

Edinburgh Diving Club

The Royal Commonwealth Pool



CONSTITUTION, BYE LAWS & REGULATIONS

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CONSTITUTION

C1.0 NAME

C1.1 The Club shall be called Edinburgh Diving Club.
(Hereinafter referred to as the Club)

C2.0 OBJECTS

C2.1 The objectives of the Club shall be to: -
a) Advance the public participation in Aquatic Sports by promoting and managing the teaching, knowledge and practice of one or more Aquatic Sports, in accordance with paragraph C2.1 of the SASA Constitution where relevant.

C3.0 MEMBERSHIP

C3.1 Membership of the Club is by application only and shall consist of the following categories: -

- a) Adult Member
An Adult is an individual 16 years and over, as recognised in Scots Law.
- b) Junior Member
A Junior is an individual not recognised in Scots Law as an adult and not as defined in Scottish Swimming Company Rule R4.5.6.
- c) Life Member
- d) Associate Member

C3.2 Membership fees shall be as agreed at each Annual General Meeting (AGM).

C3.2.1 The Membership fees of existing members (agreed at the AGM) shall become due on 31st January in each year and those of new members on the date of acceptance for membership.

C3.2.2 Members not renewing by 28th February will be deemed to be non-members and will be notified in writing accordingly.

C3.2.3 All members will be excluded from taking part in any of the Club activities, competitions or meetings until their annual subscription is paid.

C3.3 All Club Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.

C3.4 All current members and new members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations adopted by the Club.

C3.5 The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.5.3 below.

C3.5.1 An existing member, on submitting their membership fees to the Club Secretary, on or before 31st January, is deemed to be reapplying for membership of the Club. The

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Management Committee may, at this time, refuse a re-application for Membership by an existing member, providing they act in accordance with paragraph C3.5.3 below.

- C3.5.2 New members apply for membership of the Club by submitting the requisite membership forms and fees to the Club Secretary. The Management Committee may, at this time, refuse an application for Membership provided they act in accordance with paragraph C3.5.3 below.
- C3.5.3 When an application, or re-application, for membership by a new, or existing, member is turned down by the Management Committee, the applicant must be advised of the reason and their right of appeal to Scottish Swimming, in writing.
- C3.5.4 Refusal of a re-application for membership of the Club will not be considered a disciplinary procedure under BL4.0.
- C3.5.5 A member wishing to terminate membership of the Club shall inform the Secretary in writing.
- C3.6 A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with SS Company Rule R5.2.

C4.0 GOVERNANCE

- C4.1 The Club shall be subject to and bound by, the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules) and the appropriate SASA District Rules.
- C4.2 The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics and Child Protection Guidelines.
- C4.3 The Club shall be governed by its Constitution, Bye-Laws and Regulations.
- C4.4 Amendments to the Constitution shall only be made at a General Meeting, provided at least a two thirds majority of those present and voting is secured.
- C4.5 Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.
- C4.6 The Management Committee shall have the power to publish and enforce such Regulations as the Committee considers necessary to govern the activities of the Club.

C5.0 MEETINGS

C5.1 General Meetings

- C5.1.1 **Notices**
At least 14 days' notice and the Agenda shall be given to all Adult members of any General Meeting
- C5.1.2 **Attendance**
All Adult Members and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution:
 - a) Any member of the Club currently involved in a grievance, complaint or

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discipline procedure may only attend a General Meeting with the written permission of the Club President.

- C5.1.3 **Voting**
a) With the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings.
b) Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.
- C5.1.4 **Quora**
The quorum at General Meetings shall be two Officers of the Club plus eleven members eligible to vote.
- C5.1.5 **Changes to the Constitution and Bye-Laws**
A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two members eligible to vote at a General Meeting.
- C5.1.6 **Conduct of Business**
The conduct of business shall be in accordance with Bye-laws Section BL2.1.

