

General Regulations

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43. Definitions

43.1 These General Regulations are to be read in conjunction with the Articles, the Company Regulations, the Judicial Regulations and the Technical Rules of Swim England.

43.2 The definitions in the Company Regulations (1.2) shall apply to these General Regulations.

43.3 Regulation numbering shall refer to the Company Regulations, General Regulations or Judicial Regulations as appropriate.

44. Procedures for proposals to change General Regulations, Judicial Regulations and Technical Rules

44.1 A proposal to change a General Regulation or Technical Rule may be made by;

44.1.1 a member of the Members' Forum;

44.1.2 a member of the Board;

44.1.3 the Sport Operations Committee or the Rules Committee and it must appear in the minutes of that committee submitted to the Board for approval.

Any such proposals must reach the Chief Executive Officer at least 16 working days prior to a Board meeting except that if in the opinion of two-thirds of the Board the matter is considered to be of sufficient importance and urgency it may be decided even if submitted after this date.

Acceptance, modification or rejection of a proposal is at the Board's discretion.

44.2 A proposal to change a Judicial Regulation may be made by a club member, club, body, Region or organisation affiliated to Swim England or by a committee or group set up under the Articles. Any such proposal shall be considered by the Judicial Management Group set up under Regulation 79 unless emanating from it. It shall only be considered by the Board if it is supported by the Judicial Management Group and is recorded in the minutes of that Group submitted to the Board for approval at least 16 working days prior to the relevant meeting except that if in the opinion of two-thirds of the Board the matter is considered to be of sufficient importance or urgency it may be decided even if submitted after this date.

45. Interpretation of Swim England Regulations

- 45.1** When interpretation of a Swim England Regulation or a rule governing Swim England championships is required, or when any matter arises which is not covered by Swim England Regulations, it shall be referred to the Board whose decision shall be immediately effective.
- 45.2** If any question arises concerning a conflict between the Swim England Regulations and/ or the rules of a Region and/or County Association it shall be referred to the Board, whose decision is subject to the approval at the next General Meeting.
- 45.3** Nothing in the preceding sections shall prevent a referee or a water polo delegate deciding a protest or a Jury of Appeal deciding a protest appeal or a Disciplinary Committee, Arbitrator or an Arbitration Committee deciding a complaint or a protest appeal or an Appeal Committee deciding an appeal or water polo appeal based on the interpretation of the relevant Regulations or Technical Rules by that person or body.

46. Club Membership

- 46.1** It shall be the responsibility of every club to ensure that the persons holding the following offices or positions are members of the club and are included in the club's Annual Return of club membership:
- 46.1.1** its President and Vice Presidents irrespective of whether they were members of the club prior to their election;
 - 46.1.2** its officers and committee members irrespective of whether they were members of the club prior to their election;
 - 46.1.3** its voluntary instructors and coaches.
- 46.2** It shall be the responsibility of every club to ensure that:
- 46.2.1** All its members are bound by the Code of Ethics.
 - 46.2.2** All its paid instructors or coaches, who are not members of the club, whether employed by the club or any other body or organisation or self employed, are members of a body or association which accepts that its members are bound by Swim England's Code of Ethics, the Regulations relating to Child Safeguarding and those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.
- 46.3** Any action taken under Swim England Regulations shall proceed on the presumption that these responsibilities have been discharged.

47. Annual Return of club membership and registrations

- 47.1** Each club shall send to Swim England or to the Region if required a return of its membership not later than 28 February in each year (the Annual Return). This shall include all members, and shall be divided into the following categories:

