

RULES of Mid Sussex Marlins Swimming Club (“the Club”) as at 8th December 2023

Mid Sussex Marlins Swimming Club is a Company limited by guarantee and governed by its articles of association. These articles are referred to herein as the “Articles” or individually as “Article”

These rules are created by the Directors.

1. Name

- 1.1 The name of the club shall be Mid Sussex Marlins Swimming Club Limited.
- 1.2 The use by the members, of the Name and associated names such as Marlins or MSM and the club logos shall be subject to the approval of the committee.

2. Objects

- 2.1 The objects of the Club are detailed in the Articles of Association.
 - 2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.
 - 2.1.2 The Club shall implement the Swim England Equality Policy (as may be amended from time to time).
- 2.2 The Club shall be affiliated in accordance with section 3 of the Articles to the Swim England South East Region, and shall adopt and conform to the rules of this Region, 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 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 Sussex County Association;
 - 2.4.2 Swim England South East Region; and
 - 2.4.3 Swim England (to include the Code of Ethics); and
 - 2.4.4 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and
 - 2.4.5 LEN, the European governing body for the aquatic sports
 - 2.4.6 World Aquatics, the World governing body for the aquatic sports.

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

- 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 membership rules of the club shall be in accordance with the Articles.
- 3.2 All persons who assist in any way with the Club's activities shall become members of the Club and hence of Swim England and the relevant Swim England membership fee shall be paid.
- 3.3 Paid individuals 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 and those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.
- 3.4 Any person who wishes to become a member of the Club must submit an application to the Board. Applications for those under 18 years old must be submitted by the applicant's parent or guardian. Election to membership shall be determined by the Board but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.

The Board 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 Review Panel shall [wherever practicable] include one independent member nominated by Swim England South East Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

- 3.5 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, the Club shall not refuse membership on the basis of a Protected Characteristic within the Act, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.
- 3.6 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.
- 3.7 Membership is not transferable. This includes the transfer of membership rights from a child under 18 years of age to a parent or guardian.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and 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 shall be due on joining the Club and thereafter on the 1st day of October each year. The annual subscriptions may be applied on a pro-rata basis in the first year based on the date of joining, if the Committee so determine.
- 4.3 The Club shall inform all members of the fee payment structure upon joining. Any member whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Committee shall, from time to time, have the power to determine the annual membership

subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England membership fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the time of the change.

- 4.5 The Directors 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 written notice of his/her resignation in accordance with Article 31.
- 5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 5.3 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than three months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing.
- 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 the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. 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 (Regulations 150-155 inc) for handling Internal Club Disputes as the same may be revised from time to time.
- 6.4 A member may not be expelled or (subject to Rule 6.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.5 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.
- 6.6 Swim England shall have power to temporarily suspend members or suspend members for a specified term in accordance with Judicial Regulations and Child Safeguarding Regulations as the same may be revised from time to time.

7. Committee

- 7.1 The Committee shall consist of all the members of the Board including Chair, Secretary, Treasurer and up to 5 additional Board members having been elected at the AGM (together "the Executive Officers"); plus the Head Coach and the Welfare Officer/s (see 7.2) 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 In accordance with Wavepower the Directors shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with Wavepower. The Welfare Officer should not be related or in a relationship with any one of the Executive Officers or the Club's coaches or teachers.
- 7.3 The Committee members (excluding the Head Coach and Welfare Officer/s) shall be proposed, seconded and elected at the Annual General Meeting. Election to Committee shall be for a maximum of three years. The newly elected Executive Officers and Committee members will take office when the Chairman has closed the meeting. Any casual vacancy occurring by resignation or otherwise may be filled by the Committee but any member so chosen shall retire at the next Annual General Meeting but shall be eligible for re-election at that Meeting. Retiring Committee members shall be eligible for re-election after their term of office.
- 7.4 Committee meetings shall be held not less than quarterly (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chair 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 of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chair (or the acting Chair of that meeting) shall have a casting or additional vote.) The Secretary, or in his/her absence a member of the Committee, shall take minutes.
- 7.5 In the event that a quorum is not present within 30 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 Chair.
- 7.6 In addition to the members so elected the Committee may co-opt up to 2 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 7.7 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.
- 7.8 The Directors shall be responsible for ensuring that the Accounts are audited or examined in accordance with the Companies Act 2006 and the Charities Act as set out in Article 47.
- 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. A copy of entries should be kept for a period of six years or in respect of an injury to a child they should be kept for six years after they attain 18 years of age.
- 7.10 The Committee shall have power to make regulations, create by-laws in accordance with Article 49 and to settle disputed points not otherwise provided for in these rules.

8. Ceremonial Positions and Honorary Members/Life Members

- 8.1 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Club on election but shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members to Swim England.
- 8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's annual return as to membership.

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held in accordance with the Articles.

10. General Meeting

- 10.1 A General Meeting may be called at any time by the Committee in accordance with the Articles.

11. Procedure at the Annual and General Meetings

- 11.1 The procedure shall be in accordance with the Articles.

12. Alteration of the Rules and Other Resolutions

- 12.1 The procedure for alteration shall be in accordance with the Articles.
- 12.2 No amendment(s) to the Rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the Sussex County Association/Swim England South East Region.

13. By-Laws

- 13.1 In accordance with Article 49 the Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of the Club which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

14. Finance

- 14.1 All monies payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. Transactions shall be electronic or cheque. Any monies not required for immediate use may be invested subject to the Articles and the Charities Act as the Committee in its discretion think fit.
- 14.2 The income and property of the Club shall be applied in accordance with the Articles and the Charities Act.
- 14.3 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.
- 14.4 The financial transactions of the Club shall be recorded by the Treasurer in accordance with the requirements of the Charities Act and Companies House.
- 14.5 The financial year of the Club shall be the period commencing on 1st April.
- 14.6 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.

15. Borrowing

15.1 The committee may recommend borrowing subject to the approval of the board.

16. Property

16.1 All Club property shall be owned by Mid Sussex Marlins Swimming Club Limited and the Committee shall maintain an Asset register of such property. The committee may authorise the purchase, loan and disposal of property.

17. Dissolution

17.1 Dissolution of the club shall be in accordance with the Articles.

18. Members acceptance of the Club Rules

18.1 By accepting membership of the Club, a member is acknowledging that they have read and agree to abide by the rules of the Club.