C5.2 **Annual General Meeting (AGM)**

- C5.2.1 The Club shall hold an Annual General Meeting in the month of November to:
a) Approve the minutes of the previous year's AGM.
b) Receive reports from the President and Secretary.
c) Receive a report from the Honorary Treasurer and approve the Annual Accounts.
d) Receive a report from the Auditor(s) / Independent Examiner(s).
e) Elect Management Committee Members.
f) Appoint Auditor(s) / Independent Examiner(s) for the Club's Accounts.
g) Consider changes to the Constitution.
h) Consider changes to the Bye-Laws.
i) Present Life Membership(s).
j) Deal with other relevant business
- C5.2.2 The Secretary shall give written notice of not less than 14 days prior to the date of the AGM. This notice shall be published on the Club notice board and circulated to all Adult and Life Members.
- C5.2.3 Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, Bye-Laws and nomination for the Management Committee.
- C5.2.4 Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing, signed by two Adult Members and the nominee, to the Secretary no later than 14 days before the AGM.
- C5.2.5 Proposed alterations to the Constitution and Bye-Laws and notices of motion must be received by the Secretary not later than 21 days before the AGM.

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C5.2.6 Having received all nominations and proposed alterations, the Secretary shall arrange for this information to be displayed on the Club notice board at least 7 days before the AGM.

C5.2.7 The order of business for an AGM shall include:

- a) President's Remarks
- b) Apologies for Absence
- c) Approval of minutes from previous AGM & matters arising.
- d) Hon. Secretary's Report
- e) Coach's Report
- f) Financial Report
- g) Proposed changes to Constitution
- h) Proposed changes to Bye-laws
- i) Election of Management Committee Members
- j) Appointment of Auditors/Independent Examiners
- k) Appointment of Honorary President & Honorary Vice President
- l) Life Membership Awards
- m) Other Relevant Business

C5.3 Extraordinary General Meeting (EGM)

C5.3.1 An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least ten Adult Members of the Club. The Management Committee shall also have the power to call an EGM by decision of a simple majority of its members.

C5.3.2 The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the Agenda, to all Adult and Life Members at least 14 days prior to such meetings being held.

C5.3.3 The order of Business for an EGM shall be:

- a) President's Remarks
- b) Apologies for Absence.
- c) Business to be transacted of which due notice has been given.

C5.3.4 No business shall be transacted at the EGM other than business of which due notice has been given.

C6.0 AWARDS

Life Membership

C6.1.1 Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the Management Committee.

C6.1.2 A recommendation for Life Membership may be made by any Adult or Life Member to the Secretary for submission to the Management Committee.
Full details of the nominee's service should be included with the recommendation.

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C7.0 TROPHIES

- C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C7.2 The Club Honorary Treasurer shall act as Trustee of Club Trophies.
- C7.3 The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.
- C7.4 The Club shall be responsible for arranging and funding the engraving of the winners name on all Club trophies.

C8.0 DISSOLUTION

- C8.1 In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever, but shall be applied towards the objective of Scottish Swimming.
- C8.2 So long as three members agree to support the Club it cannot be dissolved.

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BYE-LAWS

BL1.0 MANAGEMENT

BL1.1 The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club plus five other Adult Members and ex-officio members set out in paragraph BL1.2 below.

BL1.2 The Officers of the Club, who shall be Honorary, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the said adult Members.

BL1.3 If the post of any Officer or Adult committee member should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy.

BL1.4 All Management Committee members shall be Adult members of the Club.

BL1.5 Management Committee

BL1.5.1 The Management Committee shall comprise the Officers of the Club (as defined in Paragraph BL1.2), Child Protection Officer, Membership Secretary, Trip Manager, Fundraising Event Manager and Head Coach.

BL1.5.2 The term of office for President, Secretary and Treasurer shall be decided annually at the AGM.

BL1.5.3 The Management Committee shall be responsible for:

- The day to day administration of membership and affiliations.
- The organisation of away trips.
- The organisation of competitions.
- The selection of members to represent the Club.
- The organisation of diving activities as may be requested by other bodies.
- Presenting annually their nominations for Hon. President and Hon. Vice President(s) to the AGM for ratification.
- Considering and approving or otherwise nominations for Life Membership of the Club.

BL1.5.4 The Management Committee shall appoint such sub-committees as may be considered necessary.

BL1.5.5 The Management Committee shall appoint at least one Child Protection Officer (CPO) who has attended a Scottish Swimming approved training course.

BL1.5.6 A Management Committee member shall be charged with representing the views and concerns of junior members. If appropriate, the Management Committee may invite a junior member to attend part of a Management Committee meeting in order to assist in such representations.

BL1.5.7 Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.

BL2.0 MEETINGS

BL2.1 Standing orders

BL2.1.1 At all meetings, if a quorum is present, the Chair shall be taken not later than fifteen

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minutes after the appointed time of the meeting.