- 47.1.1** Category One shall include all members of any age who are learning to swim or who are swimmers at any level of ability, who do not compete in any discipline in open competitions other than those exempted under Regulations 321.1.2 or 321.1.3.
- 47.1.2** Category Two shall include all members of any age who compete in any discipline in open competitions other than those exempted under Regulations 321.1.2 or 321.1.3.
- 47.1.3** Category Three shall include all members of any age who are not in Categories One or Two including, but not being limited to, a parent of or a person with parental responsibility for a member in Categories One or Two; administrators; associate members; coaches; helpers; honorary members; life members; officers; presidents; qualified officials of any discipline; patrons; teachers; temporary members; vice presidents and verifiers or tutors of Swim England's educational certificates.
- 47.2** Organisations affiliated under Regulation 52.2 including without limitation Schools Swimming Associations and individual schools shall not be required to make a return of membership.
- 47.3** All persons who are members in the current year shall be included in the Annual Return.
- 47.4** Those persons included in the Annual Return and any person initiating membership on or before 31 December and after his club's Annual Return of membership has been submitted shall pay, or have paid by the club on their behalf, a membership fee to Swim England, or to the Region if required.
- 47.4.1** The amount of the fee shall normally be set so that the total income to Swim England from the membership fees increases annually on an index linked basis.
- 47.4.2** The amount of the fee, which may be different for each category of membership, shall be decided by the Board by 31 July in the preceding year. This shall be paid to Swim England, or to the Region if required, and the club's Annual Return submitted not later than 28 February. The affiliation of a club failing to comply shall be suspended with immediate effect. An additional fee equal to ten per cent of the total of the membership fees the club paid in the previous membership year, or the sum of £50.00, whichever is the greater must be paid before a club whose affiliation has been suspended under Regulation 6.5 is reinstated.
- 47.4.3** The fee shall be payable by a club only for those members included on the membership return whose unbroken membership of that club is longer than their unbroken membership of any other club.
- 47.4.4** For Category Two the membership fee shall include registration as a competitor. These persons may be referred to as Registered Competitors.
- 47.4.5** The membership fee shall include, for persons with an appropriate qualification, registration as an official.
- 47.4.6** Only one fee, which shall be the highest for which he is liable, shall be payable for any one member.
- 47.5** Those persons who are bona fide members of affiliated clubs shall be regarded as members of Swim England for the purposes of third party and

personal accident insurance effected by Swim England for the protection of affiliated clubs and members thereof. Casual helpers, who are not members of Swim England and are not included in the Annual Return, will be covered by the third-party insurance only.

- 47.6** The membership year shall be the calendar year: The registrations of all competitors and officials shall lapse on 28 February each year unless renewed before that date.
- 47.7** Membership may be initiated or the details amended at any time during the year and shall be effective from the date on which a correct form, either the paper registration form or via the online membership system, is received and recorded by Swim England.
- 47.7.1** Any person initiating membership on or before 30 September and after his club's Annual Return of membership has been submitted shall be charged the full fee for that year for the appropriate category of membership. Any person initiating membership from 1 October to 31 December inclusive shall be charged 50% of the appropriate fee.
- 47.7.2** Any member changing his category of membership on or before 30 September shall be charged any additional fee for that year due for the new category of membership. Any person changing his category of membership from 1 October to 31 December inclusive shall be charged 50% of the additional fee.
- 47.7.3** Any member changing his category of membership at any time after his club's Annual Return of membership has been submitted shall not be refunded any part of a fee already paid for that year for the original category of membership.

48. FINA Rules

- 48.1** As a constituent association of British Swimming Limited Swim England accepts FINA Rules for International Relations and Unauthorised Relations, but these do not apply to its relations with other members of British Swimming.

49. FINA Rules – Unauthorised Relations

- 49.1** No affiliated club, association, body or organisation shall have any kind of swimming relationship with a club, association, body or organisation which is suspended by FINA, LEN, Swim England, Scottish Swimming, Swim Wales or a federation affiliated to FINA.

50. Eligibility

- 50.1** To be eligible to compete all competitors shall be registered with Swim England except as provided by Regulation 321.2
- 50.2** A member shall not compete against a person ineligible to compete, except in events confined to swimmers with a disability, events or series of events organised under temporary affiliation and/or temporary memberships granted by Swim England, life saving competitions approved by Swim England. Breaches of this Regulation shall be dealt with under the Judicial Regulations.

