



MERTON PISCES SWIMMING CLUB CONSTITUTION
January 2025
(A Non-Profit Voluntary Club)

FOR AN UNINCORPORATED CLUB

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1. Name

1.1 The name of the Club shall be **Merton Pisces Swimming Club**

2. Objects

2.1 The objects of the Club shall be the coaching, teaching, and development of swimming & diving, for its members and shall, where appropriate, be to compete. In the furtherance of these objects:

2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination and shall act in compliance with the protections afforded by the Equality Act 2010.

2.1.2 The Club shall implement the Clubs Equality Policy (as may be amended from time to time).

2.2 The Club shall be affiliated to certain regulatory bodies with regard to swimming and shall adopt and conform to the rules of these bodies where required, and to such other bodies as the Club may determine from time to time.

2.3 The business and affairs of the Club shall at all times be conducted in accordance with the regulations of a non-profit club and in particular:

2.3.1 The club shall practise an open and clear policy whereby all documentation may be requested (with a good reason) at any time.

2.3.2 All Clubs coaches and volunteers shall be trained in Child Safeguarding Policy and procedures and 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 abide by the club safeguarding policy

2.4 the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:

2.4.1 Merton Pisces Swimming Club;

2.4.2 Surrey County ASA;

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

2.4.4 World of Aquatics - FINA, the World governing body for the aquatic sports.

(hereinafter defined as “Rules of a Governing Body”).

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

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

3. Membership

3.1 The total membership of the Club shall not normally be limited. If however, the Executive Officers considers that there is a good reason to impose any limit from time to time then this shall be accepted.

3.2 Club membership consists of annual fees. These fees are required to be paid annually, by the 1st January each year. Any member that hasn’t paid the applicable fees by the due date are not allowed to swim in any sessions.

3.3 All persons who assist in any way with the Club’s activities shall become members of the Club.

3.4 Paid instructors, teachers and coaches must be members of the club and trained to such level that they are executing / occupying.

- 3.5** Any person who wishes to become a member of the Club must read the guidelines & the constitution before submitting a signed application to the Club and in the case of a child under 18 years of age the application must be submitted by the applicant's parent or guardian. The Club application process should be able to be viewed either online or via a paper format. The membership form must be completed in its entirety or it may be refused. Election to membership shall be determined by the Head coach, but other person(s) authorised by the Executive Officers may make recommendation as to the applicant's acceptability.
- 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). 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 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. The Club shall not be required to give any reasons for the refusal of any application for membership, but if requested should be able to provide a fair and ethical reason.
- 3.8** Once a membership has been agreed that member must abide by all rules and regulations. Before you can swim your fees must be paid and the member must be wearing the club costume and hat, this is compulsory. If either of these are not done you will not be able to swim.

4. Membership and Other Fees

- 4.1** The annual membership fee and all other fees payable to the Club shall be determined from time to time by the Club and the Club shall in so doing make special provision for different classes of membership as it shall determine.
- 4.2** The Club session fees are in the form of quarterly payments with the fees being due on the 1st of each quarterly month these being 1st January, 1st April, 1st July & 1st October. Annual membership fees are to be paid in full by the 1st January. Any member whose fees are unpaid by the 14th January may be suspended by the Club from all session and all Club activities until such payment is made or an arrangement is put in place.
- 4.3** The Club shall, from time to time, have the power to determine the annual membership and other fees. This shall include the power to make such increase in the fees. Any increase in fees shall be advised to the members in writing or on the website, the reason for such increase may or may not be included.
- 4.4** The Club shall have the power in special circumstances to remit the whole or part of the fees, to address issues of social inclusion.

5. Resignation

- 5.1** A member wishing to resign membership of the Club must give to the Club written notice of his/her resignation via post or electronic means two weeks prior, unless agreed by the head coach. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2** A member whose fees are not paid within two weeks of the due date shall be deemed to have resigned from the Club and their membership terminated. Where membership has been terminated in this way the member shall be informed in writing either via post to the last known address or by e-mail.
- 5.3** A member who resigns from the Club or whose membership is terminated shall not be entitled to have any part of the annual Club membership fee refunded and must immediately return any Club or external body's property. (Club championship Cups or shields etc)

6. Expulsion and Other Disciplinary Action

- 6.1 The Head coach & Executive Officers 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.
- 6.2 Upon expulsion the former member shall not be entitled to have any part of the annual Club membership fee or session fees refunded and must return any Club equipment or external body's trophy or trophies held forthwith.
- 6.3 The Club shall comply with club disputes according to the club regulations for handling Internal Club Disputes as may be revised from time to time.
- 6.4 The Head Coach or Executive Officers of the Club (or any person to whom the Executive Officers shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider Club activities, when in their opinion or following, 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.
- 6.5 Any members of the club found to be posting photos, videos or derogatory statements on social media or any other format, shall be liable for instant dismissal and / or prosecution by the police. Immediate action shall be taken by the head coach or executive officers to protect the member that was targeted. The member should be referred to the welfare officer to discuss any further actions or safeguarding concerns.

