

LANCASHIRE COUNTY
WATER POLO
AND
SWIMMING ASSOCIATION



AFFILIATED TO AMATEUR SWIMMING ASSOCIATION
NORTH WEST REGION

CONSTITUTIONAL RULES
2012 – 2016

SWIMLANCASHIRE.ORG.UK

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1. Name

- 1.1. The Association shall be called the Lancashire County Water Polo and Swimming Association hereinafter called the County Association.

2. Definition

- 2.1. The Lancashire County Association shall be based on the Lancashire Ceremonial County and include any administrative County, Metropolitan Borough or Unity Authority in that area in whole or in part including the Crown Dependency of the Isle of Man.

3. Aims

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

4. Objectives

- 4.1 In the furtherance of the Aims of the County Association the following points shall be observed:-
- 4.1.1. The County Association 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. All persons, clubs, associations, organisations and leagues affiliated to the County Association shall consent to be bound whilst engaged in any County Association activity by the Amateur Swimming Association Code of Ethics, the Amateur Swimming Association Laws and Regulations relating to Child Safeguarding procedures and those parts of the Amateur Swimming Association Judicial Laws and procedures necessary for their implementation.
 - 4.1.3. All persons, clubs, associations, organisations and leagues affiliated to the County Association whilst engaged in activities under the jurisdiction of the County Association shall be subject to the constraints and privileges of the Amateur Swimming Association Judicial Laws and Regulations.
 - 4.1.4. The Association shall implement the Amateur Swimming Association Equal Opportunities Policy.
 - 4.1.5. All competitors shall be registered members of the Amateur Swimming Association
 - 4.1.6. All competitors shall comply with the Championship conditions of the County Association and the Amateur Swimming Association when competing.
- 4.2. The County Association shall be affiliated to the Amateur Swimming Association North West Region and such other bodies as the County Association may determine from time to time.
- 4.3. The business affairs of the County Association shall at all times be conducted in accordance with the Laws and Regulations of the Amateur Swimming Association the Judicial Laws and Regulations and the Technical Rules of the Amateur Swimming Association and in particular the County Association shall produce and publish a County Association Business Plan incorporating budget proposals.
- 4.4. To promote and develop the aquatic disciplines of Swimming and Water Polo through the implementation of:-
- 4.4.1. A County Development Plan
 - 4.4.2. Partnership agreements with appropriate bodies, organisations and external agencies
- 4.5. By virtue of its affiliation to the Amateur Swimming Association North West Region the County Association and all members of the County Association shall acknowledge that they are subject to the laws and rules of:-
- 4.5.1. The Amateur Swimming Association North West Region
 - 4.5.2. The Amateur Swimming Association to include the Amateur Swimming Association / Institute of Swimming Code of Ethics
 - 4.5.3. British Swimming to include in particular the British Swimming Doping Control Rules and Protocols and the British Swimming Disciplinary Code.
 - 4.5.4. 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 any conflict between any rule and by-law of the Association any of the Governing Body Rules then the relevant Governing Body Rules shall prevail.

5. Powers and Responsibilities of the County Association

- 5.1. In general the County Association shall:-
- 5.1.1. Manage the sport of swimming throughout the County subject to the strategic direction of the Amateur Swimming Association, the Amateur Swimming Association North West Region and the County Association
 - 5.1.2. Observe, obey and enforce the laws and the judicial and technical rules of the Amateur Swimming Association and the Amateur Swimming Association North West Region
 - 5.1.3. Follow and implement the resolutions and rulings of the Amateur Swimming Association Board, the Amateur Swimming Association Council and the North West Region and ensure that they are followed within its jurisdiction.

- 5.1.4. Be accountable to the Amateur Swimming Association and the Amateur Swimming Association North West Region for the proper discharge of its duties and functions.
- 5.1.5. Produce, maintain and implement such plans based on strategic criteria set by the Amateur Swimming Association and the Amateur Swimming Association North West Region and in such form as the Amateur Swimming Association and the Amateur Swimming Association North West Region may from time to time require.
- 5.1.6. Make available to the Amateur Swimming Association North West Region such information and reports as it may require at a time and in a format specified by the Amateur Swimming Association North West Region
- 5.1.7. Elect the required number of delegates to the Amateur Swimming Association North West Region Council Meeting and any special Council Meeting
- 5.1.8. Make nominations for the position of President of the Amateur Swimming Association North West Region at a time and in accordance with the requirements of the Amateur Swimming Association North West Region
- 5.1.9. Produce Constitutional Rules for the County Association and operate on the basis of a standard constitution appropriate for a County Association which:-
 - 5.1.9.1. Shall be issued and reviewed from time to time by the Amateur Swimming Association and the Amateur Swimming Association North West Region
 - 5.1.9.2. Shall contain any mandatory provisions in respect of any parts of the governance of and administration of the County Association received from the Amateur Swimming Association and / or the Amateur Swimming Association North West Region
 - 5.1.9.3. May contain recommended provisions in respect of the other parts of the governance of and administration and any other matter pertaining to the County Association received from the Amateur Swimming Association and / or the Amateur Swimming Association North West Region.
- 5.1.10. Have the power to expel a member when in its opinion it would not be in the interests of the Association for the club, organisation, association, body, league or alliance to remain a member.
- 5.1.11. Comply with the requirements and procedures of the Amateur Swimming Association Judicial Laws and Regulations for handling internal disputes as the same may be revised from time to time
- 5.1.12. Pass any submission or complaint that is an alleged infringement of Amateur Swimming Association Laws and Regulations to the Amateur Swimming Association for consideration by the Amateur Swimming Association.
- 5.2. In relation to its administration and finances the County Association shall:-
 - 5.2.1. Determine the usage to which its funds are allocated within the strategic criteria set by the Amateur Swimming Association, the Amateur Swimming Association North West Region and the County Association
 - 5.2.2. 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 Amateur Swimming Association. The Amateur Swimming Association North West Region and the County Association
 - 5.2.3. 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 and the County Association.
 - 5.2.4. Have the authority to set the County Association element of the affiliation and membership fees 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 County Association.
- 5.3. In relation to its Accountability the County Association shall:-
 - 5.3.1. From time to time submit its Business and Development Plans to the Amateur Swimming Association North West Region Management Board or its nominated agent(s) for information and approval as required.
 - 5.3.2. Keep accounts showing its income and expenditure against the budget set in its Business Plan, and a Balance Sheet.
 - 5.3.3. Report annually to the Amateur Swimming Association North West Region 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

6. Affiliation and Membership

- 6.1. The total membership of the County Association shall not normally be limited. If however, the Executive Committee considers that there is good reason to impose any limit from time to time the Executive Committee shall put forward appropriate proposals for consideration to the Council. The members of Council shall have the right to recommend to the Executive Committee that limits should be placed or removed from total membership, or any category of membership.
- 6.2. The County Association shall affiliate:-
 - 6.2.1. Clubs affiliated to the Amateur Swimming Association and to the Amateur Swimming Association North West Region which have been allocated to the County Association by the Amateur Swimming Association North West Region.
 - 6.2.2. Associated organisations affiliated to the Amateur Swimming Association and the Amateur Swimming Association North West Region.
 - 6.2.3. Corporate organisations
 - 6.2.4. Local Associations and Leagues
 - 6.2.5. Individuals, clubs, bodies, associations, or organisations granted temporary affiliation by the Amateur Swimming Association for participation in a specified activity or group of activities.

