



Rules of West London Penguin Swimming and Water Polo Club

1 Name

- 1.1 The name of the Club shall be West London Penguin Swimming and Water Polo Club.
- 1.2 The Club colours shall be black, white, red and gold.

2 Objects

2.1 The objects of the Club shall be the teaching, development and practice of swimming and water polo for its members.

2.1.1 The Club is committed to treat everyone equally within the context of its activities. This shall be regardless of age, sex, sexual persuasion, ethnic origin, religion, disability or political persuasion.

2.1.2 The Club shall implement the ASA. Equal Opportunities policy.

2.2 The Club shall be affiliated to the ASA London Region and shall adopt and conform to the rules of that Association and to such other bodies as the Club may determine from time to time.

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

2.3.1 All competing members shall be eligible competitors as defined in ASA Laws.

2.3.2 The Club shall, in accordance with ASA Laws, adopt the ASA Child Protection Procedures, shall recognise 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.

2.3.3 Members of the Club shall, in accordance with ASA Laws, comply with the ASA Child Protection Procedures.

2.4 By virtue of the affiliation of the Club to ASA London Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of the following organisations:

2.4.1 ASA London Region,

2.4.2 The Amateur Swimming Association (including the ASA/IOS Code of Ethics),

2.4.3 The Amateur Swimming Federation of Great Britain (including the ASFGB Doping Control Rules and Protocols and ASFGB Disciplinary Code).

2.4.4 FINA and LEN, the world and European governing bodies for the sport of swimming in all its disciplines (including "the Governing Body Rules")

2.5 In the event of any conflict between any rule or by-law of the Club and any of the Governing Body Rules, then the relevant Governing Body Rule shall prevail.

3 Membership

3.1 The total membership of the Club shall not be limited. If, however, it considers that there is good reason to impose a limit from time to time in respect of a particular category of membership, the Committee may do so. The members shall have the right to impose or remove any limit on a particular category of membership.

3.1.1 All persons who assist in any way with the Club's activities shall become members of the Club and hence of the ASA and the relevant ASA membership fee shall be paid. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of the ASA's educational certificates.

3.1.2 Paid instructors, teachers and coaches, who are not members of the Club, must be members of a body which accepts that its members are bound by the ASA's Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and, whilst engaged in activities under the jurisdiction of the ASA, shall be subject to all the constraints and privileges of the Judicial Laws and Rules.

3.2 Any person who wishes to become a member of the Club must submit a signed application to the Secretary. In the case of a Junior applicant, the application must also be signed by the parent or guardian. Election to membership shall be determined by the Committee. Membership shall not be refused in contravention of Rule 2.1.1. The Committee shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee, comprised of not less than two members of the Committee and a Past President of the Club. The Review Panel shall, wherever practicable, include one independent member nominated by Middlesex County ASA. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

3.3 The Club shall consist of 5 membership sections: i. Juniors, ii. Seniors, iii. Overseas, iv. Honorary, v. Masters

3.3.1 Junior members shall be under the age of 18 years on the 31st December in the year of membership.

3.3.2 Senior and Masters members shall be 18 years of age or over on the 1st January in the year of membership.

3.3.3 Overseas members shall be members whose permanent residence is in a country outside Great Britain.

3.3.4 Honorary members shall be persons interested in the Club but they shall not be permitted to actively take part in the competitions of the Club, nor have the right to vote nor to hold office in the Club.

3.3.5 Candidates for any section shall be proposed and seconded by members of the Committee and election confirmed by a two-thirds majority of the Committee considering the application.

3.3.6 Applicants may be admitted provisionally by a Secretary and, subject to confirmation by the Committee, be deemed to have joined the Club as at the date of application.

4 Subscriptions and Other Fees

4.1 The members' subscriptions and/or coaching and/or squad fees shall be determined by the Committee from time to time and in so doing the Committee may make special provision for different squads and/or different classes of membership as it or the Annual General Meeting may determine.

