

CONSTITUTIONAL RULES

PREAMBLE, NAME, COMPOSITION AND JURISDICTION

1 PREAMBLE

1.1 In these rules:

- 1.1.1 'FINA' shall mean the Fédération Internationale de Natation;
- 1.1.2 'ASA' shall mean the Amateur Swimming Association;
- 1.1.3 'Region' shall mean the ASA East Region;
- 1.1.4 'Club' shall include all affiliated associations, bodies, leagues and organisations, unless the context indicates to the contrary;
- 1.1.5 the term 'swimmer' shall include diver, synchronised swimmer and water polo player, unless the context indicates to the contrary;
- 1.1.6 words importing the masculine gender shall include the feminine, and vice versa, unless the context indicates to the contrary;
- 1.1.7 words of the singular shall include the plural, and vice versa, unless the context indicates to the contrary.

- 1.2 Any deviation from any provision of these rules shall not invalidate any procedure or decision, unless that deviation raises a material doubt that the procedure or decision has been so affected by it as to prejudice the good management of the association.

2 NAME

For all legal or official purposes, including those relating to the performance of its duties as an integral component of the ASA East Region, the organisation shall be called the Hertfordshire Amateur Swimming Association, hereinafter referred to as the Association.

3 COMPOSITION AND STATUS

- 3.1 The Association shall be based in the county of Hertfordshire and shall consist of the clubs, associations, bodies, leagues and organisations affiliated to the ASA East Region, and allocated to the Association by the Region in accordance with Rule 9.
- 3.2 The status of the Association is an unincorporated association, operating as a voluntary body, to achieve the aims, as laid out in this constitution, on behalf of its members

4 JURISDICTION

All clubs and other bodies affiliated to the Association, and their members, shall be subject to the jurisdiction of the Association.

AIMS AND OBJECTIVES

5 AIMS

5.1 The aims of the Association shall be to:

- 5.1.1 promote and manage the development of swimming and swimming related activities, and in particular to promote the Association's championships and competitions;
- 5.1.2 carry out the aims and objects of the Region as required within its jurisdiction;
- 5.1.3 obey and enforce the laws, rules, resolutions and rulings of the ASA and the Region;
- 5.1.4 produce, develop and implement policies to carry out other activities relevant to the Association;
- 5.1.5 raise public awareness of the sport, and stimulate public opinion in favour of providing suitable facilities and accommodation.

6 OBJECTIVES

6.1 In furtherance of the aims of the Association the following points shall be observed.

- 6.1.1 The Association 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 as set out in the ASA Equal Opportunities policy.
- 6.1.2 The Association shall be bound by the ASA Laws relating to child protection and those parts of the ASA Judicial Laws and procedures necessary for their implementation.
- 6.1.3 All persons, clubs, associations, bodies, leagues and organisations allocated to the Association shall agree to be bound by the ASA Laws relating to child protection and those parts of the ASA Judicial Laws and procedures necessary for their implementation and shall, when engaged in activities under the jurisdiction of the Association, be subject to the constraints and privileges of the ASA Judicial Laws.
- 6.1.4 All competing members shall be eligible competitors as defined in ASA Law.

6.2 The Association shall be affiliated to ASA East Region and shall adopt and conform to the rules of the Region and to such other bodies as the Association may determine from time to time.

6.3 The business and affairs of the Association shall at all times be conducted in accordance with the Laws and Technical Rules of the ASA and in particular to promote the aquatic disciplines of swimming, diving, open water swimming, synchronised swimming and water polo.

- 6.4 By virtue of the affiliation of the Association to the ASA East Region all members of the Association acknowledge that it and its clubs are subject to the laws, rules and constitutions of:
- 6.4.1 the ASA East Region and
 - 6.4.2 the Amateur Swimming Association (including the ASA/Institute of Swimming Code of Ethics) and
 - 6.4.3 British Swimming (in particular its Doping Control Rules and Protocols and Disciplinary Code) and
 - 6.4.4 FINA, the world governing body for the sport of swimming in all its disciplines.
- 6.5 Collectively Rules 6.4.1 to 6.4.4 shall be “the Governing Body Rules”, and in the event that there shall be any conflict between any rule or by-law of the Association and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

RESPONSIBILITIES

7 RESPONSIBILITIES OF THE ASSOCIATION

- 7.1 The Association shall:
- 7.1.1 be responsible for managing the aquatic disciplines within its boundaries subject to the strategic direction of the Region;
 - 7.1.2 follow and implement the resolutions and rulings of the ASA Board, ASA Council, the Regional Council and the Regional Management Board;
 - 7.1.3 observe, obey and enforce the laws, the judicial and technical rules of the ASA and the Region within its jurisdiction;
 - 7.1.4 be accountable to the Region for the proper discharge of its duties and functions in relation to its role as a sub-region only;
 - 7.1.5 produce, maintain and implement such plans, based on strategic criteria set by the ASA and the Region, and in such form as the ASA and the Region may from time to time require;
 - 7.1.6 make available to the Region such information and reports as it may require, and in a format specified by the Region;
 - 7.1.7 elect the required number of delegates to the Region Annual Council Meeting and any Special Council Meeting;
 - 7.1.8 The Constitutional Rules of the Association:
 - 7.1.8.1 shall be reviewed from time to time by the ASA and the Region;
 - 7.1.8.2 shall contain any mandatory provisions in respect of any parts of the governance of, and administration of, the Association, received from the ASA and the Region;

