



Regulations 2021

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Swim England East Region is a company limited by guarantee, registered in England and Wales Company Number 12931432 Registered Charity Number 1193136
Registered Address: Pavilion 3, SportPark, 3 Oakwood Drive, Loughborough, LE11 3QF

Contents

1.	Name	3
2.	Status	3
3.	Composition	3
4.	Objects	3
5.	Responsibilities of the Region	3
6.	Responsibilities of county associations	4
7.	Affiliation and resignation	4
8.	Fees	5
9.	Government	5
10.	Finance	7
11.	General Meetings of the Members' Forum	7
12.	Changes to regional regulations	8
13.	Relationships with county associations	8

1. Name

- 1.1. The name of the Region shall be Swim England East Region ('the Region').

2. Status

- 2.1. Swim England East Region ('the Company') is a company limited by guarantee with charitable status, registered in England and Wales, Company number 12931432, Charity number 1193136 and is governed by its Articles, which must be read in conjunction with these Regulations. In the case of any contradiction between these Regulations and the Articles, the Articles shall take precedence. Any activities taking place in the name of the Company must conform to the Articles, the Regulations, and Swim England Regulations and Technical Rules.
- 2.2. The Company shall act as the East Region of Swim England.
- 2.3. Governance of the Company is structured as follows:
 - 2.3.1. the Board – the Directors and charity trustees of the Company;
 - 2.3.2. the Members' Forum - members of the Company for the purposes of the Companies Act, as set out in the Articles
- 2.4. Any amendment to the Articles requires the approval of the Members' Forum at a General Meeting, and shall be reflected in these Regulations as appropriate.

3. Composition

- 3.1. The Region shall comprise the clubs, associations, bodies and organisations, (hereinafter called the clubs), affiliated to the Region in accordance with the criteria set by the Amateur Swimming Association (Swim England) Limited (company number 10931571) hereinafter called Swim England, and the members of those clubs. The Region comprises the county associations of Bedfordshire, Cambridgeshire, Hertfordshire, Norfolk, Suffolk, and Essex, excluding the Greater London Boroughs of Barking and Dagenham, Havering, Newham, Redbridge and Waltham Forest.

4. Objects

- 4.1. The aims of the Region shall be, but not be limited to, those listed below:
 - 4.1.1. Support and carry on the aims and objects of the charity The Amateur Swimming Association (Swim England) Limited, charity number 1175603 (referred to in this document as 'Swim England');
 - 4.1.2. At all times obey and enforce the Regulations and Technical Rules of Swim England;
 - 4.1.3. Ensure as far as practicable that affiliated clubs and their members treat everyone equally regardless of their gender, colour, creed, disability, nationality and sexuality;
 - 4.1.4. Ensure as far as practicable that affiliated clubs and their members recognise that the welfare of children and vulnerable adults is the responsibility of everyone and that these children and vulnerable adults have a right to be safe and protected at all times;
 - 4.1.5. Produce, maintain and implement such business development and other plans based on strategic criteria set by Swim England and in such a form as Swim England may from time to time require;
 - 4.1.6. Administer the procedures for clubs as defined in Swim England Regulations, including any necessary fee collection;
 - 4.1.7. Administer the procedures for associations, bodies and organisations to affiliate to the Company, including any necessary fee collection.
 - 4.1.8. Administer such procedures as Swim England shall from time to time direct in order to enable individual club members to be members of Swim England; and
 - 4.1.9. Administer such procedures as Swim England and the Company shall from time to time decide to establish and maintain county associations to participate in the governance, administration and delivery of aquatic sports within the area of benefit.
 - 4.1.10. To promote and develop aquatics activities within the Region

5. Responsibilities of the Region

- 5.1. The responsibilities of the Region shall be, but not be limited to, those listed below:
 - 5.1.1. To produce, maintain and implement plans, based on strategic criteria set by Swim England, and in such form as Swim England may from time to time require;

- 5.1.2. To administer the procedures for clubs to affiliate to the Region, as defined in Swim England Regulations, including any necessary fee collection. (Note: Affiliation to a county association will not be mandatory for associations, bodies or organisations);
- 5.1.3. To administer such procedures as Swim England shall decide, from time to time, to enable individual clubs' members to be members of Swim England;
- 5.1.4. To administer such procedures as Swim England and the Region shall decide, from time to time, to establish and maintain county associations, forming part of the governance, administration and delivery of the sport within the Region.

