

RULES OF OTTER SWIMMING CLUB ("THE CLUB")

28 OCTOBER 2020

1. Name

- 1.1. The name of the Club shall be OTTER SWIMMING CLUB.
- 1.2. The Headquarters of the Club shall be at such Pools as the Committee shall from time to time decide.

2. Objects

- 2.1. The objects of the Club shall be the teaching, development and practice of swimming, open water, and water polo for its members and shall, where appropriate, be to compete. The Club shall consist of a masters swimming section catering for adult swimmers only and a water polo section catering for both adults and juniors. In the furtherance of these objects:
 - 2.1.1. The Club 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 Club shall implement the Swim England Equality Policy (as may be amended from time to time).
- 2.2. The Club shall be affiliated to Swim England London Region, and shall adopt and conform to the rules of Swim England London Region, and to such other bodies as the Club may determine from time to time.
 - 2.2.1. Any required number of delegates to such associations or bodies, to represent the Club, shall be elected at the Annual General Meeting or at a Special General Meeting, and these Delegates shall, if not already elected, be ex-officio members of the Committee. The Committee may appoint delegates during the year who should be confirmed at the next General Meeting.
- 2.3. The business and affairs of the Club 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 Club shall in accordance with Swim England Regulations adopt Swim England's Child Safeguarding Policy and Procedures ("Wavepower"); and 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 Swim England Regulations comply with Wavepower, save in so far as a Member's activities relate solely to Masters Swimming.
- 2.4. By virtue of the affiliation of the Club to Swim England London Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:
 - 2.4.1. Swim England London Region; and

- 2.4.2. Swim England (to include the Code of Ethics); and
 - 2.4.3. British Swimming (in particular its Anti-Doping Rules and Judicial 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 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 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 Club.
- 3.2. All persons who assist in any way with the Club's activities shall become members of the Club and hence of Swim England and the relevant Swim England 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 Swim England's educational certificates.
- 3.3. 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 Swim England's Code of Ethics, Swim England Regulations relating to Wavepower, those parts of the Swim England 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. The Club shall consist of Junior or Student (in full-time education), Active, Life Members, Honorary Life Members, Non-Active, Country and Temporary Members.
- 3.5. Junior Members must be under 18 years of age when they apply for membership. A Junior Member on passing the Junior age shall come up for election in accordance with 3.12 if desiring to continue as a member.
- 3.6. Active Members permanently residing outside the M25 may apply to be Country Members provided that notice has been given to the Hon. Secretary or Hon. Treasurer.
- 3.7. After having paid ten annual Active subscriptions Members may become Life Members on payment of a compounded fee proposed to the member by the Treasurer with reference to past and future club activity, with subsequent sanction of the Committee, Life Members shall enjoy all the rights and privileges of Active Members.
- 3.8. Any member who has rendered valuable services on behalf of the Club may be recommended by the Committee for election at the Annual General Meeting as an Honorary Life Member. Honorary Life Members shall enjoy all the rights and privileges of Active Members.

- 3.9. Active Members may become Non-Active Members provided that notice has been given to the Hon. Secretary or Hon. Treasurer. Non-Active members shall enjoy all the rights and privileges of Active Members except that they shall not be eligible to hold office (other than that of Hon. Auditor) in the Club; nor shall they be permitted to participate in any of the Club's aquatic activities other than the Synge-Hutchison Challenge Cup and any such other events as may be specially allowed by the Committee. Non-Active Members will be registered with Swim England as non-competitors unless they elect otherwise and pay the registration fee set by the Hon. Treasurer.
- 3.10. Visiting swimmers from overseas or other parts of the UK may be elected to membership on a temporary basis subject to agreement by the Committee. Such members may be eligible to compete in any Club Handicap and represent the Club as appropriate in local, regional or national competitions subject to the regulations governing such events.
- 3.11. The Committee may elect any person who is not already a member of the Club, as an honorary member of the Club for such period as it thinks fit 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 an Officer or on the Committee unless such person shall have registered with the club in the manner described in clause 3.12 paid the appropriate membership subscription fee. Such honorary members must be included in the Club's Annual Return of members to Swim England.
- 3.12. Prospective new members shall be invited to attend a trial session when their swimming and/or water polo abilities shall be assessed against the standards expected of new joiners applicable at that time. Prospective members that meet the expected standards shall then be invited by a swimming or water polo section Captain or Club coach to register for membership of the Club. The Registration Form shall be filled in on the website by the candidate, then forwarded to the Membership Secretary together with the appropriate subscription. Notice shall be sent to each candidate on election. Where a candidate seeks to become a Junior Member the web-site Registration Form shall be completed by the individual's parent or guardian.
- 3.13. The Membership Secretary 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 ("Review Panel") comprised of not less than three members (who may or not be members of the Committee). The Review Panel shall, wherever practical, include one independent member nominated by the Swim England London Region. 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.
- 3.14. In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.
- 3.15. The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute, or, in the

case of an individual being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

- 3.16. No Candidate who has in any way materially infringed the laws of Swim England shall be eligible to join the Club. Any subsequent infringement of this Rule causes a Member, ipso facto, to cease to be a Member of the Club.