- 7.1.8.3 may contain recommended provisions in respect of the other parts of the governance, and administration, and any other matter appertaining to the Association, received from the ASA and/or the Region.
- 7.2 In relation to its administration and finances the Association shall, insofar as it performs the functions of a sub-region of the Region:
 - 7.2.1 determine the uses to which its funds are allocated within the strategic criteria set by the Region;
 - 7.2.2 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 Region;
 - 7.2.3 set up and implement a development plan, based on the strategic criteria set by the Region;
 - 7.2.4 have the authority to set the Association's element of the affiliation and membership fees due from each of the clubs affiliated to it.
- 7.3 In relation to its accountability as a sub-region of the Region, the Association shall:
 - 7.3.1 submit its business and development plans to the Regional Management Board, or its nominated agent(s) for information;
 - 7.3.2 keep accounts showing its income and expenditure against the budget set in its business plan, and a balance sheet;
 - 7.3.3 report annually to the Regional Management Board, in such a form as it may from time to time require, on its:
 - 7.3.3.1 activities and any issues arising there-from;
 - 7.3.3.2 expenditure of ASA or regional funding (if applicable);
 - 7.3.3.3 performance against its development plan.
- 7.4 The Association may enter into partnership agreements with appropriate bodies, organisations and external agencies.

FINANCIAL MATTERS

8 FINANCE, PROPERTY, ACCOUNTING AND DISSOLUTION

- 8.1 Finance
 - 8.1.1 The Association's financial year shall end on 31st March, to which date all reports and accounts shall be completed.
 - 8.1.2 The Management Board shall decide any changes in the Association's banking arrangements.
 - 8.1.3 Any decision to borrow money, the limits on such borrowing, and those persons entitled to borrow on behalf of the Association, shall be decided by the Council, following a recommendation from the Management Board.

8.2 Association Funds

The income and property of the Association shall be applied only in the furtherance of the aims and objectives of the Association, and no part thereof shall be paid by way of bonus, dividend or profit to any member of the Association, or to any external agency.

8.3 Club Affiliation and Membership Capitation Fees

8.3.1 Where an annual affiliation fee is payable by a club, it shall initially be due on its affiliation to the Region and its automatic allocation to the Association, and thereafter on 1st January of each year.

8.3.2 The Management Board shall have the authority to remit the whole, or part of the Association's affiliation fee, and/or any membership capitation fees, payable by a member club during any particular year.

8.3.3 The Management Board shall determine the amount of any annual affiliation fee, and/or any membership capitation fees, payable by clubs to the Association for the next operating year.

8.3.4 If a club affiliation fee and/or membership capitation fees is to be charged by the Association and collected by the ASA or the Region, the Management Board shall notify the ASA and the Region of the amount of the Association's affiliation fee and/or membership capitation fees by no later than the date set by the ASA.

8.3.5 If applicable, the Management Board shall make appropriate arrangements to receive from the ASA the specified Association affiliation fee and/or membership capitation fees for each club that is affiliated to the Association.

8.4 Club Accounts and Suspension

8.4.1 A copy of a club's latest accounts for the most recent financial year shall be supplied at the request of the Management Board. The affiliation of a club failing to submit a copy of its latest accounts on request will be liable to suspension by the Regional Management Board.

8.4.2 The Association shall automatically suspend any club that is made the subject of a suspension imposed by the ASA or the Region.

8.4.3 Any insurance arranged by the ASA or the Region will not provide cover for any person, club, association, body, league or organisation relative to any incident occurring during the period of suspension.

8.5 Indemnification

Every member of the Management Board, employee, servant or agent of the Association shall be indemnified by the Association, and it shall be the duty of the Association to pay all costs, losses and expenses which any such person may incur, or for which he may become liable, by reason of any contract entered into, or act or thing done by him, in good faith, in the discharge of his duties.

8.6 Expenses

Members of the Management Board, any other duly appointed Association committee or panel, or any person duly appointed by the Association to act with its authority, shall be entitled to be paid their expenses, necessarily incurred through that membership or appointment by the Association, at the prevailing ASA rates.

8.7 Property and Custodians

8.7.1 The Association may purchase, or by any other means acquire and take options over, any property whatever, and any rights or privileges of any kind over or in respect of any property.

8.7.2 Any property of the Association, other than cash at the bank, shall be vested in not more than two custodians. They shall deal with the property as directed by resolution of the Management Board, and entry in the minutes shall be conclusive evidence of such a resolution.

8.7.2.1 The custodian(s) shall be elected at a duly called meeting of the Council and shall hold office until death or resignation, unless removed by a resolution passed at a duly called meeting of the Council.

8.7.2.2 The custodian(s) shall be entitled to an indemnity, out of the property of Association, for all expenses and other liabilities properly incurred by them in the discharge of their duties.

8.8 Winding up or Dissolution

8.8.1 The Association may be wound up or dissolved upon a resolution of two thirds of the Council members, present and voting, at a duly called meeting of the Council.

8.8.2 If upon the winding up or dissolution of the Association, there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, this shall be applied to the furtherance of the aims of the Association.

8.8.2.1 If the Association has benefited from mutual trading, that property shall be distributed among the affiliated clubs in such proportions as the clubs may mutually agree.

8.8.2.2 If the Association has not benefited from mutual trading, that property shall be transferred to any successor body, organisation or association, or, in default of such a body, to the Amateur Swimming Association.

