

The Deva Swimming League - Constitutional Rules 2010

Rule 1 Name

1.1 The name of the organisation shall be **The Deva Swimming League**. Here by known as the League below

Rule 2 Definition

2.1 The League is available to all clubs within a 40 mile radius of Chester

Rule 3 Aims

- 3.1 The Aims of the League shall be to:-
- 3.1.1 Carry out the aims and objectives of the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association falling within the jurisdiction of the league.
 - 3.1.2 Obey and enforce the laws, regulations, rules and rulings of the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association within its jurisdiction.
 - 3.1.3 Manage the sport of swimming throughout the league.
 - 3.1.4 Promote and encourage the knowledge and the practice of the discipline of Swimming, by means of championships and competitions.
 - 3.1.5 Develop the sport of swimming in all ways possible.
 - 3.1.6 Produce and implement policies to carry out other activities relevant to the League.
 - 3.1.7 Raise public awareness of the sport and stimulate public opinion in favour of providing suitable accommodation and facilities.

Rule 4 Objectives

- 4.1 In the furtherance of the aims of the League the following objectives shall be undertaken:-
- 4.1.1 The League is committed to treat everyone equally within the context of their activity, regardless of age, sex, ethnic origin, religion or political persuasion.
 - 4.1.2 The League shall implement the Amateur Swimming Association Equal Opportunities policy.
 - 4.1.3 All persons and clubs affiliated to the League shall consent to be bound whilst engaged in any activity of the League by the Amateur Swimming Association Code of Ethics, the Amateur Swimming Association Laws and Regulations relating to Safeguarding Children and those parts of the Amateur Swimming Association Judicial Laws, Regulations and procedures necessary for their implementation.
 - 4.1.4 All persons and clubs affiliated to the League whilst engaged in activities under the jurisdiction of the League shall be subject to all the constraints and privileges of the Amateur Swimming Association Judicial Laws and Regulations.
- 4.2 The League shall be affiliated to the ASA North West Region and to the Cheshire County Water Polo and Swimming Association and shall adopt and conform to the rules of those Associations and to such other bodies as the League may determine from time to time
- 4.3 The business affairs of the League shall at all times be conducted in accordance with the Constitutional Laws of the Amateur Swimming Association, the Judicial Laws and Regulations and the Technical Rules of the Amateur Swimming Association and in particular:-
- 4.3.1 All members of the League shall be members of a club affiliated to the League.
 - 4.3.2 All clubs who are members of the League shall be affiliated to the ASA, to the ASA North West Region and to a County Association
 - 4.3.3 All competing members shall be eligible competitors as defined in the Amateur Swimming Association Laws and Regulations
 - 4.3.4 All competitors shall comply with the Competition conditions of the League and the Amateur Swimming Association.
- 4.4 To promote and develop the aquatic discipline of Swimming through the implementation of:-
- 4.4.1 A League Development Plan.
 - 4.4.2 Partnership agreements with appropriate bodies, organisations, and external agencies.
- 4.5 By virtue of the affiliation of the League to the Cheshire County Water Polo and Swimming Association all members of the League shall acknowledge that they are subject to the laws and rules of:-
- 4.5.1 The Cheshire County Water Polo and Swimming Association.
 - 4.5.2 The Amateur Swimming Association North West Region.
 - 4.5.3 The Amateur Swimming Association, to include the Amateur Swimming Association / Institute of Swimming Code of Ethics.
 - 4.5.4 The British Swimming Doping Control Rules and Protocols and the British Swimming Disciplinary Code.
 - 4.5.5 FINA the world governing body for the sport of swimming and all its disciplines, together with the Governing Body Rules.
- 4.6 In the event that there shall be a conflict between any rule or by-law of the League and any Governing Body Rules then the relevant Governing Body Rules shall prevail.

Rule 5 Powers and Responsibilities of the League

- 5.1 **In general the League shall:-**
- 5.1.1 Manage the sport of swimming throughout the League subject to the strategic direction of the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association.
 - 5.1.2 Observe, obey and enforce the laws and the judicial and technical rules and regulations of the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association within its jurisdiction.
 - 5.1.3 Follow and implement the resolutions and rulings of the Amateur Swimming Association Council and the decisions of the Board of the Amateur Swimming Association, of the Amateur Swimming Association North West Region and of the Cheshire County Water Polo and Swimming Association and ensure they are followed within its jurisdiction.
 - 5.1.4. Be accountable to the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association for the proper discharge of its duties and functions.
 - 5.1.5 Produce, maintain and implement such plans based on the strategic criteria set by the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association and in such a form as they may from time to time require.
 - 5.1.6 Make available to the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association such information and reports as they may require, at a time and in a format

