

AMATEUR SWIMMING ASSOCIATION
NORTH WEST REGION

Rules of North

Midlands Water Polo

and Amateur

Swimming

Association

01 January 2017

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1. Name

- 1.1. The name of the Association shall be the North Midlands Water Polo and Amateur Swimming Association hereinafter called the Association.

2. Definition

- 2.1. The North Midlands Water Polo and Amateur Swimming Association area shall be:-

- 2.1.1. The geographical area of North Staffordshire and Cheshire with defined boundaries as follows. Any Swimming club, residing on or above latitude 52.984000 degrees north or residing in the areas of Cheshire East or Cheshire West and Chester below latitude 53.301800 north
- 2.1.2. Those clubs who are affiliated to the Welsh Amateur Swimming Association who have been granted dispensation by the Amateur Swimming Association North West Region and by the Welsh Amateur Swimming Association.

3. Aims

- 3.1. The Aims of the Association shall be to:-

- 3.1.1. Carry out the aims and objectives of the Amateur Swimming Association, the Amateur Swimming Association North West Region and Cheshire County Water Polo and Swimming Association falling within the jurisdiction of the Association.
- 3.1.2. Obey and enforce the laws, rules, regulations and rulings of the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association within its jurisdiction.
- 3.1.3. Manage the sport of swimming throughout the Association.
- 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 aquatic disciplines in all ways possible.
- 3.1.6. Produce and implement policies to carry out other activities relevant to the 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 Association the following objectives shall be undertaken:-

- 4.1.1. The 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. The Association shall implement the Amateur Swimming Association Equal Opportunities policy.
- 4.1.3. All persons, clubs, associations and organisations affiliated to the Association shall consent to be bound whilst engaged in any Association activity by the Amateur Swimming Association Code of Ethics, the Amateur Swimming Association Laws and Regulations relating to Child Safeguarding and those parts of the Amateur Swimming Association Judicial Laws, Regulations and procedures necessary for their implementation.
- 4.1.4. All persons, clubs, associations and organisations affiliated to the Association whilst engaged in activities under the jurisdiction of the Association shall be subject to all the constraints and privileges of the Amateur Swimming Association Judicial Laws and Regulations.

- 4.2. The Association shall be affiliated to the North West Region and to Cheshire County Water Polo and Swimming Association and shall adopt and conform to the rules of that Region and to such other bodies as the Region may determine from time to time.

and in particular:-

- 4.3.1. All members of the Association shall be members of a club, body, organisation or association affiliated to the Association.

- 4.3.2. All 4.3. The business affairs of the Association shall at all times be conducted in accordance with the Constitutional Laws, Rules and Regulations, the Judicial Laws and Regulations and the Technical Rules of the disciplines as published from time to time by FINA and the Amateur Swimming Association competing members shall be members of the Association and shall be members of the organisation they represent.
 - 4.3.3. All competing members shall be eligible competitors as defined in the Amateur Swimming Association Laws and Regulations.
 - 4.3.4. All competitors shall comply with the Championship conditions of the Association and the Amateur Swimming Association.
- 4.4. To promote and develop the aquatic disciplines of Swimming and Water Polo through the implementation of:-
- 4.4.1. An Association Development Plan.
 - 4.4.2. Partnership agreements with appropriate bodies, organisations, and external agencies.
- 4.5. By virtue of the affiliation of the Association to the Amateur Swimming Association North West Region and Cheshire County Water Polo and Swimming Association all members of the Association shall acknowledge that they are subject to the laws, rules, regulations and constitutions of:-
- 4.5.1 Cheshire County Water Polo and Swimming Association
 - 4.5.2. The Amateur Swimming Association North West Region.
 - 4.5.3. The Amateur Swimming Association, to include the Amateur Swimming Association / Institute of Swimming Code of Ethics.
 - 4.5.4. The British Swimming Doping Control Rules and Protocols and the British Swimming Disciplinary Code.
 - 4.5.5. 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 a conflict between any rule or by-law of the Association and any Governing Body Rules then the relevant Governing Body Rules shall prevail.

5. **Powers and Responsibilities of the Association**

- 5.1. In relation to the organisations to which it is affiliated the Association shall:-
- 5.1.1 Manage the sport of swimming throughout the Association subject to their strategic direction
 - 5.1.2. Observe, obey and enforce the Laws and Regulations and the Judicial Laws and Regulations as well as the technical rules of the swimming disciplines of FINA and the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association within its jurisdiction.
 - 5.1.3. Follow and implement the resolutions, decisions and rulings of the Council, the Management Boards, Executive Committees and Management Committees of the Amateur Swimming Association, the Amateur Swimming Association North West Region and the Cheshire County Water Polo and Swimming Association as required and ensure they are followed within its jurisdiction.
 - 5.1.4. Be accountable to the members and to the organisations to which it is affiliated, as required for the proper discharge of its duties and functions.
 - 5.1.5. Produce, maintain and implement such plans based on strategic criteria set by them in such a form as they may from time to time require.
 - 5.1.6. Make available such information and reports as they may require, at a time and in a format specified by them.
 - 5.1.7. Elect the requisite number of delegates to the Council Meeting and any Special Council Meeting of the organisations and any other body, organisation, or association to which the Association is affiliated as required.
 - 5.1.8. Produce and issue as required Constitutional Rules for the operation and management of the Association and operate on the basis of an appropriate constitution which shall:-
 - 5.1.8.1. Be issued and reviewed from time to time by the Amateur Swimming Association and the Amateur Swimming Association North West Region.
 - 5.1.8.2. Contain any mandatory provisions in respect of any parts of the governance and administration of the Association received from the governing bodies

5.1.8.3. Contain recommended provisions in respect of the other parts of the governance of and administration of the Association and any other matter appertaining to the Association received from the ASA, the ASA North West Region and Cheshire County Water Polo and Swimming Association.