- BL2.1.2 All Members when called to order at any meeting or gathering of the Club and not complying to the "rule of order" shall be expelled from the meeting.
- BL2.1.3 The Chair at all meetings of the Club shall be the President. In the absence of the President, the Vice President shall substitute. In the absence of the President and Vice President, those in attendance shall appoint a substitute.
- BL2.1.4 In the event of equality of votes in any resolution before the meeting which requires a choice to be made for the continued good governance of the Club, the Chair of a meeting shall have a second or casting vote.
- BL2.1.5 The Chair of a meeting shall be the sole judge of questions of order and interpreter of the "rules" governing the Club.
- BL2.1.6 The Chair shall not speak to, oppose or move any motion from the Chair. In order to do so, they shall vacate the Chair until that business is concluded. The meeting shall be presided over by a substitute Chair elected from among those present.
- BL2.1.7 The minutes of all meetings will be circulated to the Management Committee, Life Members and to any other Club members in attendance.

BL2.2 Management Committee Meetings

- BL2.2.1 The club shall hold Management Committee Meetings no less frequently than every three months.
- BL2.2.2 A Management Committee Meeting shall be called by the Secretary when there is business to transact or on request of an Officer of the Club or by an application in writing by at least seven Adult Members of the Club.
- BL2.2.3 A quorum for Management Committee Meetings shall be at least one Officer of the Club and six Committee members.
- BL2.2.4 The business of the meeting shall be enacted in accordance with Section BL2.1.
- BL2.2.5 Notice of the date, time and venue of each committee meeting shall be communicated to the Management Committee at least 7 days prior to the meeting.
- BL2.2.6 Adult Members who are not members of the Committee, may attend by invitation only. Those invited may only participate by the agreement of the Chair.
- BL2.2.7 All, except ex-officio members shall have a deliberative vote.
- BL2.2.8 No decision of the Committee may be altered or revoked without 14 day's prior notice of intent, in writing, being given to the Secretary.

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BL3.0 FINANCE & ACCOUNTS

- BL3.1 The financial year shall run from 1st November to 31st October each year.
- BL3.2 The honorary Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- BL3.3 The Accounts shall be audited / examined by an independent person(s) elected annually at the Annual General Meeting.
- BL3.4 All invoices / expenses received by the club should be signed off by an officer of the club before being processed by the Treasurer. All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club.
- BL3.5 The Management committee can enter into contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the minutes of a quorate committee meeting prior to the commitment being made.
- BL3.6 All adult members of the Club shall be jointly responsible for the financial liabilities of the Club
- BL3.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its members.
- BL3.8 The Treasurer shall arrange for the Auditor(s) / Independent Examiner(s) to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.9 The Treasurer shall submit a financial statement to the Management Committee at every meeting.

BL4.0 DISCIPLINE

- BL4.1 The Management Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-laws, Regulations which is detrimental to the interests or aims of the Club or for acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the Scottish Swimming Governance Documentation have been applied.
- BL4.1.1 All Grievances, Complaints and Appeals, except for doping, child abuse or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 and BL4.4.
- BL4.1.2 Grievance and Complaints involving doping should be referred to British Swimming as Per Scottish Swimming Company Rule R13.1.3.

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- BL4.1.3 Grievances and Complaints involving child abuse or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1
- BL4.1.4 The Management Committee may suspend, from activities wholly within its own jurisdiction, impose a Fine or Expel a member as a means of discipline.
- BL4.2 Grievances**
- BL4.2.1 A Grievance, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with the management of the Club, can be made by:
- a) Any member of the Club
 - b) A parent or guardian on behalf of a Junior member as defined in paragraph C3.1(b)
 - c) a parent or guardian on behalf of a Member classified as a Vulnerable Person, defined as a person who lacks sufficient capacity to present a grievance by themselves.
 - d) Any Individual
- BL4.2.2 A grievance is made in writing to the Club Secretary, not later than 30(thirty) days after the incident.
- BL4.2.3 An Enquiry Panel will be set up by the club to consider the grievance in accordance with the Club Regulations.
- BL4.2.4 If the decisions of the Enquiry Panel do not satisfy the person who made the grievance, that person shall have a right of appeal to Scottish Swimming in accordance with Section BL4.4.
- BL4.3 Complaints**
- BL4.3.1 A complaint is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming.
- BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.
- BL4.4 Appeals**
- BL4.4.1 An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted grievance or against decisions taken by a National Complaints Committee.
- BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules Sections R.12 to R15.

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