AFFILIATION

9 AFFILIATION

- 9.1 The Association shall have as its membership:
- 9.1.1 Clubs that have been allocated to the Association by the Region;
 - 9.1.2 Associated organisations affiliated to the Region;
 - 9.1.3 Corporate organisations;
 - 9.1.4 Local associations and leagues;
 - 9.1.5 Clubs, associations, bodies or organisations granted temporary affiliation.
 - 9.1.6 Individuals granted temporary membership of the Association by virtue of their participation in a specific event, organised by the Association in conjunction with a club, association, body, league or organisation, under the provision of the ASA Law on temporary membership.

GOVERNMENT

10 GOVERNMENT

- 10.1 There shall be three levels of government of the Association:
- 10.1.1 the Council;
 - 10.1.2 the Management Board;
 - 10.1.3 the committees, officers, managers and co-ordinators.
- 10.2 A person, who is not a member under its own rules of a club, association, body, league or organisation affiliated to the Association, shall not be permitted to be nominated, elected or appointed as a delegate, committee member, officer, co-ordinator, adviser, or other position which carries the right to vote at any level of government of the Association.

11 EXECUTIVE OFFICERS

- 11.1 The Executive Officers of the Association shall be the Chairman of the Management Board, the Association Secretary and the Finance Officer.
- 11.2 The Executive Officers shall be indemnified out of the property of the Association against risk and expenses for acts and things done by them in the normal performance of their duties as officers, but not further or otherwise.
- 11.3 The Executive Officers shall be ex officio members of all committees elected by the Management Board.

12 EMERGENCY COMMITTEE

- 12.1 The Emergency Committee shall comprise the Executive Officers, and at least one other person appointed by the Management Board from its members at its first meeting of the year.

- 12.2 Three of those entitled to attend and vote, shall form a quorum at any meeting.
- 12.3 The Association Secretary shall be the secretary of the committee.
- 12.4 The duties of the committee shall be to:
- 12.4.1 deal with any matter (unless specifically precluded from doing so by the Management Board) which, in the opinion of three or more of its members, requires a decision before the next scheduled meeting of the Board;
 - 12.4.2 report any and all its decisions forthwith to the members of the Management Board.
- 12.5 Any decisions taken by the Emergency Committee shall take immediate effect, and shall be acted upon until the next Management Board meeting.

ASSOCIATION COUNCIL

13 ASSOCIATION COUNCIL

- 13.1 Only persons who are members of the ASA shall be eligible to be members of the Council.
- 13.2 The Chairman, or a Vice Chairman of the ASA Independent Disciplinary and Dispute Resolution Panel, or the ASA Independent Disciplinary and Dispute Resolution Appeals Panel, who is a member of a club allocated to the Association, may attend any Council meeting, and, at the invitation of the chairman of the meeting, may speak, but not vote.
- 13.3 Subject to the foregoing, the following shall be members of the Council:
- 13.3.1 the President;
 - 13.3.2 the President Elect;
 - 13.3.3 the Past Presidents;
 - 13.3.4 the Life Vice-Presidents;
 - 13.3.5 the Chairman of the Management Board;
 - 13.3.6 the members of the Management Board;
 - 13.3.7 the managers of the Standing Committees;
 - 13.3.8 the delegates of the affiliated clubs, on the basis fixed for representation to the Council of the ASA East Region;
 - 13.3.9 one delegate from each association, body, league or organisation affiliated to the Region and allocated to the Association.
- 13.4 Twelve members shall form a quorum at a Council Meeting.

14 DELEGATES

- 14.1 Each delegate shall be a member of the club or organisation that he represents.
- 14.2 A delegate shall be appointed by the club, association, body, league or organisation that he represents. The secretary, or other person authorised so to do, of the club, association, body, league or organisation, shall sign the delegate authorisation form (supplied for the purpose), as certification

that the delegate is a member of the club, association, body, league or organisation, and that he has been duly appointed a delegate of the club to the Council meeting.

- 14.3 No Chairman or Vice Chairman of the ASA Independent Disciplinary and Dispute Resolution Panel, or the ASA Independent Disciplinary and Dispute Resolution Appeals Panel, may be appointed as a delegate of a club at any Council meeting.

15 ANNUAL COUNCIL MEETING

15.1 The Annual Council Meeting shall be held during the month of July.

15.2 The Management Board shall determine the venue, date and time at which the Annual Council Meeting shall be held.

15.3 Not less than fourteen days before the Annual Council Meeting, the Association Secretary shall post, or deliver to all members of the Council, and the secretary of each affiliated club, association, body, league or organisation affiliated to the Region and allocated to the Association, the following items:

15.3.1 the notice convening the meeting;

15.3.2 the agenda for the meeting;

15.3.3 the annual report of the Management Board;

15.3.4 the accounts of the Association for the previous financial year, and the report as to the Association's financial position;

15.3.5 the list of nominations for the officers and members of the Management Board for the coming year.

15.4 Nominations for the President and the President Elect shall be made by the Management Board.

15.5 Nominations for all other officers and members of the Management Board shall be in writing, and shall reach the Association Secretary, not later than 31st May, prior to the Annual Council Meeting. The nomination form shall contain the signature of the nominee.

15.6 Unless originating from the Management Board, notice of a motion to be considered by Council shall be made in writing, proposed and seconded by members of the Council. All such motions must reach the Association Secretary not later than 31st May, prior to the Annual Council Meeting.