6.3. The membership of the County Association shall consist of:-

- 6.3.1. Those clubs who are affiliated to the Amateur Swimming Association North West Region who have their headquarters within the County of Lancashire as defined in Amateur Swimming Association Law, and have been allocated to the County Association by the Amateur Swimming Association North West Region
- 6.3.2. Individual position holders consisting of Honorary Life Members, County Association Officers and other designated position holders, as decided, from time to time by the Executive Committee. All holders of individual positions shall be members of an affiliated Club, League Body, Association or Organisation and shall be not less than 18 years of age.
- 6.3.3. Individuals granted temporary membership by the Amateur Swimming Association by virtue of their participation in a specific event organised by the County in conjunction with a club, body, association or organisation under the provisions of the Amateur Swimming Association Regulation 56 on temporary membership.
- 6.3.4. Persons who have been granted Individual membership by the County Association, who are non-competitors provided the Amateur Swimming Association membership fee has been paid.
- 6.3.5. Individuals who have been granted Honorary Membership of the County Association. Such members shall be members of an affiliated club and hence of the Amateur Swimming Association.

7. Suspension and Resignation

- 7.1. Any organisation not having paid its annual return of membership to the Amateur Swimming Association by 31st March and suspended by the Amateur Swimming Association shall not be allowed to take part in any activities of the Association for the period of the suspension in accordance with Amateur Swimming Association Laws and Regulations

8. Finance

- 8.1. The financial year of the County Association shall be the period commencing on 1st October and ending on the 30th September. Any change to the financial year shall require the approval of the Council.
- 8.2. The Executive Committee shall notify the Amateur Swimming Association and the Amateur Swimming Association North West Region of the affiliation fee of the County Association by no later than 30th September in the preceding year.
- 8.3. The Executive Committee shall, as they see fit, decide the amount of the annual affiliation fee and any other fees for the next operating year.
- 8.4. The annual affiliation fee for each club shall be due on its affiliation to the Amateur Swimming Association North West Region and hence on joining the County Association and thereafter on 1st January of each year.
- 8.5. The level of the affiliation fee for the next operating year shall be notified to the Annual General meeting who shall have the opportunity to make comment and to make recommendations to the Executive Committee as to the future levels of the affiliation fee.
- 8.6. The Executive Committee shall make appropriate arrangements to receive from the Amateur Swimming Association the specified County affiliation fee for each club affiliated to the County Association.
- 8.7. All monies payable to the County Association shall be received by the Treasurer and deposited in a bank account in the name of the County Association. No sum shall be drawn from the account except by cheque signed by two of the three designated signatories.
- 8.8. The income and property of the County Association shall be applied only to the furtherance of the aims and objectives of the County Association and no part thereof shall be paid by way of bonus, dividend or profit to any members of the County Association or to an external agency.
- 8.9. The Treasurer shall record the financial transactions of the Association in such a manner as the Executive Committee deems appropriate.
- 8.10. The Executive Committee shall have the power to set the level of payment of remuneration and expenses to any officer, member, employee or other such person for services rendered to the Association.

9. Governance

- 9.1. There shall be three levels of government of the County Association
 - 9.1.1. The Council
 - 9.1.2. The Executive Committee
 - 9.1.3. The Standing and other Committees, Officers and County Co-ordinators
- 9.2. A person who is not a member of a club, body, association or league affiliated to the County Association shall not be permitted to be nominated, elected or appointed as a delegate, Executive Committee member, Officer, Co-ordinator, adviser or to any other position which carries the right to vote at any level of government of the County Association.

10. Officers

- 10.1. The Officers of the County Association shall be the President, the President Elect, the Secretary and the Treasurer.

11. Council

- 11.1. The Council of the Association shall consist of:-
 - 11.1.1. President
 - 11.1.2. Life Members
 - 11.1.3. Past Presidents
 - 11.1.4. 6 Vice Presidents
 - 11.1.5. President Elect
 - 11.1.6. Medical Officer
 - 11.1.7. Secretary

- 11.1.8. Treasurer
- 11.1.9. Championship Secretary
- 11.1.10 Synchronised Swimming Secretary
- 11.1.11. Water Polo Secretary
- 11.1.12. 7 elected members of the Executive Committee
- 11.1.13. Solicitor
- 11.1.14. Welfare Officer
- 11.1.15. Equity Officer
- 11.1.16. Volunteer Officer
- 11.2. Representation to Council
 - 11.2.1. Clubs
 - Each club affiliated to the County Association shall be entitled to representation at Council by one delegate.
 - 11.2.2. Others
 - Any affiliated body, association, organisation or league shall be entitled to representation at Council by one delegate.
- 11.3. Delegates
 - 11.3.1. A delegate shall be appointed by the club, body, association, organisation or league he represents
 - 11.3.2. The Honorary Secretary of the club, body, association, organisation or league, or other person authorised so to do, shall notify the Honorary Secretary of the County Association that the delegate is a bone fide member of the club, body, association, organisation or league and has been duly appointed a delegate to any Meeting of the Council.
 - 11.3.3. A delegate shall only be permitted one vote irrespective of the number of clubs, bodies, associations, organisations or leagues he may represent.
 - 11.3.4. Proxy voting shall not be allowed at any Meeting of Council.