The Deva Swimming League - Constitutional Rules 2010

- specified by them.
- 5.1.7 Elect the requisite number of delegates to the Council Meeting and any Special Council Meeting of the Cheshire County Water Polo and Swimming Association and any other body, organisation, or association to which the League is affiliated as required.
 - 5.1.8 Produce and issue as required Constitutional Rules for the League and operate on the basis of an appropriate constitution which shall:-
 - 5.1.8.1 Be issued and reviewed from time to time by the Amateur Swimming Association and the Amateur Swimming Association North West Region.
 - 5.1.8.2 Contain any mandatory provisions in respect of any parts of the governance and administration of the League received from the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association
 - 5.1.8.3 Contain recommended provisions in respect of the other parts of the governance and administration of the League and any other matter appertaining to the League received from the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association.
- 5.2. **In relation to its administration and Finance the League shall:-**
- 5.2.1 Determine the uses to which its funds are allocated within the strategic criteria set by the Amateur Swimming Association, the Amateur Swimming Association North West Region, the Cheshire County Water Polo and Swimming Association and the League.
 - 5.2.2 As required, set up and implement a Business Plan including a budget indicating the source of the required funding and how it will be spent, based on the strategic criteria set by the Amateur Swimming Association, the Amateur Swimming Association North West Region, the Cheshire County Water Polo and Swimming Association and the League.
 - 5.2.3 As required, set up and implement a Development Plan based on the strategic criteria set by the Amateur Swimming Association, the Amateur Swimming Association North West Region, the Cheshire County Water Polo and Swimming Association and the Association
 - 5.2.4 Have the authority to set the League affiliation and membership fee due from each of the clubs affiliated to it.
 - 5.2.5 Administer, as required, the operation and membership process and the collection and transfer, where applicable, of fees for the League
- 5.3. **In relation to its Accountability the League shall:-**
- 5.3.1 As required from time to time, submit its Business and Development Plans to the Cheshire County Water Polo and Swimming Association and to the Amateur Swimming Association North West Region or its nominated agents for information and approval.
 - 5.3.2 Keep accounts and a balance sheet showing its income and expenditure against the budget as set in its Business Plan.
 - 5.3.3 As required report to the Cheshire County Water Polo and Swimming Association and the Amateur Swimming Association North West Regional Management Board, in such a form as it may from time to time require on its:-
 - 5.3.3.1 Activities and any issues arising there from
 - 5.3.3.2 Financial Statements
 - 5.3.3.3 Performance against its Development Plan

Rule 6 Affiliations and Membership

- 6.1. The total membership of the League shall not normally be limited. If however the Management Committee considers that there is good reason to impose any limit from time to time the Management Committee shall put forward appropriate proposals for consideration at an Annual or a Special General meeting of the League. The members of the League shall have the right to recommend to the Management Committee that limits should be placed on or removed from total membership, or any category of membership.
- 6.2. The League shall affiliate those clubs who are affiliated to either the Amateur Swimming Association or Welsh Amateur Swimming Association who have their headquarters within 40 mile radius of Chester
- 6.3. The membership of the League shall consist of
- 6.3.1 Clubs that are affiliated in accordance with Rule 6.2.
 - 6.3.2 Individual position holders consisting of League Officers and other designated position holders, as decided, from time to time by the Committee. All holders of individual positions shall be members of an affiliated club and shall not be less than eighteen years of age.
- 6.4. Any club wishing to become a member of the League must submit a written application to the Secretary. Election to membership shall be proposed by one club and seconded by a second different club and determined by the members at a general meeting of the membership. Any other affiliated club or individual may make recommendation as to the applicant's acceptability.
- The League shall be required to give reasons for the refusal of any application for membership. Any club refused membership may seek a review of this decision before a Review Panel appointed by the Committee comprised of not less than three members, who may or may not be members of the Committee. The Review Panel shall wherever practicable include one independent member. The club 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.
- 6.5. The League 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 League may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the League or the sport into disrepute or being unable to achieve the required performance entry standards laid down and provided by the League to the applicant for membership.
- 6.6. All membership shall be renewed on an annual basis through the process of reapplication not later 1st March
- 6.7. Any member elected as a League Officer whose club is affiliated to the Welsh Amateur Swimming Association shall have appropriate membership of the Amateur Swimming Association paid by the league for the duration of the term of office.

The Deva Swimming League - Constitutional Rules 2010

Rule 7 Affiliation and Other Fees

- 7.1 The Management Committee shall, from time to time, have the power to propose to the Annual General meeting or any Special General Meeting called for that purpose, the Annual affiliation or membership and other fees. The Management Committee shall in so doing make special provision for different classes of membership as the Annual General Meeting or Special General meeting shall decide
- 7.2 The annual affiliation fee shall be due on joining the League and thereafter on the 1st day of April each year.
- 7.3 Any club whose affiliation fee is unpaid, falling 30 days after the due date for payment may be suspended by the Management Committee from some or all league activities from a date to be determined by the Management Committee and until such payment is made.
- 7.4 The League Officers shall have the power in special circumstances to remit the whole or part of the fees to address issues of special need or significance.