6. Responsibilities of county associations

- 6.1. The responsibilities of the county associations must include, but not be limited to, the following:

6.1.1.General

- 6.1.1.1. Each county association shall:
 - 6.1.1.1.1. Be responsible for managing the sport of aquatics disciplines within its boundaries, subject to the strategic direction of the Region;
 - 6.1.1.1.2. Observe the Articles and Regulations of the Company, and Swim England Regulations and Technical Rules, ensuring that they are observed within its jurisdiction;
 - 6.1.1.1.3. Follow the resolutions and rulings of the Swim England Board and/or the Swim England Annual General Meeting and/or the Regional Annual General Meeting and/or the Board, and ensure that they are followed within its jurisdiction;
 - 6.1.1.1.4. Be accountable to the Region for the proper discharge of its functions

6.1.2.Administration and finance

- 6.1.2.1. Each county association shall be responsible for managing the sport within its boundaries, subject to the strategic direction of the Company, and as such shall:
 - 6.1.2.1.1. Determine the uses to which its funds are allocated, within the strategic criteria set by the Region;
 - 6.1.2.1.2. Set up and implement a business plan, including a budget indicating the source of the required funding and how it will be spent, based on the strategic criteria set by the Region;
 - 6.1.2.1.3. Set up and implement a development plan, based on the strategic criteria set by the Region;
 - 6.1.2.1.4. Have the authority to set a county association's element of the affiliation and membership fees due from each of the clubs affiliated to it.

6.1.3.Accountability

- 6.1.3.1. Each county association shall:
 - 6.1.3.1.1. From time to time submit its business and development plans to the Swim England East Region Board, or to its nominated agent(s), for approval;
 - 6.1.3.1.2. Keep accounts showing its income and expenditure against the budget set in its business plan, and produce a balance sheet;
 - 6.1.3.1.3. Report annually to the Board, in such a form as it may from time to time require, on its:
 - 6.1.3.1.3.1. activities and any issues arising there-from,
 - 6.1.3.1.3.2. financial statements, and
 - 6.1.3.1.3.3. performance against its development plan.

7. Affiliation and resignation

- 7.1. A club applying to the Region for affiliation must submit its application, together with a copy of its constitution, plus details of the number of members, active and honorary, and a copy of its accounts or proposed financial plan or budget, to the Region's Membership Officer, who, in deciding whether to grant affiliation to the Region, must consider the application against the national criteria approved by the Swim England Board.
- 7.2. A grant of affiliation to the Region for a club as defined in Swim England Regulations must include compulsory affiliation to a county association operating within the Region. A fee for this may be included as part of the regional affiliation fee.
- 7.3. Associations, bodies and organisations whose activities are not confined to one county shall not be required to affiliate to a county association.

- 7.4. If an application for affiliation is refused, there is a right of appeal to the Swim England Board, whose decision is final and binding on all parties.
- 7.5. A club wishing to resign from the Region must give notice, in writing to that effect before January 1st, to the Chairman of the Board, or it may be held liable for its affiliation fee for the current year.

8. Fees

- 8.1. An affiliated club must pay to the Region or to Swim England, an annual fee made up of all or part of the following components:
 - 8.1.1. Swim England membership fees, set by Swim England for each individual club member;
 - 8.1.2. Regional affiliation fee, to be set by the Board before 31st October;
 - 8.1.3. County affiliation fee, which must be set by the county associations before 31st October.
- 8.2. The Board shall have the power to remit the whole or part of such fees on application. Any such concessions shall be for one year only, but further applications may be made.
- 8.3. A club, not having made its return of club membership and paid its liabilities to the Region, to Swim England and to its county association by 28th February, shall be suspended from affiliation from 1st March until such time as those liabilities are discharged. Any club, not having paid its liabilities by 31st March, will be deemed to have resigned. Where the affiliation of a club is terminated in this way, the club will be informed in writing, by post, to the last known address of the last known secretary.
- 8.4. The Board shall have the power to amend, if required, clause 8.3 to ensure that there is no conflict between Swim England and Swim England East Region with regard to their respective regulations.
- 8.5. Where the regional affiliation fee is set on a per capita basis, members who pay no membership fee to their club must be included in the total membership for whom a fee must be paid to the Region.

9. Government

9.1. The Board

- 9.1.1. There shall be a minimum of four Directors, each of whom must be a Swim England member and a member of a club within the region's county associations.
- 9.1.2. The Board shall consist of:
 - 9.1.2.1. a Chairman
 - 9.1.2.2. a Finance Director, and
 - 9.1.2.3. two Member Nominated Directors.
- 9.1.3. The Directors' terms of office, elections, appointments, retirements and removals from office are detailed in the Articles of Association.