12. Responsibilities of Council

- 12.1. The Council shall have the responsibility to:-
 - 12.1.1. Deal with all matters of governance according to the rules of the County Association
 - 12.1.2. Oversee the work of the Executive Committee and receive its reports and accounts
 - 12.1.3. Abide by the standing orders for its conduct
 - 12.1.4. Consider and decide any proposed additions / alterations to or deletions from the constitutional rules
 - 12.1.5. Keep full and accurate minutes of its meetings
- 12.2. The Council shall at the Annual General Meeting appoint from time to time the following:-
 - Such members shall be members of an affiliated club and hence of the Amateur Swimming Association
 - 12.2.1. One or more Independent Financial Examiners as required who shall not be members of the Executive Committee or members of the family of a member of the Executive Committee
 - 12.2.2. A Medical Officer
 - 12.2.3. A Welfare Officer
 - 12.2.4. An Equity Officer
 - 12.2.5. A Volunteer Officer
 - 12.2.6. A Solicitor
- 12.3. At the Annual General Meeting elect the following, each of whom shall be a member of a club affiliated to the County Association
 - 12.3.1. President
 - 12.3.2. President Elect
 - 12.3.3. 6 Vice Presidents
 - 12.3.4. Secretary
 - 12.3.5. Treasurer
 - 12.3.6. Championship Secretary
 - 12.3.7. Water Polo Secretary
 - 12.3.8. Synchronised Swimming Secretary
 - 12.3.9. 7 members of the Executive Committee
- 12.4. The Council may:-
 - 12.4.1. Discuss any matters that are relevant and pass resolutions and orders concerning them
 - 12.4.2. 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 Council
 - 12.4.3. On the recommendation of the Executive Committee elect as an Honorary Life Member an individual whose services to the County Association justify such recognition
 - 12.4.4. At an Annual Council Meeting or a Special Council Meeting delegate the whole or any part of its powers, to the Executive Committee.

13. Meetings of Council

13.1. Chairman

- 13.1.1. The Chairman at all meetings of the Council shall be the President if he is present. If the Chairman is absent or unable to act or declines to act the President Elect shall act as Chairman for the meeting. If the President Elect is not able to act as Chairman for the meeting the most immediate Past President shall act as Chairman. If a Chairman is still not available the Council shall elect a Chairman from its members present
- 13.1.2. The Chairman shall:-
 - 13.1.2.1. Have unlimited authority upon every question of order
 - 13.1.2.2. Be, for the purpose of the Council meeting, the sole interpreter of the rules governing the Council
 - 13.1.2.3. Have a deliberative and a casting vote

13.2. Secretary

- 13.2.1. The Secretary shall be responsible for providing each affiliated club, body, association, organisation or league and each member of the Executive Committee with written notice of the date, time and place of the Annual Council Meeting or of a Special Council Meeting together with the resolutions to be proposed, at least fourteen days before the date of the meeting and in the case of the Annual Council Meeting a copy of the Annual Report, a list of the nominees for the Officers and the Executive Committee posts and a copy of the examined accounts.
- 13.2.2. The Secretary, or in the absence of the Secretary a member of, and elected by, the Executive Committee, shall take the minutes of the meeting.

13.3. Motions

- 13.3.1. A proposal for consideration at the Annual Council Meeting which does not embody a proposal to change a rule of the County Association may be submitted:-
 - 13.3.1.1. By the Executive Committee
 - 13.3.1.2. By a member of Council
 - 13.3.1.3. By a club, body, association, organisation or league affiliated to the County Association
- 13.3.2. Nomination forms for the election of all officers and members of the Executive Committee shall be returned to the Honorary Secretary, not later than 1st November prior to the Annual Council Meeting. The nomination form shall contain the signatures of the nominee, the proposer and the seconder.
- 13.3.3. Nominations for election to the position of Honorary Life Members shall be made to the Annual Council Meeting by the Executive Committee
- 13.3.4. Proposals and resolutions received in accordance with this section shall be submitted in writing to the Honorary Secretary by the 1st November prior to the Annual Council Meeting.
- 13.3.5. Proposals received in accordance with this section shall be sent to clubs, bodies, associations, organisations and leagues entitled to be represented at the Annual Council Meeting not less than fourteen days before the meeting of Council.
- 13.3.6. 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 voting provided it does not involve a change to the Rules of the County Association.
- 13.3.7. Approval of the Annual Report other than those items where due notice has been given to amend, add or reject, shall be proposed en bloc by the Chairman and put to the vote without debate.

13.4. Procedures at Council Meetings

- 13.4.1. Only in the event of exceptional circumstances shall an Annual Council Meeting be postponed by the Executive Committee once the date, time and venue has been fixed and advised to the members. A postponed Annual Council Meeting shall be reconvened on a date within one month of the original date and a minimum of seven days' advance notice given to the members of the rescheduled date, time and venue. At the rescheduled meeting the same agenda as originally issued shall be used.
- 13.4.2. In any event no more than fifteen months shall elapse between Annual Council Meetings.
- 13.4.3. Having called a General Meeting it may only proceed to business if the correct quorum of members is present within thirty minutes after the time fixed for the meeting. Otherwise the meeting if convened at the requisition of the members shall be dissolved. If convened by the direction of the Committee it shall be adjourned to the same time in the following month or to some other date as decided by the President save that the adjourned meeting may proceed to business whatever the number of members present.
- 13.4.4. If a general meeting of the membership commences but is adjourned for want of time or other good reason members present at the meeting will be notified there and then of the adjourned date if practicable. If not and the matter is adjourned for more than fourteen days all members shall receive seven days notice in writing of the adjourned meeting. Otherwise only those who attended the original meeting will be notified of the date.
- 13.4.5. Any dissolved or adjourned meeting must be re-convened and the business completed within two months of the adjournment.

13.5. Voting

- 13.5.1. Unless the Chairman directs otherwise, voting on all motions or amendments shall be by a show of hands or delegates cards.
- 13.5.2. Each member present and entitled to vote, with the exception of the Chairman, or acting Chairman for that meeting, shall have one vote and a simple majority shall pass any resolution.
- 13.5.3. Voting on elections shall be by secret ballot and any ballot paper containing more votes than the number required shall be void.
- 13.5.4. Completed voting papers shall be collected by the tellers as directed by the Chairman.
- 13.5.5. The Chairman shall appoint two tellers to count the votes. Wherever possible the tellers shall not be members of the Council.
- 13.5.6. 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.