Rule 8 Suspensions and Resignation

- 8.1 Any club not having paid its return of club membership to the Amateur Swimming Association, or Welsh Amateur Swimming Association, or paid its liabilities to the it's Region, to its County Association and to the League by the 1st August shall be suspended with immediate effect, by the Management Committee, from all League activities, until such time as those liabilities are discharged. The Secretary of the League shall notify the club in writing.
- 8.2 A member of a club, that has not paid their liabilities to the Amateur Swimming Association, or Welsh Amateur Swimming Association, or paid their liabilities to the it's Region, to their County Association by the appropriate date shall not be allowed to compete for that club during the period of suspension in any open competition held by the League
- 8.3 Any club not having paid its liabilities to the Amateur Swimming Association, or Welsh Amateur Swimming Association, to its Region or to its County Association or to the League by the 1st August shall be deemed to have resigned.
- 8.4 Where the membership of a club shall be terminated in accordance with Rule 8.3 the club shall be informed in writing that the club is no longer a member of the League.
- 8.5 Any club resigning from affiliation of the Amateur Swimming Association or Welsh Amateur Swimming Association, or to its Region shall be deemed to have resigned from membership of the League.
- 8.6 A club wishing to resign from the League shall give notice to that effect in writing before 1st March to the Secretary or it shall be held responsible for its League affiliation fee for the current year.

Rule 9 Expulsions and Other Disciplinary Action

- 9.1 If a complaint is made or is received by the League expressing dissatisfaction with the actions or behaviour of an individual person, member or club that is an alleged breach of ASA Law it shall be passed to the ASA for considered under the Judicial Laws and Regulations of the Amateur Swimming Association.
- 9.2 In the case of an internal dispute between any individual members or clubs affiliated to the League, when referred to the League for consideration, the League shall adopt and comply with requirements and procedures of the Amateur Swimming Association Judicial Rules and Regulations for handling Internal Disputes as the same may be revised from time to time.
- 9.3 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the League for the club or individual to remain a member. The League in exercising this power shall comply with the provisions of Rules 9.4 and 9.5 below.
- 9.4 Upon expulsion the former member shall not be entitled to have any part of the annual affiliation or membership fee to be refunded and must return any league trophy or trophies held forthwith.
- 9.5 A member may not be expelled or, subject to Rule 9.5 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.
- 9.6 The Officers of the League, or any person to whom the Committee shall delegate this power, may temporarily suspend or exclude a member from particular sessions and/or wider league activities, when in their opinion, such action is in the interests of the league. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate ASA Judicial Rules and Regulations.
- 9.7 The Officials in charge of a particular event shall be responsible for the discipline. If further action is required this is to be referred to the Internal Disputes procedures as laid down in ASA Judicial Laws and Regulations

Rule 10 Finance

- 10.1 All monies payable to the League shall be received by the Treasurer and deposited in a bank account in the name of the League. No sum shall be drawn from the account except by cheque signed by two signatures. The signatories being elected at the AGM or appointed by the Committee. Any money not required for immediate use may be invested as the Committee in its discretion think fit.
- 10.2 The income and property of the League shall be applied only in furtherance of the aims and objectives of the League and no part thereof shall be paid by way of bonus, dividend or profit to any members of the League or to an external agency except as set out in Rule 21.2 Dissolution.
- 10.3 The Management Committee shall have the power to authorise the payment of remuneration and expenses to any Officer, member or employee of the League and to any other person or persons for services rendered to the League.

The Deva Swimming League - Constitutional Rules 2010

- 10.4 The Treasurer shall record the financial transactions of the League in such a manner, as the Executive Committee think is appropriate.
- 10.5 The financial year of the League shall be the period commencing on 1st January and ending 31st December. Any change to the financial year shall require the approval of the Annual General meeting.
- 10.6 The Committee shall not be allowed to borrow money on behalf of the League for any purpose of the league.

Rule 11 Governance

- 11.1 There shall be two levels of governance of the League
- 11.1.1 The Annual General Meeting of the membership
 - 11.1.2 The Annual Council Meeting of the membership
- 11.2 A person who is not a member of a club affiliated to the League shall not be permitted to be nominated, elected or appointed as a delegate, Committee member, officer or to any other position which carries the right to vote at any level of governance of the League.

- 11.3 The Officers of the League shall be the Chair, the Treasurer and the Secretary
- Note *Officers and Delegates Votes*

It is a common requirement of many leagues and Local Swimming Associations that the individuals attending a General meeting are delegates elected by the club they represent. However, once they are elected to the position of Chairman, Secretary, Treasurer, Welfare Officer, Competition Secretary etc they cease to be a delegate as they are no longer representing the club but are officers of the League and should act as representatives of the league. As the league officials are members of the AGM in their own right the club is then required to appoint another person to be their delegate to the meeting. The voting conditions at a General meeting allow each officer and each delegate one vote and the Chairman an additional or casting vote. Once a person has been elected to a position as a league official they cannot represent a club at the same time as it results in a conflict of interest between the interests of the league and the interests of the club.