7 Committee

- 7.1 The Committee shall consist of the Head Coach, Chairman, Secretary, Treasurer (together "the Executive Officers of the Club" or the "Club") and other 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 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 the appropriate training. The Welfare Officer shall where possible be an independent person and 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 volunteer members shall be 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.
- 7.5 Committee meetings shall be held at regular intervals and The Head coach, 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 notice or electronic messaging of a meeting. Decisions of the Committee shall be made by the Executive Officers (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 their absence a member of the Committee, shall take minutes.
- 7.6 The Executive Officers 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 Executive Officers shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Executive Officers shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.

- 7.7 The 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.
- 7.8 The Committee shall maintain a log of Accidents/Incidents at Club related activities. Details of such shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines. A copy of entries should be kept for a period of five years or in respect of an injury to a child they should be kept for five years after they attain 18 years of age.
- 7.9 The Committee shall retain all financial records relating to the Club and copies of minutes of all meetings for a minimum period of five years.

8 Honorary Members/Life Members

- 8.1 The only honorary / life member to be granted permanent status is the founder of the club.
Mr Harry G Green. 1973 – Current. (51 Years volunteer service)

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in June. The date, time and venue / online option for the Annual General Meeting shall be fixed by the Executive Officers.
- 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 remains in office;
 - 9.3.4 to elect the Executive Officers and other members of the Committee.
 - 9.3.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.6.
 - 9.3.6 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.
- 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** days prior to the published date of the meeting. Both proposer and seconder must be a fully paid member of the club at the time of nomination. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election.
- 9.6 Any members 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 **10** days prior to the published date of the meeting.

10. Special General Meeting

- 10.1** A Special General Meeting may be called at any time by the Executive Officers.
- 10.2** A Special General Meeting shall be called by the Executive Officers and held within **10** days of receipt by the Secretary of a requisition in writing 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.
- 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 **7** days prior to the date agreed by the Executive Officers 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 the Executive Officers entitled to vote at the Meeting.
- 11.3** The Chairman, or in the Chairman's absence a member appointed by the Executive Officers shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairman shall have a casting or additional vote.
- 11.4** Only paid-up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters.
- 11.5** The Secretary, or in his/her absence a member of the Executive Officers, shall take minutes at the Annual and Special General Meetings.
- 11.6** The appointed Chairman of the meeting shall 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 passed by the Executive Officers 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.

13. By-Laws

- 13.1** The Executive Officers shall have power to make, repeal and amend regulations and by-laws as they may from time to time consider necessary for the wellbeing of the Club. Such regulations, by-laws, repeals, and amendments shall have effect until set aside by the Committee or at a General Meeting. The Executive Officers shall have the power to settle disputed points not otherwise provided for in this Constitution.

14. Finance

- 14.1** All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club.
- 14.2** No sum shall be drawn from that account except by cheque signed by the Treasurer. Any monies not required for immediate use may be invested as the Treasurer in their discretion think fit. **(See Guidance Notes regarding Accounts).**
- 14.3** The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 17.3.).
- 14.4** The Executive Officers 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 Executive Officers thinks fit.
- 14.6** The financial year of the Club shall be the period commencing on 1st of January and ending 31st December. Any change to the financial year shall require the approval of the Executive Officers in a General Meeting.

15. Borrowing

- 15.1** The Executive Officers may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion for the general upkeep of the Club or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2** When so borrowing the Executive Officers shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.
- 15.3** The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16. Property

- 16.1** The property of the Club, other than cash at the bank, shall be vested in not less than two Custodians who shall be Executive Officers of the Club and over 18 years of age. They shall deal with the property as directed by resolution of the Executive Officers and entry in the minute book shall be conclusive evidence of such a resolution.
- 16.2** The Custodians shall be elected and reaffirmed at an Annual General Meeting of the Club and shall hold office until death or resignation.
- 16.3** The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17 Dissolution

- 17.1** A resolution to dissolve the Club shall only be proposed at a Special Meeting and shall be carried by the Executive Officers present and entitled to vote. A specific date for the dissolution shall be included in the resolution.

- 17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Executive Officers shall be responsible for the winding-up of the assets and liabilities of the Club.
- 17.3 Any property remaining after the discharge of the debts, loans and liabilities of the Club shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects) nominated by the last Executive Officers. **(See Guidance Notes regarding Taxation).**

18 Acknowledgement

- 18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.
- 18.2 This constitution must be readily available to all club members. A copy of the constitution is on the club website at all times, or by e-mail request by any member, except when due to technical problems.
- 18.3 The following statement must appear on Club membership forms and is to be signed by the member. It must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

“I acknowledge receipt of the rules of Merton Pisces 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.”

Head Coach – Mr Harry Green
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