- 13.5.7. Any discrepancy or irregularity found after the conclusion of the meeting shall be dealt with by the Executive 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.
- 13.6. Changes to County Association Constitutional Rules
- 13.6.1. Any proposal to change a Constitutional Rule of the County Association shall be considered at the Annual Council Meeting or Special Council Meeting called for that purpose. The Council shall consider and decide only the principles and intentions of the proposal. The Executive Committee shall appoint a group of people to draft the wording of the changes to the Rules to implement the principles and intentions approved by Council. The Executive Committee shall approve the changes to the Rules and submit them where necessary to the Amateur Swimming Association North West Region for its consideration and approval.
- 13.6.2. The changes to the Rules shall become effective upon approval by the Amateur Swimming Association North West Region Management Board or at a specified later date as determined by the Council.
- 13.6.3. A proposal to change a Constitutional Rule of the County Association shall be considered at a meeting of the Council if it has been:-
- 13.6.3.1. Made by the Executive Committee at a meeting before 1st November and appears in the minutes of that meeting.
- 13.6.3.2. Made by a committee appointed by the Council or the Executive Committee and appears in the minutes of that committee that have been approved by the Executive Committee before 1st November.
- 13.6.3.3. Made by a club, body, association, organisation or league affiliated to the County Association and has reached the County Association Honorary Secretary by 1st November.
- 13.6.3.4. Made as a matter of urgency, approved by the Executive Committee, sent to the clubs, bodies, associations, organisations or leagues affiliated to the County Association at least fourteen days before the Council Meeting and approved as a suitable matter for consideration by Council by at least two thirds of the delegates present and voting.
- 13.6.3.5. Included in the resolution or request for a Special Meeting of Council.
- 13.6.3.6. Referred to the Executive Committee. Unless emanating from it. The Executive Committee shall indicate its support or opposition and may propose amendments, which shall be included on the agenda of the Council Meeting.
- 13.6.3.7. Included on the agenda of the Council Meeting.
- 13.6.4. Every proposal to change a Constitutional Rule of the County Association and / or to amend it shall be proposed and seconded separately and shall be open for discussion by any delegate with or without prior intent.
- 13.6.5. An amendment to any proposal to change a Constitutional Rule of the County Association may be proposed by any member of Council, supported by another member as a seconder, and shall reach the Secretary of the County Association by 1st November for consideration at the Annual Council Meeting, or twenty one days prior to a Special Council Meeting, as the case may be.
- 13.6.6. A schedule of all such amendments shall be sent to the clubs, bodies, associations, organisations and leagues entitled to be represented at Council at least fourteen days prior to the date of the Council at which they are to be considered.
- 13.6.7. If any addition / alteration to or deletion from either an Amateur Swimming Association Law or a Rule of the Amateur Swimming Association North West Region causes a County Association Rule to conflict with it the Executive Committee shall be authorised to change the County Association Rule to conform to it. Any such changes shall be notified to the next Annual Council Meeting following the change of Rule.
- 13.7. Annual Meeting of Council
- 13.7.1. The Annual Council Meeting of the Association shall be held in the month of December.
- 13.7.2. The Executive Committee shall fix the date, the time and the venue of the Annual Council Meeting, which shall be notified to clubs with the notice convening the meeting.
- 13.7.3. The purpose of the Annual Council Meeting is to transact the following business:-
- 13.7.3.1. To receive and comment on the Annual Report of the activities of the County Association during the previous year as presented by the Honorary Secretary.
- 13.7.3.2. The Annual Report shall include the reports of the Championship Honorary Secretary and the Water Polo Honorary Secretary and of any Standing or other committee responsible for the activities of the County Association during the previous year.
- 13.7.3.3. To receive and consider, the accounts of the Association for the previous year, the report on the accounts by the Independent Financial Examiners and the Honorary Treasurers report as to the financial position of the Association.
- 13.7.3.4. To elect the President, the President Elect, the Honorary Officers and other members of the Executive Committee who shall retire from office at the Annual Council Meeting each year, but shall be eligible for re-election.
- 13.7.3.5. To elect Honorary Life Members
- 13.7.3.6. To appoint the Independent Financial Examiners and other County Officers as required.
- 13.7.3.7. To decide on changes to the Constitutional Rules and other resolutions.
- 13.7.3.8. To decide on any other resolution that may be duly submitted in accordance with Rule 13.3 and Rule 13.6.
- 13.8. Special Meetings of Council
- 13.8.1. The Executive Committee shall call a Special Meeting of the Council at any time in response to:-
- 13.8.1.1. A resolution of the Council carried at any meeting of the Council
- 13.8.1.2. An order of the Executive Committee
- 13.8.1.3. A requisition in writing received by the Secretary signed on behalf of not less than sixteen different clubs. Each signatory to the request to be an officer of the club. The request shall state the purpose for which the meeting is required and the resolution proposed.
- 13.8.2. The Secretary shall call a Special Meeting of Council within twenty eight days of the receipt of a requisition to call the meeting
- 13.8.3. Not less than fourteen days notice of a Special Meeting of Council shall be given to all affiliated clubs. The notice shall specify the object of the meeting. The venue and time of such a meeting shall be at the discretion of the Executive Committee

13.8.4. No business shall be discussed at such a meeting other than that prescribed by the Council, the Executive Committee or that stated in the request for the meeting, as the case may be.

13.9. Quorum

13.9.1. The quorum for the Annual Council Meeting or any Special Council Meeting shall be ten members entitled to attend and vote at the meeting, of which not less than one shall be an Officer of the Association.

14. Honorary Trustees

14.1. The Trustees of the Association shall be the President, the Secretary and the Treasurer during their respective terms of office.

15. Executive Committee

15.1. Membership

The Executive Committee shall comprise the following:-

15.1.1. Life Members

15.1.2. President

15.1.3. President Elect

15.1.4. 6 Vice Presidents

15.1.5. Secretary

15.1.6. Treasurer

15.1.7. Championship Secretary

15.1.8. Water Polo Secretary

15.1.9. 7 Elected Members

15.1.10 .Members appointed by the Council (who may be entitled to speak but not vote)

15.2. All members of the Executive Committee shall not be less than eighteen years of age.

15.2.1. The Executive Committee members, with the exception of the Honorary Life Members and the appointed members, shall be proposed, seconded and elected by ballot at the Annual Council Meeting each year and shall remain in office until their successors are elected at the next Annual Council Meeting. Retiring members of the Executive Committee shall be eligible for re-election.

15.2.2. The Executive Committee may fill any vacancy occurring by resignation or by any other means.

15.2.3. In addition to the members so elected, the Executive Committee may co-opt up to three further members of the Association who shall serve until the next Annual Council Meeting. Co-opted members shall not be entitled to vote at meetings of the Executive Committee and shall not be counted in establishing whether a quorum is present

15.2.4. In the event of any elected of the Executive Committee not attending:

15.2.4.1. Three consecutive Executive Committee meetings, unless the Executive Committee is satisfied that such absence is unavoidable and have notice of the same or

15.2.4.2. Less than half of the number of meetings held per year

It shall be considered equivalent to their resignation and the Executive Committee shall proceed to fill the vacancy.

15.3. Meetings

15.3.1. Meetings of the Executive Committee shall be held not less than four times per year save where the Executive Committee itself shall, by a simple majority, resolve not to meet, but there shall be not less than three meetings of the Committee per year.