Rule 12 Annual General Meeting

- 12.1 The Annual General Meeting of the Association shall be held in the month of March.
- 12.2 The Management Committee shall fix the date, the time and the venue of the Annual General Meeting, which shall be notified to clubs with the notice convening the meeting.
- 12.3 **The membership of the Annual General Meeting of the League shall consist of**
- 12.3.1 The Chairman
 - 12.3.2 The Secretary
 - 12.3.3 The Treasurer
 - 12.3.4 The delegates of the affiliated clubs.
- 12.4 **Representation to the Annual General Meeting:**
- 12.4.1 Each club affiliated to the League shall be entitled to representation at the Annual General Meeting by one delegate.
 - 12.4.2 A delegate shall be appointed by the club they represent
 - 12.4.3 The Secretary of the club, or other person authorised so to do, shall notify the Secretary of the League that the delegate is a bona fide member of the club and has been duly appointed a delegate to any General Meeting of the League.
 - 12.4.4 A delegate shall only be permitted one vote, irrespective of the number of clubs, they may represent.
 - 12.4.5 Proxy voting shall not be allowed at any Meeting of the League
- 12.5 **Quorum**
- The quorum for the Annual General Meeting or any Special General Meeting shall be six members entitled to attend and vote at the meeting, which must contain not less than one Officer of the League.
- 12.6 **Responsibilities of the Annual General Meeting,**
- The Annual General Meeting shall have responsibility to:-
- 12.6.1 Deal with any matters of governance according to the rules of the League.
 - 12.6.2 Oversee the work of the Management Committee and to receive its reports and accounts.
 - 12.6.3 Abide by the standing orders for its conduct.
 - 12.6.4 Consider and decide on any proposed additions or alterations to, or deletions from the constitutional rules.
 - 12.6.5 Keep full and accurate minutes of its meetings.
- 12.7 **The purpose of the Annual General Meeting is to transact the following business:-**
- 12.7.1 To receive and comment on the Annual Report of the activities of the League during the previous year as presented by the Secretary. The Annual Report shall include the report of:
 - 12.7.1.1 The Management Committee
 - 12.7.1.2 Any Standing or Technical Sub Committees
 - 12.7.1.3 Any other committee, as decided by the Management Committee and responsible for the activities of the League during the previous year.
 - 12.7.2 To receive and consider, the accounts of the League for the previous year, the report on the accounts by the independent Financial Examiner and the Treasurer's report as to the financial position of the League
 - 12.7.3 To elect the following who shall retire from office at the Annual Council Meeting each year, but shall be eligible for re-election., each of whom shall be a member of a club affiliated to the League and shall be not less than eighteen years of age:-
 - 12.7.3.1 The Chairman

The Deva Swimming League - Constitutional Rules 2010

- 12.7.3.2 The Secretary
- 12.7.3.3 The Treasurer

- 12.7.5 To appoint the independent Financial Examiner, as required, who shall not be a member of the Management Committee or a member of the family of a member of the Management Committee.
- 12.7.6 To appoint the Welfare Officer, as required, who shall be a member of a Club affiliated to the league 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 ASA Child Safeguarding courses. The Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 12.7.7 To appoint a delegate to the ASA North West Region, to the Cheshire County Water Polo and Swimming Association and to other organisations to which the League is affiliated, as required.
- 12.7.8 To decide on changes to the Constitutional Rules and other resolutions
- 12.7.9 To decide on any other resolution that may be duly submitted in accordance with Rule 14.2.1.
- 12.7.10 To present Association awards as required.

12.8 The Annual General Meeting may:-

- 12.8.1 Discuss any matters that are relevant and pass resolutions and orders concerning them
- 12.8.2 Appoint a special committee to consider and report upon any matter. The number of members of the committee and a quorum shall be determined by the meeting. The Officers of the League shall be ex officio members of any such committee unless the meeting dictates otherwise
- 12.8.3 If a majority of two thirds of those present and voting is in favour of a motion to the effect that a club affiliated to the League has rendered itself unworthy to continue to be affiliated to the League expel the club from membership of the League. Notice of such a motion must have previously been included in the agenda for the meeting.
- 12.8.4 At an Annual General Meeting or at a Special General Meeting, delegate the whole, or any part of its powers, to the Management Committee.

Rule 13 Special General Meeting

- 13.1 The Management Committee shall call a Special General Meeting at any time in response to:
 - 13.1.1 A resolution to that effect passed at the Annual General Meeting at any other Special General meeting.
 - 13.1.2 A requisition in writing, received by the Secretary, signed on behalf of not less than two different clubs. The request is to be signed by an officer of the club. The request shall state the purpose for which the meeting is required and the resolutions proposed
 - 13.1.3 An order of the Management Committee.

- 13.2 The Secretary shall call a Special Meeting of Council within twenty eight days of the receipt of a requisition to call the meeting.

- 13.3. Not less than fourteen days notice of a Special meeting shall be given to all affiliated clubs. The notice shall specify the object of the meeting. The date, venue and time of such a meeting shall be at the discretion of the Management Committee.

- 13.4. No business shall be discussed at such a meeting other than that prescribed by the Annual General Meeting, the Management Committee or that stated in the request for the meeting, as the case may be.

Rule 14 Procedures at Annual and Special General Meetings

- 14.1 **Chairman**
 - 14.1.1 The Chairman of the League shall be the Chairman at all meetings of the League if he is present. If the Chairman is absent, or unable to act or declines to act the most immediate Past Chairman shall act as chairman. If a chairman is still not available the meeting shall elect a chairman from the members present.
 - 14.1.2 The Chairman shall:-
 - 14.1.2.1 Have unlimited authority upon any question of order
 - 14.1.2.2 Be, for the purpose of the meeting, the sole interpreter of the rules governing the meeting.
 - 14.1.2.3 Have a deliberative and a casting vote.

