

# Bo'ness Amateur Swimming Club (WBSX)



Bo'ness Amateur Swimming Club

## CONSTITUTION, BYE-LAWS AND REGULATIONS INDEX

Constitution and Bye-Laws updated for Club Model Issue 2021 (Dec 2021)

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All club regulations, including the club handbook, can be found on the club's website:  
<https://www.bonessasc.org/about/policies>

## **CONSTITUTION**

### **C1.0 NAME**

C1.1 The Club shall be called Bo'ness Amateur Swimming Club (BASC). (Hereinafter referred to as the Club). The club colours will be Black, Gold and Red.

### **C2.0 OBJECTIVES**

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

a) Advance the public participation in Aquatic Sports and life saving in accordance with paragraph C2.1 of the SASA Constitution.

### **C3.0 MEMBERSHIP**

C3.1 The membership shall consist of the following categories:-

a) Adult Member - An Adult is an individual 16 years and over.

b) Junior Member – A Junior is an individual 15 years or under (not as defined in Scottish Swimming Company Rule R4.5.6 which refers to Championship and Meets, Eligibility).

C3.2 Membership fees shall be as agreed at Management Committee Meetings.

C3.2.1

The Membership fees of existing members shall become due on 1<sup>st</sup> January in each year and those of new members on the date of acceptance for membership.

C3.2.2

Members not renewing by 1<sup>st</sup> March will be deemed to be non-members and will be notified in writing accordingly.

C3.2.3

Members will be excluded from taking part in any of the Club's activities until their annual subscription is paid. They may also be excluded if their club fees are not up to date.

C3.3

All Club Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.

C3.4

All members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations adopted by the Club.

- C3.5 A member wishing to resign from the Club shall inform the Membership Secretary in writing.
- C3.6 A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with Scottish Swimming Company Rule R5.2.
- C3.7 The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.7.1.

C3.7.1 When an application for membership is turned down by the Management Committee, the applicant must be advised , in writing, of the reason and their right of appeal to Scottish Swimming.

#### **C4.0**     **GOVERNANCE**

- C4.1            The Club, and it's members, shall be subject to and bound by, the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules) and the appropriate SASA District Rules.
- C4.2            The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics and Wellbeing and Protection Policies.
- C4.3            The Club shall be governed by its Constitution, Bye-Laws and Regulations.
- C4.4            Amendments to the Constitution shall only be made at a General Meeting, provided at least a two thirds majority of those present and voting is secured.
- C4.5            Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.
- C4.6            The Management Committee shall have the power to publish and enforce such Regulations as the Committee feels necessary to govern the activities of the Club.

#### **C5.0**     **MEETINGS**

##### **C5.1**     **General Meetings**

- C5.1.1        Notices  
At least fourteen days notice and the Agenda shall be given to all Adult and Life members of any General Meeting
- C5.1.2        Attendance  
All Adult Members and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution. A Parent/Guardian, who is not a Club Member, is entitled to attend and take part on behalf of a Junior Member.
- C5.1.3        Voting  
a) With the exception of changes to the Constitution:  
• decisions put to a vote shall be resolved by simple majority at General Meetings.  
• members may lodge a proxy vote in writing prior to the meeting in question  
b) Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.  
c) One vote per member (one parent or guardian per Junior Member) – subject to a maximum of two votes per family
- C5.1.4        Quorum  
The quorum at General Meetings shall be two Officers of the Club plus nine members eligible to vote.
- C5.1.5        Changes to the Constitution and Bye-Laws  
a) A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two members eligible to vote at a General Meeting. All proposals must be received by the Secretary at least fourteen days prior to the AGM.

- C5.1.6 Conduct of Business  
The conduct of business shall be in accordance with Scottish Swimming Company Rules Section R16.
- C5.1.7 Virtual Meeting  
The Management may hold Committee Meetings or AGMs or EGMs in a virtual format or a blended format to maintain good attendance and secure a Quorum.