15.3.2. The President and the Honorary Secretary shall have discretion to call further meetings of the Executive Committee if they consider it to be in the interests of the Association.

15.3.3. The Secretary shall give all members of the Executive Committee not less than seven days written notice of an Executive Committee meeting.

15.3.4. The President, or in the absence of the President, a member of the Executive Committee shall act as Chairman of the meeting of the Executive Committee.

15.3.5. Decisions of the Executive Committee shall be made by a simple majority of the votes cast. Each member present, with the exception of the President, or the acting Chairman for the meeting, shall have one vote. The Chairman of the Executive Committee shall have a deliberative and a casting vote.

15.3.6. The Honorary Secretary, or in the absence of the Honorary Secretary a member of the Executive Committee, shall take the minutes of the meeting.

15.4. Quorum

15.4.1. The quorum for an Executive Committee meeting shall be such number as shall represent not less than a simple majority of the Committee members entitled to attend and vote to include not less than one officer.

15.4.2. In the event that a quorum is not present within thirty minutes of the published starting time, a meeting shall stand adjourned. The Secretary to notify the date of the reconvened meeting within a maximum period of one month.

15.5. Powers and Responsibilities

15.5.1. The responsibilities of the Executive Committee shall include but not be limited to:-

15.5.1.1. Determine the strategies of the County Association within the overall policies and plans agreed by the Council and published by the Amateur Swimming Association and the Amateur Swimming Association North West Region.

15.5.1.2. Liaise with the Amateur Swimming Association North West Region on the consideration of the affiliation of clubs to the County Association through the Amateur Swimming Association North West Region.

- 15.5.1.3. Carry out any other specific duty given to it by the Council
- 15.5.1.4. Have day to day management over the affairs of the County Association including but not being limited to, the oversight of the production of the plans of the County Association for the approval of the Council and for submission to the Amateur Swimming Association North West Region together with their implementation, monitoring and evaluation.
- 15.5.1.5. Appoint any officers, co-ordinators and members of the standing committees, not elected by Council.
- 15.5.1.6. Monitor and evaluate the work of the Standing and other committees and any other person appointed to a specific task within the County Association, including the production of full and accurate minutes of their meetings and reports of their activities.
- 15.5.1.7. Maintain appropriate channels of communication with the Amateur Swimming Association North West Region, clubs and individuals.
- 15.5.2. The Executive Committee shall:-
 - 15.5.2.1. Determine any question arising as to the correct interpretation of any of these rules, or any other question not herein provided for.
 - 15.5.2.2. Submit to the Amateur Swimming Association North West Region a nomination for the position of President of the Amateur Swimming Association North West Region in accordance with the requirements of that body.
 - 15.5.2.3. Set the affiliation fee in line with the budget.
 - 15.5.2.4. Set the level of competition and championship fees in line with the budget
 - 15.5.2.5. Determine who shall be the authorised signatories of the accounts of the County Association.
 - 15.5.2.6. Ensure that full and accurate minutes of meetings are kept.
 - 15.5.2.7. At its first meeting after the Annual Council Meeting appoint County representatives who shall be members of a club affiliated to the County Association.
 - 15.5.2.7.1. Amateur Swimming Association North West Region
 - 15.5.2.7.2. External Partnerships as required
 - 15.5.2.8. At its first meeting after the Annual Council Meeting appoint the members of the Standing Committees for Development, Swimming. Synchronised Swimming and Water Polo each of whom shall be a member of a club affiliated to the County Association.
 - 15.5.2.9. Have the power to authorise the payment of remuneration, expenses or grant for services to the County Association received from any:-
 - 15.5.2.9.1. Officer, Committee member or official of the County Association.
 - 15.5.2.9.2. Other person or persons as decided by the Executive Committee or the Council
 - 15.5.2.9.3. External agents as part of a partnership agreement
 - 15.5.2.10. At its first meeting after the Annual Council Meeting appoint the County Officers as follows, each of whom shall be a member of a club affiliated to the County Association:-
 - 15.5.2.10.1. Trophy Controller
 - 15.5.2.10.2. Welfare Officer who:
 - 15.5.2.10.2.1. Shall be not less than eighteen years of age
 - 15.5.2.10.2.2. Should have an appropriate background and who is required to undertake appropriate training in accordance with Amateur Swimming Association Child Safeguarding courses
 - 15.5.2.10.2.3. Shall have a right to attend meetings of the Executive Committee without the power to vote
 - 15.5.2.10.2.4. Shall not be an Officer, an Executive Committee member, or another County Co-ordinator
 - 15.5.2.10.2.5. Shall report to the Committee on all aspects of welfare concerning members of the Association
 - 15.5.2.11. Draw up and implement with immediate effect a change of Constitutional Rules of the County Association if they are in conflict with any addition / alteration to or deletion from either an Amateur Swimming Association Law or a Rule of the Amateur Swimming Association North West Region
 - 15.5.2.12. Determine the terms of reference of any Sub-committee or working group.
 - 15.5.2.13. Be accountable to the Council of the County Association and report to it at such times and in such a form as it may require.
 - 15.5.2.14. Select the Swimmer of the Year from nominations received by the Swimming Committee
- 15.6. The Executive Committee may:-
 - 15.6.1. Contract and set up partnership agreements with outside agencies in support and furtherance of the aims and objectives of the County Association
 - 15.6.2. 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 Executive Committee
 - 15.6.3. 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 replace them.
 - 15.6.4. At its discretion discharge any Standing or other committee and elect a new one in its place.
 - 15.6.5. From time to time appoint from its members such other committees or working groups as it may consider necessary and may delegate to them such powers and duties of the Executive Committee as the Executive Committee may determine.
- 15.7. The Executive Committee shall be governed by the following standing orders:-
 - 15.7.1. If the President is unable or unwilling to act as Chairman at a meeting the members present at the meeting shall elect a Chairman from among their number and he shall be entitled to act in all respects as if he were the Chairman
 - 15.7.2. The Chairman shall have unlimited authority upon every question of order at each meeting of the Executive Committee

- 15.7.3. The minutes of the previous meeting as circulated shall be considered as the first substantive item on the agenda
- 15.7.4. The minutes of Standing 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 Executive Committee agree by a two thirds majority that they will not prejudice the good governance of the County Association to do so
- 15.7.5. Every motion shall be proposed and seconded
- 15.7.6. 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.
- 15.7.7. All proposals, including amendments to proposals shall require a simple majority of those members present and voting unless otherwise specified in these rules.
- 15.7.8. The Chairman shall have a deliberative and a casting vote
- 15.7.9. Unless the Chairman determines otherwise, voting on all motions or amendments shall be by a show of hands
- 15.7.10. Meetings of the Executive Committee shall not be open to the public.
- 15.7.11. The minutes of the Executive Committee shall be circulated to each member of the Executive Committee, to the Amateur Swimming Association North West Region Regional Director and posted on the Association website.
- 15.7.12. The members of the Executive Committee shall be indemnified by the members of the County Association against all liabilities properly incurred by them in the management of the affairs of the County Association.

