

Northamptonshire Amateur Swimming Association



Constitution

June 2025

RULES of Northamptonshire Amateur Swimming Association (“the County”) as at 11th June 2025

1. Name

- 1.1 The name of the County shall be *Northamptonshire Amateur Swimming Association*

2. Objects

- 2.1 The objects of the County shall be the development and practice of swimming, diving, artistic swimming, open water swimming and water polo for its members and shall, where appropriate, be to compete. In the furtherance of these objects:
- 2.1.1 The County 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 County shall implement the Swim England Equality Policy (as may be amended from time to time).
- 2.2 The County shall be affiliated to *Swim England East Midlands Region* (“the Region”), and shall adopt and conform to the rules of *Swim England East Midlands Region*, and to such other bodies as the County may determine from time to time.
- 2.3 The business and affairs of the County 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 County shall in accordance with Swim England Regulations adopt the current Swim England Safeguarding Policy and Procedures (“Wavepower”); and shall recognise that safeguarding is everyone’s responsibility and that all participants in our sports have a right to have fun, be safe and be protected from harm.
- 2.3.3 members of the County shall in accordance with Swim England Regulations comply with Wavepower.
- 2.4 All members of the County acknowledge that they are subject to the regulations, rules and constitutions of:
- 2.4.1 *Swim England East Midlands Region*; and
- 2.4.2 Swim England (to include the Code of Ethics); and
- 2.4.3 Aquatics GB (in particular its Anti-Doping Rules and Judicial Code); and
- 2.4.4 European Aquatics (LEN), the European governing body for aquatic sports; and
- 2.4.5 World Aquatics, the World governing body for the aquatic sports.
- (hereinafter defined as “Rules of a Governing Body”).
- 2.5 In the event that there shall be any conflict between any rule or by-law of the County and the Rules of the Governing Body then the relevant Rule of the Governing Body shall prevail.

3. Membership

- 3.1 The total membership of the County shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the County. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the County.
- 3.2 All persons who assist in any way with the County's activities shall become members of the County and hence Swim England and the relevant Swim England membership fee shall be paid.
- 3.3 Paid individuals who are not members of a County Club must be members of a body which accepts that its members are bound by Swim England's Code of Ethics, Swim England Regulations relating to Wavepower, those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.
- 3.4 Any Club who wishes to become a member of the County must submit an application consistent with Swim England's affiliation process and agreed by the Region.
- 3.5 Admission to membership shall be determined by the Region in consultation with the agreed County process. In its consideration of applications for membership, the County shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the County chooses to restrict its membership to only people who share the same Protected Characteristic) the County shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010. Neither may refusal be made on the grounds of political persuasion.
- 3.6 The County may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the County or the sport into disrepute. The County shall be required to give reasons for the refusal of any application for membership. Any Club refused membership may seek a review of this decision before a Review Panel.

4. Membership and Other Fees

- 4.1 The annual membership fee and all other fees payable to the County shall be determined from time to time by the County Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.
- 4.2 The annual Swim England, Region and County fees (if any) shall be due on affiliating and thereafter on the 1st of January each year.
- 4.3 The County shall inform all member Clubs of the fees payment structure and whether annual fees are paid in full or via an appointed scheme. Any member Club whose fees are unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all County activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Committee shall, from time to time, have the power to determine the County annual membership and other fees. This shall include the power to make such a change in the fees as shall, where the County pays the relevant affiliation fees to Swim England on behalf of members, be consequential upon a change of such 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 County fees, to address issues of social inclusion. The County may also make suitable arrangements for the required payment of Swim England and Regional fees.

5. Resignation

- 5.1 A member Club wishing to resign membership of the County must give to the County Secretary written notice of their resignation via post or electronic means.
- 5.3 A member Club who resigns from the County or whose membership is terminated shall not be entitled to have any part of the annual Swim England, Region or County membership fee refunded and must immediately return any County or external body's property (if appropriate).
- 5.4 The Swim England Membership Department and the relevant Swim England Region shall be informed by the County should a member Club resign or have their membership terminated.

6. Expulsion and Other Disciplinary Action

- 6.1 The Committee shall have power to expel or suspend a member Club or individual member from County activity when, in its opinion, it would not be in the interests of the County for the Club or individual to remain a member. The County in exercising this power shall comply with the provisions of Rules 6.2 and 6.3 below.
- 6.2 The County shall comply with the relevant Judicial Regulations for handling Internal County Disputes as the same may be revised from time to time.
- 6.3 A member Club or individual 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.
- 6.4 The Officers of the County (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member Club or individual from County activities, when in their opinion or following, such action is in the interests of the County. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.
- 6.5 Swim England shall have power to temporarily suspend members or suspend members for a specified term in accordance with Judicial Regulations and Child Safeguarding Regulations as the same may be revised from time to time.