## C5.2 Annual General Meeting (AGM)

- C5.2.1 The Club shall hold an Annual General Meeting in the month of March, April or May. to:  
j)
- C5.2.2 **The Secretary shall give notice not less than 30 days prior to the date of the AGM to all Adult and Life Members. The format of the notice shall be agreed by the Management Committee.**
- C5.2.3 Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, Bye-Laws and nomination for the Management Committee.
- C5.2.4 Nominees for Officers of the Club and other Management Committee positions can nominate themselves by:  
a) Adding their name to the AGM nominations list on the Noticeboard;  
b) Sending an email to the Club Secretary or any other committee member;  
c) Speaking in person to the Club Secretary or any other committee member.  
  
Nominations to the committee will require to be proposed and seconded by two Adult Committee Members before, or at, the AGM and duly recorded.
- C5.2.5 Proposed alterations to the Constitution and Bye-Laws, and notices of motion must be received by the Secretary at least 14 days prior to the AGM.
- C5.2.6 The Secretary shall arrange for all nominations and proposed alterations to governance to be circulated at least seven days before the meeting. The format of the circulation shall be agreed by the Management Committee.
- C5.2.7 The business for an AGM shall include: a)  
President's Remarks  
b) Apologies for Absence  
c) Approval of minutes from previous AGM and matters arising. d)  
Secretary Report  
e) Head Coach Report  
f) Financial Report  
g) Proposed Changes to the Constitution  
h) Proposed Changes to Bye-Laws  
i) Notices of Motion  
j) Election of Management Committee Members  
k) Appointment of Auditors / Independent Examiners  
l) Appointment of Honorary President and Vice President(s)  
m) Life Membership Awards  
n) Other relevant business

## C5.3 Extraordinary General Meeting (EGM)

- C5.3.1 An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least fifteen Adult Members of the Club or parents/guardians of junior members. The Management Committee shall also have the power to call an EGM by decision of a simple majority of its members at Management Committee Meeting.
- C5.3.2 The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the Agenda, to all Members at least thirty days prior to such meetings being held.
- C5.3.3 The order of Business for an EGM shall be:
- a) President's Remarks
  - b) Apologies for Absence.
  - c) Business to be transacted of which due notice has been given.
- C5.3.4 No business shall be transacted at the EGM other than business of which due notice has been given.

## **C6.0 AWARDS**

### **C6.1 Life Membership**

- C6.1.1 Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the Management Committee.
- C6.1.2 A recommendation for Life Membership may be made by any Adult or Life Member to the Secretary for submission to the Management Committee.  
Full details of the nominee's service should be included with the recommendation.
- C6.1.3 In the event that a Life Membership should require to be removed from any recipient, the Management Committee will make the decision to rescind and notify the Member concerned.

## **C7.0 TROPHIES**

- C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C7.2 The Trophy Secretary shall act as the Trustee of Club Trophies.
- C7.3 The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.
- C7.4 The Club shall be responsible for arranging and funding the engraving of the winners name on all Club Championships trophies.

## **C8.0 DISSOLUTION**

- C8.1 In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever but shall be applied towards the objectives of Scottish Swimming.
- C8.2 So long as four members agree to support the Club it cannot be dissolved.

# **BYE-LAWS**

## **BL1.0 CLUB MANAGEMENT**

BL1.1 The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club plus at least 10 other Adult Members and ex-officio members set out in Bye-Law BL1.6.1

Adult Committee Members can be Adult or Life Members of the Club.

BL1.2 The Officers of the Club, known as the Executive Committee, who shall be honorary, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the said Adult Committee Members.

BL1.3 If the post of any Officer or Adult committee member should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy.

BL1.4 All Management Committee members shall be Adult members of the Club with the exception of the Swimmers Rep who will be a member of any squad except Masters and who will be voted by the swimmers.

