



**CONSTITUTION AND RULES FOR  
KERNOW ARTISTIC SWIMMING CLUB,  
A COMMUNITY AMATEUR SPORTS CLUB (“C.A.S.C.s”)**

## **RULES of Kernow Artistic Swimming Club ("Club") as at 28th March 2023.**

### **1. Name**

1.1 The name of the Club shall be "Kernow Artistic Swimming Club".

### **2. Objects**

2.1 The object of the Club is the teaching, development and practice of Artistic Swimming, to provide facilities for and to promote participation in the amateur sport of Artistic Swimming in St Austell, Cornwall and surrounding area.

2.1.1 The Club is committed to treat everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply or 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 South West Limited and shall adopt and conform to the rules of Swim England South West Limited, and to such other bodies as the Club may determine from time to time.

2.3 The business and affairs of the Club shall always 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 the Swim England 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.

2.4 By virtue of the affiliation of the Club to Swim England South West Limited, the Club and all members of the Club acknowledge that they are subject to the rules and constitutions of:

2.4.1 Swim England South West Limited; and

2.4.2 Cornwall County ASA; and

2.4.3 Swim England (to include the Code of Ethics); and

2.4.4 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and

2.4.5 LEN, the European governing body for the aquatic sports; and

2.4.6 World Aquatics, the world governing body for the aquatic sports

(hereinafter defined as "Rules of a Governing Body")

2.5 If 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.

2.6 In the event of any conflict between the rules of the Governing Body and the statutory requirements for C.A.S.C.s (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002), the statutory requirements for C.A.S.C.s shall prevail.

### **3. Membership**

3.1 Membership of the Club shall not normally be limited and be open to anyone interested in the sport on application regardless of sex, gender identity, age, disability, race or ethnic origin, sexual orientation, religion or other beliefs, maternity or pregnancy except as a necessary consequence on the requirements of the sport of artistic swimming. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.

3.2 Club membership consists of four parts all or some of which may have annual fees. The four parts with applicable fees to be paid by the due date are Club, County, Region and Swim England membership. The Club may have different classes of membership and subscription on a non-discriminatory and fair basis.

3.3 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.

3.4 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 Swim England Code of Ethics, Swim England Child Safeguarding Regulations, Wavepower and those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.

3.5 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be determined by the Membership Officer but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability. The Club application process should be able to view either online or via a paper format.

The Membership Officer 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 no member of which will have been involved in the initial decision. The Review Panel shall [wherever practicable] include one independent member nominated by the Swim England South West Limited. 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.

3.6 Admission to membership shall be determined by the Club's agreed process. 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. Neither may refusal be made on the grounds of political persuasion.

3.7 The Club Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal or removal may be made to the members.

3.8 Membership is not transferable. This includes the transfer of membership rights from a child under 18 years of age to a parent or guardian.

#### **4. Subscription and Other Fees**

- 4.1 The annual members subscription and coaching and club fees (as applicable) shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1<sup>st</sup> day of September each year.
- 4.3 The Club shall inform all members of the fees payment structure and whether annual fees are paid in full or via an appointed scheme. Any member whose fees are unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England Membership Fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting. The Committee will endeavour to keep said subscriptions and other fees at levels which will not prevent people from joining.
- 4.5 The Executive Officers (or 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 Secretary written notice of his/her resignation via post or electronic means.
- 5.2 A member whose subscription is more than two months in arrear 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.
- 5.3 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 and must immediately return any Club or external body's property.
- 5.4 The Swim England membership department and the relevant Swim England Region shall be informed should a member resign when still owing money or goods to the Club.

#### **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 to be refunded and must return any Club or external body's trophy or trophies held forthwith.
- 6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes as the same may be revised from time to time. (A copy of the current Rules may be obtained from the website 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. An appeal against such a decision may be made in accordance with Rule 3.5.

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.

6.6 Swim England shall have power to temporarily suspend members or suspend members for a specified term in accordance with Judicial Regulations and Child Safeguarding Regulations as the same may be revised from time to time.

## **7. Committee**

7.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together “the Executive Officers of the Club”) and 3 elected members all of whom must be members of the Club. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.

7.2 The Club 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 shall not be related to or in a relationship with any one of the ‘Executive Officers of the Club’ or the Club’s Coaches or Teachers.

7.3 The Welfare Officer will have a right to attend Committee meetings without a power to vote. Attendance at meetings will be for the purpose of sharing or addressing matters relating to Welfare.

7.4 The Executive Officers and Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Executive Officers and members of the Committee shall be eligible for re-election.

7.5 Committee meetings shall be held not less than quarterly (save where the Committee 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 Committee members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than two days oral or written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his/her absence a member of the Committee, shall take 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 Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 10.4 shall not apply.

7.7 In addition to the members so elected the Committee may co-opt up to 5 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.

7.8 The Committee may from time to time appoint from among their number such sub-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 Committee as the Committee

may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.

- 7.9 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.
- 7.10 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 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 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. A copy of entries should be kept for a period of six years or in respect of an injury to a child they should be kept for six years after they attain 18 years of age.
- 7.12 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.

## **8. Officers and Honorary Members/Life Members**

- 8.1 The Annual General Meeting of the Club, if it thinks fit may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Club on election but shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members to Swim England.
- 8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's annual return as to membership.
- 8.3 Once created by the Committee, honorary and/or Life membership categories may only be removed (notwithstanding that persons may hold these categories of membership) at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.
- 8.4 A minimum of 21 days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary and/or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting.
- 8.5 Where the effected holder or holders of the honorary and/or Life membership do not attend or are unable to attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by show of hands OR secret ballot.

