

## **CONSTITUTION OF THE JERSEY LONG DISTANCE SWIMMING CLUB**

### **1. Name**

- 1.1 The name of the Club shall be Jersey Long Distance Swimming Club. **Hereinafter referred to as the JLDSC.**
- 1.2 **The JLDSC is incorporated under Article 4 of the *Loi (1862 sur les teneures en fideicommis et l'incorporation d'associations.* (Hereinafter called "the 1862 Law").**

### **2. Objects**

- 2.1 The objects of the Club shall be the development and practice of long distance swimming in open water for its members. In the furtherance of these objects:
- 2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.
- 2.1.2 The Club shall implement the Swim England Equality Policy.
- 2.2 The Club shall be affiliated to Swim England South East Region, and shall (save as is contrary to this Constitution) adopt and conform to the rules of Swim England South East Region and to such other bodies as the Club may determine from time to time. The club will also be affiliated to the British Long Distance Swimming Association and other associations that may benefit the club.
- 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.
- 2.4 By virtue of the affiliation of the Club to Swim England South East 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 South East 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 These rules have been approved by Swim England South East Region as meeting the requirements of the Sports Governing Body as set down in the Model Club Constitution. Where any rules are in conflict with the laws and rules of the States of Jersey, then the laws and rules of the States of Jersey must prevail. In the event that Sports Governing Body rules change in the future, these club rules will be reviewed and if necessary, amended in accordance with rule 15 and re-approved by Swim England South East Region.

### **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. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.
- 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.
- 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 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.

- 3.2 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 Committee. 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 ("Review Panel") comprised of not less than three members (who may or may not be members of the Committee). The panel shall [wherever practicable] include one independent member nominated by the Jersey 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

The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation. 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 a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

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

- 4.1 The annual members' subscription and coaching and squad 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 by the 31st day of January each year.
- 4.3 Any member whose subscription is unpaid by the date will 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 ~~ASA~~ 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.
- 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 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.
- 5.4 The Swim England Membership Department 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 him 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. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.

- 6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures ("the Procedures") as the same may be revised from time to time. (A copy of the current 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 complaint will thereafter be dealt with in accordance with the appropriate Judicial Rules and Regulations.

## **7 Committee**

- 7.1 The Committee shall consist of the President, two Vice-Presidents, Secretary, Treasurer (together "the Executive Officers of the Club") and a minimum of three and a maximum of six elected members all of whom must be members of the Club. The club shall have a Welfare Officer. Provided there are a minimum of five Committee Members over the ages of 18 years other Committee members may be of any age, those of 18 years of age and over will have power to vote and count for the quorum.
- 7.2.1 The position of President shall be proposed and seconded by the Committee members and the nominations will then be put to the AGM for a vote and their selection confirmed at an AGM. Positions can remain vacant.
- 7.2.2 The term of office for President shall last for three years once the President has been elected by the membership at the Annual General Meeting. They may serve a further term of three years before vacating office. After a further period of three years they can be re-elected. An outgoing President may serve as a member of the Committee after his or her term of office is completed.
- 7.2.3 The Committee members (excluding President) 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 from the membership. Any member who is elected to fill the vacancy shall retire at the next Annual General Meeting and will be eligible for re-election. Retiring members of the Committee shall be eligible for re-election. (See also 8.1)
- 7.3 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 five (to include not less than one Executive Officer). The President 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 President (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his 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, 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 11.1 shall not apply
- 7.5 In addition to the members so elected the Committee may co-opt up to two 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.
- 7.6 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.
- 7.7 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 any 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 this Constitution.
- 7.8 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.
- 7.9 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. Officers and Honorary Members**

- 8.1 The Executive Officers (excluding President) and Committee of the Club 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 from the membership. Any member who is elected to fill the vacancy shall retire at the next Annual General Meeting and will be eligible for re-election. Retiring officers shall be eligible for re-election.
- 8.2 The Committee may elect any person 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 officers or on the Committee unless any such person shall have retained in addition his ordinary membership of the Club. Such honorary members must be included in the Club's annual return as to membership.

## **9 Annual General Meeting**

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in November. The date for the Annual General Meeting 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 (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 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 duly submitted in accordance with Rule 9.3.
- 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 21 days before the AGM. The nominee shall be required to indicate in writing on the nomination form his 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 21 days before the AGM.

## **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 28 days of receipt by him of a requisition in writing signed by not less than 7 members entitled to attend and vote at a General Meeting, 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 Secretary shall personally be responsible for the handing out or sending to each member at his 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 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. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by email 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 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 President, or in his 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.

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. 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.)

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

## **12 Dissolution**

The JLDSC may be dissolved by a Resolution passed at a General Meeting and in the case of dissolution the property of the JLDSC shall be disposed of as the majority of member's present resolve. Such resolution may give instructions for the disposal of any assets held by or in the name of the JLDSC, provided that if any property remains following the satisfaction of all debts and liabilities, such property shall not be paid or distributed among the members of the JLDSC, but shall be given or transferred to such other institution or institutions having objects similar to the objects of the JLDSC, approved by the Royal Court pursuant to an application in accordance with Article 10 of the 1862 Law.

## **13. Indemnity**

- 13.1 Every member of the JLDSC shall be indemnified by the JLDSC against all costs, losses and expenses which he or she may reasonably incur in the discharge of his or her duties.
- 13.2 No member of the JLDSC shall be liable for any loss arising to the JLDSC unless as a result of his or her fraud, wilful misconduct or gross negligence.

## **14. Representation**

The President or failing him or her a Vice President shall represent the JLDSC before the Royal Court of Jersey and before all Courts and Tribunals whatsoever, for the purposes of Articles 4, 5 and 12 of the 1862 Law or otherwise.

## **15. Alteration to Constitution and Other Resolutions**

No amendment of this Constitution shall be made except by resolution at a 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) shall have been submitted to and validated by such person as is authorised to do so by Swim England South East Region. Any such amendment shall subsequently be sanctioned by the Royal Court according to the provisions of the Law before it takes effect.

Any member entitled to attend and vote at a General Meeting shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 21 days before the Annual General Meeting or, in the case of a Special General Meeting, 18 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

## **16. By-Laws**

- 16.1 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 which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

## **17. Finance**

- 17.1 All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum above such sum as approved by all of the Committee from time to time shall be drawn from that account except by cheque signed by two of the three signatories who shall be the President, Secretary and Treasurer. Any monies not required

- for immediate use may be invested as the Committee in its discretion think fit.
- 17.2 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, (save as set out in Rule 12.).
- 17.3 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.
- 17.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 17.5 The financial year of the Club shall be the period commencing on 1st November and ending on 31<sup>st</sup> October.
- 17.6 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.

**18. Borrowing**

- 18.1 The Committee will not borrow money on behalf of the Club for the purposes of the Club.

**19. Property**

- 19.1 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.
- 19.2 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.
- 19.3 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.

**20. Acknowledgement**

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