7. Committee

- 7.1 The Committee shall consist of the Chair, Secretary, Treasurer, Competition Secretary, Official's Secretary, Swimming and Development Secretary, and Club's Representative (together "the Executive Officers of the County"), one representative nominated by each member club, all of whom must be members of the County. 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 If a member club fails to nominate a representative, an additional representative may be elected from any club.

- 7.3 Alongside the Committee, the Executive Officers will form an Executive Committee (The Executive). The Executive will be overseen by the Committee and is responsible for making proposals to the Committee for consideration.
- 7.4 In accordance with Wavepower the Executive shall appoint a member of the County 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 shall not be related to or in a relationship with any one of the 'Executive Officers of the County' or the appointed County Coaches. Where this may be the case the County will appoint a deputy Welfare Officer or another relevant person.
- 7.5 The Welfare Officer will have a right to attend Committee meetings without a power to vote. Attendance at meetings will be for the purpose of sharing or addressing matters relating to Welfare.
- 7.6 The Executive Officers and Committee members shall be proposed, seconded, 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 take office when the Chair has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee, with the exception of the additional elected members, who may only be elected at an AGM or SGM. Retiring Executive Officers and members of the Committee shall be eligible for re-election.
- 7.7 Committee and Executive meetings shall be held at regular intervals and the quorum of that meeting shall be 50% of the number entitled to vote with at least one Executive Officer present. The Chair and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the County. The Secretary shall give all members of the Committee not less than two 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 Chair (or the acting Chair of that meeting) shall have a casting or additional vote.) The Secretary, or in their absence a member of the Committee, shall take minutes.
- 7.8 In the event that a quorum is not present within 30 minutes of the stated 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 Chair. If a quorum is not present at the adjourned meeting then those Committee 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 10.2 shall not apply.
- 7.9 In the event of the resignation of an elected Committee member or Executive Officer, the Committee may co-opt a member of the County who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present.
- 7.10 The Committee may from time to time appoint such sub-committees and roles as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.11 The Committee shall be responsible for the management of the County and shall have the sole right of appointing and determining the terms and conditions of service of employees of the County. The Committee shall have power to enter into contracts for the purposes of the County on behalf of all the members of the County. The Committee shall be responsible for ensuring that the Accounts of the County for each financial year be examined by an independent examiner to be appointed by the members in a General Meeting.

- 7.12 The members of the Committee shall be entitled to an indemnity out of the assets of the County for all expenses and other liabilities properly incurred by them in the management of the affairs of the County.
- 7.13 The Committee shall maintain a log of Accidents/Incidents at County related activities. Details of such shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines. The County 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. A copy of entries should be kept for a period of six years or in respect of an injury to a child they should be kept for six years after they attain 18 years of age.
- 7.14 The Committee shall retain all financial records relating to the County and copies of minutes of all meetings for a minimum period of six years.

8. Ceremonial Positions and Honorary Members/Life Members

- 8.1 The Annual General Meeting of the County, if it thinks fit, may elect a President. A president-elect need not be a member of the County on election but shall, *ex officio*, be an honorary member of the County and must be included in the County's Annual Return of Members to Swim England.
- 8.2 An individual elected President will assume the role of "president-elect." They will hold this position until the President resigns or their term comes to an end.
- 8.3 The President may hold office for up to two years, starting from the AGM at which they take office. The Executive will have the ability to extend this limit to a maximum of five years if they deem this to be in the best interests of the County.
- 8.4 The President will be invited to attend meetings of the Executive and the Committee, however shall not have the power to vote, unless they also hold another elected office.
- 8.5 The Committee may nominate any person as an honorary member of the County for a specified period of time, or as a life member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall also be a fee paying member of the County in accordance with Rule 3.
- 8.6 Such honorary members and life members must be elected at the Annual General Meeting, confirmed annually and be included in the County's annual return as to membership. The County will commit to paying all relevant Swim England and County membership fees on behalf of the honorary or life member upon election at the Annual General Meeting.
- 8.7 Honorary and/or life memberships may only be removed at an Annual General Meeting of the County, when it shall be properly proposed in accordance with these Rules.
- 8.8 A minimum of **21** days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary and/or life membership effected by the above proposal drawing the proposal to their attention and inviting them to attend the Annual General Meeting. Reasons for the proposal will be circulated with the agenda.
- 8.9 Where the effected holder or holders of the honorary and/or life membership do not attend or are unable to attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by show of hands.