50.3 The Board may produce and publish from time to time a list of events, or type of event, for which Regulation 50.2 does not apply.

51. Accreditation

51.1 All tutors and verifiers of the Swim England's educational certificates shall be accredited by Swim England according to any policies and procedures published by Swim England.

51.2 All such accredited persons shall consent to be bound whilst engaged in any swimming related activities by the Code of Ethics, the Regulations relating to Child Safeguarding and those parts of the Judicial Regulations necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.

51.3 Accreditation shall not of itself confer any other benefit of Swim England membership.

52. Associated Organisations

This category of affiliation may be granted by a Region to organisations on conditions and at such fees as may be determined by that Region. Except as provided in this Regulation 52 for Masters competitors and for individual non-competitor members for whom the appropriate Swim England membership fee has been paid, the affiliation of one of these organisations shall not confer on its members individual membership of Swim England nor, in any case, the right to compete in open competitions other than those confined to the members of the organisation. An Associated Organisation shall, as part of its affiliation, accept that its individual members whilst engaged in any swimming related activities shall be subject to the Code of Ethics, the Regulations relating to Child Safeguarding and those parts of the Judicial Regulations necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations but, other than those for whom the appropriate Swim England membership fee has been paid, shall not receive any other benefit of Swim England membership.

52.1 County Associations, Local Associations and Leagues

52.1.1 A County Association shall be defined as an association of clubs each of which is affiliated to Swim England through any Region, all with headquarters within the same swimming County which operates in one or more Regions.

52.1.2 A Local Association shall be defined as an association of clubs each of which is affiliated to Swim England through any Region, all with headquarters within an area agreed by the Region to which the Local Association is affiliated, which must be the one in which the majority of its clubs are situated.

52.1.3 A league in any discipline of the sport, other than one promoted by a Region, County or Local Association and confined to the members thereof, shall affiliate to the Region in which its headquarters is situated or to which the majority of its clubs are affiliated, except that if the scope of its activities makes affiliation to a Region inappropriate a league may apply to affiliate directly to Swim England. All the member clubs of any league shall be affiliated to a Region or to Scottish Swimming or Swim Wales or to a national federation affiliated to the FINA. An affiliated club shall not take part in a League which is not in accordance with this Regulation.

52.2 Other Organisations

52.2.1 A Schools Swimming Association shall be defined as an organisation which consists solely of schools. It may only affiliate to the Region in which most of its affiliated schools are located.

52.2.2 Schools, Colleges and similar organisations which may have a large membership of individuals, not all of whom may take part in swimming, may affiliate to a Region. If, however, they wish to take part in open competitions with affiliated clubs, they must affiliate as clubs, including in their Annual Return only those members who are likely to be involved in open competitions. If the organisation does not affiliate as a club, its individual members may be permitted to compete in Masters events at the discretion of the Region always provided that the appropriate Swim England membership fee as a competitor has been paid for each one competing.

52.2.3 Clubs, swim schools or other organisations which operate solely for the purpose of teaching swimming on a non-profit making basis may affiliate to the Region in which the majority of their operations take place.

52.2.4 Swim schools or other organisations which operate solely for the purpose of teaching swimming on a profit making basis may affiliate directly to Swim England

52.2.5 Other organisations which operate on a profit making basis may affiliate to a Region in which the majority of their operations take place. Their individual members may be permitted to compete in Masters events at the discretion of the Region always provided that the appropriate Swim England membership fee as a competitor has been paid for each one competing.

53. Corporate Organisations

Where its activities make affiliation to a Region inappropriate an organisation may apply to affiliate directly to Swim England. A Corporate Organisation shall, as part of its affiliation, accept that its individual members whilst engaged in any swimming related activities shall be subject to the Code of Ethics, the General Regulations relating to Child Safeguarding and the Judicial Regulations necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations but shall not receive any other benefit of Swim England membership. Corporate Organisations may not have any form of individual membership which includes membership of Swim England.