9.2. The Members' Forum

- 9.2.1. Each county association shall be entitled to appoint Members to the Members' Forum. Each county association shall be entitled to appoint up to three Members to the Members' Forum, plus one additional Member for every 1500 individual members of clubs affiliated to the county association. In calculating the individual members of clubs, the Company will use data supplied by Swim England showing the number of fee-paying members a club had at the end of the preceding calendar year. In the event of any query as to the number of Members of the Members' Forum that each county association can appoint, the decision of the Board shall be final.
- 9.2.2. Every Member of the Members' Forum must be a Swim England member and a member of a club within the region's county associations.
- 9.2.3. Appointment to the Members' Forum shall be made annually by each county association.
- 9.2.4. Every person appointed by a county association to the Members' Forum shall deliver to the Company a completed membership form in such format as the Board requires.
- 9.2.5. If a Member of the Members' Forum resigns, the relevant county association will be invited to fill the vacancy.
- 9.2.6. In the event that there are less than 18 Members of the Members' Forum, and the county associations decline to appoint any further Members of the Members' Forum, the Board may instead appoint Members to the Members' Forum
- 9.2.7. Only members of clubs affiliated to Swim England East Region are relevant to 9.2. Where members belong to more than one club, their membership shall count against the club through which their Swim England, regional and county membership fees are paid.

9.3. Committees

- 9.3.1. The following are the named company committees:
 - 9.3.1.1. The Regional Operations Committee
 - 9.3.1.2. The Audit, Risk and Probity Committee
 - 9.3.1.3. The Nominations Committee
- 9.3.2. The Board have the power to set up other committees as required.
- 9.3.3. The terms of reference for each of the named company committees are published on the website
- 9.3.4. The agendas for committees and leadership groups, shall include as the second item after apologies for absence, an item for their members to declare conflicts of interest in agenda items.

9.4. Other posts:

- 9.4.1. The appointment of the following shall be approved at the Annual General Meeting:
 - 9.4.1.1. The following will be appointed for a one-year period:
 - 9.4.1.1.1. A firm of accountants, registered with one of the Consultative Committee of Accountancy Bodies, as independent financial examiners, to examine the accounts and report to the Members' Forum on the financial state of the Region.
 - 9.4.1.1.2. A President and President Elect, whose duties will be purely ceremonial.
 - 9.4.1.1.3. Members of the Swim England Members' Forum, who will be appointed annually from members of Swim England East Region clubs, after appropriate nomination. Nominations will be prioritised in the following order: President, Directors, other members of the Regional Operations Committee, Managers, members of Leadership Groups, other members of Swim England East Region Clubs.
 - 9.4.1.1.3.1. The appointed Members will attend Swim England General Meetings in accordance with Swim England Regulations. Where Members are unable to attend General Meetings, they should make appropriate arrangements for proxy voting.
 - 9.4.1.1.3.2. The appointed Members will respond to correspondence sent to the Members Forum by Swim England, including proposals to the Members Forum and elections.
 - 9.4.1.2. The following shall be appointed for a three-year period, following recommendation from the Nominations Committee, from nominations received.
 - 9.4.1.2.1. Licensing Officer
 - 9.4.1.2.2. Membership Officer
 - 9.4.1.2.3. Welfare Officer
 - 9.4.1.2.4. Artistic Swimming Manager
 - 9.4.1.2.5. Disability Manager
 - 9.4.1.2.6. Diving Manager
 - 9.4.1.2.7. Masters Manager
 - 9.4.1.2.8. Open Water Swimming Manager
 - 9.4.1.2.9. Swimming Manager
 - 9.4.1.2.10. Swimming Officials' Manager
 - 9.4.1.2.11. Water Polo Manager
 - 9.4.1.3. Any vacancy that occurs in these appointments may be filled by a majority decision of the Board for the remainder of the term, and notified to the next Annual General Meeting. Where the term of office expires at the next Annual General Meeting, the Members of the Members' Forum will be asked to note the appointment made during the year.
 - 9.4.1.4. All nominations must be returned, on the appropriately completed form, to the Nominations Committee, by the date indicated on the form, which will be not less than 21 days prior to the Annual General Meeting at which the election will take place.
 - 9.4.1.5. With the exception of the independent financial examiners, every post holder must be a Swim England member and a member of a club within the region's county associations.

10. Finance

10.1. Money

- 10.1.1. The Region's funds shall be held by bankers or fund holders, who may be proposed by Swim England, or selected by the Board. The Board shall also have the power to loan money to Swim England, or any wholly owned subsidiary company of Swim England.
- 10.1.2. The end of the Region's financial year shall be 31st December.