BL1.5 Powers to deal with matters of a sensitive and confidential nature will be devolved on the Executive Committee which will act in the best interests of the club at all times and in such a way as to ensure that the club does not fall into disrepute. If it considers necessary the Executive Committee may co-opt other Management Committee members to help it in its considerations. The Executive Committee will report on its activities to the Committee, having regard to any issues of confidentiality arising therefrom.

#### **BL1.6 MANAGEMENT COMMITTEE**

BL1.6.1 The Management Committee shall comprise the Officers of the Club (as defined in paragraph BL1.2), Membership Secretary, Competition Secretary, and eight other Adult members. The Head Coach will be an ex-officio member.

BL1.6.2 The term of office for President, Vice President, Secretary and Treasurer shall be three years,

BL1.6.3 The Membership Secretary, Wellbeing and Protection Officer and Competition Secretary shall be elected for a term of two years.

BL1.6.4 The term of office for the Adult Committee Members shall be two years.

BL1.6.5 Retiring members of the Management Committee may offer themselves for re-election.

BL1.6.6

BL1.6.7

Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.

BL1.6.8

The Management Committee shall be responsible for:

- a) Running the day to day management of the affairs of the Club.
- b) The organisation and control of all members during Club hours.
- c) The annual appointment of coaches and instructors.
- d) The selection of members to represent the Club.
- e) The handicapping of Club events as necessary.
- f) The organisation of swimming activities as may be requested by other bodies.
- g) Considering and approving or otherwise nominations for Life Membership of the Club.
- h) All changes to the Rules and Regulations of the Club.

BL1.6.9

The Management Committee shall appoint such sub-committees as may be considered necessary.

BL1.6.10 The Management Committee shall appoint at least one Wellbeing and Protection Officer (WPO) in accordance with section C10.6 of the SASA Constitution.

**BL2.0** **COMMITTEE**  
**MEETINGS**

**BL2.1** **Committee Meeting Standing Orders**

BL2.1.1 At all meetings, if a quorum is present, the Chair shall be taken not later than fifteen minutes after the appointed time of the meeting.

BL2.1.2 All Members when called to order at any meeting or gathering of the Club and not complying with the “rule of order” shall be expelled from the meeting.

BL2.1.3 The Chair at all meetings of the Club shall be the President.  
In the absence of the President, the Vice President shall substitute.  
Vice President, those in attendance shall appoint a substitute.

BL2.1.4 In the event of equality of votes in any resolution before the meeting which requires a choice to be made for the continued good governance of the Club, the Chair of a meeting shall have a second or casting vote.

BL2.1.5 The Chair of a meeting shall be the sole judge of questions of order and interpreter of the “rules” governing the Club.

BL2.1.6 A meeting must keep a record, in writing, of every decision taken by the meeting. The general rule is that any decision made by the meeting must either a unanimous decision or a majority decision.

BL2.1.7 The minutes of all meetings will be circulated to all Committee Members. The minutes can be made available to any other adult and Life members upon request to the Club Secretary.

BL2.1.8 A person is able to exercise the right to speak and vote at a meeting when:

- a) that person is able to communicate and vote, during the meeting, on the business of the meeting; and
- b) that person’s vote can be taken into account in determining whether or not such motions are passed at the same time as the votes of all other persons attending the meeting.

BL2.1.9 A meeting need not be held in any particular place and the meeting may be held without any number of those participating in the meeting being together at the same place. In determining attendance at a meeting, it is immaterial whether any two or more persons attending are in the same place as each other.

**BL2.2** **Management Committee Meetings**

BL2.2.1 The club shall hold Management Committee Meetings no less frequently than every three months.

BL2.2.2 A Management Committee Meeting shall be called by the Secretary when there is business to transact or on request of an Officer of the Club or by an application in writing by at least seven Adult or Life Members of the Club.

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

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



- BL2.2.5 Management Committee meetings are generally held on the last Thursday of every month except June or July and December.
- BL2.2.6 Adult Members and parents/guardians of Junior Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.
- BL2.2.7 All, except ex-officio members shall have a deliberative vote.
- BL2.2.8 Committee members may lodge a proxy vote in writing prior to any meeting.
- BL2.2.9 No decision of the Committee may be altered or revoked without fourteen days prior notice of intent, in writing, being given to the Secretary.

