

# YORKSHIRE SWIMMING ASSOCIATION

## RULES

### 1. Preamble

- 1.1 For the purpose of these Rules the following should be noted;
  - 1.1.1 the “SE” shall mean Swim England;
  - 1.1.2 the “Region” shall mean Swim England North East Region;
  - 1.1.3 the “Association” shall mean the Yorkshire Swimming Association;
  - 1.1.4 the “Board” shall mean the Yorkshire Swimming Association Management Board;
  - 1.1.5 “Clubs” shall include all affiliated bodies unless the context indicates the contrary;
  - 1.1.6 words importing to the masculine gender shall include the feminine;
  - 1.1.7 words of the plural number shall include the singular and words of the singular shall include the plural;
  - 1.1.8 the term “swimmer” shall include diver, synchronised swimmer and water polo player unless the context indicates to the contrary.
- 1.2 Any deviation from any provision of these Rules shall not invalidate any procedure or decision unless that deviation raises a material doubt that the procedure or decision has been affected by it as to prejudice the good management of the Association.

### 2. Name

- 2.1 The name of the Association shall be the Yorkshire Swimming Association.

### 3. Aims

- 3.1 The aims of the Association shall be, but not limited to, the following;
  - 3.1.1 to promote and support the Development of swimming and swimming related activities;
  - 3.1.2 to promote the Association’s Championships and Competitions ensuring that all competing members are eligible competitors as defined in SE Regulations;
  - 3.1.3 endeavour to carry out the objectives of the Region;
  - 3.1.4 obey and enforce the Articles, Regulations and Technical Rules of SE and the Region;
  - 3.1.5 raise public awareness of swimming and increase participation.

### 4. Objectives

- 4.1 The objects of the Association shall be, but not limited to, the following;
  - 4.1.1 a commitment to treat everyone equally within the context of his or her activity, regardless of race, gender, colour, nationality, marital status, sexuality, age, trade union activity, political or religious belief or disability on any grounds as set out in the SE’s Equality Policy;
  - 4.1.2 a belief 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;
  - 4.1.3 to conduct the business and affairs of the Association in accordance with the Articles, Regulations and Technical Rules of SE (“SE Regulations”);
  - 4.1.4 to operate in accordance with SE Regulations in adopting SE’s Child Safeguarding Policy and Procedures (Wavepower);
  - 4.1.5 to ensure that members of the clubs affiliated to the Association shall in accordance with SE Regulations comply with Wavepower.

### 5. Governance

- 5.1 There shall be three levels of Governance of the Association;
  - 5.1.1 The Annual General Meeting;
  - 5.1.2 A Management Board;
  - 5.1.3 The Technical Sub Committees;

### 6. The Annual General Meeting

- 6.1 Delegates to the Annual General Meeting shall be aged 18 years of age or over, be a member of a club affiliated to the Association and shall consist of;
  - 6.1.1 The Past Presidents;
  - 6.1.2 The Board members consisting of
    - 6.1.2.1 The Chairman
    - 6.1.2.2 The President
    - 6.1.2.3 The Secretary
    - 6.1.2.4 The Treasurer
    - 6.1.2.5 The Elected Members
  - 6.1.3 The President Elect;
  - 6.1.4 The Technical Sub Committee Secretaries;
  - 6.1.5 One delegate from each club affiliated to the Association, with the exception of those affiliated to the SE under SE Regulations, who shall be a member of the club he represents.