16 POWERS OF THE COUNCIL

16.1 The Council shall oversee the work of the Management Board.

16.2 The Council shall receive and consider accounts from the Management Board.

16.3 The Council may appoint a special committee to consider and report on any matter. The Council shall determine the members of this committee, its terms of reference and its quorum. The Executive Officers shall be *ex officio* members of any such committee, unless the Council directs otherwise.

16.4 The Council may discuss any matters that are relevant, and may pass resolutions on those items that appear on the agenda of the meeting.

16.5 The Council may elect and/or appoint persons to such posts as the Association may from time to time require to carry out its business, or delegate any or all of this function to the Management Board. These posts may include, but not be limited to:

16.5.1 a President, whose duties will be purely ceremonial;

16.5.2 a President Elect, whose duties will be purely ceremonial;

16.5.3 members of the Management Board;

16.5.4 financial examiners;

16.5.5 custodians of the Association's property;

16.5.6 the managers of the Standing and other committees;

16.5.7 the county welfare officer;

16.5.8 the trophies officer;

16.5.9 individuals to other offices deemed necessary for the good governance of the Association.

16.6 The Council may elect as a Life Vice-President any person the Management Board recommends as being an individual whose services to the Association justify such recognition.

16.7 The Council may, by a two thirds majority of those present and voting at a meeting, expel a club for inappropriate behaviour, provided that the club has been furnished with due notice of the proposals.

17 RESPONSIBILITIES OF THE COUNCIL

17.1 The Council may, at any meeting, make changes to these constitutional rules, providing the resolution is approved by a two-thirds majority of those present and voting, and such changes comply with ASA Law and the mandatory elements of the constitutional rules set out by the ASA.

17.2 The Council shall abide by the standing orders set out in these constitutional rules.

18 SPECIAL MEETINGS OF THE COUNCIL

18.1 A Special Meeting of the Council may be summoned:

18.1.1 by a resolution of the Council carried at an ordinary meeting; or

18.1.2 by order of the Management Board; or

18.1.3 upon receipt by the Association Secretary of a written requisition, signed by not less than six delegates representing six different affiliated clubs or other associations, bodies, leagues or organisations allocated to the Association, stating the business for which the meeting is to be called. Each signatory to the request shall be an officer of his club. The meeting shall be held within six weeks of the receipt of the requisition.

18.2 The Management Board shall determine the venue, date and time at which the Special Council Meeting shall be held.

18.3 Not less than fourteen days before the meeting, the Association Secretary shall post or deliver the notice of the meeting, together with an agenda, to all members of the Council and the secretary of each affiliated club,

association, body, league or organisation affiliated to the Region and allocated to the Association.

- 18.4 No business other than that prescribed by the Management Board, or that stated in the request (as the case may be), shall be transacted at a Special Council Meeting.

CONDUCT OF COUNCIL MEETINGS

19 STANDING ORDERS FOR THE CONDUCT OF THE COUNCIL

19.1 Chairman

19.1.1 The chairman at all meetings of the Council shall be the Chairman of the Management Board if he is present, able and willing to act. In his absence, inability or unwillingness to act, the meeting shall elect a chairman from its members present at the commencement of business. Other than in exceptional circumstances, there shall be no change of chairman during a Council meeting.

19.1.2 The chairman shall:

- 19.1.2.1 have unlimited authority upon every question of order;
- 19.1.2.2 be, for the purpose of the Council meeting, the sole interpreter of the rules governing the Council;
- 19.1.2.3 have the right to vote on every motion. In the event of an equality of votes, he shall have an additional or casting vote.

19.2 Motions

19.2.1 A proposal for consideration at the Annual Council Meeting, which does not embody a proposal to change a constitutional rule, shall be submitted:

- 19.2.1.1 by the Management Board; or
- 19.2.1.2 by a member of the Council; or
- 19.2.1.3 by a club, association, body, league or organisation allocated to the Association. The Association Secretary must receive all such proposals, duly proposed and seconded, not later than 31st May, prior to the Annual Council Meeting.

19.2.2 A motion, of which due notice has not been given, may not be discussed or voted on, unless sanctioned by the chairman and two thirds of the members voting, and provided that it does not involve a change to constitutional rules.

19.3 Procedures at Meetings

- 19.3.1 All business for an Annual Council Meeting, or for a Special Council Meeting, shall be published on the agenda, and no other motion shall be discussed.
- 19.3.2 Prior to discussion on any item of the agenda, any person within the meeting must declare any conflict of interest. It shall be the decision of the chairman if such person(s) shall be:
- 19.3.2.1 allowed to remain in the meeting;
 - 19.3.2.2 allowed to partake in the discussion of the item;
 - 19.3.2.3 allowed to vote on that item;
 - 19.3.2.4 removed from the meeting.
- 19.3.3 Every motion shall be proposed and seconded prior to being discussed.
- 19.3.4 A member of the Management Board shall propose those resolutions, which emanate from the Management Board, while the secretary of the relevant committee must propose those that emanate from a committee. If the committee secretary is not a member of Council, the proposal must be made formally from the chair, and, immediately afterwards, the committee secretary, or his substitute, must be allowed to speak in support of the resolution.
- 19.3.5 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.
- 19.3.6 Other than to ask for, or to give, information, or to raise a point of order, no member of the Council may speak more than once in the debate on any proposal. The proposer of the resolution shall have the right to reply to points raised in the debate, but he may not introduce any new matter in his reply. The mover of an amendment shall not have the right of reply. When the proposer has completed his reply, no further speaker shall be heard.
- 19.3.7 A proposal to change a constitutional rule shall be carried only if at least two-thirds of those voting are in favour. All other proposals, including amendments to proposals, whether to change a constitutional rule, or otherwise, shall require a simple majority of those members voting.
- 19.3.8 The Council Meeting shall be open to the public, although nobody except a member of Council may take part in the business, except as provided for in these constitutional rules, or with the permission of the chairman. The Council may decide to exclude the public at any time.