4.2 The members' subscriptions and/or fees shall be due on joining the Club and payable monthly thereafter by Bankers Order. In special circumstances, the Committee may agree to an alternative means of payment.

4.3 Any member whose subscription and/or fees remains unpaid 30 days after the due date may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee, until all outstanding payments are made.

4.4 Any increase in subscriptions and/or fees shall be advised to the members in writing (which includes email or the Club website) and the reasons for such increase shall be reported at the next AGM.

5 Resignation

5.1 A member wishing to resign membership of the Club must give written notice of his resignation to the President, Secretary or Treasurer. A member's resignation shall only take effect when the member has complied with this rule and has paid any outstanding subscription or fees.

5.2 A member whose subscription and/or fees is more than two months in arrears may have his/her membership terminated by the Committee. Where membership is terminated in this way, the member shall be informed in writing, that he/she is no longer a member, by notice handed to him/her or sent by post to his/her last known address.

6 Expulsion and other Disciplinary action

6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him/her to remain a member. In exercising this power, the Club shall comply with the provisions of Rules 6.2 and 6.3

6.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes ("the Guidelines") as they 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.

6.3 A member may not be expelled or (subject to Rule 6.4) be made the subject of any other penalty unless the panel hearing the complaint shall vote by a two-thirds majority in favour of the expulsion or other penalty imposed on the member.

6.4 The Officers of the Club, or any person to whom the Committee shall delegate this power, may temporarily suspend or exclude a member from particular training sessions and/or wider Club activities when, in their opinion, such action is in the interests of the Club. Where such action is taken, the complaint will then be dealt with in accordance with the Guidelines.

7 Committee

7.1 The Committee shall consist of the President, President Elect, Secretary, Assistant Secretary, Membership Secretary, Treasurer, Assistant Treasurer, Men's Water Polo Manager, Women's Water Polo Manager, Junior Water Polo Manager, Masters Swimming Manager, Welfare Officer, Club Captain and three other members. The Welfare Officer shall not be, nor be a relative of, any of the Officers, Coach or any team manager.

7.2 The Committee members, other than the President and President Elect, shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election.

7.3 Committee meetings shall be held not less than quarterly and a quorum shall be five. The President and the Secretary shall have discretion to call further Committee meetings if they consider it to be in the interests of the Club. The secretary shall give all of the Committee members not less than seven days oral or written (including e-mail) 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 an additional vote. The Secretary, or, in his/her absence, a member of the Committee, shall take minutes.

7.4 In the event that a quorum is not present within thirty minutes of the published start time, the meeting shall stand adjourned until a time and date to be determined by the President and Secretary. 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 11.1 shall not apply.

7.5 In addition to the members elected, the Committee may co-opt further members of the Club who shall serve until the next Annual General Meeting. In particular the Committee shall consider co-opting Past Presidents, and/or Life Members. Co-opted members shall be entitled to vote and shall be counted in establishing whether a quorum is present.

7.6 The Committee may, from time to time, appoint from among their members such subcommittees 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 subcommittees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee

7.7 The Committee shall be responsible for the management of the Club and shall have the sole right to appoint and determine the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in these Rules.

7.8 No member under 18 years of age may vote on Committee matters.

7.9 The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.

7.10 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least six years.

7.11 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the ASA Office. The Club shall make an annual return to the ASA in the prescribed form.

7.12 At the discretion of the Committee, a summary of the minutes of Committee meetings shall be circulated to members.

8 The President, President Elect, Vice Presidents, Life Members and Club Captain

8.1 The President shall be nominated by the Committee and elected at the Annual General Meeting.

8.1.2 The President shall hold office for not more than three consecutive years.

8.1.3 The President shall, whenever possible, be Chair of Committee and General Meetings.

8.2 The President Elect, who will be the President to hold office following the present incumbent, shall be nominated, when appropriate, by the Committee taking into account the advice of a meeting of the Past Presidents of the Club. The person so nominated shall be submitted for election at the next Annual General Meeting.