- 6.2 Each club shall notify, in writing, the Secretary of the Association no later than 14 days prior to the meeting the name and address of their delegate. In the event of that named delegate being unable to attend a substitute may be appointed in his place provided he shows the written authority of the club Secretary and is eligible to attend as above.
  - 6.2.1 No delegate shall represent more than one club at the Annual General Meeting.
  - 6.2.2 No delegate shall have more than one vote.
- 6.3 The Annual General Meeting of the Association shall be held each year on a Saturday in January.
  - 6.3.1 The date, time and venue for the Annual General Meeting shall be determined by the Board at its first Meeting each year.
- 6.4 The Annual General Meeting shall transact the following business:
  - 6.4.1 to receive and consider the Secretary's report of the activities of the Association for the period 1st October to 30th September previous to include the reports of the Technical Committees;
  - 6.4.2 to receive and consider the accounts of the Association for the period 1st October to 30th September previous, the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Association;
  - 6.4.3 to elect the independent examiner (who must not be a member of the Board or a member of the family of a member of the Board);
  - 6.4.4. to elect the President, who will normally be the President Elect; (In the event of the position not being filled the Management Board shall determine the procedure to be adopted in respect of Presidential duties).
  - 6.4.5 to elect the Secretary;
  - 6.4.6 to elect the Treasurer;
  - 6.4.7 to elect the other members of the Board as per Rule 7.1;
  - 6.4.8 to elect a President-Elect, who shall be required to indicate his willingness to stand, and who shall be proposed and seconded by a member of a Club affiliated to the Association. The nomination form to be returned to the Secretary, fully completed, not later than midnight on the 31st October.
  - 6.4.9 to decide on any resolutions that have been received in writing by the Secretary and duly signed by the proposer and seconder who shall both be members of a club affiliated to the Association. To be received not later than the midnight on the 31st October;
  - 6.4.10 The Annual General Meeting can consider and decide only on the principle and intention of any resolution as in 6.4.9 the Board will be responsible for the drafting of the wording of the changes to the Rules to implement the principles and intentions approved by the Meeting.
  - 6.4.11 to discuss any other relevant matters previously notified to the Secretary.
- 6.5 The Secretary of each Club affiliated to the Association shall be sent written notice, at his last known address, the date, time and place of the Meeting together with the a report of the proceedings of the Association for the previous year, resolutions to be proposed thereat, a list of the nominees for the Board and other positions and a copy of the examined accounts at least 14 days before the meeting. The Notice of the Meeting shall in addition wherever possible be displayed on the Association web site.
  - 6.5.1 The quorum for the Meeting shall be one-tenth in number of delegates entitled to attend and vote at the Meeting or a minimum of three such delegates whichever is higher.
  - 6.5.2 Each delegate shall, at least ten days before the Meeting, be sent the Agenda plus a report of the proceedings of the Association for the previous year.
  - 6.5.3 The Treasurer shall ensure that the Financial Statement from the examination of the Accounts is also forwarded to delegates ten days before the meeting.
  - 6.5.4 The Chairman, or in his absence a Board Member selected by the Meeting, shall take the chair.
  - 6.5.5 Each Club Affiliated to the Association shall have one vote.
  - 6.5.6 A proposal to change a Rule will be carried only if two-thirds of those voting are in favour.
  - 6.5.7 Rule changes approved by the Annual General Meeting will become effective immediately unless agreed by the Annual General Meeting.
  - 6.5.8 The Secretary, or in his absence a Member of the Board, shall take minutes at the Meeting.
  - 6.5.9 The Chairman shall 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 Association.
  - 6.5.10 The meeting shall elect up to 5 tellers who shall be responsible for counting votes and advising the Chairman of the result of ballots.

## **7. The Management Board**

- 7.1 The Management Board shall consist of the following, who shall be aged 18 years of age or over, be a member of a Club affiliated to the Association and, with the exception of the Chairman, who is appointed, be elected at the Annual General Meeting;
  - 7.1.1 the Officers shall be the Chairman, The Secretary and the Treasurer.
    - 7.1.1.1 the Chairman shall also be Chairman of a General Meeting, shall be appointed by the Board from nominations received from a club and shall serve for a period of 4 years with a maximum of 2 consecutive terms of office. He may be removed from Office if 75% of those Board members present vote in favour.

