CULTS OTTERS AMATEUR SWIMMING CLUB
CONSTITUTION, BYE-LAWS AND REGULATIONS
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Constitution and Bye-Laws updated for Club Model Issue 2026 (Nov 2026)

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Scottish Swimming Maintained Policies/Regulations (refer to Scottish Swimming)

Links to the relevant parts of the Scottish Swimming web site (www.scottishswimming.com) for the Scottish Swimming Policies are under <Clubs and Members> – <Governance > (www.scottishswimming.com/clubs/governance-club)

Complaints & Appeals Procedure – Refer to Scottish Swimming Company Rules Sections R12 to R15

(within the "Scottish Swimming Governance Documents" for the current year)

Also refer to the Club Complaints Process

Wellbeing and Protection Policy

Equal Opportunities Policy

Data Protection Policy (GDPR)

Code of Conduct (Coach, Athlete, Parent, Volunteer)

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Club Maintained Policies and/or Regulations

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CONSTITUTION

C1.0 NAME

C1.1 The Club shall be called Cults Otters Amateur Swimming Club (hereinafter referred to as the Club)

C2.0 OBJECTIVES

C2.1 The objectives of the Club shall be to:-

a) Advance the public participation in Aquatic Sports relevant to the Club and life saving in accordance with paragraph C2.1 of the SASA Constitution.

C3.0 MEMBERSHIP

C3.1 The membership shall consist of the following categories:-

a) Adult Member
An Adult is an individual 18 years and over.

b) Junior Member
A Junior is an individual 17 years or under (not as defined in Scottish Swimming Company Rule R4.5.6 which refers to Championship and Meets, Eligibility).

c) Life Member

d) Not used.

C3.2 *Membership fees shall be as agreed at each Annual General Meeting.*

C3.2.1 The SASA Membership fees of existing members (agreed at the AGM) shall become due by 14 March **in each year and those of new members on the date of acceptance for membership. Club membership fee is a fixed termly fee for the swimmer members. In order to assist members, payments may be made in a phased manner as determined by the Management Committee.**

C3.2.2 *Members not renewing by* 31 March *will be deemed to be non-members and will be notified in writing accordingly*.

C3.2.3 Members may be excluded from taking part in any of the Club's activities unless their annual subscription payments and club fees are up to date.

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

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

C3.5 *A member wishing to resign from the Club shall inform the Secretary in writing.*

C3.6 A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with Scottish Swimming Company Rule R5.2.

C3.7 *The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.7.1.*

C3.7.1 *When an application for membership is turned down by the Management Committee, the applicant must be advised, in writing, of the reason and their right of appeal to Scottish Swimming.*

C4.0 GOVERNANCE

C4.1 The Club and its members, shall be subject to and bound by, the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules), the Company Regulations, the Company Codes of Practice and the appropriate SASA District Rules.
Where there is a conflict, the Scottish Swimming Governance documents or SASA District Governance documents, in that order, shall take precedence over the Club's Governance documents.

C4.2 The Club shall comply with the Scottish Swimming Codes of Conduct and Policies.

C4.3 The Club shall be governed by its Constitution, Bye-Laws and Regulations.

C4.4 Amendments to the Constitution shall only be made at a General Meeting, provided at least a two thirds majority of those present and voting is secured.

C4.5 Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.

C4.6 The Management Committee shall have the power to publish and enforce such Regulations as the Committee feels necessary to govern the activities of the Club.

C5.0 MEETINGS

C5.1 General

C5.1.1 Notices

At least 30 days **notice and the Agenda shall be given to all Adult and Life Members of any General Meeting**

C5.1.2 Attendance

All Adult and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution.
A Parent/Guardian, who is not a Club Member, is entitled to attend and take part on behalf of a Junior Member.

C5.1.3 Voting

a) **With the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings.**
b) **Voting shall be by** a show of hands **unless decided otherwise by a majority of those attending the meeting**.

C5.1.4 Quorum

The quorum at General Meetings shall be two Officers of the Club plus ten **members eligible to vote**.

C5.1.5 Changes to the Constitution and Bye-Laws

a) **A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two members eligible to vote at a General Meeting.**

C5.1.6 Conduct of Business

The conduct of business shall be in accordance with Scottish Swimming Company Rules Section R17.

C5.2 Annual General Meeting (AGM)

C5.2.1 The Club shall hold an AGM in the month of November.

C5.2.2 The Secretary shall give notice not less than 21 days **prior to the date of the AGM to all Adult and Life Members. The format of the notice shall be agreed by the Management Committee.**

C5.2.3 Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, Bye-Laws and nomination for the Management Committee.

C5.2.4 Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing, signed by two Adult or Life Members and the nominee, to the Secretary no later than 14 (fourteen) days prior to the meeting.

C5.2.5 Proposed alterations to the Constitution and Bye-Laws, and notices of motion must be received by the Secretary not later than 14 (fourteen) days prior to the meeting.