9. Annual General Meeting

- 9.1 The Annual General Meeting of the County shall be held each year on a date in *November*. The date, time and venue for the Annual General Meeting shall be fixed by the Executive.
- 9.2 For the purpose of participation in voting at an Annual General Meeting of the County, all persons shall have been a member as at the membership deadline day which is the date of closure of nominations and submission of proposals.
- 9.3 The purpose of the Annual General Meeting is to transact the following business:
 - 9.3.1 to receive the President's report of the activities of the County during the previous year;
 - 9.3.2 to receive and consider the accounts of the County 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 County;
 - 9.3.3 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;
 - 9.3.4 to receive reports from the Competition's Secretary, Official's Secretary, and Swimming and Development Secretary on county activities over the last year;
 - 9.3.5 to elect the Executive Officers and other members of the Committee;
 - 9.3.6 to decide on the dissolution of existing honorary and/or Life membership categories;
 - 9.3.6 to decide on any resolution which may be duly submitted in accordance with Rule 9.6;
- 9.4 For the Annual General Meeting the Secretary shall be responsible for sending to each member at their last known postal or electronic address a written agenda giving notice of the date, time and venue of the General Meeting no later than **28** days prior to the published date. The Notice of Meeting shall in addition wherever possible be displayed on the County Website.
- 9.5 Nominations for election of members to any office or for membership of the Committee shall be made in writing to the Secretary not later than **21** days prior to the published date of the meeting. The nominee shall be required to indicate in writing his/her willingness to stand for election. It is not necessary to have a proposer and seconder at the time of nomination, as these can be taken from the floor of the meeting and can be any member of the County and Swim England.
- 9.6 Any member shall be entitled to put any proposal for consideration at an Annual General Meeting provided the proposal in writing is received by Secretary not later than **21** days prior to the published date of the meeting.
- 9.7 No less than **14** days before the published meeting date, together with the resolutions to be proposed, a list of the nominees for the Committee posts and a copy of the examined accounts will be circulated to all County Club Secretaries.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee at a committee meeting.
- 10.2 A Special General Meeting shall be called by the Committee and held within **28** days of receipt by the Secretary of a requisition in writing signed by not less than four member Clubs entitled to vote at a General Meeting.

- 10.3 For the purpose of participation in voting at a Special General Meeting of the County, all persons shall have been a member of a County Club as at the membership deadline day which is the date that the requisition for the meeting was made by the Committee or member Clubs.
- 10.4 In the case of a Special General Meeting the Secretary shall be responsible for sending to each Club Secretary a written agenda giving notice of the date, time and venue no later than **21** days prior to the date agreed by the Committee following the requisition submitted 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 Committee can decide to hold the Annual or Special General Meeting virtually, using such electronic and video technology as it sees fit.
- 11.2 The quorum for the Annual and Special General Meetings shall be representation of 50% of member Clubs entitled to vote at the Meeting.
- 11.3 The Chair, or in the Chair'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. In the event of an equality of votes the Chair shall have a casting or additional vote.
- 11.4 The Secretary, or in their absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The appointed Chair of the meeting 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 County.

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 those present, representing at least two thirds of member Clubs 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 *Swim England East Midland Region*.

13. By-Laws

- 13.1 The Committee shall have power to make, repeal and amend regulations and by-laws as they may from time to time consider necessary for the wellbeing of the County. Such regulations, by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting. The Committee shall have power to settle disputed points not otherwise provided for in this Constitution.

14. Finance

- 14.1 All monies payable to the County shall be received by the Treasurer and deposited in a bank account in the name of the County.
- 14.2 No sum shall be drawn from that account except by the method agreed by the Committee which includes a minimum of two authorisations. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

- 14.3 The income and property of the County shall be applied only in furtherance of the objects of the County and no part thereof shall be paid by way of bonus, dividend or profit to any members of the County, (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 County and to any other person or persons for services rendered to the County.
- 14.5 The financial transactions of the County shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.6 The financial year of the County shall be the period commencing on *1st September* and ending on *31st August*. Any change to the financial year shall require the approval of the members in a General Meeting.

15. Borrowing

- 15.1 The Committee may borrow money on behalf of the County for the purposes of the County from time to time at their own discretion for the general upkeep of the County or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2 When so borrowing the Committee 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 County.
- 15.3 The Committee shall have no power to pledge the personal liability of any member or Officer of the County for the repayment of any sums so borrowed.

16. County Awards

- 16.1 The County will issue awards for the County Championships, County Galas, and other awards.
- 16.2 An Awards Policy will be published by the Executive Officers, detailing awards the County is intending to provide. This policy may be amended from time to time by the Executive Officers.

17. Dissolution

- 17.1 A resolution to dissolve the County 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.
- 17.2 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 County.
- 17.3 Any property remaining after the discharge of the debts and liabilities of the County shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the County for the furtherance of such objects) nominated by the last Committee.

18. Acknowledgement

- 18.1 The Member Clubs acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the member Clubs with each other and the County.
- 18.2 This constitution must be readily available to all County member Clubs. This may be via posting on the County website or shared with members annually at time of membership renewal.