



DUNFERMLINE WATERPOLO CLUB

Secretary: Brian M. Campbell, 13 Callander Terrace, Dunfermline. KY11 8EY

telephone: (01383) 737537

mobile: 07980 691732

e-mail: secretary@dwpc.fsnet.co.uk

www.dwpc.fsnet.co.uk

DUNFERMLINE WATER POLO CLUB

CONSTITUTION

1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Constitution, unless the context requires otherwise:

"**Accounts**" means the accounts of the Club for any Financial Year;

"**AGM**" means the annual general meeting of the Club held in accordance with Bye-Law 4.2 of the Bye-Laws;

"**Aqua Sports**" means swimming, diving, open water swimming, water polo, synchronised swimming, life saving and masters swimming;

"**Articles**" means the Articles of Association of SASA Ltd;

"**Auditors**" means the auditors of the Club from time to time;

"**Bye-Laws**" means the bye-laws of the Club;

"**Club**" means club constituted under this Constitution;

"**Club Captain**" means the captain of the Club from time to time;

"**Club Coach**" means the coach of the Club from time to time;

"**Committee**" means the Officers and the Ex-Officio;

"**Committee Meeting**" means a meeting of the Committee held in accordance of with Bye-Law 4.4 of the Bye-Laws;

"**Committee Member**" means a member of the Committee from time to time;

"**Constitution**" means this Constitution;

"**EGM**" means an extraordinary general meeting of the Club held in accordance with Bye-Law 4.3 of the Bye-Laws;

"**Ex-Officio**" means the Members in the positions agreed amongst the Members in accordance with Paragraph 6.3;

"**Financial Year**" means the period from 1 October to 30 September in any year;

"**General Meeting**" means any AGM and EGM;

"**Meeting**" means any General Meeting or Committee Meeting;

"**Members**" means any individual who has either:

- (a) complied with the conditions contained in Paragraph 4.2 and whose membership has not been terminated or lapsed; or
- (b) is elected a life member in accordance with Paragraph 4.3;

"**Membership Fee**" means the annual fee due to the Club in relation to the relevant category of membership applied for by an individual in order to become a member of the Club under Paragraph 4.1;

"**Memorandum**" means the Memorandum of Association of SASA Ltd;

"**Officers**" means the President, the Secretary, the Treasurer, the Club Captain and the Club Coach;

"**President**" means the president of the Club from time to time;

"**Playing Members**" means individuals who are Members having paid the Membership Fee for the categories of membership under Paragraphs 4.1(a), 4.1(b), 4.1(d) and 4.1(e);

"**Regulations**" means such regulations as the Committee may from time to time and at its sole discretion implement for the management and governance of the Club;

"**Rules**" means the rules of SASA Ltd;

"**SASA**" means the Scottish Amateur Swimming Association;

"**SASA Bye-Laws**" means the bye-laws of SASA;

"**SASA Constitution**" means the constitution of SASA;

"**SASA District Rules**" means the rules of the SASA East District to which the Club is affiliated;

"**SASA Ltd**" means The Scottish Amateur Swimming Association Limited, a company limited by guarantee without share capital registered in Scotland (Company Number SC246645) having its registered address at National Swimming Academy, University of Stirling, Stirling, Stirlingshire, FK9 4LA;

"**Secretary**" means the secretary of the Club from time to time;

"**Treasurer**" means the treasurer of the Club from time to time;

"**Voting Members**" means any Member who:

- (a) is a Member or has its membership application accepted before 1 August of that year; and
- (b) is over the age of sixteen before 1 August of that year; or
- (c) is a member of the Club Committee.

1.2 Interpretation and Construction

1.2.1 In this Constitution, unless otherwise specified or the context otherwise requires:

- (a) words importing the singular shall include the plural and vice versa;
- (b) words importing any gender shall include all other genders;
- (c) words importing the whole shall be treated as including reference to any part of the whole;
- (d) reference to a Paragraph is to the relevant paragraph of this Constitution;
- (e) reference to a Bye-Law is to the relevant bye-law of the Bye-Laws;
- (f) reference to this Constitution or to any other document is a reference to this Constitution or to that other document as modified, amended, varied, supplemented, assigned, novated or replaced from time to time;

1.2.2 Headings used in this Constitution shall not affect its construction or interpretation.

1.2.3 Words and phrases defined in any part of this Constitution bear the same meanings throughout this Constitution.

2 NAME

The Club shall be called "Dunfermline Water Polo Club".