C5.2.6 The Secretary shall arrange for all nominations and proposed alterations to governance to be circulated at least seven days **before the meeting**. **The format of the circulation shall be agreed by the Management Committee.**

C5.2.7 The business for an AGM shall include:

a) *Presidents Remarks*
b) *Apologies for Absence*
c) Approval of minutes from previous AGM & matters arising.
d) Secretary Report
e) **Financial Report**
f) Head Coach Report
g) Proposed changes to Constitution
h) Proposed changes to Bye-Laws
i) Notices of Motion
j) Appointment of President & Vice President(s)
k) Election of Management Committee Members
l) Appointment of Auditors / Independent Examiners
m) *Life Membership Awards*
n) *Other relevant business*

C5.3 Extraordinary General Meeting (EGM)

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

C5.3.2 The Secretary will give notice, in writing of all EGMs, stating the Agenda, to all Adult and Life Members at least 15 days **prior to such meetings being held.**

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

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

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

C6.0 AWARDS

C6.1 *Life Membership*

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

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

C6.1.3 *In the event that a Life Membership should require to be removed from any recipient, the Management Committee will make the decision to rescind and notify the Member concerned.*

C7.0 TROPHIES

C7.1 *All trophies belong to the Club in perpetuity and cannot be won outright.*

C7.2 *A nominated Committee Member shall act as Trustee of Club Trophies.*

C7.3 *The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.*

C7.4 The Club shall be responsible for arranging and funding the engraving of the Recipients name on all Club trophies.

C8.0 DISSOLUTION

C8.1 In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever, but shall be applied towards the objectives of Scottish Swimming.

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BYE-LAWS

BL1.0 MANAGEMENT

BL1.1 The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club *plus other Adult Committee Members* and ex-officio members as set out in Bye-Law BL1.5.1.
Adult Committee Members can be Adult or Life Members of the Club.

BL1.2 The Officers of the Club, who shall be Honorary**, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an AGM, as shall be the said Adult Committee Members.**

BL1.3 If the post of any Officer or Adult Committee Member should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy. If two or more Officer positions fall vacant at the same time then the Club must hold an EGM to fill the vacant posts.

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

BL1.5 Management Committee

BL1.5.1 The ex-officio members of the Management Committee may consist of Head Coach, Membership Secretary, Wellbeing & Protection Officer, STO Convenor, Meet Secretary, University of Aberdeen Representative, Gala Organiser, Fundraising Officer and Volunteer Coordinator.

BL1.5.2 The term of office for President, Vice President, Secretary and Treasurer shall be three **years.**

BL1.5.3 The term of office for the Adult Committee Members shall be two **years.**

BL1.5.4 The Assistant Secretary and Meet Secretary shall be elected for a term of two years.

BL1.5.5 *Retiring members of the Management Committee may offer themselves for re-election.*

BL1.5.6 Not used.

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

BL1.5.8 The Management Committee shall be responsible for:

- **a) Running the day to day management and affairs of the Club.**
- b) The organisation and control of all members during Club hours.
- c) The appointment of coaches and instructors.
- d) The selection of members to represent the Club.
- e) The organisation of aquatic activities as may be requested by other bodies.
- f) Not used.
- g) Considering and approving or otherwise nominations for Life Membership of the Club.

BL1.5.9 *The Management Committee shall appoint such sub-committees as may be considered necessary.*

BL1.5.10 The Management Committee shall appoint at least one Wellbeing and Protection Officer (WPO) in accordance with section C10.6 of the SASA Constitution.

BL2.0 COMMITTEE MEETINGS

BL2.1 Committee Meetings Standing Orders

BL2.1.1 At all meetings, if a quorum is present, the Chair shall be taken not later than fifteen **minutes after the appointed time of the meeting.**

BL2.1.2 All Members when called to order at any meeting or gathering of the Club and not complying to the “rule of order” shall be expelled from the meeting.

BL2.1.3 The Chair at all meetings of the Club shall be the President
In the absence of the President, the Vice President shall substitute.
In the absence of the President and Vice President, those in attendance shall appoint a substitute.

BL2.1.4 *In the event of equality of votes in any resolution before the meeting which requires a choice to be made for the continued good governance of the Club, the Chair of a meeting shall have a second or casting vote.*

BL2.1.5 The Chair of a meeting shall be the sole judge of questions of order and interpreter of the "rules" governing the Club.

BL2.1.6 A meeting must keep a record, in writing, of every decision taken by the meeting. The general rule is that any decision made by the meeting must be either a unanimous decision or a majority decision.

BL2.1.7 The minutes of all meetings will be made available to Adult and Life Members.

BL2.1.8 A person is able to exercise the right to speak and vote at a meeting when:

a) **that person is able to communicate and vote, during the meeting, on the business of the meeting; and**
b) **that person's vote can be taken into account in determining whether or not such motions are passed at the same time as the votes of all other persons attending the meeting.**

BL2.1.9 A meeting need not be held in any particular place and the meeting may be held without any number of those participating in the meeting being together at the same place. In determining attendance at a meeting, it is immaterial whether any two or more persons attending it are in the same place as each other.

