

## RULES

### 1 Name

- 1.1. The name of the Association shall be the **YORKSHIRE SWIMMING ASSOCIATION** (the Association).

### 2 Objects

- 2.1. The objects of the Association shall be the objects of the Amateur Swimming Association (ASA) and in particular in the furtherance of these objects:

2.1.1. the Association is committed to treat everyone equally within the context of his or her activity, regardless of age, gender, ethnic origin, religion, disability or political persuasion.

[Updated by ASA](#)

2.1.2. the Association believes that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.

- 2.2. The Association shall be affiliated to North Eastern Counties Amateur Swimming Association (and shall adopt and conform to the rules of that Association) and such other bodies as the Association may determine from time to time.

- 2.3. The business and affairs of the Association shall at all times be conducted in accordance with the Laws and Technical Rules of the ASA ("ASA Laws") and in particular:

2.3.1. all affiliated Clubs with competing members shall ensure that those are eligible competitors as defined in ASA Laws; and

2.3.2. the Association shall in accordance with ASA Laws adopt the ASA Child Protection Procedures; and

2.3.3. members of the Clubs in the Association shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.

- 2.4. By virtue of the affiliation of the Association to the North Eastern Counties Amateur Swimming Association and all members of the Association acknowledge that they are subject to the laws and rules of:

2.4.1. North Eastern Counties A.S.A.; and

2.4.2. the Amateur Swimming Association;(to include the ASA/ISTC Code of Ethics); and

2.4.3. the Amateur Swimming Federation of Great Britain (to include in particular the ASFGB Doping Control Rules and Protocols and ASFGB Disciplinary Code); and

2.4.4. FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules").

- 2.5. In the event that there shall be any conflict between any rule or by-law of the Association and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

### 3 Membership

- 3.1. Membership of the Association shall be limited to Aquatic Sport Clubs, Leagues and Associations in the County of Yorkshire, the Unitary Authorities of North and North East Lincolnshire and any area subsequently administered by Sport England (Yorkshire and Humber). The Honorary Secretary shall approve on behalf of the executive any valid application subject to the Executive ratifying the application at its next meeting.

- 3.2. All persons who assist in any way with the Association's activities shall be members of an ASA affiliated Club and hence of the ASA and their Club shall have paid their relevant ASA membership fee, or be [accredited](#), by the ASA. Assisting with the Association's activities shall include, but not be restricted to, administrators, associate members, instructors, teachers and coaches, whether employed, self employed or voluntary, Executive members, helpers, honorary members, life members, officers, patrons, presidents, technical and non-technical officials, temporary members, vice presidents.

- 3.3. Any Club that wishes to affiliate to the Association must submit a signed application to the Honorary Secretary together with a copy of the Club's Rules and the Affiliation fee as defined at Rule 4. The Club's Rules shall be based upon the ASA's recommended version displayed upon the web site [www.britishswimming.org](http://www.britishswimming.org). Clubs shall be elected to membership of the Association from the date of the Executive meeting at which the Honorary Secretary shall advise the executive that the Club's Rules are in order and the fee has been tendered.

#### 4 Affiliation and Other Fees

- 4.1. The annual Club affiliation fees and capitation fees for each of the subsequent 2 years shall be determined by 30th June each year by the Executive and ratified by the A.G.M. This shall include the power to make such increase in the Affiliation Fee as shall, where the Association pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA 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.
- 4.2. The annual affiliation and capitation fee together with any fee required by the ASA and the District shall be due on joining the Association and thereafter on the first day of December each year.
- 4.3. Any Club whose affiliation or other fees remains unpaid by the date falling 60 days after the due date for payment may be suspended by the Executive from all Association activities from a date to be determined by the Executive and until such payment is made. An administrative charge of £20.00 shall be levied for any late payments.
- 4.4. A body shall not be permitted to remain affiliated to the Association if that bodies' membership fees have not been paid to the ASA by the date required under ASA Law.