19.4 Voting

19.4.1 For each Council Meeting, the Association Secretary shall appoint at least one scrutineer, who shall ensure the proper conduct of the scrutinising process.

19.4.1.1 Prior to the commencement of the meeting, each Council member shall present his authorisation form, signed in accordance with these rules. On being satisfied that the authorisation form has been fully and correctly completed, the scrutineer shall mark the Council member's paper with a verification stamp and shall retain the authorisation form.

19.4.1.2 An authorisation form which has not been fully and correctly completed, or which is of doubtful validity, shall be referred to the chairman for a decision on whether it is acceptable.

19.4.1.3 Except where a ballot is taken, a Council member shall vote by holding up his paper with the verification stamp facing the chairman.

19.4.2 A member of the Council shall have only one vote, irrespective of the number of clubs or other organisations he represents, or positions which he holds.

19.4.3 Proxy voting shall not be permitted at any meeting of the Council.

19.4.4 Voting on any elections shall be by secret ballot. The chairman shall appoint two tellers from persons present at the meeting to count the votes. The chairman shall announce the result of each ballot during the meeting.

19.4.5 Any discrepancy or irregularity found after the conclusion of the meeting shall be dealt with by the Management Board, which may disqualify votes which it is satisfied are not valid. The revised result and the reasons for the disqualification of any vote shall be published and distributed to the Association's clubs.

19.5 Changes to constitutional rules

19.5.1 Any proposal to change a constitutional rule shall only be considered at an Annual Council Meeting, or at a Special Council Meeting called for that purpose.

19.5.2 A proposal to change a constitutional rule shall only be considered at a meeting of the Council if it has been distributed with the agenda, except as provided for in this rule 19.5.2.5, and has been made:

19.5.2.1 by a committee appointed by the Council; or

19.5.2.2 by the Management Board, and which appears in the minutes its meetings; or

19.5.2.3 by a committee appointed by the Management Board, and which appears in the minutes of that committee that have been approved by the Management Board; or

- 19.5.2.4 by a club, association, body, league or organisation allocated to the Association, in a notice of motion which has reached the Association Secretary not later than 31st May, prior to the Annual Council Meeting; or
- 19.5.2.5 as a matter of urgency, approved by the Management Board, sent to the clubs, associations, bodies, leagues or organisations allocated to the Association at least ten days before the meeting, and approved as a suitable matter for consideration by Council by at least two-thirds of the Council members present and voting.
- 19.5.3 A proposal to change a constitutional rule of the Association shall only be considered at a Special Council Meeting if it has been:
 - 19.5.3.1 included in the resolution or request for the meeting;
 - 19.5.3.2 referred to the Management Board, unless emanating from it. The Management Board may indicate its support or opposition to such a proposal, and may propose amendments, which shall be included in the agenda of the Special Council Meeting.
- 19.5.4 Every proposal to change, amend or rescind a constitutional rule, and any amendment to it, shall be proposed and seconded separately, and shall be open for discussion by any Council member, with or without prior indication of intent.
- 19.5.5 Changes to constitutional rules approved by the Council shall become effective immediately after the close of the meeting, or on any other date agreed at the Council Meeting.
- 19.5.6 The re-numbering of the constitutional rules, and any consequential alterations, shall be at the discretion of the Association Secretary, who may consult the Management Board if he considers it appropriate to do so.
- 19.5.7 If any addition, alteration or rescission of an ASA Law or a regional rule causes an Association rule to conflict with it, the Management Board shall immediately cause the Association's rules to conform to it.

THE MANAGEMENT BOARD

20 COMPOSITION OF THE MANAGEMENT BOARD

- 20.1 The management of the Association's affairs shall be vested in the Management Board, which shall be comprised of members of the ASA who are also members of an affiliated club allocated to the Association.
- 20.2 The Management Board shall consist of:
 - 20.2.1 the Chairman of the Management Board;
 - 20.2.2 the Association Secretary;
 - 20.2.3 the Finance Officer;

- 20.2.4 a maximum of twelve elected members, not more than one half of such elected members shall be Past Presidents of the Association, unless there are insufficient other nominees.
- 20.3 The President may attend meetings of the Management Board, without the power to vote.
- 20.4 A member shall take office from the end of the meeting at which his election has been effected, and shall remain in office until his successor takes office.
- 20.5 The Chairman shall hold office for a three-year term and may not be reappointed for more than two consecutive terms of office.
- 20.6 Elected members of the Management Board shall have a term of office of three years, with one third of them, as nearly as possible, retiring each year.
- 20.7 A retiring member of the Management Board shall be eligible for re-election, unless he is specifically excluded from doing so by any provision of these constitutional rules.
- 20.8 Any member of the Management Board who is absent from three consecutive meetings between two consecutive Annual Council Meetings, without having received leave of absence, or giving any explanation accepted as valid by the Management Board, shall be deemed to have vacated his seat.
- 20.9 Any casual vacancy occurring by resignation or otherwise may be filled by the Management Board, but any member so chosen shall retire at the next Annual Council Meeting, and shall be eligible for election at that meeting. Any person so elected at an Annual Council Meeting shall take office immediately for the remainder of the term of office, on the same basis as the original appointment.