8.3 Vice Presidents, who need not be members of the Club, may be elected at the Annual General Meeting.

8.3.1 Upon election a Vice President shall be an Honorary Member of the Club.

8.4 Life Members, who shall be entitled to all the privileges of Membership, may be elected by the Committee.

8.5 The Club Captain shall be proposed, seconded and elected at the Annual General Meeting and shall hold office until the next Annual General Meeting.

8.5.1 The Club Captain shall not hold office for consecutive years.

9 Annual General Meeting

9.1 The Annual General Meeting of the Club shall be held in March each year. The date shall be fixed by the Committee.

9.2 The purpose of the Annual General Meeting is to transact the following business:

9.2.1 To receive the President's report of the activities of the Club during the previous year,

9.2.2 To receive and consider the accounts of the Club 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 Club,

9.2.3 To remove and elect the independent examiner of the accounts (who must not be a member of the Committee), or confirm that he/she remain in office,

9.2.4 To elect the Executive Officers and other members of the Committee,

9.2.5 To decide on any resolution which may be submitted in accordance with Rule 9.3,

9.2.6 To discuss any other business at the discretion of the Chair.

9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than twenty-one days prior to the date of the Annual General Meeting. The nominee shall be required to indicate in writing on the nomination form, his/her willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than twenty-one days prior to the date of the meeting.

10 Special General Meeting

10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within twenty-eight days of receipt by him of a requisition in writing, signed by not less than twelve members entitled to attend and vote at a General Meeting, stating the purpose(s) for which the meeting is required and the resolutions proposed.

11 Procedure at the Annual and Special General Meetings

11.1 The Secretary shall personally be responsible for handing out or sending to each member at his or her last known address, a written agenda giving 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 Committee posts and a copy of the examined accounts. The Secretary may alternatively, with the agreement of members concerned, distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition, wherever possible, be displayed on the Club Notice Board, where one exists.

11.2 The quorum for the Annual and Special General Meetings shall be twelve members entitled to attend and vote at the Meeting.

11.3 The President or, in his/her absence, a member selected 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 an additional vote. Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 16th birthday shall be entitled to be heard and to vote only on those matters determined by the Chair as matters concerning juniors.

11.4 The Secretary or, in his/her absence, a member of the Committee, shall take minutes at the Annual and Special General Meetings.

11.5 The Chair shall, at all General Meetings, have unlimited authority upon every question of order and, for the purpose of such meetings, shall be the sole interpreter of the Rules of the Club.

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 members present and entitled to vote at the General Meeting. No amendment(s) to the Rules shall become effective until such amendment(s) have been submitted to and validated by such person as is authorised to do so by the ASA London Region.

12.2 Any member shall be entitled to put any proposal for consideration at any General Meeting, provided the proposal has been seconded by another member, is in writing and shall have been handed or posted to the Secretary so as to have been received by him/her

not later than twenty-one days before the General Meeting. The Secretary shall then supply a copy of the proposal to the members in the manner provided in Rule 11.1.

13 By-Laws

13.1 The Committee 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 Club. Such by laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

14 Finance

14.1 All money payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sums above £ 2,000.00 shall be drawn from that account except by cheque signed by two of the three signatories who shall be the President, Treasurer and Assistant Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion, thinks fit.

14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club.

14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club.

14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.

14.5 The financial year of the Club shall be the period commencing on 1st January and ending on 31st December. Any change to the financial year shall require the approval of the members in General Meeting.

14.6 The Treasurer shall provide a statement of the Club's accounts to the Committee at least quarterly and shall provide a Profit and Loss statement, together with a Balance Sheet to the Annual General Meeting.

15 Dissolution

15.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least two-thirds of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.

15.2 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 Club.

15.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities, or other non-profit making organisation having objectives similar to those of the Club, for the furtherance of such objectives, nominated by the last Committee.

16 Acknowledgement

16.1 The members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

The following statement needs to appear on Club membership forms and is to be signed by the member. It must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age.

“I acknowledge receipt of the Rules of West London Penguin Swimming and Water Polo Club and confirm my understanding and acceptance that such Rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these Rules.”