10.2. Indemnity

- 10.2.1. The Directors, every member of the regional committees, and every employee, servant and agent of the Region shall be indemnified by the Region, and it shall be the duty of the Region to pay all costs, losses and expenses which any such person may incur, or, for which he may become liable, by reason of any contract entered into, or act, or thing done by him, in good faith, in the discharge of his duties.

10.3. Expenses

- 10.3.1. Members of duly appointed regional committees or panels, or any person duly appointed by the Region to act with its authority, may claim their expenses, necessarily incurred through that membership or appointment by the Region, in accordance with the Expenses Policy set by the Board.

10.4. Property

- 10.4.1. The Region may purchase, or by any other means acquire, take options over any property, and any rights or privileges of any kind, over or in respect of, any property.

10.5. Dissolution of the Region

- 10.5.1. The Region shall only be wound up at a Special General Meeting called for that purpose. The proposal to wind up the Region shall be agreed by two-thirds of those present and voting.

10.6. Dissolution of the Company

- 10.6.1. If the Company is dissolved, any assets remaining after the satisfaction of its debts and liabilities shall be disposed of in accordance with the Articles of Association.

11. General Meetings of the Members' Forum

11.1. Members' Forum

- 11.1.1. Members of the Members' Forum are as defined in the Articles of Association.
- 11.1.2. Members of the Members' Forum may, by special resolution at a General Meeting, direct the Board to take, or refrain from taking, specified action.

11.2. General Meetings

- 11.2.1. Directors may, whenever they think it fit, convene a General Meeting in addition to the Annual General Meeting
- 11.2.2. A General Meeting shall be convened if demanded by 10 Members of the Members' Forum.
- 11.2.3. A Member of the Members' Forum has the right to attend and vote (either in person or by proxy, as defined in the Articles of Association) at a General Meeting.
- 11.2.4. The Articles of Association detail the business which shall be addressed at an Annual General Meeting.
- 11.2.5. The Articles of Association detail the requirements for giving notice of General Meetings, and the proceedings and voting at General Meetings.
- 11.2.6. In addition to the Members of the Members Forum, who are the voting Members, the following may attend General Meetings in a non-voting capacity, unless they have also been appointed by their county associations as Members of the Members Forum: President, President Elect, Directors of the Company, Chairman of the Audit Risk and Probity Committee, Chairman of relevant Nominations Committees, officers, managers and staff.

11.3. Annual Report and minutes

- 11.3.1. The Region's Annual Report (published not less than 14 days before the Annual General Meeting) must be presented at the Annual General Meeting.
- 11.3.2. A Member of the Members' Forum who wishes to question, or have discussed, any item in the published minutes of the last Annual General Meeting or any subsequent Special General Meeting, or any minute of the meetings of the Board or the Regional Operations Committee must indicate his intention, by giving notice to the Chairman of the Board, not less than 14 days prior to the Annual General Meeting.

- 11.3.3. Questions on the minutes of meetings of the Board or meetings of Regional Operations Committee, must normally refer only to those for the last regional year, as defined in these Regulations. The chairman may, at his discretion, allow discussion on matters in the minutes of meetings held after the end of the regional year, provided that:
 - 11.3.3.1. he is satisfied that the question is of sufficient importance and/or relevance to the meeting; and
 - 11.3.3.2. the minutes have been approved by the Board or the Regional Operations Committee, as appropriate; and
 - 11.3.3.3. a specific question seeking further clarification or information is asked; or
 - 11.3.3.4. a proposal has been made, under these Regulations, relating to those minutes.
- 11.3.4. Questions on the Annual Report and financial statements may be tabled during the appropriate agenda item of the Annual General Meeting.
- 11.3.5. Approval of the Annual Report, other than those items where due notice has been given of a desire to amend, add or reject, must be proposed en bloc by the chairman, and put to the vote without debate.
- 11.3.6. The Chairman of the Board may send to a Member of the Members' Forum a written answer to a question posed in accordance with Regulation 11.4.2, in which case the Member may, at his discretion, withdraw the question, and the item in the report may be dealt with as if the question had not been put. The chairman may, at his discretion, or on request, disclose the contents of the written answer for information at the Annual General Meeting.

12. Changes to regional regulations

- 12.1. The Directors shall have the power to change regulations.
- 12.2. Changes to the Articles can only be made at a General Meeting, as provided in the Articles of Association.

13. Relationships with county associations

- 13.1. The Region shall devolve such responsibilities to the county associations as shall be decided by the Board, and specify the responsibility and accountability of those associations.