21 RESPONSIBILITIES AND POWERS OF THE MANAGEMENT BOARD

- 21.1 The responsibilities and powers of the Management Board shall be to:
- 21.1.1 observe and enforce the rules of the Association, the decisions of the Council, and to carry out any specific duty laid upon it by the Council;
 - 21.1.2 be accountable to the Council and report to it, at such times, and in such a manner, as may be required;
 - 21.1.3 determine the strategies of the Association within the overall policies and plans agreed by the Council;
 - 21.1.4 drive forward the corporate strategy and policy programme of the Association, shaping overall strategy and overseeing the implementation of policy by committees;
 - 21.1.5 prepare plans for the implementation of corporate programmes and initiatives, and monitor progress towards the strategic objectives;
 - 21.1.6 have day-to-day management of the affairs of the Association, including the oversight of the production of the Association's plans, and their implementation thereafter;

- 21.1.7 agree and issue performance indicators for all committees, and receive reports on actual performance. To monitor and evaluate the work of paid staff and volunteers;
- 21.1.8 ensure that full and accurate minutes of its proceedings are recorded, including the names of those in attendance, and cause the same to be securely stored for the period specified by the Management Board.
- 21.1.9 appoint annually, from amongst its members, any representative(s) to other bodies. The Association Secretary, if he so wishes, shall be a representative to the Council and Management Board of the ASA East Region;
- 21.1.10 exercise financial control over the affairs of the Association, monitoring expenditure against budgets, and setting the annual affiliation fee in line with the budget;
- 21.1.11 prepare a report and balance sheet of each financial year's activities for submission to the Council;
- 21.1.12 have the power to appoint, from amongst its members, a subcommittee, which shall include the Finance Officer, specifically to oversee the financial matters of the Association;
- 21.1.13 determine who shall be the authorised signatories of the Association's financial accounts;
- 21.1.14 have general superintendence of the work of all the Association's committees, and any other persons appointed to specific tasks within the Association, by considering and, where appropriate, giving approval to minutes, financial estimates, budgets and spending plans;
- 21.1.15 determine any matter on which there is a difference of view between two or more committees, or where there are irreconcilable recommendations from committees;
- 21.1.16 appoint any special committee deemed necessary to consider and report on any matter; to specify its membership and its terms of reference. To have general superintendence over its work, and to dismiss each appointed special committee when appropriate;
- 21.1.17 provide such information and returns as the Regional Management Board shall require;
- 21.1.18 maintain appropriate channels of communication with the Region, clubs and individuals.
- 21.1.19 be responsible for the publication of the Association's handbook and oversee its website;
- 21.1.20 have the power to discharge and replace any unremunerated volunteer, from any elected or appointed office or position, for any breach of, and under the provisions of, the ASA's Code of Conduct for Volunteers. Any such decision shall require a majority of two thirds of those present voting in favour of the motion;

- 21.1.21 contract for services and products other than those covered by staff employed directly or indirectly by the ASA;
 - 21.1.22 decide on the interpretation of any of the Association's constitutional rules, subject to confirmation at the next Annual Council Meeting;
 - 21.1.23 give a decision on any matter not provided for in the constitutional rules of the Association, subject to confirmation at the next Annual Council Meeting;
 - 21.1.24 report to the next Annual Council Meeting any changes made to these constitutional rules to ensure that they conform to ASA Laws;
 - 21.1.25 make any appropriate bye-laws, which do not contradict the provisions of these constitutional rules, governing such things as the awarding of county colours, the Association's special awards and trophies, and similar matters;
 - 21.1.26 determine the winners and recipients of the Association's special awards and trophies.
- 21.2 Nothing in rule 21.1 shall preclude the Management Board from undertaking other duties which it considers necessary, nor from making decisions on other matters not provided for in these rules, so long as nothing is done that contradicts the provisions of this constitution.

22 STANDING ORDERS FOR THE MANAGEMENT BOARD

22.1 Meetings

- 22.1.1 The Management Board shall meet as often as it deems necessary for the good governance of the Association, but not less than four times per year. The Chairman of the Management Board and the Association Secretary shall have the discretion to call further meetings of the board if they consider it to be in the interests of the Association.
- 22.1.2 The Association Secretary shall give all members of the Management Board at least seven days notice of each meeting, by sending them an agenda and associated papers.

22.2 Quorum

- 22.2.1 One half of the members, including at least one Executive Officer, shall form a quorum.
- 22.2.2 In the event that a quorum is not present within thirty minutes of the published starting time, a meeting shall stand adjourned. The Association Secretary shall notify the date of the reconvened meeting, which shall be held within a maximum period of one calendar month.

22.3 Chairman

- 22.3.1 The chairman at all meetings shall be the Chairman of the Management Board if he is present, able and willing to act. In his absence, inability or unwillingness to act, the meeting shall elect

a chairman from amongst those members present at the commencement of business.

22.3.2 The chairman shall:

22.3.2.1 have unlimited authority upon every question of order;

22.3.2.2 be for the purpose of the board meeting, the sole interpreter of the rules governing the board;

22.3.2.3 have the right to vote on every motion. In the event of an equality of votes, he shall have an additional or casting vote.