16. Independent Financial Examiners

- 16.1. One or more Independent Financial Examiners shall be appointed at the Annual Council Meeting and they shall audit the annual statement of the accounts and the balance sheet and certify the same before they are circulated to clubs.

17. Standing Committees

- 17.1. Standing Committees shall be formed for Development, Swimming, Synchronised Swimming and Water Polo.

- 17.1.1. Composition

Each Standing committee shall consist of members as indicated in its terms of reference

- 17.1.2. Ex-officio Members

The President, the President Elect, the Secretary and the Treasurer of the County Association shall be ex-officio members of all Standing Committees, with the exception of the Development Committee or as otherwise specified by the Council or in the terms of reference of such a committee.

- 17.1.3. Appointment

The Executive Committee shall appoint the members of each Standing Committee.

- 17.2. Provisions applicable to Standing and other Committees

- 17.2.1. Standing Orders

- 17.2.1.1. The standing Technical Committees shall normally hold not less than three meetings per year

- 17.2.1.2. The meeting of every Committee shall be private and no report of its proceedings shall be made to any outside body.

- 17.2.1.3. In case of emergency any action or decision taken by any Standing or other committee must have prior approval of the President, the Secretary and the Treasurer.

- 17.2.1.4. Except in cases of emergency no decision of any Standing or other Committee shall be binding upon the Executive Committee until considered and voted upon by the Executive Committee.

- 17.2.1.5. All Standing and other Committees and working groups shall periodically report their proceedings to the Executive Committee and shall conduct their business in accordance with the directions of the Executive Committee.

- 17.2.2. Quorum

- 17.2.2.1. The quorum for each Standing or other Committee shall be laid down in the terms of reference for the Committee

- 17.2.2.2. Any ex-officio members shall not be taken into account when determining the quorum of a committee but those with a vote attending a meeting shall be included in the number of members present required to satisfy the quorum

- 17.2.2.3. In the event that a quorum is not present within thirty minutes of the published starting time a meeting shall stand adjourned to the time and date falling one month after the date of the meeting or such other date and time as determined by the acting Chairman for that meeting.

- 17.2.2.4. Any adjourned meeting must be re-convened and the business completed within two months of the adjournment

- 17.2.2.5. The adjourned meeting may proceed to business whatever the number of members present

- 17.2.3. Co-option

Any Standing or other Committee shall have the power to co-opt up to a maximum of three members, for any special purpose, without the power to vote.

- 17.2.4. Substitutes

In the absence of the Chairman and / or the Honorary Secretary of a Standing or other Committee a member of the Committee chosen by a majority of the members present and voting shall act as Chairman or Honorary Secretary as required for the meeting.

- 17.2.5. Committee Chairman

- 17.2.5.1. At its first meeting after the Annual Council Meeting each Standing or other Committee shall elect, except where otherwise appointed, a Chairman from amongst its own members.

- 17.2.5.2. The Chairman shall have a deliberative and a casting vote.

17.2.5.3. In the absence of the Chairman, a member of the Committee chosen by a majority of the members present and voting shall act as the Chairman for that meeting.

17.2.6. Committee Secretary

17.2.6.1. At its first meeting after the Annual Council Meeting each sub-committee shall elect, except where otherwise appointed a Secretary from amongst its own members.

17.2.6.2. The Championship Secretary shall be a member of the Swimming Committee and shall act as its Secretary.

17.2.6.3. The Water Polo Secretary shall be a member of the Water Polo Committee and shall act as its Secretary.

17.2.6.4. The Committee Secretary shall be responsible for submitting to the Executive Committee and to the Development Committee as required the development plan and the required budget for the committee activities for the following year.

17.2.7. Minutes

Each Standing Committee shall keep full and accurate minutes of its meetings. The minutes of all such meetings or a report of its activities and business conducted by the Committee, as decided by the Executive Committee, shall be submitted for approval to the Executive Committee.

18. Development Committee

18.1. Composition

The Development Committee shall comprise:-

18.1.1. The President

18.1.2. Four members elected by and from the Executive Committee

18.2. Quorum

Three members shall form a quorum.

18.3. The duties of the Development Committee shall include but not be limited to:-

18.3.1. Produce the strategic plan for submission to and approval of the Executive Committee.

18.3.2. Produce the Business Plan including the budget requirements for submission to and approval of the Executive Committee of the County Association and for submission to the Amateur Swimming Association North West Region.

18.3.3. Produce the Development Plan for the County Association for submission to and approval of the Executive Committee of the County Association and for submission to the Amateur Swimming Association North West Region.

18.3.4. Report to the Executive Committee on the progress made against the Business Plan and the Development Plan and make recommendations for further action.

18.3.5. Deal with any matter referred to it by the Executive Committee

18.3.6. Report to the Executive Committee at such times and such a form as it may require.

19. Swimming Committee

19.1. Composition

The Swimming Committee shall comprise:-

19.1.1. The Officers

19.1.2. Five elected members

19.1.3. Championship Secretary

19.2. Quorum

Five members shall form a quorum

19.3. The duties of the Swimming Committee shall include but not be limited to:-

19.3.1. Manage the County Swimming Championships

19.3.2. Appoint officials for the County Swimming Championships and other competitions as necessary

19.3.3. Select County swimming representatives and nominate swimmers and officials for representative teams

19.3.4. Recommend to the Executive Committee the nominee for the Swimmer of the Year Award

19.3.5. Review the relevant section of the Development Plan of the County Association on a regular basis and make periodic reports to the Executive Committee on the progress made against the County Development Plan for swimming.