5.2. In relation to its management the Association shall:-

- 5.2.1. 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.
- 5.2.2. 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
- 5.2.3. 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.

5.3. In relation to its administration the Association shall:-

- 5.3.1. In relation to the strategic criteria set by the organisation to which it is affiliated:-
 - 5.3.1.1. Determine the uses to which its funds are allocated
 - 5.3.1.2. As required, set up and implement a Business Plan including a budget indicating the source of the required funding and how it will be spent.
 - 5.3.1.3. As required, set up and implement a Development Plan.
- 5.3.2. Administer, as required, the operation and membership process and the collection and transfer, where applicable, of fees for the Association.

5.4. In relation to its Accountability the Association shall:-

- 5.4.1. As required from time to time, submit its Business and Development Plans to the organisations to which it is affiliated or their nominated agents for information and approval.
- 5.4.2. Keep accounts showing its income and expenditure against the budget set in its Business Plan and a balance sheet?
- 5.4.3. As required from time to time report to the organisations to which it is affiliated, in such a form as they may require on its:-
 - 5.4.3.1. Activities and any issues arising there from
 - 5.4.3.2. Financial Statements
 - 5.4.3.3. Performance against its Development Plan

6. Affiliation and Membership

6.1. The total membership of the Association shall not normally be limited. If however the Annual Council considers that there is good reason to impose any limit from time to time the Annual Council shall put forward appropriate proposals for consideration at an Annual or a Special meeting of the Council of the Association. The members of the Monthly Council shall have the right to recommend to the Annual Council that limits should be placed on or removed from total membership, or any category of membership.

6.2. Application for membership can be made by:-

- 6.2.1. Any club, body, association, organisation affiliated to the Amateur Swimming Association and to the Amateur Swimming Association North West Region who have their headquarters within North Staffordshire and Cheshire with defined boundaries as follows. Any Swimming club, residing on or above latitude 52.984000 degrees north or residing in the areas of Cheshire East or Cheshire West and Chester below latitude 53.301800 north.
- 6.2.2. Those clubs who are affiliated to the Welsh Amateur Swimming Association who have been granted dispensation by the Amateur Swimming Association North West Region and by the Welsh Amateur Swimming Association.
- 6.2.4. Associated organisations affiliated to the Amateur Swimming Association and to the Amateur Swimming Association North West Region within the defined boundaries stated in 2.1.1 & 6.1.1.

6.3 Applications for Affiliation shall be:-

- 6.3.1 limited to one application per year
- 6.3.2 proposed by one affiliated organisation and seconded by a different affiliated organisation and provide such information as requested by the Association
- 6.3.3 considered and agreed or otherwise at a meeting of the Annual Council or at a special meeting.
- 6.3.4 circulated to all affiliated clubs and organisations by the Secretary not less than 14 days prior to the Annual Council/Special meeting at which the application is to be considered
- 6.3.5 approved by a majority of two thirds of those present and voting.

6.4. The membership of the Association shall consist of:-

- 6.4.1. Clubs, organisations, associations and that are affiliated in accordance with Rule 6.2.
- 6.4.2. Individual position holders consisting of, Life Members, Vice Presidents, Past Presidents, and Association Officers and other designated position holders, as decided, from time to time by the Annual Council All holders of individual positions shall be members of an affiliated club, body, association, organisation and shall not be less than eighteen years of age.
- 6.4.3. Individuals granted temporary membership by the Amateur Swimming Association by virtue of their participation in a specific event organised by the Association in conjunction with a club, body, association, and organisation or under the provisions of the Amateur Swimming Association Regulations on temporary membership.
- 6.4.4. Persons who have been granted individual membership of the Association, who are non-competitors. Such members shall be members of an affiliated club and hence of the Amateur Swimming Association.
- 6.4.5. Individuals who have been granted Honorary Membership of the Association. Such members shall be elected by the Annual Council for such a period of time as they think fit. Honorary Members shall be members of an affiliated club and hence of the Amateur Swimming Association.
- 6.4.6 Persons who have been granted Life Membership of the Association for outstanding or meritorious services rendered to the Association and elected at the Annual Council Meeting on a recommendation submitted by a Monthly Council or by the Annual Council.

6.5 The Association shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation. The Association may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Association or the sport into disrepute or being unable to achieve the required performance entry standards laid down and provided by the Association to the applicant for membership.

6.6 The Association shall be required to give reasons for the refusal of any application for membership. Any Organisation refused membership may seek a review of this decision before a Review Panel appointed by the Monthly Council comprised of not less than three members, who may or may not be members of the Monthly Council. The Review Panel shall wherever practicable include one independent member. The Organisation refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

6.7 All membership shall be renewed on an annual basis through the process of reapplication not later than 31 September each year.

7. [Suspension and Resignation](#)

7.1. Any organisation not having paid its annual return of membership to the Amateur Swimming Association 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.

7.2. A club, body, association, organisation wishing to resign from membership of the Association shall give notice to that effect in writing or by electronic means before 16 September to the Secretary or it shall be held responsible for its Association affiliation fee for the current year.