- 14.2 **Secretary**
 - 14.2.1 The Secretary shall be responsible for providing each affiliated club and each member of the Management Committee:-
 - 14.2.1.1 A written notice of the date, time and place of the Annual General Meeting or of a Special General Meeting at least 28 days before the date of the meeting.
 - 14.2.1.2 A copy of the agenda and the other supporting papers including any reports, the resolutions and motions to be considered and any proposals to change the Constitutional Rules of the League at least fourteen days before the date of the Annual General Meeting or of a Special General Meeting
 - 14.2.1.3 In the case of the Annual General Meeting a copy of the Annual Report, a list of the nominees for the Officers and the Management Committee posts and a copy of the examined accounts not less than fourteen days before the date of the meeting.
 - 14.2.2 The Secretary, or in the absence of the Secretary a member of, and selected by, the Management Committee shall take the minutes of the meeting.

- 14.3. **Proposals, Resolutions and other Motions:**
 - 14.3.1 A proposal, motion or resolution for consideration at the Annual General Meeting which does not embody a proposal to change a Constitutional Rule of the Association, may be submitted:-
 - 14.3.1.1 By the Management Committee
 - 14.3.1.2 By any member of the Annual General meeting
 - 14.3.1.3 By a club affiliated to the League.
 - 14.3.2 In all cases where multiple nominations are received for the same office or for membership of the Management Committee and

The Deva Swimming League - Constitutional Rules 2010

- it is necessary to hold a ballot, the Secretary shall call for a Curriculum Vita for each person involved in the ballot. The Curriculum Vita to be circulated with the papers for the Annual General Meeting.
- 14.3.3 Proposals, motions and resolutions received in accordance with this section shall be submitted in writing to the Secretary not less than twenty one days prior to the date of the Annual General Meeting and any Special General meeting
- 14.3.4 Proposal, motions and resolutions received in accordance with this section shall be sent to clubs entitled to be represented at the Annual General Meeting or a Special General meeting not less than fourteen days before the date of the meeting
- 14.3.5 A motion of which due notice has not been given may not be discussed or voted upon unless sanctioned by the Chairman and two thirds of the members present and voting and provided it does not involve a change to the Constitutional Rules of the League.
- 14.3.6 Approval of the Annual Report other than those items where due notice has been given to amend, add or reject, shall be proposed en block by the Chairman and put to the vote without debate
- 14.3.7 All business for an Annual General Meeting or of a Special General Meeting shall be printed on the agenda and no other motion shall be discussed therein except:-
- 14.3.7.1. To record the name of the Chairman of the meeting, if other than the Chairman
- 14.3.7.2. To record the name of the Secretary of the meeting, if other than the Secretary.
- 14.3.7.3. For adjournment
- 14.3.7.4. For leave to withdraw a motion
- 14.3.7.5. For a vote of thanks
- 14.3.7.6. For persons other than Members of the meeting to withdraw
- 14.3.8 Every motion shall be proposed and seconded
- 14.3.9 Resolutions that emanate from the Management Committee shall be proposed by a member of the Management Committee while those that emanate from a standing order or other committee shall be proposed by the Secretary of that committee. If the committee secretary is not a member of the General Meeting the proposal shall be made formally from the Chair and immediately afterwards the committee secretary, or a substitute, shall be allowed to speak in support of the resolution.
- 14.3.10 Any amendment shall be disposed of before another amendment is considered. The Chairman may accept, without notice, verbal amendments that do not affect substantially the nature of the proposal under discussion.
- 14.3.11 A proposal to change the Constitutional Rules of the League shall be carried only if at least two thirds of those present and voting are in favour. All other proposals, including amendments to proposals whether to change a Constitutional Rule of the League or otherwise, shall require a simple majority of those members present and voting.
- 14.4. **Voting at General Meetings**
- 14.4.1 Unless the Chairman directs otherwise, voting on all motions or amendments shall be by a show of hands or delegates cards.
- 14.4.2 Each member present and entitled to vote, with the exception of the Chairman, or acting Chairman for the meeting, shall have one vote and a simple majority shall pass any resolution. In the event of an equality of votes the Chairman, or the acting Chairman for that meeting, shall have a casting vote.
- 14.4.3 Voting on elections shall be by secret ballot and any ballot paper containing more votes than the number required shall be void.
- 14.4.4 Completed voting papers shall be collected by the tellers as directed by the Chairman
- 14.4.5 The Chairman shall appoint two tellers to count the votes from persons present at the meeting who shall not be members of Council
- 14.4.6 The result of each ballot shall be announced by the Chairman during the meeting and the Chairman shall indicate the number of votes cast for each candidate and the number of spoiled ballot papers.
- 14.4.7 Any discrepancy or irregularity found after the conclusion of the meeting shall be dealt with by the Management Committee which may disqualify votes with the validity of which it is not satisfied. The revised result and the reasons for the disqualification of any vote shall be published and circulated to affiliated clubs.
- Rule 15 Changes to League Constitutional Rules**
- 15.1 Any proposal to change a Constitutional Rule of the League shall only be considered at the Annual General Meeting or at a Special General Meeting called for that purpose. The Management Committee shall submit them where necessary to the Amateur Swimming Association North West Region for its consideration and approval.
- 15.2 Any changes to the Constitutional Rules of the League shall become effective upon approval by the Amateur Swimming Association North West Region Management Board or at a specific later date as determined by a General meeting.
- 15.3 A proposal to change a Constitutional Rule of the League shall only be considered at a General meeting of the membership if it has been:-
- 15.3.1 Made by the Management Committee at a meeting before 31st December and appears in the minutes of that meeting
- 15.3.2 Made by a committee appointed by a General meeting or the Management Committee and appears in the minutes of that committee that have been approved by the Executive Committee before the 31st December.
- 15.3.3 Made by a club affiliated to the Association and has reached the League Secretary by a date not less than twenty eight days prior to a General meeting.
- 15.3.4 Made as a matter of urgency, approved by the Management Committee, sent to the clubs affiliated to the League at least fourteen days before a General Meeting and approved as a suitable matter for consideration by the meeting by at least two thirds of the delegates present and voting.
- 15.3.5 Mandated by a change to either an Amateur Swimming Association Law or Regulation or by the Rules of the Amateur Swimming Association North West Region.
- 15.3.6 Included in a resolution or request for a Special General Meeting of the membership.
- 15.3.7 Referred to the Executive Committee, unless emanating from it. The Management Committee shall indicate its support or opposition and may propose amendments, which shall be included on the agenda of the General Meeting.
- 15.3.8 Included on the agenda of the General Meeting.
- 15.4 Every proposal to change a Constitutional Rule of the League and / or amend it shall be proposed and seconded separately and shall be open for discussion by any delegate with or without prior indication of intent.