BL2.2 Management Committee Meetings (MCM)

BL2.2.1 The Club shall hold MCMs no less frequently than every three months.

BL2.2.2 A MCM shall be called by the Secretary when there is business to transact or on request of an Officer of the Club or by an application in writing by at least seven **Adult or Life Members of the Club.**

BL2.2.3 A quorum for MCMs shall be at least one Officer of the Club and six **Committee members.**

BL2.2.4 The business of the meeting shall be enacted in accordance with Section BL2.1.

BL2.2.5 *The Secretary will give Notice of the date, time and venue of each committee meeting at least 7 (seven) days prior to the meeting. The format of the notice shall be agreed by the Management Committee.*

BL2.2.6 *Adult or Life Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.*

BL2.2.7 *All, except ex-officio members shall have a deliberative vote.*

BL2.2.8 *No decision of the Committee may be altered or revoked without 14 (fourteen) days prior notice of intent, in writing, being given to the Secretary.*

BL3.0 FINANCE & ACCOUNTS

BL3.1 The financial year shall run from 1 August to 31 July **each year.**

BL3.2 The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.

BL3.3 The Accounts shall be audited/examined by an independent person(s) elected annually at the AGM.

BL3.4 All invoices / expenses received by the club should be signed off by an Officer of the Club before being processed by the Treasurer. All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club. When payments are required to be made by direct Bank transfer the Treasurer shall obtain e-mail/written agreement from the President or another Officer of the Club prior to making an electronic payment.

BL3.5 *The Management committee can enter into contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the minutes of a quorate committee meeting prior to the commitment being made*.

BL3.6 As an unincorporated organisation the responsibility for the financial liabilities of the Club shall normally be dependent on who was responsible for the liability.

(Interpretation

As an unincorporated association the members are liable for the debts of the club on a "joint and several" basis. Determining which members are liable is usually considered on a case by case basis, and will depend on how the relevant decision that resulted in the liability has been made.

For example, if a decision was made by the members at a general meeting then it might be all members of the Club who are liable, or it might be all of the committee, or one or more persons (whether office-bearers or not) who assumed the responsibility for taking a particular decision.

Further, if a member of the Club's committee acts ultra vires or out with the Club's constitution then they may have personal liability.)

BL3.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its members by way of dividend, distribution, bonus, honoraria or otherwise by way of profit.

BL3.8 The Treasurer shall arrange for the Auditor/Independent Examiner to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.

BL3.9 *The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year***.**

BL3.10 The Treasurer shall submit a financial statement to the Management Committee no less frequently than every three months**.**

BL3.11 All outgoing payments shall be made by cheque or direct Bank transfer duly authorised in accordance with paragraph BL3.4.

BL4.0 DISCIPLINARY PROCEDURE, COMPLAINTS and APPEALS

BL4.1 General

BL4.1.1 All complaints and appeals, except for doping, wellbeing or protection, or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 and BL4.4.

BL4.1.2 Complaints involving doping should be referred to Aquatics GB as Per Scottish Swimming Company Rule R13.1.3.

BL4.1.3 Complaints involving, wellbeing or protection, or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R14.1.1.

BL4.2 Disciplinary Procedure

BL4.2.1 In the event that the behaviour of an athlete, member of the coaching team or Management Group or a parent volunteer contravenes the Club's codes of conduct, the following action will be taken.

BL4.2.2 The President, or a deputising Club official, will conduct an investigation into the alleged breach of the Club's codes of conduct as they see fit and all persons and parties shall cooperate fully with the same. Failure to co-operate may amount to misconduct.

BL4.2.3 The Investigating Club Official shall thereafter be entitled at any time to decide to:

- **a) Apply a sanction to the person(s) being investigated**
- **b) Refer the matter to a Club Complaint panel**
- **c) Take no further action**

d) **Pursue an alternative resolution, which may include Mediation, Arbitration or Conciliation.**

BL4.2.4 The Club will keep a record of each stage of the disciplinary process.

BL4.3 Complaints

BL4.3.1 A complaint, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming, can be made by:

a) **Any member of the Club**
b) **A parent or guardian on behalf of a Junior member as defined in paragraph C3.1(b)**
c) **A parent or guardian on behalf of a Member classified as a Vulnerable Person, defined as a person who lacks sufficient capacity to present a complaint by themselves.**
d) **Any Individual**

BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules Sections R12 to R16.

BL4.4 Appeals

BL4.4.1 An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted complaint or against decisions taken by a National Complaints Committee.

BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules Sections R12 to R16.

BL4.5 Suspensions and Fines

BL4.5.1 The Management Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-laws, Regulations which is detrimental to the interests or aims of the Club or for acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the Scottish Swimming Governance Documentation (Company Rules Sections R12 to R16) have been applied.

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