- 7.3 Any affiliated organisation not having paid its liabilities to the Association by the date of the Associations first gala shall be deemed to have resigned from membership of the Association.
- 7.4 Where the membership of a Club or other organisation is terminated in accordance with Rule 7.3 the Club or organisation shall be informed in writing or by electronic means that the Club or organisation is no longer a member of the Association.
- 7.5 A member's resignation shall only take effect when agreed by the Monthly or Annual Council and there are no outstanding financial commitments or disciplinary actions against the club or other organisation and this rule 7.5 has been complied with.

8. **Expulsion and Other Disciplinary Action**

- 8.1. If a complaint or dispute is received or made by the Association expressing dissatisfaction with the actions or behaviour of an individual person, member or Organisation that involves an alleged breach of ASA Laws, Rules or Regulations it shall be submitted to the Amateur Swimming Association for consideration under the Judicial Laws, Rules and Regulations of the Amateur Swimming Association.
- 8.2. For a breach of its own rules the Association
- 8.2.1 Annual or Monthly Council shall have the power to expel an individual member, club, body, organisation or association from membership of the Association 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 or association. The Association in exercising this power shall comply with the provisions of Rule 8.4 and Rule 8.5 below.
- 8.2.2 Officers or any other person to whom the Monthly Council 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 Rule 8.4 and Rule 8.5 below.
- 8.3. In the case of an internal dispute between any individual members or Organisations affiliated to the Association, when referred to the Association for consideration, the Association shall adopt and comply with the requirements and procedures of the ASA Judicial Rules and Regulations for handling Internal Disputes as the same may be revised from time to time.
- 8.4 A member may not be expelled or, subject to Rule 8.6 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 any other penalty imposed upon the member.
- 8.5. 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.
- 8.6. The Officials in charge of a particular event shall be responsible for the discipline at that event. If any further action is required this is to be referred to the Internal Disputes procedures as laid down in the Amateur Swimming Association Judicial Laws and Regulations.

9. **Finance**

- 9.1. The Association shall determine the uses to which its funds are allocated within the strategic criteria set by the ASA, the ASA North West Region, the Cheshire County Water Polo and Swimming Association and the Association.
- 9.2. The financial year of the Association shall be the period commencing on 01 August and ending on 31 July. Any change to the financial year shall require the approval of the Annual Council.
- 9.3. The Monthly Council shall, as they see fit, decide the amount of the annual affiliation fee and any other fees for the next operating year.
- 9.4. The annual affiliation fee for each club, body, association or organisation shall be due on joining the Association and thereafter on 31 September of each year.

- 9.5. All monies payable to the Association shall be received by the Treasurer and deposited in a bank account in the name of the Association. No sum shall be drawn from the account except by cheque or by electronic means or online and sanctioned by two of the three designated signatories who shall be President, Secretary and Treasurer as decided by the Monthly Council.
- 9.6. 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 members of the Association or to an external agency.
- 9.7. The Treasurer shall record the financial transactions of the Association in such a manner, as the Council think is appropriate.
- 9.8. The Monthly Council 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.

10. Governance

- 10.1 The Association shall have the following levels of governance:
 - 10.1.1. The Annual Council
 - 10.1.2. The Monthly Council
- 10.2. A person who is not a member of a club, body, association or organisation affiliated to the Association or less than 18 years of age shall not be permitted to be nominated, elected or appointed as a delegate, Annual Council or Monthly Council member, Officer, Co-ordinator, Advisor or to any other position which carries the right to vote at any level of government of the Association.

11. Officers

- 11.1. The Officers of the Association shall be the President, Secretary, Treasurer, Council Chairperson and Age Group Organiser

12. Annual Council

- 12.1. The Annual Council of the Association shall consist of:-
 - 12.1.1. The President
 - 12.1.2. The Life Members
 - 12.1.3. The Past Presidents
 - 12.1.4. The Secretary
 - 12.1.5. The Treasurer
 - 12.1.6. The Championship Secretary
 - 12.1.7. The Water Polo Secretary
 - 12.1.8. The Age Group Secretary
 - 12.1.9. The Medical Adviser
 - 12.1.10. The Association Co-ordinators
 - 12.1.11. The delegates of affiliated clubs, bodies, associations or organisations.
- 12.2. Representation to Annual Council
 - 12.2.1. Clubs
Each club affiliated to the Association shall be entitled to representation at the Annual Council by one delegate.
 - 12.2.2. Others
Any affiliated body, association or organisation shall be entitled to representation at Annual Council by one delegate.
 - 12.2.3 The Welfare Officer by invitation who shall not be a member of Council shall speak but not vote and shall report to the Annual Council on all aspects of welfare concerning members of the Association

12.3. Delegates

- 12.3.1. A delegate shall be appointed by the club, body, association or organisation they represent but shall be not less than 18 years of age.
- 12.3.2. The Secretary of the club, body, association or organisation, or other person authorised so to do, shall notify the Secretary of the Association that the delegate is a *bone fide* member of the club, body, association or organisation and has been duly appointed a delegate to any Meeting of the Council.
- 12.3.3. A delegate shall be permitted one vote only on each issue irrespective of the number of organisation the person may represent at the meeting
- 12.3.4. Proxy voting shall not be allowed at any Meeting of the Annual Council.

13. Responsibilities of the Annual Council

13.1. The Annual Council shall have responsibility to:-

- 13.1.1. Deal with any matters of governance according to the rules of the Association.
- 13.1.2. Oversee the work of the General Council and to receive its reports and accounts.
- 13.1.3. Abide by the standing orders for its conduct.
- 13.1.4. Consider and decide on any proposed additions or alterations to, or deletions from the constitutional rules.
- 13.1.5. Keep full and accurate minutes of its meetings.