The Deva Swimming League - Constitutional Rules 2010

- 15.5 An amendment to any proposal to change a Constitutional Rule of the League may be proposed by any member, supported by another member as a seconder, and shall reach the Secretary of the League not less than twenty eight days prior to a General meeting.
- 15.6 A schedule of all such amendments shall be sent to the clubs entitled to be represented at a General meeting at least fourteen days prior to the date of the meeting at which they are to be considered.
- 15.7 If any addition, alteration or deletion from either an Amateur Swimming Association Law or Regulation or a Rule of the Amateur Swimming Association North West Region causes a League Rule to conflict with it, the Management Committee shall be authorised to change the League Rule to conform to it. Any such changes shall be notified to the next Annual General Meeting following the change of Rule.

Rule 16 Management Committee

- 16.1 **Committee Membership**
- 16.1.1 The Membership of the Management Committee shall be:
- 16.1.1.1 The Chairman
- 16.1.1.2 The Secretary
- 16.1.1.3 The Treasurer
- 16.1.1.4 One representative from each club in membership of the league.
- 16.1.2 All members of the Management Committee must be members of an affiliated club, association, organisation or league and must be not less than eighteen years of age.
- 16.1.3 The Secretary and Treasurer 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. The retiring officers shall be eligible for re-election.
- 16.1.4 The Chairman shall be elected each year at the Annual General Meeting from a nomination received from the clubs in rotation in alphabetical order of the name of the club. The Chairman shall not be eligible for re-election the next year but may be eligible for nomination and election at a subsequent time.
- 16.1.5 The members of the Management Committee, other than the officers, shall be appointed at the Annual General Meeting from the list of delegates submitted to the league on the basis of one member from each club in membership of the league.
- 16.1.7 The Management Committee shall have authority to co-opt or invite such other persons as deemed necessary for any specific purpose who may speak but not vote.
- 16.2 **Meetings of the Committee**
- 16.2.1 Meetings of the Management Committee shall be held not less than four times per year save where the Management Committee itself shall, by a simple majority, resolve not to meet.
- 16.2.2 The Chairman and the Secretary shall have discretion to call further meetings of the Management Committee if they consider it to be in the interests of the League.
- 16.2.3 The Secretary shall give all members of the Management Committee not less than seven days written notice of a Management Committee meeting.
- 16.2.4 The Chairman or in the absence of the Chairman the members present at the meeting shall elect a Chairman from their members and he shall act as Chairman of meetings of the Management Committee
- 16.2.5 Decisions of the Management Committee shall be made by a simple majority of the votes cast. Each member present, with the exception of the Chairman, or the acting Chairman for that meeting, shall have one vote. In the event of equality of votes the Chairman, or the acting Chairman for that meeting, shall have a casting vote.
- 16.2.6 The Secretary, or in the absence of the Secretary a member of the Management Committee shall take the minutes of the meeting.
- 16.3 **Quorum**
- 16.3.1 The quorum for a Management Committee meeting shall be six members, to include not less than one Officer.
- 16.3.2 In the event that a quorum is not present within thirty minutes of the published starting time, a meeting shall stand adjourned. The Secretary shall notify the date of the reconvened meeting within a maximum period of one month
- 16.4 **Powers and Responsibilities**
- 16.4.1 The responsibilities of the Management Committee shall include but not be limited to:-
- 16.4.1.1 Determine the strategies of the League within the overall policies and plans agreed by the Annual General Meeting and published by the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association
- 16.4.1.2 Carry out any other specific duty given to it by a General meeting of the membership.
- 16.4.1.3 Have day to day management of the affairs of the League including but not being limited to, the oversight of the production of any plans of the League for the approval of the Annual General meeting and for submission to the Amateur Swimming Association, to the Amateur Swimming Association North West Region and to the Cheshire County Water Polo and Swimming Association as required, together with their implementation, monitoring and evaluation.
- 16.4.1.4 Appoint any officers, officials, coordinators and members of the Standing and other committees, not elected by the Council
- 16.4.1.5 Monitor and evaluate the work of the Standing and other committees and any other person appointed to a specific task within the League, including the production of full and accurate minutes of their meetings and reports of their activities.
- 16.4.1.6 Maintain appropriate channels of communication with the clubs, bodies, associations, organisations, leagues and individuals
- 16.4.2. The Management Committee shall:-
- 16.4.2.1 Determine any question arising as to the correct interpretation of any of these rules, or any other question not herein provided for.
- 16.4.2.2 Set the affiliation fee in line with the budget.
- 16.4.2.3 Set the level of competition and championship fees in line with the budget
- 16.4.2.4 Determine who shall be the authorised signatories of the accounts of the Association.
- 16.4.2.5 Ensure that full and accurate minutes of its meetings are kept.