- 7.1.1.2 The Secretary shall serve for a period of 4 years and shall be eligible for re-election.
- 7.1.1.3 The Treasurer shall serve for a period of 4 years and shall be eligible for re-election.
- 7.1.2 The President, who shall be allowed to speak but not vote, shall be elected in accordance with Rule 6.4.4
- 7.1.3. The Technical Sub-Committee Secretaries or their nominated deputy.
- 7.1.4 up to eight members who will serve for a period of four years with a quarter retiring each year. Retiring members are eligible for re-election.
- 7.2 The Board may appoint two Independent members who shall be aged 18 years of age or over and be a member of a club affiliated to the Association.
- 7.3 The nominations for the positions in 7.1 shall be made, in writing, on the nomination form which shall have been sent to each club affiliated to the Association no later than the 1st October and duly signed by the proposer and seconder who must be a member of a Club affiliated to the Association. The form to be returned to the Secretary, fully completed, not later than midnight on the 31st October.
  - 7.3.1 The nominee shall be required to indicate on the form his willingness to stand for election.
  - 7.3.2 The Board 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 employees of the Association.
  - 7.3.3 The Board shall have power to enter into contracts for the purposes of the Association on behalf of all the members of the Association.
  - 7.3.4 The Board shall meet not less than 5 times per year (save where the Board itself shall by a simple majority resolve not to meet).
  - 7.3.5 The quorum of that meeting shall be such number as shall represent not less than a simple majority of the Board members (to include not less than one Officer) or a minimum of three Board members (to include not less than one Officer) whichever is the higher.
  - 7.3.6 In the event that a quorum is not present within thirty 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 Chairman. If a quorum is not present at the adjourned meeting then those Board members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 14.2 shall not apply.
  - 7.3.7 The Chairman and the Secretary shall have discretion to call further meetings of the Board if they consider it to be in the interests of the Association.
  - 7.3.8 The Secretary shall arrange to give all the members of the Board not less than two weeks written notice of a meeting.
  - 7.3.9 Decisions of the Board shall be made by a simple majority and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.
  - 7.3.10 The Secretary shall arrange for the publishing of the minutes.
  - 7.3.11 The Board at its first Meeting each year shall appoint the following, who shall be aged 18years or over and be a member of a Club affiliated to the Association.
    - 7.3.11.1 The Diving Committee Secretary
    - 7.3.11.2 The Masters Committee Secretary
    - 7.3.11.3 The Swimming Committee Secretary
    - 7.3.11.4 The Artistic Swimming Committee Secretary
    - 7.3.11.5 The Water Polo Committee Secretary
    - 7.3.11.6 the members of each Technical Committee from recommendations received from each Committee Secretary;
    - 7.3.11.7 an Awards Co-ordinator;
    - 7.3.11.8 a Registrar;
    - 7.3.11.9 a Webmaster;
    - 7.3.11.10 any other such post holders as the Board shall from time to time decide;
    - 7.3.11.11 if required appoint the number of Directors to the Swim England North East Region Board of Directors
    - 7.3.11.12 appoint the required number of delegates to represent the Association at the Swim England North East Region Annual Council Meeting.
- 7.4 The Board shall at its November consider the nominations received for the Henry Dixon Trophy and decide the recipient of the trophy.
- 7.5 Any vacancy occurring by resignation or otherwise may be appointed by the Board but any Member so chosen shall retire at the next Annual General Meeting but shall be eligible for re-election at that Meeting.
- 7.6 The members of the Board shall be entitled to an indemnity out of the assets of the Association for all expenses and other liabilities properly incurred by them in the management of the affairs of the Association.

## **8. The Technical Sub Committees**

- 8.1 The Technical Sub-Committee shall be, but not limited to;
  - 8.1.1 the Diving Committee to be administered by the Committee Secretary;
  - 8.1.2 the Masters Committee to be administered by the Committee Secretary;
  - 8.1.3 the Swimming Committee to be administered by the Committee Secretary;
  - 8.1.4 the Artistic Swimming Committee to be administered by the Committee Secretary;