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#### 5 Resignation

- 5.1. A Club wishing to resign membership of the Association must give to the Secretary written notice of its resignation. A Club's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2. Notwithstanding the provisions of Rule 5.1 above a Club whose Affiliation Fee is more than two months in arrear shall be deemed to have resigned. Where the membership of a Club shall be terminated in this way the Club shall be informed in writing that it is no longer affiliated, such notice to be sent by post to the Club Secretary's last known address.

#### 6 Suspension and other Disciplinary action

- 6.1. The Executive shall have power to suspend a Club 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.
- 6.2. The Association shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department and may be viewed on [www.britishswimming.org](http://www.britishswimming.org).
- 6.3. A Club may not be suspended or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall unanimously vote in favour of the expulsion of (or other penalty imposed upon) the Club.
- 6.4. The Officers of the Association (or any person to whom the Executive shall delegate this power) may temporarily suspend or exclude a Club from particular championships and/or wider Association activities, when in their opinion such action is in the interests of the Association. Where such action is taken the complaint will thereafter be dealt with in accordance with the Guidelines.

#### 7 Executive

- 7.1. The Executive shall consist of the President, President Elect, Honorary Secretary, Honorary Treasurer, Synchronised Swimming, Diving, Water Polo, Swimming, Championships, Masters, Volunteer Liaison and Club Liaison Secretaries, most recent 2 Past Presidents and 9 Elected Members all of whom must be members of the Association. All Executive members must be not less than 18 years of age.

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- 7.2. As a transitional arrangement in 2004 until 2009 (Thereafter this rule will be deleted):
- 7.2.1 before any other places are filled, two Executive member places shall be filled by the highest placed candidates drawn from the North and North East Lincolnshire clubs, if they choose to stand.
- 7.2.2 an additional 10 elected members will also be Elected Members of the Executive. In 2005 and in every subsequent year this number will fall by 2 until the election in 2009. In 2010 this rule will be deleted.
- 7.2.3 ~~an additional 10 elected members will also be Elected Members of the Executive. In 2004 and in every subsequent year this number will fall by 2 until the election in 2009. In 2010 this rule will be deleted.~~
- 7.3 The Executive shall at its June Meeting each year appoint a Championships Secretary, who will forthwith become a member of the Executive and the Swimming Committee.
- 7.4 The Officers and Executive members shall be proposed, seconded and elected by ballot at the Annual General Meeting. Any casual vacancy occurring by resignation or otherwise may be filled by the Executive but any Member so chosen shall retire at the next Annual General Meeting but shall be eligible for re-election at that Meeting.
- 7.5 Executive meetings shall be held not less than four times per year (save where the Executive itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Executive members (to include not less than one Officer). The Chairman and the Honorary Secretary shall have discretion to call further meetings of the Executive if they consider it to be in the interests of the Association. The Honorary Secretary shall give all the members of the Executive not less than two weeks written notice of a meeting. Decisions of the Executive 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. The Honorary Secretary, or in his absence a member of the Executive, shall publish minutes.
- 7.6 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 Executive 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 11.1 shall not apply
- 7.7 Any Member of the Executive who misses 2 consecutive Executive Meetings without reasonable cause shall forfeit his place. The Executive shall deem the member to have resigned.
- 7.8 In addition to the members so elected the Executive may from time to time co-opt up to 2 Specialists for a period of up to 12 months who shall have the power to attend meetings, to speak and to vote. Specialists do not count when calculating an Executive Meeting quorum.
- 7.9 The Executive at its Statutory Meeting will receive from the Technical Secretaries a recommendation of the persons to comprise the membership of such Technical Committees 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 Executive as the Executive may determine. Technical Committees shall consist of the Technical Secretary and up to 6 (in the case of the Swimming Committee 9) appointed Members. All Technical Committees shall report their proceedings to the Executive and shall conduct their business in accordance with the directions of the Executive and the Rules of the Association.
- 7.9.1 The Honorary Secretary shall publish Role Descriptions for all Officer and Executive Committee positions. The Technical Committee Secretaries shall publish Role Descriptions for Committee Members.
- 7.9.2 The Honorary Secretary shall publish Terms of Reference for all of the Technical Sub Committees.
- 7.9.3 Members of Technical Committees must be a member of an Affiliated Club but not necessarily of the Executive.
- 7.9.4 No individual may be on more than 2 Technical Committees.