## **9. Annual General Meeting**

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in October. The date, time and venue / online option for the Annual General Meeting shall be fixed by the Committee and notified to members at least 30 days in advance.
- 9.2 For the purpose of participation in voting at an Annual General Meeting of the Club, all persons shall have been a member as at the membership deadline day which is the date of closure of nominations and submission of proposals.

- 9.3 The purpose of the Annual General Meeting is to transact the following business:
- 9.3.1 to receive the Chairman's report of the activities of the Club during the previous year;
  - 9.3.2 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;
  - 9.3.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office;
  - 9.3.4 to elect the Executive Officers and other members of the Committee;
  - 9.3.5 to decide on the dissolution of existing honorary and/or Life membership categories;
  - 9.3.6 to decide on any resolution which may be duly submitted in accordance with Rule 9.6.
  - 9.3.7 to elect or reaffirm the Custodians of the Club
- 9.4 For the Annual General Meeting the Secretary shall be responsible for sending to each member at his/her last known postal or electronic address a written agenda giving notice of the date, time and venue of the General Meeting no later than 28 days prior to the published date. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 9.5 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 10<sup>th</sup> September. 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 10<sup>st</sup> September.
- 9.6 Any member] \* OR \* [Such number of members as represent one-tenth in number of the members entitled to vote at a General Meeting] shall be entitled to put any proposal for consideration at an Annual General Meeting provided the proposal in writing is received by Secretary not later than 21 days prior to the published date of the meeting.
- 9.7 No less than 14 days before the published meeting date, together with the resolutions to be proposed, a list of the nominees for the Committee posts and a copy of the examined accounts will be circulated to all Club members.

## **10. Special General Meeting**

- 10.1 A Special General Meeting may be called at any time by the Committee at a committee meeting.
- 10.2 A Special General Meeting shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than 7 members entitled to attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed.
- 10.3 For the purpose of participation in voting at a Special General Meeting of the Club, all persons shall have been a member as at the membership deadline day which is the date that the requisition for the meeting was made by the Committee or members.
- 10.4 In the case of a Special General Meeting the Secretary shall be responsible for sending to each member at his/her last known postal or electronic address a written agenda giving notice of the date, time and venue no

later than 21 days prior to the date agreed by the Committee following the requisition submitted stating the purposes for which the meeting is required and the resolutions proposed.

## **11. Procedure at the Annual and Special General Meetings**

- 11.1 The Committee can decide to hold the Annual or Special General Meeting virtually, using such electronic and video technology as it sees fit.
- 11.2 The quorum for the Annual and Special General Meetings shall be 7 members entitled to attend and vote at the Meeting or, if greater, such number as represents one-tenth in number of such members.
- 11.3 The Chairman, or in the Chairman'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 Chairman shall have a casting or additional vote.
- 11.4 Only paid up members who have reached their 16<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 16<sup>th</sup> birthday shall be entitled to be heard and vote only on those matters determined by the Chairman 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 appointed 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 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, provided that nothing in such alterations shall prejudice the Club's status as a Community Amateur Sports Club under existing statutory requirements. 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 South West Region Ltd.

## **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 which by-laws providing that nothing in such alterations shall prejudice the Club's C.A.S.C. status under existing statutory requirements. Repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

## **14. Finance**

- 14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club.
- 14.2 No sum shall be drawn from that account except by cheque signed by two of the three signatories who shall be the Chairman, Secretary and Treasurer. With online bank payments one signatory will set up the online banking payment and another signatory will approve and submit the payment. There will be three signatories on the account, but the online payment process will need two to make any payments via online banking, the same as if a cheque is written out. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.



- 14.3 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid directly or indirectly, overtly or covertly by way of bonus, dividend or profit to any members of the Club or third parties other than other community or sports Clubs or charities, (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.
- 14.5 The financial year of the Club shall be the period commencing on 1<sup>st</sup> September and ending on 31<sup>st</sup> August. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The funds of the Club cannot be used for the direct or indirect private benefit of its members other than as reasonably allowed by this Rule.

## **15. Borrowing**

- 15.1 The Committee may not borrow money on behalf of the Club without agreement to revise this constitution to state otherwise.

## **16. Property**

- 16.1 The property of the Club, 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 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.
- 16.4 The property of the Club cannot be used for the direct or indirect private benefits of its members other than as reasonably allowed by this Rule.
- 16.5 The Club may provide sporting and related social facilities, Club sporting equipment, coaching, courses, insurance cover, medical treatment, reasonable away-competition expenses, post competition refreshments and other ordinary benefits of C.A.S.C.s.

The Club may also in connection with the sports purpose of the Club:

- a. Sell and supply food, drink and related sports clothing and equipment;
- b. Employ members (though not for competing nor current Committee Members) and remunerate them for providing goods and services, on fair terms set by the Committee without the person concerned being present;
- c. Pay for reasonable hospitality for visiting teams and guests; and
- d. Indemnify the Committee and members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets.)

## **17. Winding Up**

- 17.1 The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened General Meeting.

- 17.2 Committee will then be responsible for the orderly winding up of the Club's affairs.
- 17.3 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.
- 17.4 Upon dissolution of the Club any remaining assets shall be given or transferred to another registered CACS, a registered charity or Swim England for use by them in related community sports.

**18. Priority**

- 18.1 Interpretation of all the Rules must be consistent with the statutory requirements for C.A.S.C.s.

**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 This constitution must be readily available to all club members. This may be via posting on the Club website or shared with members annually at time of membership renewal.

***The following statement needs to appear on Club membership forms and is to be signed by the member and 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 Kernow Artistic 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.***