- 8.1.5 the Water Polo Committee to be administered by the Committee Secretary,
- 8.2 Each Technical Sub Committee shall consist of;
  - 8.2.1 the Association Chairman;
  - 8.2.2 the Association Secretary;
  - 8.2.3 the Association Treasurer;
  - 8.2.4 the Committee Secretary
  - 8.2.5 up to six members who shall be appointed by the Board in accordance with Rule 7.3.12.1;

## **9. Affiliation**

- 9.1 The Association shall be affiliated to the Region (and shall adopt and conform to their Rules).
- 9.2 The Association shall affiliate to other such bodies as the Board may determine from time to time.
- 9.3 By virtue of the affiliation to the Region all members of the Association acknowledge that they are subject to the laws and rules of;
  - 9.3.1 the Region;
  - 9.3.2 SE, to include the Code of Ethics;
  - 9.3.3 British Swimming, to include their Anti-Doping Rules and Judicial Code;
  - 9.3.4 FINA the world governing body for the sport of swimming in all its disciplines (together “the Governing Body Rules”).
- 9.4 In the event that there shall be 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.

## **10. Membership**

- 10.1 Membership of the Association shall be limited to clubs who shall have been granted Affiliation by the Region and allocated to the Association for Affiliation.

## **11. Fees**

- 11.1 The annual Club Affiliation Fees and Capitation Fees for each year shall be determined by the Board no later than the 30th June. This shall include the power to make such increase in the Affiliation Fee as shall, where the Association pays the individual SE Membership Fees to SE on behalf of members, be consequential upon an increase in individual SE membership fees. Any increase in subscriptions shall be advised to the member Clubs in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.
  - 11.1.1 The annual affiliation and capitation fee together with any fee required by SE.
  - 11.1.2 Any Club whose affiliation or other fees have not been paid, in full, by the 30th April will be deemed to have resigned its membership.

## **12. Resignation**

- 12.1 A club wishing to resign membership of the Association must give written notice to the Region in accordance with their Rules in force at that time.

## **13. Suspensions and other Discipline**

- 13.1 The Board shall have power to suspend a Club from all activities under the jurisdiction of the Association when, in its opinion, it would not be in the interests of the Association for it to remain a member. Suspension of the Club shall automatically include suspension of its members from any or all activities of the association. Where such action is taken the matter will thereafter be dealt with in accordance with SE Regulations (“the Regulations”).
- 13.2 The Association 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 SE website, SE Handbook or from the Office of Judicial Administration.
- 13.3 The Board shall have the power in its absolute discretion to seek the suspension of a club by bringing the matter to the attention of the Region.

## **14. Special General Meeting**

- 14.1 The Board may call a Special General Meeting at any time.
- 14.2 A Special General Meeting shall be called by the Secretary within 28 days of receipt by him of a requisition in writing signed by not less than 7 Clubs entitled to attend and vote at a Special General Meeting or (if greater) such numbers as represents one-tenth in number of such members stating the purposes for which the meeting is required and the resolutions proposed.
- 14.3 The matters to be discussed at a Special General Meeting are limited to those set out in the agenda and received in accordance with Rules 14.1 or 14.2.
- 14.4 The quorum for a Special General Meetings shall be one-tenth in number of such delegates entitled to attend and vote at the Meeting or a minimum of three such delegates whichever is higher.

## **15. Procedure for the Special General Meetings**

- 15.1 The Secretary of each Club affiliated to the Association shall receive written notice, at his last known address, of the date, time and place of the Special General Meeting together with the resolutions to be proposed thereat at least 21 days before the meeting. The Notice of the Meeting shall in addition wherever possible be displayed on the Association web site.