4. Subscription and Other Fees

- 4.1. The annual subscription and other fees payable by Active, Junior or Student, Country, Temporary and Non-Active Members shall be at such rates as the Committee shall from time to time determine and shall be published annually and distributed to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting. The fee payable by a Member wishing to become a Life Member shall be at such rates as determined by the Hon. Treasurer with reference to past and future activity and approved by the committee on application by the Member.
- 4.2. The annual subscription and joining fee (if any) shall be due on joining the Club and thereafter on the 1st of January. Fees may be payable in full, or in monthly or quarterly instalments by standing order. New members in their first year of membership shall be liable for a subscription at the prevailing annual rate pro-rated to the month on which they first used the Club facilities. The Committee reserves the right to offer limited free membership trials. Where a free trial has concluded and the trialist becomes a member, the subscription payable by said new member shall be pro-rated to the month they become a member.
- 4.3. Any member whose subscription is unpaid by the date falling 30 days after the due date for payment, whether that be the date on which payment in full was due (where the member has elected to pay in full) or the date an instalment is due, may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made. In such circumstance a member shall not be entitled to compete in any club competition nor represent the club. The Committee shall at its discretion direct that a member who has not paid their subscription or is not paying their standing order and that sum remains unpaid by date falling 30 days from the date it was due, shall cease to be a member of the Club.
- 4.4. When considering the annual subscription rate, the Committee shall, where the Club pays the individual Swim England membership fees to Swim England on behalf of members, include any change in individual Swim England membership fees.
- 4.5. The Committee shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership fees, to address issues of social inclusion.

5. Resignation

- 5.1. A member wishing to resign membership of the Club must give to the Hon. Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2. The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 5.3. Notwithstanding the provisions of Rule 5.1 above, a member whose subscription is more than three months in arrears shall be deemed to have resigned. Where

the membership of a member shall be terminated in this way he/she 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 or by email to his/her last known email address.

- 5.4. The Swim England Membership Department shall be informed should a member resign when still owing money or goods to the Club.
- 5.5. Any former member who has resigned or deemed to have resigned their membership and subsequently wishes to re-join the Club, they shall follow the new member joining procedures current at that time, including payment of the standard joining fee (if any).

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 the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.2. Upon expulsion the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. In exercising this power, the Club is required to comply with the provision of Rules 6.3 and 6.4 below.
- 6.3. The Club shall comply with the relevant Swim England Judicial Regulations for handling Internal Club Disputes Procedures ("the Procedures") as may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration).
- 6.4. A member 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.
- 6.5. 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 incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

7. Committee

- 7.1. The management of the Club shall be vested in the Committee, which shall consist of the President (who will act as Chairman of the Committee), not more than six Vice-Presidents, the Swimming Captains, who will usually be one male and one female representative (should the circumstances require it, these two positions may be replaced with a captain and vice-captain of either gender or a single individual, either male or female, at the Committee's discretion). Captains (men and women) of Water Polo, Hon. Secretary, Hon. Treasurer, Hon. Handicapper, Water Polo Hon. Secretary and up to twelve other Members. The Committee may fill any vacancies which occur during the year and shall appoint such sub-committees for general purposes, the control of Swimming, Water Polo, etc., as it shall deem necessary. All members of the Committee shall be current members of the Club and must be included in the Club's Annual Return of Members to Swim England. Captains shall not hold the Captaincy of any other Swimming or Water Polo Club.

- 7.2. 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.
- 7.3. The Committee shall appoint a member of the Club 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 will have a right to attend Committee meetings without a power to vote.
- 7.4. The Committee shall retire annually and be eligible for re-election. Nominations for Officers and Members of the Committee must reach the Hon. Secretary before notice of the Annual General Meeting is sent out, the consent of each nominee having previously been obtained. Members nominated for any office but not elected shall be eligible for election to the Committee. When a Member vacates the office of President the Member shall be invited to become a Past President and may attend Committee meetings ex officio subject to invitation by the committee.
- 7.5. A committee meeting shall be held at least once every 2 months, and at other such times as the Committee shall find expedient, and five shall form a quorum. The Hon. Secretary shall, where practicable, give seven days' notice of such meetings to Committee Members and mail or email a copy of such notice to the Club Committee.
- 7.6. The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining 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.
- 7.7. The Committee shall make a report of the Club's proceedings and furnish a statement of income and expenditure for the past year; both shall be sent to Members of the Club with the notice calling the Annual General Meeting.
- 7.8. All funds or other properties of the Club shall not be paid to, or distributed among members of the Club, but shall be applied towards the furtherance of the Club's objects or for any charitable purpose as determined by the Committee. In the event of dissolution, the funds remaining may be devoted to objectives similar to those of the Club or to other non-profit making causes approved by the Committee.
- 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 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 insurers in accordance with the Accident/Incident Notification guidelines. The Club 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.