13.2. The Annual Council Meeting shall appoint from time to time as required:-

- 13.2.1. One independent financial examiner, as required, who shall not be a member of the Annual Council or the Monthly Council or a member of the family of a member of the Annual Council or the Council
- 13.2.2. A delegate to the Cheshire County Water Polo and Swimming Association.

13.3. At the Annual Council Meeting elect the following, each of whom shall be a member of club, body, association or organisation affiliated to the Association and shall be not less than eighteen years of age:-

- 13.3.1. The President
- 13.3.2. Life Members
- 13.3.3. Council Chairperson
- 13.3.4. The Secretary
- 13.3.5. The Treasurer
- 13.3.6. The Championship Secretary
- 13.3.7. The Water Polo Secretary
- 13.3.8. The Age Group Secretary

13.4. The Annual Council may:-

- 13.4.1. Discuss any matters that are relevant and pass resolutions and orders concerning them.
- 13.4.2. 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 Annual Council. The Officers of the Association shall be ex officio members of any such committee unless the Annual Council dictates otherwise.
- 13.4.3. On the recommendation of the Annual Council or the Monthly Council elect as a Life Member an individual whose services to the Association would justify such recognition.
- 13.4.4. At an Annual Council Meeting delegate the whole, or any part of its powers to the Monthly Council, to a special committee, to a working group or to an individual.

14. Annual Meetings of Council

14.1. Chairman

- 14.1.1. The Chairperson at the Annual Meetings of the Council shall be the President if he/she is present. If the President is not able to act as chairman for the meeting the most immediate Past President shall act as chairman. If a chairperson is still not available the Council shall elect a chairperson from its members present.

14.1.2. The Chairperson shall:-

- 14.1.2.1. Have unlimited authority upon any question of order.
- 14.1.2.2. Be, for the purpose of the Annual Council meeting, the sole interpreter of the rules and regulations governing the Council.
- 14.1.2.3. Have a deliberative and a casting vote.

14.2. Secretary

- 14.2.1. The Secretary shall be responsible for providing each affiliated club, body, association, organisation and each member of the Annual Council notice in writing or by electronic means:-
 - 14.2.1.1. of the date time and place of the Annual Council Meeting and the closing date for the receipt of any resolutions, proposals or nominations to be considered there at not less than one month before the date of the meeting.
 - 14.2.1.2. a list of the resolutions to be proposed, at least fourteen days before the date of the Annual Council Meeting.
 - 14.2.1.3. in the case of the Annual Council Meeting a copy of the Annual Report, a list of the nominees for the Officers, and the other posts and a copy of the examined accounts not less than 14 days before the meeting.
- 14.2.2. The Secretary, or in the absence of the Secretary a member of, and selected by, the Annual Council shall take the minutes of the meeting.

14.3 Quorum

- 14.3.1 The quorum for the Annual meeting of Council shall be 8 members entitled to attend and vote at the meeting, which must contain not less than one Officer of the Association.
- 14.3.2 Having called the Annual Council Meeting it may only proceed to business if the correct quorum of members is present within 30 minutes of the published start time fixed for the meeting; otherwise, the meeting shall stand adjourned to the time and date falling one month after the date of the meeting or such other time and date as may be determined by the Chairperson.
- 14.3.3 Any adjourned meeting must be re-convened and business completed within two months of the adjournment
- 14.3.4 If a quorum is not present at the adjourned meeting then. the adjourned meeting may proceed to business whatever the number of members present.
- 14.3.5 At the reconvened meeting the same agenda as published for the initial meeting shall be used

14.4. Motions

- 14.4.1. A proposal for consideration at the Annual Meeting of the Council which does not embody a proposal to change a Constitutional Rule of the Association, may be submitted:-
 - 14.4.1.1. By the Annual Council
 - 14.4.1.2. By the Monthly Council
 - 14.4.1.3. By any member of the Annual Council
 - 14.4.1.4. By a club, body, association or organisation affiliated to the Association.
- 14.4.2. All nominations for election to the Annual Council and other Officers of the Association shall be made in writing or by electronic means to the Secretary not less than fourteen days before the date of the meeting
- 14.4.3. In all cases where multiple nominations are received for the same office or for membership of the Annual Council and it is necessary to hold a ballot, the Secretary shall call for a Curriculum Vita for each person involved in the ballot. The Curriculum Vitae shall be circulated with the papers for the Annual Council Meeting.
- 14.4.4. Nominations for election to the position of Life Member shall be made to the Annual Council Meeting by the Monthly or by the Annual Council.
- 14.4.5. Proposals and resolutions received in accordance with this section shall be submitted in writing or by electronic means to the Secretary not less than fourteen days prior to the date of the Annual Council Meeting or any Special meeting of Council.
- 14.4.6. Proposals and resolutions received in accordance with this section shall be sent to all members of the Annual Council, to clubs, bodies, associations and organisations entitled to be represented at the Annual Council Meeting or a Special meeting of Council not less than fourteen days before the meeting of Council.

- 14.4.7. A motion of which due notice has not been given may not be discussed or voted upon unless sanctioned by the Chairperson and two thirds of the members present and voting and provided it does not involve a change to the Constitutional Rules of the Association.
- 14.4.8. Approval of the Annual Report other than those items where due notice has been given to amend, add or reject, shall be proposed en block by the Chairperson and put to the vote without debate.