**Deleted:** For 2004 the 2003 Championships Secretary shall continue in post.

- 7.10 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 employees of the Association. The Executive shall have power to enter into contracts for the purposes of the Association on behalf of all the members of the Association. The Executive shall be responsible for ensuring that an independent examiner be appointed by the members at a General Meeting to examine the Accounts of the Association for each financial year.
- 7.11 The members of the Executive 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.
- 7.12 The Executive shall promote annual Championships and other competitions as it shall from time to time resolve. The dates and Conditions of these Championships shall be published each year; else the previous year's conditions shall prevail.

## 8 Officers

- 8.1 The Officers of the Association shall be the President, Chairman, Secretary, Treasurer.
- 8.2 The Officers and Executive of the Association shall be proposed, seconded and elected by ballot at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Executive. Retiring Members shall be eligible for re-election.
- 8.3 The Emergency Committee shall consist of the Officers and one other.
- 8.4 The Annual General Meeting of the Association will elect a President Elect who shall in the following year be acclaimed President. The President, President Elect, Honorary Secretary and Honorary Treasurer must be a member of a Club affiliated to the Association and on election shall, *ex officio*, be a Member of every sub committee and Technical committee.
- 8.5 Clubs may propose and the A.G.M. may elect by simple majority any Yorkshire person who has brought credit to the Sport of Swimming to a Roll of Honour. The Roll of Honour shall be displayed at the A.G.M. and in the Handbook.
- 8.6 Define statutory meeting. At the Statutory Meeting the Executive shall:
  - 8.6.1 elect a Chairman, who shall hold office for four years,
  - 8.6.2 appoint the number of representatives to the North Eastern Counties A.S.A., Management Board, Annual General Meeting and Executive as shall be required by their Rules in force at the time.
  - 8.6.3 appoint the Welfare Officer, Trophy Controller, Registrar, Webmaster, Minute Secretary, Sports Aid Administrator, Press Officer, Emergency Committee and other such post holders as the Executive shall from time to time decide.

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## 9 Annual General Meeting

- 9.1 The Annual General Meeting of the Association shall be held each year on a Saturday date falling within the period 2nd January ("the Opening Date") and the date of the District A.G.M. ("the Closing Date"). The Executive at the Statutory Meeting shall fix the date and venue for the next Annual General Meeting. The venue shall be selected by the Executive within a 25-mile radius of Leeds City Square.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
  - 9.2.1 to receive and consider the Honorary Secretary's report of the activities of the Association during the previous year including the reports of the Technical Committee Secretaries;
  - 9.2.2 to receive and consider the accounts of the Association for the previous year and the report on the accounts of the independent examiner and the Honorary Treasurer's report as to the financial position of the Association;
  - 9.2.3 to elect the independent examiner (who must not be a member of the Executive or a member of the family of a member of the Executive),
  - 9.2.4 to elect the Officers and other members of the Executive;
  - 9.2.5 to decide on any resolution that may be duly submitted in accordance with Rule 9.5.
- 9.3 It shall be the duty of the Honorary Secretary to send out not later than 1st October in each year the necessary papers for the nomination of Officers and Executive.

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- 9.4 Nominations for election of members to any office or for membership of the Executive shall be made in writing and duly signed by the proposer and seconder who shall themselves be full members of an affiliated Club to the Hon Secretary not later than 30th October (i.e. 61 days before the Opening Date specified above). The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election.
- 9.5 Notice of any resolutions proposed to be moved at the Annual General Meeting shall be given in writing and duly signed by the proposer and seconder both of whom shall be members of a club affiliated to the Association, to the Honorary Secretary not later than the 30th October. The Honorary Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1

## 10 Special General Meeting

- 10.1 The Executive may call a Special General Meeting at any time. 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 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.