3 OBJECTS

The objectives of the Club will be to promote and manage the teaching, knowledge and practice of water polo and any Aqua Sports in accordance with paragraph 2.2 of the SASA Constitution.

4 MEMBERSHIP

4.1 The membership will consist of the following categories:

- (a) Senior Members
- (b) Junior Members (under 16yrs old on 31 December of that year)
- (c) Non-playing Members
- (d) Life Members

4.2 Any individual shall be eligible for admission as a member of the Club provided the individual has paid the Membership Fee:

- (a) in relation to applications to become a Member under Paragraphs 4.1(a)-4.1(c), the individual has made an application in writing to the Committee and such application has been approved; or
- (b) in relation to applications to become a Member under Paragraphs 4.1(d)-4.1(e), the individual has made an application at a training session of the Club.

- 4.3 Any individual may be elected as a life member of the Club under Paragraph 4.1(f) provided:
- (a) the individual is nominated by two Voting Members;
 - (b) the nomination is received by the Secretary at least fourteen days prior to the AGM; and
 - (c) at least two thirds of the Voting Members present at the AGM vote in favour of granting life membership to the individual.
- 4.4 All Members who participate for and on behalf of the Club in any capacity whatsoever in any Aqua Sports shall do so as an amateur.
- 4.5 Membership Fees for each year will be agreed at the AGM.
- 4.6 Subject to Paragraph 4.7, Playing Members are liable to pay monthly subscription fees to the Club.
- 4.7 The Treasurer has the right to grant an exemption from the payments under Paragraph 4.6 above to any Playing Member who, at the Treasurer's absolute discretion:
- (a) is unable to attend any training sessions of the Club for a period of one calendar month; or
 - (b) meets criteria set out by the Committee from time to time.
- 4.8 Any Playing Members granted an exemption by the Treasurer under Paragraph 4.7 above will be liable to pay a fee for each training session that such Playing Members attend.
- 4.9 Any fees due under Paragraphs 4.6 and 4.8 will be fixed by the Committee.
- 4.10 Any individual who wishes to become a Member after 1 August of any year will only be liable to pay half the Membership Fee due by it had the application for membership been received prior to that date.
- 4.11 Each Member must be registered with SASA.
- 4.12 Each Member is deemed to accept the terms of this Constitution, the Bye-Laws and any Regulations.
- 4.13 The Committee shall have the power to turn down an application for membership, provided they act in accordance with Bye-Law 2.6 of the Bye-Laws.
- 5 GOVERNANCE**
- 5.1 The Club will be subject to and bound by the SASA Constitution, the SASA Bye-Laws, the Memorandum, the Articles, the Rules and the SASA District Rules.
- 5.2 The Club will comply with the SASA Code of Conduct, the SASA Code of Ethics and the SASA Child Protection Guidelines.
- 5.3 The Club will be governed by this Constitution, the Bye-Laws and any Regulations.
- 5.4 Amendments to this Constitution must only be made at a General Meeting with the agreement of at least two thirds of the Voting Members present at that General Meeting.
- 5.5 Amendments to the Bye-Laws must only be made at a General Meeting with the agreement of a simple majority of the Voting Members present at that General Meeting.

5.6 The Committee has the power to publish and enforce such Regulations as the Committee deems necessary to govern the activities of the Club.

6 **MANAGEMENT**

6.1 The affairs of the Club will be conducted by the Committee which shall consist of the Officers and the Ex-Officio as set out in Bye-Law 3.1 of the Bye-Laws.

6.2 The Officers will be honorary and consist of the President, the Secretary, the Treasurer, the Club Captain and the Club Coach.

6.3 The Ex-Officio will consist of any positions which the Members, by simple majority in a General Meeting, deem to be necessary for the good management and governance of the Club and its affairs.

6.4 Subject to Paragraph 6.6, the Officers will be elected at the AGM by the Voting Members present at that AGM.

6.5 Subject to Paragraph 6.6, the Ex-Officio will be elected:

- (a) in relation to existing positions, at the AGM by the Voting Members present at that AGM;
- (b) in relation to new positions, at a General Meeting by the Voting Members present at that General Meeting.

6.6 If the post of any Officer or Ex-Officia shall fall vacant at any time, the Committee has the power to appoint any Voting Member to fill the vacant post.

6.7 If a Committee Member fails to attend two consecutive Committee Meetings at any time without apology, then the Committee may declare the office vacant and appoint another Voting Member to fill the vacancy.

