone’s responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.
- 2.6.3 members of the Association shall in accordance with Swim England Regulations, comply with Wavepower.
- 2.7 By virtue of the affiliation of the Association to Swim England and SEER, the Association and all members of the Executive acknowledge that they are subject to the regulations, rules and constitutions of:
- 2.7.1 SEER and
- 2.7.2 Swim England (to include the Code of Ethics); and
- 2.7.3 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and
- 2.7.4 FINA, the world governing body for the sport of swimming in all its disciplines (together “the Governing Body Rules”).
- 2.8 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. Member Clubs

- 3.1 Swim England Regulations requires that clubs which are affiliated to Swim England through the SEER, with headquarters within Bedfordshire shall also be affiliated to Bedfordshire ASA.
- 3.2 Individual schools, colleges and Universities within the Association’s boundaries, or leagues with their administrative headquarters in Bedfordshire, who are



affiliated to the SEER shall be eligible for membership of the Association.

- 3.3 Clubs applying for membership of Swim England and the SEER shall also apply for membership of Bedfordshire ASA.
- 3.4 Any club, wishing to affiliate to the Association shall forward to the Secretary such information, as the Executive shall require. The appropriate fees shall be paid from the time of acceptance
- 3.5 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 County Fee, which becomes due on 1 January each year, should be paid to Swim England by the affiliated club with Swim England membership fees. The Executive may also set an annual administration fee to be paid by all member clubs
- 4.2 The annual County Fee shall be levied on all Swim England Category 2 members through the fee paying club, including new members who become liable for the Swim England fee during the year. For members with multi-club membership, the County Fee is payable only through the first ranked club.
 - 4.3 Subscriptions shall be reviewed annually. Subscriptions for the following year shall be recommended by the Executive in June and agreed at the July Executive meeting, the recommendation having been clearly set out in the papers for that meeting. The Secretary shall inform clubs of the agreed annual subscription for the following year in the minutes of the Executive meeting.
- 4.4 A club, not having made its return of club membership and paid its liabilities to the Association by 28 February, shall be suspended from the Association from 1 March, until such time as those liabilities are discharged. Any club, not having paid its liabilities by 31 March, will be deemed to have resigned. Where the affiliation of a club is terminated in this way, the club will be informed in writing, by post, to the last known address of the last known secretary, and the Executive will advise Swim England and the SEER accordingly. During periods of suspension the voting rights for such clubs will also be suspended.
- 4.5 The Executive shall have the power in special circumstances to remit the whole or part of the fees.



5. Resignation

- 5.1 A club wishing to resign from the Association, or cease to exist, shall give notice in writing to the Secretary to that effect before the date of the Annual General Meeting, or they may be held liable for the amount of their subscriptions for the following year.
- 5.2 The member 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 and must return any of the Association's, or external body's, trophy or trophies and property held forthwith.

6. Management of the Association

- 6.1 The Association shall be governed by an Executive Committee (the Executive), which shall be made up of the Officers, Past Presidents, Section Secretaries and a maximum of two nominated representatives from each affiliated club, each of whom shall have only one vote. Clubs with 39 or fewer category two members as at each 30 September shall only be entitled to one representative for the forthcoming Annual General Meeting (AGM) and the following year. In the case of multi-club membership only those members paying Swim England fees via that club may be taken into consideration to calculate representatives to the Executive.
- 6.2 Members of the Executive are required to act with high standards of integrity at all times.
- 6.3 Each affiliated club shall be responsible for advising the Secretary of the names of their nominated representatives prior to the meeting. Club representatives may only represent one club and must be at least 18 years of age.
- 6.4 The Officers of the Association shall be the President, President Elect, Secretary and Treasurer. All officers must be at least 18 years of age.
- 6.5 The number and role of Section Secretaries shall be determined by the Executive and be relevant to the objectives and current functions of the Association.
- 6.6 All members of the Executive must be members of a club affiliated to the Association and members of Swim England. Except in exceptional circumstances, agreed by the Executive, should any Past President not attend at least two Executive Meetings in the period between AGM's, or cease to be a member of an affiliated club or Swim England, his/her right to be a member of the Executive shall



cease. In exceptional circumstances the Past President may appeal to the Executive against such action.

- 6.7 The Executive shall have power to appoint committees or Working Groups as necessary to further the work of the Association. Unless the Executive has previously agreed delegated powers, such committees or working groups must report to the Executive.
- 6.8 The Executive Officers shall have the power to act as an Emergency Committee, whose duties shall be to deal with any emergency that may arise. The Emergency Committee shall have the power to call upon other officers and can co-opt other members if they need such assistance. A full report of their decisions shall be made to the Executive at the next meeting for ratification.
- 6.9 The Executive shall include a County 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.
- 6.10 The Executive Officers, County Welfare Officer and Section Secretaries shall be 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 Executive, subject to appropriate notice on the agenda for that meeting. Retiring Executive Officers and members of the Committee shall be eligible for re-election
- 6.11 The Executive 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 any employees of the Association. The Executive 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 at a General Meeting.
- 6.12 The members of the Executive shall be indemnified by the Association and it shall be the duty of the Association to pay all costs, losses and expenses which any such person may incur, or, for which they may become liable, by reason of any contract entered into, or act, or thing done by them, in good faith, in the discharge of their duties.
- 6.13 The Executive shall maintain an Accident Book in which all accidents at activities organised by the Association shall be recorded. Details of such accidents shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines.