## 11 Procedure at the Annual and Special General Meetings

- 11.1 The Honorary Secretary shall personally be responsible for sending to the Secretary of each affiliated Club at his last known address written notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Officers and Executive posts and a copy of the examined accounts. The Notice of Meeting shall in addition wherever possible be displayed on the Association web site.
- 11.2 The quorum for the Annual and Special General Meetings shall be one-tenth in number of such representatives of Affiliated Clubs entitled to attend and vote at the Meeting.
- 11.3 Each body affiliated to the Association shall be entitled to one delegate at a General Meeting. The name and address of such delegate shall be notified to the Honorary Secretary by the secretary of the body prior to the General Meeting. A delegate to a General Meeting shall be aged over 16 years and must be a member of the Club he represents.
- 11.4 The Past Presidents of the Association may attend a General meeting and have the same rights as delegates.

11.5 No delegate to a General Meeting may have more than one vote.

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11.6 The Honorary Secretary shall forward to each delegate at least ten days before the Annual General Meeting the Agenda plus a report of the proceedings of the Association for the previous year. The Honorary Treasurer shall ensure that the Financial Statement from the examination of the Accounts is also forwarded to delegates ten days before the meeting.

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11.7 In the event of any delegate being unable to attend a General Meeting, a substitute who must be a member of the same Club, may be appointed in his place but such substitute must be provided with the written authority of the Secretary of the Club. No delegate shall represent more than one Club.

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11.8 The Chairman, or in his absence an Officer or Executive Member selected by the Meeting, shall take the chair. Each Affiliated Club shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.5. In the event of an equality of votes the Chairman shall have a casting or additional vote. Delegates who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. [Delegates who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors].

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11.9 The Honorary Secretary, or in his absence a Member the Executive, shall take minutes at the Annual and Special General Meetings.

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11.10 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Association.

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11.11 The meeting shall elect up to 5 tellers who shall be responsible for counting votes and advising the

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Chairman of the result of ballots.

## **12 Alterations to the Rules and other Resolutions**

- 12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. Any proposed amendment to the rules shall not be valid unless accompanied by statement defining its intended effective date.

## **13 By-Laws**

- 13.1 The Executive 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 Executive or at a General Meeting.

## **14 Finance**

- 14.1 All moneys payable to the Association shall be received by the Honorary Treasurer and deposited in a bank account in the name of the Association. No sum above £5,000.00 shall be drawn from that account except by cheque signed by any two of the three signatories who shall be the Chairman, Honorary Secretary and Honorary Treasurer. Any moneys 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, Executive Member of the Association and to any other person or persons for services rendered to the Association.
- 14.4 The financial transactions of the Association shall be recorded by the Honorary Treasurer in such manner as the Executive think fit.
- 14.5 The financial year of the Association shall be the period 1st October and ending on 30th September. Any change to the financial year shall require the approval of the members in a General Meeting.

## **15 Borrowing**

- 15.1 The Executive may not borrow money on behalf of the Association for any purposes except with the prior approval of a General Meeting.
- 15.2 When such borrowing is explicitly authorised, the Executive 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.
- 15.3 The Executive 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.

## **16 Property**

- 16.1 The property of the Association, other than cash at the bank, shall be vested in not more than four Custodians. They shall deal with the property as directed by resolution of the Executive and entry in the minute book shall be conclusive evidence of such a resolution.
- 16.2 The Custodians shall be elected at a General Meeting of the Association and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- 16.3 The Custodians shall be entitled to an indemnity out of the property of the Association for all expenses and other liabilities properly incurred by them in the discharge of their duties.

## **17 Dissolution**

- 17.1 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.
- 17.2 The dissolution shall take effect from the date of the resolution and the officers and members of the Executive shall be responsible for the winding-up of the assets and liabilities of the Association.
- 17.3 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 among the members of the Association at the date of dissolution.

## **18 Acknowledgement**

- 18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the member Clubs with each other and the Association.
- 18.2 ***The following statement should appear on Association membership forms and should be signed by the Club Secretary.***
  - 18.2.1 ***I acknowledge receipt of the rules of the Yorkshire Swimming Association and confirm our understanding and acceptance that such rules (as amended from time to time) shall govern our membership of the Association. I further acknowledge and accept the responsibilities of membership upon our members as set out in these rules.***