8. Club Colours

- 8.1. The Club colours shall be black, white, dark blue and light blue. First team colours shall consist of a dark blue otter on a light blue rectangular background with dark blue edging within the background. Second team colours shall consist of a dark blue otter on a light blue rectangular background. The Club blazer shall be dark blue or black with Otter buttons with or without a badge consisting of an otter embroidered in silver wire. Members awarded First team colours shall be entitled to add below the embroidered otter the year or years in which such colours were awarded.

9. Annual General Meeting

- 9.1. The Annual General Meeting of the Club shall be held each year on a date to be fixed by the Committee, usually prior to the end of April. The date, time and venue for the Annual General Meeting shall be fixed by the Committee. The Committee shall give the members not less than 14 days' notice of the date of the AGM.
- 9.2. The purpose of the Annual General Meeting is to transact the following business:
- 9.2.1. to receive the Annual 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 (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;
 - 9.2.4. to elect the members of the Committee;
 - 9.2.5. to decide on any resolution which may be duly submitted in accordance with Rule 9.3;
 - 9.2.6. to consider any resolution to change the Rules.
- 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 7 days prior to the date of the 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 7 days prior to the meeting.

10. Special General Meeting

- 10.1. A Special General Meeting shall be called either at the discretion of the Committee or within 21 days of the receipt by them of a written requisition, signed by 12 Members, stating the reasons for which such a Meeting is to be called.

11. Procedure at the Annual and Special General Meetings

- 11.1. The Secretary shall personally be responsible for the handing out or sending to each member at his/her last known address a written agenda giving notice of the date, time and place of General Meetings together with the resolutions to be proposed thereat at least fourteen 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 member(s) 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 15 members entitled to attend and vote at the Meeting.
- 11.3. The President, or in the President'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. For the procedures for submitting resolutions to be considered at a General Meeting, members are referred to Rule 9.3. In the event of an equality of votes the President shall have a casting or additional vote.
- 11.4. 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 vote only on those matters determined by the President as matters concerning juniors, such as the election of club captains.)
- 11.5. The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.6. The President 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 Club.

12. Alteration of the Rules and Other Resolutions

- 12.1. The Rules may be altered by resolution at an Annual General Meeting or Special General Meeting called for that purpose where the notice convening such meeting specifies the alterations proposed, 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) shall have been submitted to and validated by such person as is authorised to do so by the Swim England London Region.

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 wellbeing of the Club and to settle disputed points arising from the Rule. 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 monies payable to the Club shall be received by the Treasurer, either by cheque or cash and deposited in a bank account in the name of the Club or by direct bank transfer into a bank account in the name of the Club. No sum shall be drawn from that account except by bank transfer authorised/made by the Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 14.2. Amounts due for payment should be approved by another member of the Committee or other such authorised individual (such as pool liaison officer) as part of the system of controls and segregation of duties for club expenditure. Such expenditure should be in line with the agreed budget for the year. Additional one-off or recurring expenditure above £500 should be discussed and authorised by the Committee.

- 14.3. 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, (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 Club and to any other person or persons for services rendered to the Club.
- 14.5. The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.6. The financial year of the Club shall be the period commencing on 1 January and ending on 31 December. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.7. The Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.

15. Borrowing

- 15.1. The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion up to such limits on borrowing as may be laid down from time to time by the General Meeting for the general upkeep of the Club 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 sum 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 Club.
- 15.3. The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16. Property

- 16.1. The property of the Club, other than cash at the bank and investments held on the Club's behalf, shall be held by not less than two but not more than four Custodians. The property of the Club shall include, for example only and without exclusion, the trophies of the Club not distributed to trophy winners, and the Archive. They shall deal with the property as directed by resolution of the Committee 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 Club 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 Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

- 17.1. A resolution to dissolve the Club shall only be proposed at a Special 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 Club.
- 17.3. 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 objects similar to those of the Club for the furtherance of such objects) nominated by the last Committee.

18. Memorial Fund

- 18.1. The Club has established the Memorial Fund. This fund is open to Members, their relatives or friends, to perpetuate the memory of an Otter and shall form an Endowment Fund, and the names of any such Otters shall appear in the Otter Handbook under such heading. The Fund is open to members who wish to donate capital to the club without specific attribution. The interest from this Fund may be used for Club purposes. There shall be no expenditure of the Capital of the Fund except by a resolution passed by a two-thirds majority of those present and voting at a Special General Meeting. This Fund shall be vested in two nominees approved by the Committee.

19. Acknowledgement

- 19.1. The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.
- 19.2. The following statement must appear on Club membership/registration forms. The member on completion of the forms must certify that they accept the below statement, save where the member is under 18 in which case the parent or guardian must certify on behalf of the member:
"I acknowledge receipt of the rules of Otter Swimming 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."