- 6.14 The Executive shall act in accordance with the Constitution, although it shall have power to settle disputed points not otherwise provided for in this Constitution.
- 6.15 Alterations to the Constitution may only be made at the Annual General Meeting or at a Special General Meeting called for that purpose and must be carried by a majority of two thirds of the votes cast.
- 6.16 Notice of a proposal to change the Constitution at the AGM must reach the Secretary in writing no later than noon on 15 September to allow the proposal to be discussed at the following meeting of the Executive (same to be placed on the notice convening the meeting.)

7. Meetings

- 7.1 The business of the Association shall be conducted by an Annual General Meeting held in November each year, and regular meetings of an Executive.
- 7.2 A calendar of dates for Annual General Meeting and Executive Meetings for the following year shall be decided at the AGM. Meetings shall be held at a suitable venue within the County.
- 7.3 In exceptional circumstances, the dates of meetings may be changed, or additional meetings arranged, providing members of the Executive and all clubs are given at least 14 days' notice of the date and arrangements for the meeting. The agenda for the meeting should clearly state the business to be discussed.
- 7.4 The Secretary shall send the agenda and any supporting papers for meetings to the last known address of members of the Executive, and Secretaries of members clubs. The agenda shall clearly show the business to be discussed at meetings. Email and use of the Association's web site shall be an appropriate method of notice and other communications.

8. Annual General Meeting (AGM)

- 8.1 The Annual General Meeting of the Association shall be held each year on a date in November. The date, time and venue for the Annual General Meeting shall be confirmed by the Executive not later than September and immediately notified to the Secretaries of member clubs, together with the process for nominations and resolutions.
- 8.2 The purpose of the Annual General Meeting is to transact the following business:
 - 8.2.1 To receive reports from Officers and Section Secretaries of the activities of the Association during the previous year;



- 8.2.2 To receive and consider the accounts of the Association for the previous year audited by the independent examiner and the Treasurer's report as to the financial position of the Association;
- 8.2.3 To remove and elect the independent examiner (who must not be a member of the Executive) or confirm that he/she remain in office;
- 8.2.4 To elect the Officers, County Welfare Officer and Section Secretaries
- 8.2.5 To decide on any resolution, which may be duly submitted in accordance with Rule 8.5.
- 8.3 Nominations for election of members to any office of the Executive shall be made in writing, using the appropriate form, to the Secretary not later than 21 days prior to the date of the Annual General Meeting. The separate proposer and seconder and the nominee, who must be members of Bedfordshire ASA Clubs and Swim England, shall be required to sign the form. The nominee shall indicate on the nomination form his/her willingness to stand for election and give a brief election address which shall be circulated with the agenda.
- 8.4 The secretary shall hold nominations in confidence until the publication of the agenda.
- 8.5 Any member club, or member of the Executive, can propose a resolution to be moved at the AGM. Any resolution must have a proposer and seconder, who must be members of Bedfordshire ASA Clubs and Swim England, and be submitted in writing to the Secretary not less than 21 days prior to the date of the AGM.
- 8.6 The Secretary shall circulate the agenda for the AGM to the Secretaries of all member clubs and members of the Executive not less than 14 days before the date of the AGM. The agenda shall clearly set out the business to be transacted at the meeting including any proposed changes to the constitution, any other resolutions, details of nominations for Officer and Section Secretaries and a copy of the examined accounts. The Notice of Meeting shall also be displayed on the Association's web site, where one exists.
- 8.7 Twelve persons, of whom two at least should be Executive Officers, shall form a Quorum at Annual General Meetings.
- 9. Special General Meetings**
- 9.1 In exceptional circumstances a Special General Meeting may be called to deal with business that cannot be transacted by a meeting of the Executive.



- 9.2 A Special General Meeting may be called at any time either:
- by the Executive or
 - at the request of two member clubs. Where two member clubs wish to request that a Special General Meeting be called, they shall make a request in writing to the Secretary, signed by members of two different affiliated clubs, who have been duly authorised by their committees. The letter shall state the purpose for which the meeting is required, and the resolutions proposed. The meeting shall be held within 28 days of the receipt of such a request.
- 9.3 Where the proposal from clubs regards a change to the constitution the Executive shall have the right to put a counter proposal
- 9.4 Rules 8.6 and 8.7 shall also apply to SGMs.
- 9.5 In the case of a Special General Meeting those requesting such a meeting, or representatives of the two clubs requesting the meeting, must be present.