14.5. Procedures at the Annual and Special Meetings of Council

- 14.5.1. All business for an Annual Council Meeting or of a Special Council Meeting, meeting shall be printed on the agenda and no other motion shall be discussed therein except:-
 - 14.5.1.1. To record the name of the Chairperson of the meeting, if other than the President.
 - 14.5.1.2. To record the name of the Secretary of the meeting, if other than the Secretary.
 - 14.5.1.3. For adjournment
 - 14.5.1.4. For leave to withdraw a motion
 - 14.5.1.5. For a vote of thanks
 - 14.5.1.6. For persons other than Members of Council to withdraw
- 14.5.2. Every motion shall be proposed and seconded
- 14.5.3. Resolutions that emanate from the Monthly Council shall be proposed by a member of the Monthly Council while those that emanate from a standing order, committee or working group shall be proposed by the Association Secretary or the Secretary of the committee or working group. If the committee or working group secretary is not a member of Council the proposal shall be made formally from the Chair and immediately afterwards the committee or working group secretary, or a substitute, shall be allowed to speak in support of the resolution.
- 14.5.4. Any amendment shall be disposed of before another amendment is considered. The Chairperson may accept, without notice, verbal amendments that do not affect substantially the nature of the proposal under discussion.
- 14.5.5. A proposal to change the Constitutional Rules of the Association shall be carried only if at least two thirds of those present and voting are in favour. All other proposals, including amendments to proposals whether to change a Constitutional Rule of the Association or otherwise, shall require a simple majority of those members present and voting.

14.6. Voting

- 14.6.1. Unless the Chairperson directs otherwise, voting on all motions or amendments shall be by a show of hands or delegates cards.
- 14.6.2. Each member present and entitled to vote, with the exception of the Chairperson, or acting Chairperson for the meeting, shall have one vote and a simple majority shall pass any resolution. In the event of an equality of votes the Chairperson, or the acting Chairperson for that meeting, shall have an additional casting vote.
- 14.6.3. Voting on elections shall be by secret ballot and any ballot paper containing more votes than the maximum number or less than the minimum number of votes required shall be void.
- 14.6.4. Completed voting papers shall be collected by the tellers as directed by the Chairperson.
- 14.6.5. The Chairperson shall appoint two tellers to count the votes from persons present at the meeting who shall not be members of Council.
- 14.6.6. The result of each ballot shall be announced by the Chairperson during the meeting and the Chairperson shall indicate the number of votes cast for each candidate and the number of spoiled ballot papers.
- 14.6.7. Any discrepancy or irregularity found after the conclusion of the meeting shall be dealt with by the Monthly Council 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.

14.7. Changes to Association Constitutional Rules

- 14.7.1. Any proposal to change a Constitutional Rule of the Association shall only be considered at the Annual Council Meeting or at a Special Council Meeting called for that purpose. The Annual Council or the Special Council shall consider and decide only the principles and intention of the proposal. The General Council shall appoint a group of people to draft the wording of and submit them where necessary to the Amateur Swimming Association North West Region for its consideration the changes to the rules to implement the principles and intentions approved by the Annual Council or a Special Meeting of Council. The Monthly Council shall approve the changes to the rules and approval.
- 14.7.2. Any changes to the Constitutional Rules of the Association shall become effective upon approval by the Amateur Swimming Association North West Region Management Board or at a specific later date as determined by the Annual Council meeting or the Special Council meeting.
- 14.7.3. A proposal to change a Constitutional Rule of the Association shall only be considered at a meeting of the Annual Council or a Special Meeting of Council if it has been:-
 - 14.7.3.1. Made by the Annual Council or a Special meeting of Council or the Monthly Council at a meeting held before 31 July and appears in the minutes of that meeting.
 - 14.7.3.2. Made by a committee appointed by the Annual Council, a Special meeting of Council or the Monthly Council and appears in the minutes of that committee that has been approved by the Monthly Council before the 31 July.
 - 14.7.3.3. Made by a club, body, association or organisation affiliated to the Association and has reached the Association Secretary by a date not less than fourteen days prior to the Annual or Special Council meeting.
 - 14.7.3.4. Made as a matter of urgency, approved by the Monthly Council and sent to the members of the Annual Council, to the clubs, bodies, associations or organisations affiliated to the Association at least fourteen days before the Annual or Special Council Meeting and approved as a suitable matter for consideration by the Annual or Special Council by at least two thirds of the delegates present and voting.
 - 14.7.3.5. Mandated by a change to an Amateur Swimming Association or Amateur Swimming Association North West Region Law, Rule or Regulation.
 - 14.7.3.6. Included in a resolution or request for a Special Meeting of Council.
 - 14.7.3.7. Referred to the Annual or Special Council meeting unless emanating from it. The Monthly Council shall indicate its support or opposition and may propose amendments, which shall be included on the agenda of the Annual or Special Council Meeting.
 - 14.7.3.8. Included on the agenda of the Annual Council or a Special Council Meeting called for that purpose.
- 14.7.4. Every proposal to change a Constitutional Rule of the Association and / or amend it shall be proposed and seconded separately and shall be open for discussion by any delegate with or without prior indication of intent.
- 14.7.5. An amendment to any proposal to change a Constitutional Rule of the Association may be proposed by any member of the Annual Council, supported by another member as a seconder, and shall reach the Secretary of the Association not less than fourteen days prior to the Council meeting.
- 14.7.6. A schedule of all such amendments shall be sent to all the members of the Annual Council, to the clubs, bodies, associations and organisations entitled to be represented at the Annual Council at least fourteen days prior to the date of the Council meeting at which they are to be considered.
- 14.7.7. If any addition, alteration or deletion from either an Amateur Swimming Association Law or Regulation or a Rule of the Amateur Swimming Association North West Region causes an Association Rule to conflict with it, the Annual Council and the Council shall be authorised to change the Association Rule to conform to it. Any such changes shall be notified to the next Annual Council Meeting following the change of Rule.