The Deva Swimming League - Constitutional Rules 2010

- 16.4.2.6 At its first meeting after the Annual General Meeting appoint the members of any Standing or Technical Committees each of whom shall be a member of a club affiliated to the League.
- 16.4.2.7 Have the power to authorise the payment of remuneration, expenses or grants for services to the League received from any:-
 - 16.4.2.7.1 Officer, Committee member or official of the League
 - 16.4.2.7.2 Other person or persons as decided by the Management Committee or by a General Meeting of the membership.
 - 16.4.2.7.3 External agents as part of a partnership agreement
- 16.4.2.8 Draw up and implement with immediate effect a change of the Constitutional Rules of the League if they are in conflict with any addition, alteration to, or deletion from, an Amateur Swimming Association Law or Regulation, a Rule of the Amateur Swimming Association North West Region or the Cheshire County Water Polo and Swimming Association.
- 16.4.2.9 Determine the terms of reference of any Standing, Technical or sub-committee or working group.
- 16.4.2.10 Be accountable to the Annual General Meeting of the League and report to it at such times and in such a form as it may require.

16.5 The Management Committee may

- 16.5.1 Fill any vacancy occurring on the Management Committee, after due notice.
- 16.5.2 Contract and set up partnership agreements with outside agencies in support and furtherance of the aims and objectives of the League.
- 16.5.3 Appoint a special committee to consider and report on any matter, the number of and appointment of the members of the committee and a quorum to be determined by the Management Committee
- 16.5.4 Discharge, by a two thirds majority of those present and voting for any breach of, and under the provisions of, the Amateur Swimming Association Code of Conduct for Volunteers, any volunteer person from any elected or appointed office or position and replaces them.
- 16.5.5 At its discretion, discharge any Standing, Technical or other committee and elect a new one in its place.
- 16.5.6 From time to time appoint from among its members such other committees or working groups as it may consider necessary and may delegate to them such powers and duties as the Management Committee may determine.

16.6 The Management Committee shall be governed by the following standing orders:-

- 16.6.1 If the Chairman is unable or unwilling to act as Chairman at a meeting the members present at the meeting shall elect a Chairman from their members and he shall be entitled to act in all respects as if he were the Chairman.
- 16.6.2 The Chairman shall have unlimited authority upon every question of order at each meeting of the Management Committee and for the purpose of any meeting shall be the sole interpreter of the rules governing the Management Committee.
- 16.6.3 The minutes of the previous meeting as circulated shall be considered as the first substantive item on the agenda.
- 16.6.4 The minutes of any Standing, Technical or other committees and reports of officers or other individuals shall not be considered unless they have been circulated with the agenda, unless the Chairman and the members of the Management Committee agree by a two thirds majority that it will not prejudice the good governance of the League to do so.
- 16.6.5 Every motion shall be proposed and seconded
- 16.6.6 Any amendment shall be disposed of before another amendment is considered. The Chairman may accept, without notice, verbal amendments that do not affect substantially the nature of a proposal under discussion.
- 16.6.7 All proposals, including amendments to proposals shall require a simple majority of those members present and voting unless otherwise specified in these rules
- 16.6.8 The Chairman shall have a deliberative and a casting vote.
- 16.6.9 Unless the Chairman decides otherwise, voting on all motions or amendments shall be by a show of hands.
- 16.6.10 Meetings of the Management Committee shall not be open to the public.
- 16.6.11 The minutes of the Management Committee shall be circulated to each member of the Management Committee only.
- 16.6.12 The members of the Management Committee shall be indemnified by the members of the Association against all liabilities properly incurred by them in the management of the affairs of the Association.