10. Meetings of the Executive

- 10.1 The agenda and supporting papers for meetings of the Executive shall be circulated to members of the Executive and to Club Secretaries at least seven days before the meeting.
- 10.2 The agendas for Meetings of the Executive shall normally include:
- Approval of the minutes from the previous meeting
 - Reports from Officers and Section Secretaries. It shall be the responsibility of officers and section secretaries to ensure that relevant issues are brought to the Executive for information and decision.
 - A report from the Treasurer which should include information on current balances and transactions.
 - A report from the Secretary which should include correspondence.
 - Reports from those who had attended meetings as representatives of the Association, including meetings of the SEER Management Board and associated committees.
 - Claims for County Records.
- 10.3 Eight persons shall form a Quorum at an Executive Meeting, at least two of whom shall be Executive Officers.



11. Procedure at Meetings

- 11.1 Unless otherwise provided for in this constitution, the following procedure shall apply to all Annual General, Special General and Executive meetings.
- 11.2 The President, or in the President's absence, a member of the Executive appointed by the meeting, shall take the chair.
- 11.3 The Secretary, or in his/her absence a member of the Executive, shall take minutes.
- 11.4 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.
- 11.5 Executive Officers and Secretaries and Past Presidents are each entitled to attend meetings and to have one vote.
- 11.6 Each affiliated club with 40 or more Swim England Category 2 members is entitled to send a maximum of two delegates to meetings at which they can vote. Clubs with 39 or fewer members are entitled to one voting representative. Additional members of affiliated clubs may attend as observers. They may not vote and may only speak at the discretion of the Chairman.
- 11.7 With the exception of elections and changes to the constitution, decisions shall be made by a simple majority. Contested elections shall be determined by ballot.
- 11.8 In the event of equality of votes the Chairman of that meeting shall have a casting or additional vote.
- 11.9 No person present may vote in more than one capacity.
- 11.10 Voting by proxy is not allowed.
- 11.11 The Chairman of the meeting shall have unlimited authority upon every question of order and shall be, for the purpose of the meeting, the sole interpreter of the Rules of the Association.

12. Alteration of the Constitution

- 12.1 The Constitution may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by vote of at least two-thirds rounded up to the nearest whole number of those present and entitled to vote at the Meeting.



13. Policies

- 13.1 The Executive shall have power to make, repeal and amend such Policies as they may from time to time consider necessary for the well being of the Association providing the proposal is clearly set out on the agenda for the relevant Executive meeting. All Policies, repeals and amendments shall have effect until set aside by the Executive or at a General Meeting.

14. Finance

- 14.1 All moneys payable to the Association shall be received by the Treasurer and deposited in a bank account in the name of the Association. The Executive shall approve the Associations banking arrangements. Any cheques drawn from the Association's accounts must be signed by two of the four nominated by the Executive. Electronic (BACS) transfers made by the Treasurer must be in accordance with agreed expenditure and monitored by the Secretary. Any monies not required for immediate use may be invested as the Executive 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 Executive shall have power to authorise the payment of remuneration and expenses to any Officer, representative of the Association and to any other person or persons for services rendered to the Association. The Treasurer shall make such payments in accordance with the policies set by the Executive.
- 14.4 The financial transactions of the Association shall be recorded by the Treasurer in such manner as the Executive thinks fit.
- 14.5 The financial year of the Association shall be the period commencing on 1 October and ending on 30 September. Any change to the financial year shall require the approval of a General Meeting.
- 14.6 The Executive shall retain all financial records relating to the Association, and copies of Minutes of all meetings, for a minimum period of six years.

15. Property

- 15.1 The property of the Association, other than cash at the bank, shall be vested in the Executive Officers.



15.2 An inventory of property shall be reported annually to the AGM as part of the Treasurer's report. Property purchased, or disposed of, during the year shall be reported to the next Executive meeting.

16. Expulsion

16.1 The Executive shall have the power to apply sanctions or suspend for any period, to exclude from any county competition or to remove from membership or official position in the Association, any club or person deemed by the Executive to be guilty of a breach of the Associations rules, unfair practice or conduct prejudicial to the interest of the Association. Such suspended or excluded person or club shall have the right of appeal to the Judicial Administrator.

16.2 Before making such a decision the Executive shall follow the process laid down in its grievance procedure, or internal disputes procedure set out in its supporting policies.

16.3 In the event of an expulsion the former member or member club shall not be entitled to have any part of the annual membership fee to be refunded and must return any of the Association's, or external body's, trophies or property held forthwith.

17. The Association shall comply with the relevant Judicial Regulations for handling Disputes and the 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).



18. Dissolution

- 18.1 A resolution to dissolve the Association shall only be proposed at a General Meeting and shall be carried by at least three quarters of the members present and entitled to vote (rounded up to the nearest whole number). A specific date for the dissolution shall be included in the resolution.
- 18.2 The dissolution shall take effect from the date specified in the resolution and the members of the Executive shall be responsible for the winding-up of the assets and liabilities of the Association.
- 18.3 Any property remaining after the discharge of the debts and liabilities of the Association shall be divided and paid to member clubs in proportion to the amount each member club has paid in subscriptions over the previous three years.

19. Acknowledgement

- 19.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Association.

[END]