14.8. Annual Meeting of Council

- 14.8.1. The Association shall have a scheduled meeting of the Annual Council each year.
- 14.8.2. The Annual Council Meeting of the Association shall be held in the month of September.
- 14.8.3. The Monthly Council shall fix the date, the time and the venue of the Annual Council Meeting, which shall be notified to the members of Council, clubs, bodies, associations and organisations with the notice convening the meeting.

- 14.8.4. Only in the event of exceptional circumstances shall an Annual Council Meeting be postponed by the General Council once the date, time and venue has been fixed and advised to 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.
- 14.8.5. If the meeting commences but is adjourned for want of time or for other good reasons the 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 14 days all members shall receive 7 days notice in writing or by electronic means of the adjourned meeting; otherwise only those who attend the original meeting will be notified of the date.
- 14.8.6. Any adjourned meeting must be re-convened and business completed within 2 months of the adjournment.
- 14.8.7. In any event no more than 15 months shall elapse between any two consecutive Annual Council Meetings.
- 14.8.8. The purpose of the Annual Council Meeting is to receive the following nominations:-
 - 14.8.8.1. for election as an Officer of the Association.
 - 14.8.8.2. for election to the Annual Council, Council, as a named post holder or membership of a Committee or subcommittee as required
- 14.8.9. The purpose of the Annual Council Meeting is to transact the following business:-
 - 14.8.9.1. To receive and comment on the Annual Report of the activities of the Association during the previous year as presented by the Association Officers and other post holders as decided by the Annual Council and the Monthly Council
 - 14.8.9.2. The Annual Report shall include the reports of the Annual Council and the Monthly Council, the Standing and Technical Sub Committees or other committee, as decided by the Annual Council and the Monthly Council and responsible for the activities of the Association during the previous year.
 - 14.8.9.3. To receive and consider, the accounts of the Association for the previous year, the report on the accounts by the independent Financial Examiner and the Treasurer's report as to the financial position of the Association.
 - 14.8.9.4. To elect the President, the Officers and the other members of the Council who shall retire from office at the Annual Council Meeting each year, but shall be eligible for re-election.
 - 14.8.9.5. To elect Life Members as required.
 - 14.8.9.6. To appoint the independent Financial Examiner.
 - 14.8.9.7. To appoint a delegate to the Cheshire County Water Polo and Swimming Association and to other organisations to which the Association is affiliated as required.
 - 14.8.9.8. To decide on changes to the Constitutional Rules and on any other resolutions that may be duly submitted in accordance with Rule 14.4.
 - 14.8.9.9. To present Association awards as required.

15. Special Meetings of Council

- 15.1. A Special Meeting of Council shall be called at any time by:-
 - 15.1.1. A resolution of the Annual Council carried at any meeting of the Annual Council.
 - 15.1.2. An order of the Monthly Council.
 - 15.1.3. A requisition in writing or electronically, received by the Secretary, signed on behalf of not less than 6 different clubs, bodies, associations or organisations. Each signatory to the request is required to be an officer of the club, body, association or organisation. The request shall state the purpose for which the meeting is required and the resolutions proposed.
- 15.2. The Secretary shall notify the membership of the arrangements for holding a Special Meeting of Council within twenty eight days of the receipt of a requisition to call the meeting.
- 15.3. Not less than fourteen days notice of a Special meeting shall be given to all members of the Annual Council and all affiliated clubs, bodies, associations and organisations. The notice shall specify the object of the meeting. The date, venue and time of such a meeting shall be at the discretion of the Officers of the Association

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

15.5. Quorum at Special Meeting of Council

15.5.1. The quorum for any Special Meeting of Council shall be 8 members entitled to attend and vote at the meeting, which must contain not less than one Officer of the Association.

15.5.2. Having called a Special Meeting of Council, it may only proceed to business if the correct quorum of members is present within 30 minutes after the time fixed for the meeting; otherwise the meeting if convened:-

15.5.2.1. at the direction of the Annual Council, or the Monthly Council shall be adjourned to the same time in the following month save that the adjourned meeting may proceed to business whatever the number of members present.

15.5.2.2 by requisition of the affiliated organisations shall be dissolved.

15.5.3 At the reconvened meeting the same agenda as published for the initial meeting shall be used

15.6 Adjourned Special Meeting of Council

15.6.1. If the meeting commences but is adjourned for want of time (or other good reason) the 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 two months all members shall receive fourteen days notice in writing of the adjourned meeting; otherwise only those who attended the original meeting will be notified of the date.

15.6.2. Any dissolved or adjourned meeting must be re-convened and business completed within three months of the adjournment.

15.6.3. If a quorum is not present at the adjourned meeting then those Monthly Council members attending may act for the purpose of calling a Special Meeting of Council, to which the provisions as to the minimum notice contained in Rule 14.7 and Rule 14.8 shall not apply.