6.8 Each Committee Member will be a Voting Member irrespective of age.

7 **GENERAL MEETINGS**

7.1 **Notices**

7.1.1 Unless the Voting Members agree otherwise, each Member will receive notice of any General Meeting at least twenty-eight (28) days prior to the date on which the General Meeting is due to take place.

7.1.2 Any proposals to alter this Constitution must be submitted in writing to the Secretary at least twenty one (21) days prior to the date of the AGM.

7.1.3 Any proposals to alter the Bye-Laws must be submitted in writing to the Secretary at least fourteen (14) days prior to the date of the AGM.

7.2 **Attendance**

7.2.1 Each Member is entitled to attend and take part in any General Meeting.

7.2.2 Each Voting Member is entitled to vote in any General Meeting.

7.3 **Voting**

7.3.1 Subject to Paragraph 5.4, decisions requiring a vote at General Meetings shall be resolved by a simple majority.

7.3.2 Unless a majority of the Voting Members present at a General Meeting agree otherwise, voting shall be by a show of hands.

7.4 **Quorum**

7.4.1 The quorum for a General Meetings shall be ten (10) Voting Members.

7.4.2 A proposal to alter the Constitution or the Bye-Laws must be submitted in writing to the Secretary and signed by at least two (2) Voting Members.

7.5 **Annual General Meeting**

7.5.1 The Club shall hold an AGM within three (3) months of the end of the Financial Year.

7.5.2 The AGM shall:

- (a) approve the minutes of the previous AGM;
- (b) receive reports from the President, the Club Captain, the Club Coach and any other Committee Member as appropriate;
- (c) receive a report from the Treasurer and approve the Accounts;
- (d) receive a report from the Auditors;
- (e) elect Committee Members;
- (f) appoint the Auditors;
- (g) consider changes to the Constitution;
- (h) consider changes to the Bye-Laws; and
- (i) deal with other relevant business.

7.6 **Extraordinary General Meeting**

An EGM may be called:

- (a) on an application in writing to the Secretary supported by at least five (5) Voting Members; or
- (b) by the Committee on a decision of a simple majority of the Committee Members.

7.7 **Committee Meetings**

7.7.1 The Club will hold at least four (4) Committee Meetings in each Financial Year.

7.7.2 A Committee Meeting may be called by the Secretary:

- (a) when there is business to transact;

- (b) on the request of three (3) Committee Members; or
- (c) on an application in writing by at least seven (7) Voting Members.

7.7.3 A quorum for Committee Meetings shall be three (3) Committee Members.

7.7.4 The business of a Committee Meeting shall be enacted in accordance with Bye-Law 4 of the Bye-Laws.

7.7.5 Inquorate Committee Meetings

7.7.5.1 If a Committee Meeting is inquorate, (an "**Inquorate Meeting**") any decisions made at that meeting, the Secretary shall be intimated to the Committee within five (5) days of the Inquorate Meeting taking place ("**Inquorate Decisions**").

7.7.5.2 If less than two (2) written objections to any Inquorate Decision within three (3) days of the Inquorate Decision being intimated to the Committee, the decision will stand as if having been passed at a validly quorate and constituted Committee Meeting.

7.7.5.3 If two (2) or more written objections are received from any members of the Committee in relation to an Inquorate Decision are received by the Secretary within three (3) days of the Inquorate Decision being intimated to the Committee, the Inquorate Decision must be deferred until the next quorate Committee Meeting (a "**Deferred Decision**").

7.7.5.4 At least two (2) of the members of the Committee making an objection to a Deferred Decision must be present at the next quorate Committee Meeting in order for the Deferred Decision to be discussed.

7.7.5.5 If there are less than two (2) Objectors present at the next quorate Committee Meeting, any objections will be deemed to be invalid and the Deferred Decision will stand as if having been passed at a validly quorate and constituted Committee Meeting.

8 **FINANCE AND ACCOUNTS**

8.1 The funds of the Club shall be lodged in bank or building society current and/or deposit accounts in the names of the Officers.