19.3.6. Advise the Executive Committee on all matters relating to swimming

19.3.7. Deal with any swimming matters referred to it by the Executive Committee

19.3.8. Report to the Executive Committee at such times and in such a form as it may require.

19.3.9. Encourage and supervise activities in the County for the improvement of swimming

19.3.10. Take such other action to further the discipline of swimming within the County as deemed appropriate.

20. Synchronised Swimming Committee

20.1. Composition

The Synchronised Swimming Committee shall comprise:-

20.1.1. The Officers

20.1.2. Five elected members

- 20.1.3. Synchronised Swimming Secretary
- 20.2. Quorum
 - Four members shall form a quorum
- 20.3. The duties of the Synchronised Swimming Committee shall include but not be limited to:-
 - 20.3.1. Manage the County Synchronised Swimming Championships and Competitions
 - 20.3.2. Appoint officials for the County Synchronised Swimming Championships and for other competitions
 - 20.3.3. Select representative teams and officials for the County as required.
 - 20.3.4. Review the relevant section of the Development Plan of the County Association on a regular basis and make periodic reports to the Executive Committee
 - 20.3.5. Advise the Executive Committee on all matters relating to Synchronised Swimming
 - 20.3.6. Deal with any Synchronised Swimming matters referred to it by the Executive Committee
 - 20.3.7. Report to the Executive Committee at such times and in such a form as it may require
 - 20.3.8. Encourage and supervise activities in the County for the improvement of Synchronised Swimming
 - 20.3.9. Take such other action to further the discipline of Synchronised Swimming within the County as deemed appropriate

21. Water Polo Committee

- 21.1. Composition
 - The Water Polo Committee shall comprise:-
 - 21.1.1. The Officers
 - 21.1.2. Five elected members
 - 21.1.3. Water Polo Secretary
- 21.2. Quorum
 - Five members shall form a quorum
- 21.3. The duties of the Water Polo Committee shall include but not be limited to:-
 - 21.3.1. Manage the County Water Polo Championships
 - 21.3.2. Appoint officials for the County Water Polo Championships and for other competitions
 - 21.3.3. Select representative teams and officials for the County as required
 - 21.3.4. Review the relevant section of the Development Plan of the County Association on a regular basis and make periodic reports to the Executive Committee.
 - 21.3.5. Advise the Executive Committee on all matters relating to Water Polo.
 - 21.3.6. Deal with any Water Polo matters referred to it by the Executive Committee
 - 21.3.7. Report to the Executive Committee at such times and in such a form as it may require
 - 21.3.8. Encourage and supervise activities in the County for the improvement of Water Polo
 - 21.3.9. Take such other action to further the discipline of Water Polo within the County as deemed appropriate.

22. Representing the Association

- 22.1. Any swimmer selected to represent the County Association and failing to appear shall not be allowed to take part in any of the Associations Championships or competitions until a satisfactory explanation is given, subject to the provisions of the Amateur Swimming Association Laws.

23. Award of Association Badge

- 23.1. Lancashire County Water Polo and Swimming Association badges shall be awarded to Executive Committee members, competitors in all disciplines of the sport who represent the County Association, Team Managers and Coaches of representative teams.
- 23.2. The County badge shall be awarded to others at the discretion of the Executive Committee.
- 23.3. No person shall receive more than one award in any year and it shall be an offence for any unauthorised person to wear these County awards.

24. Championship Conditions

- 24.1. The Championship conditions for all County Association events shall not be considered part of the Constitutional Rules for the purpose of these rules. They will be considered by the relevant technical committee and referred to the Executive Committee which shall have full power to approve any changes.

25. Interpretation of Rules

- 25.1. In the event of any question arising as to the correct interpretation of the Constitution or the Rules of the County Association or any other question not herein provided for, such question shall be referred to the Executive Committee whose decision shall be final.

26. Expulsion and other Disciplinary Action

- 26.1. If a complaint or dispute that involves a breach of Amateur Swimming Association Law is received by the County Association it shall be submitted to the Amateur Swimming Association for consideration under the Judicial Laws and Regulations of the Amateur Swimming Association.

- 26.2. The Executive Committee shall have the power to seek approval through the Amateur Swimming Association and the Amateur Swimming Association North West Region to expel an individual member, club, body, organisation, association or league when in its opinion it would not be in the interests of the Association to retain the membership of the individual member, club, body, organisation, association or league. The Association in exercising this power shall comply with the provisions of Rule 25.4 and Rule 25.5 below
- 26.3. Upon expulsion the former member shall not be entitled to have any part of the annual membership fee or any other fees refunded and must return any Association trophy or trophies held forthwith
- 26.4. In the case of an internal dispute between any individual member, club, body, organisation, association or league affiliated to the County Association when referred to the County Association for consideration it shall adopt and comply with the Amateur Swimming Association requirements and procedures of the Judicial Rules and Regulations for handling internal disputes as the same may be revised from time to time
- 26.5. A member may not be expelled or subject to Rule 25.7 below be made the subject of any other penalty unless the panel hearing the dispute shall by a two thirds majority vote in favour of the expulsion or other penalty imposed upon the member.
- 26.6. The Officers of the Association or any other person to whom the Executive Committee shall delegate this power may temporarily suspend or exclude a member from particular activities of the Association when in their opinion such action is in the interests of the Association. Where such action is taken the incident or matter will be dealt with in accordance with the appropriate Judicial Laws and Regulations.
- 26.7. The Officers in charge of a particular event shall be responsible for the discipline at that event. If further action is required this is to be referred to the Internal Disputes procedures as laid down in Amateur Swimming Association Laws and Regulations.

27. Dissolution

- 27.1. A resolution to dissolve the County Association shall only be considered at a Council Meeting and shall be carried by a majority of at least three quarters of the members present and voting.
- 27.2. The dissolution shall have effect from the date of the resolution and members of the Executive Committee shall be responsible for the winding-up of the assets and liabilities of the Association.
- 27.3. Any property remaining after the discharge of the debts and liabilities of the Association shall be given to a charity or charities or other non-profit making organisation having objectives similar to those of the County Association for the furtherance of such objectives as determined by the last Executive Committee.

28. By-Laws and Standing Orders

- 28.1. The Executive Committee shall have power to make, repeal and amend such by-laws and standing orders as they may from time to time consider necessary for the wellbeing of the Association which by-laws, standing orders, repeals and amendments shall have effect until set aside by the Executive Committee or at a General Meeting of the membership.

APPENDIX A

ASA LAWS AND REGULATIONS

INTERNAL DISPUTES

1 Affiliated Body Rights and Responsibilities

The rights and responsibilities of a club or affiliated body in terms of its discipline, its internal dispute procedures and the sanctions it can impose are given in ASA Regulation 281 which specifies:-

281 Affiliated Body Discipline and Internal Dispute Procedures

281.1 For a breach of its own rules, an affiliated club or body may:

281.1.1 Apply sanctions to a member relating to activities wholly within its own jurisdiction up to and including suspension from any or all of them;

281.1.2 Expel a member, provided that before doing so it informs the member of the alleged offence and gives him a reasonable opportunity to defend himself against the charge. If the alleged offence is also a breach of ASA Law or Regulations the club or body shall not deal with it but may make a complaint under the Judicial Laws and Regulations.