16. Monthly Council

16.1. Membership

16.1.1. The Monthly Council shall comprise the following:-

16.1.1.1. The President

16.1.1.2. The Life Members

16.1.1.6. The Secretary

16.1.1.7. The Treasurer

16.1.1.8. The Championship Secretary

16.1.1.9. The Water Polo Secretary

16.1.1.10. The Age Group Secretary

16.1.1. 12. The delegates of affiliated clubs, bodies, associations or organisations.

16.1.2. All members of the Monthly Council must be members of a club, association or organisation or affiliated to the Association and must be not less than eighteen years of age.

16.1.3. The members of Monthly Council, 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 shall be eligible for re-election.

16.1.4. The Monthly Council may fill any vacancy occurring by resignation or by any other means.

16.1.5. In addition to the members so elected, the Monthly Council may co-opt a maximum of 5 further members of the Association, who shall serve until the next Annual Council Meeting. Co-opted members shall not be entitled to vote at the meetings of the Monthly Council and shall not be counted in establishing whether a quorum is present. Co-opted members shall be not less than eighteen years of age.

16.1.6. The Monthly Council shall have authority to invite such other persons as deemed necessary for any specific purpose who may speak but not vote.

16.1.7. In the event of any member of the Monthly Council with not attending 3 consecutive meetings of the Monthly Council it shall be considered equivalent to their resignation and the Monthly Council shall proceed to fill the vacancy, unless the Monthly Council is satisfied that such absence is unavoidable and have notice of same.

16.2. Meetings of the Monthly Council

- 16.2.1. Meetings of the Monthly Council shall be held not less than 12 times per year save where the Monthly Council itself shall, by a simple majority, resolve not to meet but there shall be not less than 4 meetings of the Monthly Council per year...
- 16.2.2. The President and the Secretary shall have discretion to call further meetings of the Monthly Council if they consider it to be in the interests of the Association.
- 16.2.3. The Secretary shall give all members of the Monthly Council not less than ten days notice, in writing or by electronic means, of a Monthly Council meeting.
- 16.2.4. The President or in the absence of the President, the most immediate Past President in attendance at the meeting, shall act as Chairperson of meetings of the Monthly Council. If a Chairperson is still not available the members present shall elect a Chairperson from the members present.
- 16.2.5. Decisions of the Monthly Council shall be made by a simple majority of the votes cast. Each member present, with the exception of the President, or the acting Chairperson for that meeting, shall have one vote. In the event of equality of votes the President, or the acting Chairperson for that meeting, shall have a casting vote.
- 16.2.6. The Secretary, or in the absence of the Secretary a member of the Monthly Council, shall take the minutes of the meeting.

16.3. Quorum

- 16.3.1. The quorum for a Monthly Council meeting shall be not less than a simple majority of 5 members allowed to attend and vote to include not less than one Officer, or, a simple majority of members allowed to attend and vote to include not less than one Officer.
- 16.3.2. In the event that a quorum is not present within thirty minutes of the published starting time, a meeting shall stand adjourned but shall normally be reconvened on a date within one month of the original date or in exceptional circumstances on a date and time as may be determined by the Chairman and a minimum of seven days' advance notice given to the members of the rescheduled date, time and venue. If a quorum is not present at the adjourned meeting then those Council members attending may act for the purpose of calling a Special General Meeting of the membership,
- 16.3.3. At the reconvened meeting the same agenda as published for the initial meeting shall be used

16.4. Powers and Responsibilities

16.4.1. The responsibilities of the Monthly Council shall include but not be limited to:-

- 16.4.1.1. Determine the strategies of the Association within the overall policies and plans agreed by the Annual Council and published by the Amateur Swimming Association, the Amateur Swimming Association North West Region and the County Association.
- 16.4.1.2. Carry out any other specific duty given to it by the Annual Council.
- 16.4.1.3. Have day to day management of the affairs of the Association including but not being limited to, the oversight of the production of any plans of the Association for the approval of the Annual Council and for submission to the Amateur Swimming Association, to the Amateur Swimming Association North West Region and to the County Association as required, together with their implementation, monitoring and evaluation.
- 16.4.1.4. At the first meeting following the Annual Council meeting appoint any officers, officials, not elected by the Annual Council as required
- 16.4.1.5. Monitor and evaluate the work of the Standing and other committees and any other person appointed to a specific task within the Association, including the production of full and accurate minutes of their meetings and reports of their activities.
- 16.4.1.6. Maintain appropriate channels of communication with the clubs, bodies, associations, organisations, and individuals.

16.4.2. The Monthly Council shall:-

- 16.4.2.1. Determine any question arising as to the correct interpretation of any of these rules, or any other question not herein provided for.
- 16.4.2.2. Set the affiliation fee in line with the budget.
- 16.4.2.3. Set the level of competition and championship fees in line with the budget.