8.2 The Financial Year shall run from 1st October to 30 September each year.

8.3 The Treasurer is responsible for the preparation of the Accounts.

8.4 The Accounts shall be audited by the Auditors.

8.5 All cheques drawn against the Club's funds shall be signed by the Treasurer and one other Officer.

8.6 The Committee may 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.

8.7 Each Member shall be jointly responsible for the financial liabilities of the Club.

8.8 Any surplus of the Club's income will be re-invested in the Club and not distributed among the Members.

9 DISCIPLINE

- 9.1 The Committee may take whatever action it shall, at its sole discretion against any Member proved guilty of infringing the Regulations or 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 sections 16-18 of the SASA Constitution, the SASA Bye-Laws and the Rules have been applied.
- 9.2 Except for doping, child abuse or alleged criminal offences, all grievances, complaints and appeals must be dealt with in accordance with Bye-Law 6 of the Bye-Laws.
- 9.3 Grievances and complaints involving doping, child abuse or other criminal offences shall be referred to the SASA Chief Executive for the time being within 48 hours, in accordance with rule 16.1.3. of the Rules

10 TROPHIES

- 10.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- 10.2 The Treasurer shall act as trustee of Club trophies.

11 DISSOLUTION

- 11.1 In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the Members in any way whatsoever but shall be applied towards the objective of the SASA.
- 11.2 So long as fifteen (15) Members agree to support the Club it cannot be dissolved.



DUNFERMLINE WATERPOLO CLUB

Secretary: Brian M. Campbell, 13 Callander Terrace, Dunfermline. KY11 8EY

telephone: (01383) 737537

mobile: 07980 691732

e-mail: secretary@dwpc.fsnet.co.uk

www.dwpc.fsnet.co.uk

DUNFERMLINE WATER POLO CLUB (the "Club")

BYE-LAWS

1 DEFINITIONS AND INTERPRETATION

Words and expressions defined in the constitution of the Club shall have the same meanings in these Bye-Laws save where the context otherwise requires.

2 MEMBERSHIP

2.1 The Membership Fee of the existing Members shall become due on 1 January in each year and those of new Members on the date of acceptance for membership.

2.2 Members not renewing their membership by 1 March in each year will be deemed to be non-members and will be notified in writing accordingly.

2.3 Each Member will be excluded from taking part in any of the Club's activities, competitions or meetings until their Membership Fee is paid.

2.4 A Member wishing to resign from the Club must inform the Secretary in writing.

2.5 Any Member wishing to change their first or second claim club must do so in accordance with bye-law BL8.2.4 of the SASA Bye-Laws.

2.6 When an application for membership is turned down by the Committee, the applicant will be advised of the reason for their application to have been rejected and that the applicant has a right to appeal against the decision by application in writing to SASA.

3 MANAGEMENT

3.1 The Committee shall comprise the Officers and the Ex-Officio.

3.2 Each Committee Member shall be elected at the AGM for a one year term retiring at the next AGM.

3.3 Retiring Committee Members may offer themselves for re-election.

3.4 Any Committee Member elected or co-opted to fill a vacancy part way through a term of office shall retire at the next AGM.

3.5 The Committee shall be responsible for:

- (a) the organisation and control of the Members during Club hours;
- (b) the annual appointment of coaches and instructors;
- (c) the selection of Members to represent the Club at events other than the participation in Aqua Sports; and

(d) the organisation of water polo activities as may be required.

3.6 The Committee shall appoint any sub-committees as it may considered necessary.

4 MEETINGS

4.1 General

4.1.1 At Meetings, if a quorum is present, the chairperson shall call the Meeting to order not later than fifteen minutes after the appointed time of the Meeting.

4.1.2 The chairperson at all Meetings shall be the President. In the absence of the President, the Secretary shall invite a past President of the Club or, if none are available, will substitute. In the absence of the President, past Presidents and the Secretary, those Voting Members in attendance at the Meeting shall appoint a substitute.

4.1.3 Each Member when called to order at any Meeting and not complying to the “rule of order” shall be expelled from that Meeting.

4.1.4 In the event of an equality of votes in any resolution before any Meeting which requires a choice to be made for the continued good governance of the Club, the chairperson of the Meeting shall have a second or casting vote.

4.1.5 The chairperson of a Meeting shall be the sole judge of questions of order and interpreter of the Constitution, these Bye-Laws and any Regulations.

4.1.6 The chairperson 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 chairperson elected from among those present.

4.1.7 The minutes of all Meetings will be circulated to the Members.

4.2 Annual General Meeting

4.2.1 The Secretary shall give written notice of not less than twenty-eight (28) days prior to the date of the AGM. This notice shall be published and circulated to each Member.

4.2.2 Appended to the notice of intimation of an AGM shall be:

- (a) the agenda for the AGM;
- (b) minutes of the last AGM; and
- (c) a note of the process governing alteration to the Constitution, these Bye-Laws and nominations for the Committee.