281.2 A club or body may expel from membership and/or refuse to renew the membership of any member who has been suspended according to Regulation 109 or Regulation 241 provided that any such expulsion or initial refusal shall not be lawful after the twelve months immediately following the end of the suspension.

281.3 Each club shall include in its rules provisions specifying the procedures to be carried out to handle internal club disputes.

281.4 Any such provisions shall comply with the ASA Recommended Club Constitution and the accompanying Guidance Notes.

2 Complaint to Asa

Any dispute that involves an allegation of a breach of ASA Law must be submitted to the ASA and dealt with as a complaint under the condition of ASA Regulation 150.4 and ASA Regulation 281.1.2. ASA Judicial Regulation 102 deals with the circumstance of a complaint made to the ASA. It provides the necessary explanation that defines a complaint, the grounds on which a complaint can be made, who can make a complaint and the procedure to be used.

102. Complaints

102.1 A complaint is a formal expression of dissatisfaction with the actions or behaviour of any person, including an individual or a club, or other body, or organisation or with alleged unfair practice in connection with the sport.

3 Internal Disputes

When a dispute arises between two or more members of the same club, body or organisation it must be handled using the Internal Disputes procedure specified in the Constitutional Rules of the affiliated body and the following ASA Judicial Regulations 150 to 155.

150 General

150.1 The primary objective of the Regulations in this section is to set out ways by which a just outcome of an internal dispute between the members of a club, organisation, association or body may be secured as expeditiously as possible.

150.2 An 'internal club dispute' is a dispute involving an alleged breach of the club's rules, between two or more club members, any or none of whom may be an officer of the club, or one or more club members and one or more employees of the club (the "parties").

150.3 If a dispute cannot be resolved fairly and amicably between the parties concerned, and does not involve a breach of ASA Law, it may be dealt with under the relevant provisions of Regulation 281 which deal with club rights and responsibilities.

150.4 Any dispute which involves an allegation that there has been a breach of ASA Law by a member must be dealt with as a Complaint under Regulation 102 and the other relevant Regulations.

150.5 If the dispute involves an allegation against a paid employee of the club the issue must be dealt with under the terms of his contract of employment.

150.6 A failure by a club or any of the parties to comply with these Regulations 150 to 155 inclusive shall be grounds for a complaint under Regulation 102.

150.7 Organisations, associations or bodies affiliated to the ASA shall conform with such parts of Regulations 150 to 155 inclusive as may reasonably be applied to them, in all respects as if they were a club.

151 Sequence of Steps to Deal with a Dispute

151.1 The parties shall use any reasonable means to settle the issues between them informally and amicably.

151.2 If such a resolution cannot be achieved, the dispute shall be referred to the chairman of the club committee or, if he is a party to the dispute, to another officer of the club who is not a party who within seven days of the reference shall appoint an independent person to act as a mediator between the parties. The mediator may be a member of the club or a member of another club affiliated to the ASA.

- 151.3 If the mediator is unable to bring about a satisfactory settlement within twenty one days, the club committee shall within a further fourteen days appoint a panel (the "panel") to determine the dispute.
- 151.3.1 The panel shall consist of three persons who have not been involved in the dispute, either from the members of the club or, if this is not possible or desirable, from the members of any other club affiliated to the ASA.
- 151.3.2 The parties shall be given the opportunity to object to any of the members of the panel at least seven days before the scheduled date of any hearing. The club committee shall consider any such objections, decide whether they are justified and act accordingly.
- 152 Procedure before a Hearing
- 152.1 The panel members shall appoint one of their number to act as the Chairman and either appoint another of their number, or alternatively appoint an additional person without any other powers, to act as the clerk of the hearing.
- 152.2 The Chairman of the panel shall arrange the date of the hearing and notify the parties of the arrangements at least fourteen days in advance of the date set. The notified date shall not be changed unless one or more of the parties has a compelling reason for not being able to attend on the notified day or time.
- 153 Procedure at a Hearing
- 153.1 The procedure shall be flexible and it shall be the responsibility of the Chairman of the panel to ensure the orderly and effective conduct of the hearing.
- 153.2 The panel shall not be bound by the judicial rules of the courts of England and Wales governing procedure or the admissibility of evidence provided that the hearing is conducted in a fair and orderly manner and that each party is given a reasonable opportunity to give and call evidence, address the panel and present his case. The Chairman shall have the discretion to limit the number of witnesses that would otherwise have been called.
- 153.3 Witnesses shall normally be provided with an area outside the hearing room and not take any part in the hearing other than giving evidence and responding to questions
- 153.4 The parties shall be informed of their right to make a complaint under Regulation 102 if they are dissatisfied with the conduct of the hearing or the grounds upon which the decision was made or if they consider any sanction imposed to be disproportionate.
- 154 Procedure after a Hearing
- 154.1 The panel shall come to a decision as soon as reasonably practicable after the hearing and if possible announce its findings and decisions orally to the parties.
- 154.2 Notwithstanding anything in Regulation 154.1 the Chairman shall notify the parties and, if the club was not a party to the dispute, the club secretary in writing of its findings and decisions within five days of the hearing.
- 155 Considerations Regarding Children
- 155.1 Any person under the age of eighteen (a "child") who is a party to a dispute or who has been called as a witness shall normally be accompanied by a parent, a person with parental responsibility or a suitable adult. The Chairman shall have the sole discretion as to whether a child is permitted to present or defend a case or be questioned as a witness and may order that the child be assisted or represented by an adult.
- 155.2 The Chairman shall give due consideration to any child attending a hearing as a party to a dispute or to give evidence and in particular:
- 155.2.1 No child aged fourteen or under shall normally be expected to attend a hearing to give evidence in person. His evidence shall normally be given as a written statement with the assistance of a club welfare officer or other person acceptable to the child and parent. Questions and responses may be relayed by a panel member. If the child appears distressed the panel shall rely only on the written evidence:
- 155.2.2 A child over the age of fourteen shall only attend a hearing as a party to the dispute or to give evidence in person provided he wishes to, and the Chairman has consulted with the parent and child and is satisfied that they both understand the nature of the hearing and what will happen and that the child is competent to attend:
- 155.2.3 If there is a disagreement between parent and/or child and the Chairman on any of the considerations above, the Chairman shall consider requesting advice from the Independent Child Protection Officer via the ASA Legal Department.
- 155.3 During the hearing, a child who is expected to give evidence in person and his accompanying adult(s) shall be required to attend only those parts of the hearing which are necessary for him to give his evidence and shall be provided with a separate waiting area with no contact with any of the [other] parties.
- 155.4 After the hearing the Chairman shall inform the parent of the panel's findings and decisions and shall discuss whether he or the parent shall inform the child.