- 16.4.2.4. Determine who shall be the authorised signatories of the accounts of the Association.
- 16.4.2.5. Ensure that full and accurate minutes of its meetings are kept.
- 16.4.2.6. At its first meeting after the Annual Council Meeting appoint from amongst its own members Association Representatives to the :-
 - 16.4.2.6.1. Inter Association Age Group Committee
- 16.4.2.7. From time to time as required appoint
 - 16.4.2.7.1 A Welfare Officer who shall:
 - 16.4.2.7.2.1. be not less than 18 years of age
 - 16.4.2.7.2.2 have an appropriate background and who is required to undertake appropriate training in accordance with Amateur Swimming Association Child Safeguarding courses
 - 16.4.2.7.2.3. have a right to attend meetings of the Annual Council and the General Council without the power to vote and shall not be counted in determining if a quorum is present.
 - 16.4.2.7.2.4. not be an Officer, a Monthly Council member, another Association Co-ordinator, a Team Manager or a member of the family of an officer, Monthly Council member, Co-ordinator or Team Manager.
 - 16.4.2.7.2.5. report to the Annual Council and to the Monthly Council on all aspects of welfare concerning members of the Association.
- 16.4.2.8. Have the power to authorise the payment of remuneration, expenses or grants for services to the Association received from any:-
 - 16.4.2.9.1. Officers, Committee member, Co-ordinator or official of the Association.
 - 16.4.2.9.2. Other person or persons as decided by the General Council or the Annual Council.
 - 16.4.2.9.3. External agents as part of a partnership agreement.
- 16.4.2.9. Draw up and implement with immediate effect a change of the Constitutional Rules of the Association if they are in conflict with any addition, alteration to, or deletion from, an Amateur Swimming Association Law or Regulation, a Rule of the Amateur Swimming Association North West Region or the County.
- 16.4.2.10. Determine the terms of reference of any sub-committee or working group.
- 16.4.2.11. Be accountable to the Annual Council of the Association and report to it at such times and in such a form as it may require.

16.5. The Monthly Council may

- 16.5.1. Contract and set up partnership agreements with outside agencies in support and furtherance of the aims and objectives of the Association.
- 16.5.2. 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 General Council
- 16.5.3. 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(s) from any elected or appointed office or position and replace them.
- 16.5.4. From time to time appoint from among its members such other committees or working groups as it may consider necessary and may delegate to them such powers and duties as the General Council may determine.

16.6. The Monthly Council shall be governed by the following standing orders:-

- 16.6.1. The Chairperson shall have unlimited authority upon every question of order at each meeting of the Monthly Council and for the purpose of any meeting shall be the sole interpreter of the rules governing the meeting
- 16.6.2. The minutes of the previous meeting as circulated shall be considered as the first substantive item on the agenda.
- 16.6.3. The reports of officers or other individuals shall not be considered unless they have been circulated with the agenda, unless the Chairperson and the members of the Monthly Council agree by a two thirds majority that it will not prejudice the good governance of the Association to do so.

- 16.6.4. Every motion shall be proposed and seconded.
- 16.6.5. Any amendment shall be disposed of before another amendment is considered. The Chairperson may accept, without notice, verbal amendments that do not affect substantially the nature of a proposal under discussion.
- 16.6.6. All proposals, including amendments to proposals shall require a simple majority of those members present and voting unless otherwise specified in these rules.
- 16.6.7. Unless the Chairperson decides otherwise, voting on all motions or amendments shall be by a show of hands.
- 16.6.8. Meetings of the Monthly Council shall not be open to the public.
- 16.6.9. The minutes of the Monthly Council shall be circulated to each member of the Monthly Council only.
- 16.6.10. The members of the Monthly Council shall be indemnified by the members of the Association against all liabilities properly incurred by them in the management of the affairs of the Association.

17. Independent Financial Examiner

- 17.1. One independent Financial Examiner shall be appointed at the Annual Council Meeting, who shall not be a member of the General Council nor related to any member of the General Council. The Independent Financial Examiner shall examine the annual statement of the accounts and the balance sheet and shall certify the same before they are circulated to affiliated members.
- 17.2. The Financial examiner shall, if appropriate present a report to the Annual Council Meeting on the Financial affairs of the Association and may make recommendations for further action.

18. Trophies

- 18.1. All trophies belonging to the Association shall be perpetual.
- 18.2. The winner of an individual championship trophy and the winners of a championship team trophy shall give a guarantee of safe keeping and return to the Championship Secretary.

19. Competitions Representing the Association

- 19.1. Any person selected to represent the Association who does not attend shall not be eligible to swim in any other event of the Association until a satisfactory explanation has been accepted by the General Council

20. Championship Conditions

- 20.1. The championship conditions for all the Association events shall not be considered part of the Constitutional Rules for the purpose of these rules.

21. Interpretation of Rules

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

22. Dissolution

- 22.1. A resolution to dissolve the Association shall only be considered at the Annual Council Meeting or at a Special Meeting of Council called for that purpose and shall be carried by a majority of at least three quarters of the members present and eligible to vote.
- 22.2. The dissolution shall have effect from the date of the resolution and members of the General Council shall be responsible for the winding up of the assets and liabilities of the Association.
- 22.3. 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 aims and objectives similar to those of the Association for the furtherance of such aims and objectives as determined by the last Monthly Council.

23. **Acknowledgement**

23.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Association.

“We acknowledge receipt of the rules of The North Midlands Amateur Swimming & Water Polo Association (Constitution) and confirm our understanding and acceptance that such rules (as amended from time to time) shall govern our membership of the Association. We further acknowledge and accept the responsibilities of membership upon members as set out in these rules.”

Signature(s) (Where applicable)

Name of Club.....

(Club Secretary Signature)

**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 Law 281 which specifies:-

ASA Regulation 281 Club and 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 affiliated 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.

ASA Judicial Regulation 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 Club Constitutional Rules and the following ASA Judicial Regulations 150 to 155.

ASA Judicial Regulation 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.

ASA Judicial Regulation 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.

ASA Judicial Regulation 152 Procedure before a hearing

- 152.1 The panel members shall appoint one of their numbers 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.

ASA Judicial Regulation 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.

ASA Judicial Regulation 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.

ASA Judicial Regulation 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.