22.4 Procedures at Management Board Meetings

22.4.1 The minutes of the previous meeting shall be considered as the first substantive item on the agenda.

22.4.2 The minutes of the discipline and other committees, reports of officers, or other individuals, shall be circulated with the agenda.

22.4.3 Prior to discussion on any item of the agenda, any person within the meeting must declare any conflict of interest. It shall be the decision of the chairman if such person(s) shall be:

22.4.3.1 allowed to remain in the meeting;

22.4.3.2 allowed to partake in the discussion of the item;

22.4.3.3 allowed to vote on that item;

22.4.3.4 removed from the meeting.

22.4.4 Every motion shall be proposed and seconded prior to being discussed.

22.4.5 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.

22.4.6 All proposals, including amendments to proposals, shall require a simple majority of those members voting, unless otherwise specified in these rules.

22.4.7 Unless the chairman directs otherwise, voting on all motions, or amendments, shall be by a show of hands. Proxy voting will not be permitted.

22.4.8 Each member of the board shall be entitled to one vote on each proposal or motion, unless he is specifically excluded from doing so by any provision of these constitutional rules.

22.4.9 Meetings of the Management Board shall be open to the public. Except as provided in these constitutional rules, or with the permission of the chairman, nobody except a member of the board may take part in the business. The board may decide to exclude the public at any time.

23 STANDING COMMITTEES

23.1 The Standing Committees shall be:

- 23.1.1 The committees for the disciplines of disability, diving, swimming, synchronised swimming and water polo;
- 23.1.2 The Club Development Group

24 APPOINTMENT OF COMMITTEES

24.1 At the first meeting after the Annual Council Meeting the Management Board shall make any necessary appointments to the following committees:

- 24.1.1 The Standing Committees;
- 24.1.2 Such other committees as it considers necessary for the good governance of the Association.

24.2 The discipline committees shall be comprised as follows:

- 24.2.1 Disability Committee: The disability manager, together with a maximum of five other members, who shall normally be elected to serve for a three-year period;
- 24.2.2 Diving Committee: The diving manager, together with a maximum of five other members, who shall normally be elected to serve for a three-year period;
- 24.2.3 Swimming Committee: The swimming manager, together with a maximum of ten other members, who shall normally be elected to serve for a three-year period;
- 24.2.4 Synchronised Swimming Committee: The synchronised swimming manager, together with a maximum of five other members, who shall normally be elected to serve for a three-year period;
- 24.2.5 Water Polo Committee: The water polo manager, together with a maximum of five other members, who shall normally be elected to serve for a three-year period.

24.3 The Club Development Group shall be comprised of the club development group manager, together with a maximum of five other members, who shall normally be elected to serve for a three-year period.

24.4 Any elected member of a Standing Committee who is absent from three consecutive meetings between two consecutive Annual Council Meetings, without having received leave of absence, or giving an explanation accepted as valid by the Management Board, shall be deemed to have vacated his seat.

25 DISCIPLINE COMMITTEES

25.1 Preamble

Where *[discipline]* appears in this rule, the appropriate discipline title should be inserted, i.e. disability, diving, swimming, synchronised swimming or water polo – appropriately amended, e.g. diver, player, swimmer etc.

25.2 Generic Terms of Reference

- 25.2.1 To encourage the provision of suitable *[discipline]* facilities and equipment within Hertfordshire.
- 25.2.2 To advise the Management Board on all matters relating to *[discipline]* in Hertfordshire, and to deal with any matters affecting *[discipline]* which may be referred by the Management Board to the committee.
- 25.2.3 To prepare the *[discipline]* section of the Association's development plan and associated budget, for approval by the Management Board. To implement the approved plan, review it regularly, and report developments to the Management Board.
- 25.2.4 To prepare and submit to the Management Board, for consideration, an annual budget, and to report any anticipated major variations, and to seek approval for expenditure in excess of the approved budget.
- 25.2.5 To organise all *[discipline]* championships and competitions promoted by the Association, including masters events, in accordance with ASA Laws and Technical Rules, and any conditions approved by the Management Board. To regularly review the conditions governing such events.
- 25.2.6 To conduct training courses, and arrange examinations for *[discipline]* officials, with a view to improving the quality of officiating, and to be responsible for maintaining the list of *[discipline]* officials.
- 25.2.7 To promote training and coaching courses and events, including inter-county events, for competitors, and to nominate competitors for trials, events and courses, as required.
- 25.2.8 To select *[discipline]* competitors and officials to represent the Association, and to be responsible for the administration and conduct of such representatives.
- 25.2.9 To advise the Management Board of those competitors who have qualified for county colours, and to make appropriate recommendations regarding any individual considered worthy of such recognition by virtue of meritorious performance.

26 CLUB DEVELOPMENT GROUP

26.1 Terms of Reference

- 26.1.1 To advise the Management Board on all matters relating to club development in Hertfordshire.
- 26.1.2 To prepare the club development section of the Association's development plan and associated budget, for approval by the Management Board. To implement the approved plan, and review it regularly, reporting to the Management Board.

- 26.1.3 To encourage the provision of courses within Hertfordshire that lead to a qualification that is promoted or recognised by the ASA for swimming teachers, coaches and club administrators.
- 26.1.4 To assist club members to identify appropriate training courses run by other bodies, to ensure they are able to meet the requirements for swim21 accreditation.