**BL3.0 FINANCE AND ACCOUNTS**

- BL3.1 The financial year shall run from 1<sup>st</sup> February to 31<sup>st</sup> January each year.
- BL3.2 The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- BL3.3 The Accounts shall be audited / examined by an independent person(s) elected annually at the Annual General Meeting.

- BL3.4 All cheques or internet banking transfers drawn against the Club's funds shall be signed (cheques) or approved (internet banking) by a minimum of two approved signatories. Approved signatories shall be the Officers of the Club Competition Secretary and Membership Secretary.
- BL3.5 The Management Committee can enter into contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the minutes of a quorate committee meeting prior to the commitment being made.
- BL3.6 As an unincorporated organisation the responsibility for the financial liabilities of the club shall normally be dependent on who was responsible for the liability.
- BL3.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its members by way of dividend, distribution, bonus, honoraria or otherwise by way of profit.
- BL3.8 The Treasurer shall arrange for the Auditor(s) / Independent Examiner(s) to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.9 The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year.
- BL3.10 The Treasurer shall submit a financial statement to the Management Committee no less frequently than every three calendar months.
- BL3.11 **All outgoing payments shall be made by cheque or direct Bank transfer duly authorised in accordance with paragraph BL3.4.**

#### **BL4.0 DISCIPLINARY PROCEDURE, COMPLAINTS and APPEALS**

##### **BL4.1 General**

- BL4.1.1 All Grievances, Complaints and Appeals, except for doping, wellbeing or protection, or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 and BL4.4.
- BL4.1.2 Grievances and Complaints involving doping should be referred to British Swimming as per Scottish Swimming Company rule R13.1.3
- BL4.1.3 Grievances and Complaints involving wellbeing and protection or other criminal offences shall be referred to Scottish Swimming within forty-eight hours, in accordance with Scottish Swimming Company Rule R13.2.1.

##### **BL4.5 Suspensions and Fines**

- BL4.5.1 The Management Committee may take action (e.g., fine, suspend or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, ByeLaws, Regulations which is detrimental to the interests or aims of the Club or for acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the Scottish Swimming Governance Documentation (Sections R12 to R15) have been applied.
- BL4.5.2 The Management Committee may suspend, from activities wholly within its own jurisdiction, impose a fine or expel a member as a means of discipline.

BL4.5.3 Grievances and Complaints involving Committee Members will be considered by the Executive Committee, or if about a member of the Executive Committee, by the remaining members of the Executive Committee plus such co-opted Committee Members as it considers necessary. If the complaint is upheld, that Committee Member may be asked to stand down, provided that a minimum of two thirds of Committee Members support that move.

## **BL4.2 Disciplinary Procedure**

In the event that the behaviour of a swimmer, member of the coaching team or  
BL4.2.1 Management Group or a parent volunteer contravenes the Club's codes of conduct, the following action will be taken.

The President, or a deputising club official, will conduct an investigation into the alleged  
BL4.2.2 breach of the Club's codes of conduct as they see fit and all persons and parties shall cooperate fully with the same. Failure to co-operate may amount to misconduct.

The Investigating Club Official shall thereafter be entitled at any time to decide to: a) Apply a  
BL4.2.3 sanction to the person(s) being investigated b) Refer the matter to a Club Complaint panel  
c) Take no further action d) Pursue an alternative resolution, which may include Mediation, Arbitration or Conciliation.

The Club will keep a record of each stage of the disciplinary process. BL4.2.4

## **BL4.3 Complaints**

BL4.3.1 A complaint is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming.

BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules, Sections R12 to R15.

## **Appeals**

### **BL4.4**

BL4.4.1 An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted grievance or against decisions taken by a National Complaints Committee.

BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.