- 15.2 Each club shall notify, in writing, the Secretary of the Association no later than 10 days prior to the meeting the name and address of their delegate. In the event of that named delegate being unable to attend a substitute may be appointed in his place provided he shows the written authority of the club Secretary and is eligible to attend as above.
- 15.3 Delegates to a Special General Meeting shall be aged 18 years of age or over, be a member of a club affiliated to the Association and shall consist of;
  - 15.3.1 The Past Presidents;
  - 15.3.2 The Board members consisting of
    - 15.3.2.1 The Chairman
    - 15.3.2.2 The President
    - 15.3.2.3 The Secretary
    - 15.3.2.4 The Treasurer
    - 15.3.2.5 The Elected Members
  - 15.3.3 The President Elect;
  - 15.3.4 The Technical Sub Committee Secretaries;
  - 15.3.5 One delegate from each club affiliated to the Association, with the exception of those affiliated to SE Regulation 52.2, who shall be a member of the club he represents.
- 15.4 Each delegate shall, at least seven days before the Meeting, be sent the Agenda.
- 15.5 The Chairman of the Board, or in his absence a Board Member selected by the Meeting, shall take the chair.
- 15.6 Each Club Affiliated to the Association shall have one vote.
- 15.7 A proposal to change a Rule will be carried only if two-thirds of those voting are in favour.
- 15.8 Rule changes approved at a General Meeting will become effective immediately unless agreed by the General Meeting.
- 15.9 The Secretary, or in his absence a Member of the Board, shall take minutes at a Special General Meeting.
- 15.10 The Chairman shall 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 Association.
- 15.11 The meeting shall elect up to 5 tellers who shall be responsible for counting votes and advising the Chairman of the result of ballots.

## **16. Alterations to the Rules and other Resolutions**

- 16.1 Any proposal to change a Constitutional Rule of the Association shall only be considered at the Annual General Meeting or at a Special General Meeting called for that purpose.

## **17. By-Laws**

- 17.1 The Board 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 Association which by-laws, repeals and amendments shall have effect until set aside by the Board or at a General Meeting.

## **18. Finance**

- 18.1 All moneys payable to the Association shall be received by the Treasurer and deposited in a bank account in the name of the Association. No sum above £8,000 shall be drawn from that account except by cheque signed by any two of the three signatories who shall be the Chairman, Secretary and Treasurer. Two signatories must approve all transactions made by online banking. Where online banking is used all such transactions must be reviewed by the Management Board at their next meeting. Any moneys not required for immediate use may be invested as the Board in its discretion think fit.
- 18.2 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.
- 18.3 The financial transactions of the Association shall be recorded by the Treasurer in such manner as the Board think fit.
- 18.4 The financial year of the Association shall be the period starting on the 1st October and ending on the 30th September. Any change to the financial year shall require the approval of the members in a General Meeting.
- 18.5 The income and property of the Association shall be applied only in the furtherance of the objects of the Association and no part thereof shall be paid by way of a bonus, dividend or profit to any member of a Club affiliated to the Association save as set out in Rule 12.3.

## **19. Borrowing**

- 19.1 The Board may not borrow money on behalf of the Association for any purposes except with the prior approval of a General Meeting.
- 19.2 When such borrowing is explicitly authorised, the Board shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Association.
- 19.3 The Board shall have no power to pledge the personal liability of any affiliated Club or member of an affiliated Club of the Association for the repayment of any sums so borrowed.

**20. Property**

20.1 Any property belonging to the Association (other than bricks and mortar) is vested in the members of the Board as being responsible for all such property owned by the Association on behalf of the members of the Association.

**21. Dissolution**

21.1 Should the conduct of the affairs of the Association result in any possibility that the Association may not meet its financial obligations, then a resolution to dissolve the Association shall be proposed at a General Meeting and shall be carried by a simple majority of the members present and entitled to vote.

21.2 The dissolution shall take effect from the date of the resolution and the officers and members of the Board shall be responsible for the winding-up of the assets and liabilities of the Association.

21.3 Any property remaining after the discharge of the debts and liabilities of the Association shall be divided rateably, in proportion to the amount each Club has paid in Affiliation Fees in the current year, among the members of the Association at the date of dissolution. In the event of the Associations dissolution and there being no affiliated member Clubs to divide and property remaining these shall be devoted to a non-profit making organisation with objects similar to those of the Association.

**22. Acknowledgement**

22.1 The Members of the Association acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the member Clubs with each other and the Association.