27 RULES FOR COMMITTEES

- 27.1 The President and the President Elect shall be invited to attend meetings of all standing committees, with neither the obligation to attend, nor the power to vote.
- 27.2 Each committee shall fix the dates and times of its meetings, arranged so as not to clash with the meetings of the other committees.
- 27.3 At least seven clear days notice of meetings shall be given, except in matters of urgency, of which the discipline manager shall decide upon, after consulting with the chairman of the committee.
- 27.4 At its first meeting, each committee shall elect a chairman from amongst its own members. No person may act as chairman of the same committee for more than three years in succession.
- 27.5 In the absence of the chairman, a member of the committee, chosen by the majority of the members present at the commencement of business, shall preside at the meeting.
- 27.6 One half of those entitled to attend and vote, excluding the executive officers, shall form a quorum at any meeting.
- 27.7 Each committee shall record full and accurate minutes of its proceedings, including the names of those in attendance, and cause the same to be securely stored for the period specified by the Management Board.
- 27.8 Each discipline manager shall ensure that a copy of the minutes of every meeting of the committee, or any sub-committee, is sent to the Association Secretary within 14 days of the meeting being held. The Association Secretary shall circulate copies of all such minutes to the Management Board in time for consideration at its next meeting.
- 27.9 Each committee shall, from time to time, appoint one of its members to be responsible for the overall organisation of each event it stages on behalf of the Association.
- 27.10 Each committee may appoint one or more sub-committees to deal with matters that are the responsibility that committee. The majority of the members of any such sub-committee shall be members of the parent committee.
- 27.11 Each committee shall be responsible for ensuring, in conjunction with the webmaster, that the appropriate parts of Association's website are regularly reviewed and updated to display relevant and current information.

- 27.12 Each committee shall review annually all parts of the Association's handbook relevant to its responsibilities. Any amendments shall be in the hands of the handbook editor by no later than the specified date.
- 27.13 Each discipline committee shall appoint a member of the committee to be responsible for advising the trophies officer (by no later than the specified date) of the number and type of medals and other awards that will be required by the discipline committee during the year. The appointed member shall arrange with the trophies officer for all necessary trophies, medals, etc. to be available to the appropriate event manager in good time. A proper receipt shall be obtained from the recipient of each trophy. The person appointed will assist the trophies officer in ensuring the safe return of the discipline's trophies by the required date, and that any engraving is carried out by an engraver approved by the trophies officer.
- 27.14 If the majority of members agree that a special reason exists, a committee shall have the power to co-opt any additional person who has skills or knowledge that does not already exist within the committee. Any such co-option shall be without the right to vote and shall terminate when the special reason ceases. The names of each person co-opted shall be reported to the next meeting of the Management Board.
- 27.15 Each committee may, with the prior approval of the Management Board, appoint a working party to investigate, study and make recommendations to the committee on any relevant matter. The discipline manager shall be an ex officio member of any such working party, but the other members may, in part, be persons selected from outside the committee.

BYELAWS

BL1 ASSOCIATION TROPHIES

- BL1.1 The trophies officer shall be accountable to the Finance Officer for all trophies of the Association and shall arrange for these, and medals where relevant, to be available to the discipline committees, having been given advice by them of the number and type of medals required.
- BL1.2 All trophies shall be perpetual.
- BL1.3 All trophies shall be engraved at the expense of the Association by an engraver approved by the trophies officer.

- BL1.4 Trophies may be insured at the discretion of the Management Board and at the expense of the Association.
- BL1.5 The winner of a trophy, or, in the case of a team, the relevant club, may hold such trophy upon giving a satisfactory undertaking to the Association for its safe custody and due return upon demand.
- BL1.6 When a trophy is returned damaged, dirty or in any other condition making it unsatisfactory for re-presentation, the Association shall have the right to recover the cost of reinstatement from the recipient named at BL1.5.

BL2 COUNTY COLOURS

- BL2.1 County colours shall be awarded to those who compete as a member of a team selected by a national or regional governing body.
- BL2.2 County colours may be awarded to individuals for any performance which is considered sufficiently meritorious by the Management Board.

BL3 ASSOCIATION CERTIFICATES

Certificates shall be presented only to:

- BL3.1 Retiring presidents,
- BL3.2 Donors of trophies for championships, setting forth the thanks of the Association.
- BL3.3 Recipients of the President's Plate.
- BL3.4 Recipients of the Roy Rogers Memorial Trophy.
- BL3.5 Individuals, on the recommendation of the Management Board, in recognition of any special performance or services.
- BL3.6 As provided in championships and record regulations.

BL4 LONG SERVICE AWARDS

- BL4.1 A long service award will be made for attending membership of the Management Board (or any previous name), or as a member of any of the standing committees.
- BL4.2 The discipline committees may make nominations for officials, who have achieved the appropriate qualifying period, to the Management Board for its consideration.
- BL4.3 The qualifying period shall be seven years for a silver award and twelve years for a gold award.

BL5 SPECIAL AWARDS

- BL5.1 President's Plate
The President's Plate shall be awarded annually, at the sole discretion of the President, for conspicuous service to the Hertfordshire ASA.
- BL5.2 Roy Rogers Memorial Trophy
The Roy Rogers Memorial Trophy shall be awarded annually to the Hertfordshire person, team or club who has made a significant contribution to the sport of swimming.

BL5.3 Wilkinson Sword

The Wilkinson Sword shall be awarded annually for achievement in the sport of swimming.