Rule 17 Independent Financial Examiner

- 17.1 One independent Financial Examiner shall be appointed at the Annual General Meeting, who shall not be a member of the Management Committee nor related to any member of the Management Committee. The Independent Financial Examiner shall examine the annual statement of the accounts and the balance sheet and shall certify the same before they are circulated to the affiliated clubs.

Rule 18 Trophies

- 18.1 All trophies belonging to the League shall be perpetual
- 18.2 The winner of an individual championship trophy and the winners of a championship team trophy shall give a guarantee of safe keeping and return to the Secretary.

Rule 19 Competition Conditions

- 19.1 The competition conditions for all the League events shall not be considered part of the Constitutional Rules for the purpose of these rules. The competition conditions will be considered by the Management Committee or referred to a relevant Standing committee. The Management Committee shall have full power to approve any changes.
- 19.2 The Management Committee shall have power to make, repeal and amend such competition laws and rules as they may from time to time consider necessary for the well being of the League which laws and rules, repeals and amendments shall have effect until set aside by the Management Committee or at a General Meeting of the membership.

Rule 20 By-Laws

- 20.1 The Committee shall have the power to make, repeal and amend any such by-laws as they shall from time to time consider necessary for the well being of the league, which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

Rule 21 Interpretation of Rules

- 21.1 In the event of any question arising as to the correct interpretation of the Constitution or the Rules of the League or any other question not

The Deva Swimming League - Constitutional Rules 2010

herein provided for, such question shall be referred to the Management committee, whose decision shall be final.

Rule 22 Dissolution

- 22.1 A resolution to dissolve the League shall only be considered at a General Meeting and shall be carried by a majority of at least three quarters of the members present and voting.
- 22.2 The dissolution shall have effect from the date of the resolution and members of the Management Committee shall be responsible for the winding up of the assets and liabilities of the League
- 22.3 Any property remaining after the discharge of the debts and liabilities of the League shall be given to a charity or charities or other nonprofit making organisation having aims and objectives similar to those of the League for the furtherance of such aims and objectives as determined by the last Management Committee.

The Deva Swimming League - Constitutional Rules 2010

Comments from Alan Boyle NWR Rules Committee

1. Deva League AGM

The next meeting of the Region Management Board to approve the League Rules is on Tuesday 30th March 2010 which means they cannot be approved before the AGM of the Deva League if it is held on Wednesday 24th March 2010. In order to make progress in agreeing the rules with the North West Region I suggest the Deva League AGM accepts the revised constitution in principle subject to any changes made by the North West Region. This is a requirement of the League Rule 15.1 and Rule 15.2. The AGM can also give the League permission to implement the Rules as soon as possible following the approval of the Rules by the Region Management Board. This avoids the need to wait for the next League AGM in 2011 for the new constitution to be implemented.

2. Region Approval of the Rules

In general the North West Region is only required to approve the Constitutional Rules of the league and does not normally get involved with competition rules as it is up to the league to decide how it wishes to conduct its own swimming events. The Region would however wish to be assured the competitions and the events are conducted under ASA Laws and Regulations and the FINA Technical Rules of Swimming.

3. Welsh Clubs

As the Welsh Clubs and the Welsh swimmers will be affiliated to and registered with the Welsh ASA and not to the ASA, which only covers England, they will not comply with Rule 4.3.2 and with Rule 4.3.3. Normally, if a competition is being held outside the Region to which it is affiliated it shall inform the Region and the Region where the competition is being held to satisfy ASA Regulation 403. In the case of the League if a host club is in Wales, which is under the jurisdiction of a different Governing Body it is normal to get permission from each of the two Governing Bodies for the event to take place. It is difficult to see why Rule 6.7 only applies to an officer of the league. Before they can hold the position they must be member of a club affiliated to the league and must be a registered member of the Governing Body either ASA or Welsh ASA.

Email from Jackie Shields Manager Membership Services ASA in 2008

I have looked into the issues raised and I can confirm that it is not necessary for your League to Affiliate to more than one region. Please see ASA rule 8.1.3.

A League would not normally pay the ASA registration fees for officers of that League if they are already members of ASA clubs and those clubs have paid the ASA registration fees. However, an officer of that League who is not a member of the ASA has to become an ASA category three member.

Do swimmers who partake also have to be joint members of both the ASA and WASA?" The League can decide whether or not members of ASA, WASA or SASA can partake.

8.1.3 states: "A League in any discipline of the sport, other than one promoted by a Region, County or Local Association and confined to the members thereof, **shall affiliate to the Region in which its headquarters is situated** or to which the majority of its clubs are affiliated, except that if the scope of its activities makes affiliation to a Region inappropriate a League may apply to affiliate direct to the ASA. All the member clubs of any League shall be affiliated to a Region or to the Scottish ASA or the Welsh ASA or to a national federation affiliated to the FINA. An affiliated club shall not take part in a league which is not in accordance with this Law"