4.2.3 Nominations for Officers and Ex-Officio shall be submitted in writing, signed by two Voting Members and the nominee, to the Secretary no later than seven (7) days prior to the AGM. If no nominations are received prior to the AGM, nominations may be made by those Voting Members present at the AGM subject to the agreement of the nominee.

4.2.4 Any proposed alterations to the Constitution must be received by the Secretary no later than twenty one (21) days prior to the AGM.

4.2.5 Any proposed alterations to these Bye-Laws and notices of motion must be received by the Secretary no later than fourteen (14) days prior to the AGM.

4.2.6 Having received all nominations and proposed alterations, the Secretary shall arrange for this information to be circulated to each Member.

4.2.7 The order of business for an AGM shall be:

- (a) Election of Chair
- (b) Attendance
- (c) Apologies for Absence
- (d) Voting Method
- (e) Chairman's Remarks
- (f) Approval of minutes from previous AGM & matters arising.
- (g) Correspondence
- (h) Treasurer's Report
- (i) Auditor's Report
- (j) Club Reports
- (k) Election of Officers and Ex-Officio
- (l) Appointment of Auditors
- (m) Proposed changes to the Constitution
- (n) Proposed changes to the Bye-Laws
- (o) Club Development
- (p) Other relevant business

4.3 **Extraordinary General Meeting**

4.3.1 The Secretary shall give written notice of not less than twenty-eight (28) days prior to the date of the EGM with the agenda for the EGM appended to the notice. This notice shall be published and circulated to each Member.

4.3.2 The order of business for an EGM shall be:

- (a) Election of Chair
- (b) Attendance
- (c) Apologies for Absence
- (d) Voting Method
- (e) Chairman's Remarks
- (f) Business to be transacted of which due notice has been given.

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

4.4 **Committee Meetings**

- 4.4.1 Notice of the date, time and venue of each Committee Meeting shall be published and circulated to each Committee Member at least seven (7) days prior to a Committee Meeting.
- 4.4.2 Voting Members who are not Committee Members may attend Committee Meetings, but may only participate with the agreement of the chairperson of that Committee Meeting.
- 4.4.3 All Committee Members shall have a deliberative vote.
- 4.4.4 No decision of the Committee may be altered or revoked without fourteen (14) days prior notice of intent, in writing, being given to the Secretary.

5 **FINANCE AND ACCOUNTS**

- 5.1 The Treasurer shall arrange for the Auditors to examine and certify the Accounts before presenting an audited summary to the AGM.
- 5.2 The Treasurer shall submit a budget to the last Committee Meeting prior to the AGM for the following Financial Year.
- 5.3 The Treasurer shall submit a financial statement to each Committee Meeting.
- 5.4 All outgoing payments shall be made by cheque and signed by two (2) Officers.

6 **DISCIPLINE**

Any Member guilty of conduct or a breach of the Constitution, these Bye-laws or any Regulations which is detrimental to the interests or aims of the Club may be disciplined by the Committee, provided Paragraph 9 of the Constitution has been satisfied

6.1 **Suspensions and Fines**

The Committee may suspend from activities wholly within its own jurisdiction, impose a fine or expel a Member from the Club as a means of discipline.

6.2 **Grievances**

- 6.2.1 A grievance, a formal expression of dissatisfaction or allegation of unfair practice in connection with the management or governance of the Club, can be made by:
 - (a) any Member; or
 - (b) a parent or guardian on behalf of a Member under the age of sixteen (16) years; or
 - (c) any individual with an interest in the management or governance of the Club.
- 6.2.2 A grievance must be made in writing to the Secretary, not later than twenty eight (28) days after the incident.

6.3 **Complaints**

6.3.1 A complaint may be made:

- (a) against a decision taken by the Club in respect to the outcome of a submitted grievance; or
- (b) as a formal expression of dissatisfaction or allegation of unfair practice in connection with Aqua Sports as governed by SASA.

6.3.2 A complaint must be made in accordance with section 16 of the Rules.

6.4 **Appeals**

6.4.1 An appeal may be made against decisions taken by the National Enquiry Panel.

6.4.2 An appeal must be made in accordance with section 18 of the Rules.

7 **TROPHIES**

7.1 The winner of a trophy shall guarantee safe custody and return of the trophy when requested by the Committee.

7.2 The Club shall be responsible for arranging and funding the engraving of the winners name on all trophies.

This version of the Constitution and Bye-laws in effect from the 2005 Annual General Meeting.