The affiliation shall be reviewed annually by the Board and comprise the following categories:

- 53.1 Non Profit Making Organisations:** A copy of the rules of the organisation must accompany the application, and any change of rules thereafter must be approved by Swim England. The affiliation fee shall become due on 1 January, each year and shall be reviewed annually by the Board.
- 53.2 Commercial Organisations:** This category of membership may be granted by the Board to an organisation who has expressed a desire to be part of 'the swimming family' under such terms and conditions as may be mutually agreed between the organisation and the Board.

54. Associate Association

- 54.1** The Institute of Swimming shall be an Associate Association.
- 54.2** Members of the Institute of Swimming, through their membership, shall be deemed to be members of Swim England subject to the limitations that they shall be bound by the Code of Ethics, the Regulations relating to Child Safeguarding and those parts of the Judicial Regulations necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations but shall not receive any other benefit of Swim England membership solely by virtue of membership of the Institute of Swimming.

55. Directly Affiliated Bodies

- 55.1** When the scope of its activities make affiliation to a Region inappropriate a body may apply to affiliate direct to Swim England. An Affiliated Body shall, as part of its affiliation, accept and incorporate in its Rules that its individual members whilst engaged in any swimming related activities shall be subject to the Code of Ethics, the Regulations relating to Child Safeguarding and those parts of the Judicial Regulations necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations but other than those for whom the appropriate Swim England membership fee has been paid, shall not receive any other benefit of Swim England membership. An Affiliated Body may not have any form of individual membership which includes membership of Swim England except as provided under Regulation 55.4.

- 55.2** A copy of the rules of the body must accompany the application and any change of rules thereafter must be notified to Swim England.
- 55.3** The affiliation fee must be fixed by the Board at its July meeting each year, becomes due on 1 January the following year and shall be payable to Swim England. The membership year shall be the calendar year.

55.4 Competition

- 55.4.1** Individual members of a body affiliated under this Regulation 55 may be permitted to compete in Masters events and/or concurrent senior age group events always provided that the appropriate Swim England membership fee as a competitor has been paid for each one competing.
- 55.4.2** In addition to the provisions of Regulation 55.4.1, individual persons attending for full- time education at a College, University or similar institution which is a member of either British Colleges or British Universities and College Sports, whilst the relevant body remains affiliated to Swim England under this Regulation 55 may enter and compete in any discipline in any event promoted wholly or partly by a County or Region provided that:
- 55.4.2.1** for closed events the individual entering the event is based at a campus of the college, university or similar institution within any area prescribed in the promoter's conditions for the event;
 - 55.4.2.2** the appropriate Swim England membership fee as a competitor has been paid for each one competing.
- 55.4.3** In addition to the provisions of Regulations 55.4.1 and/or 55.4.2, individual persons attending for full time education at a college, university or similar institution which is a member of either British Colleges or British Universities and College Sports, whilst the relevant body remains affiliated to Swim England under this Regulation 55:
- 55.4.3.1** may enter and compete in:
 - 55.4.3.1.1** any open Masters events and/or concurrent senior age group events promoted wholly or partly by Swim England, a County, Region or British Swimming;
 - 55.4.3.1.2** any open Open Water event promoted wholly or partly by Swim England, a County, Region or British Swimming;
 - 55.4.3.1.3** any other open or closed Masters events and/or concurrent senior age group events where the promoter has previously agreed to accept such entries;
 - 55.4.3.1.4** any other open or closed Open Water events where the promoter has previously agreed to accept such entries.

- 55.4.3.2** provided that the person:
 - 55.4.3.2.1** is not otherwise a member of a Swim England affiliated club;
 - 55.4.3.2.2** entering closed events is based at a campus of the college, university or similar institution within any area prescribed in the promoter's conditions for the event;
 - 55.4.3.2.3** has paid the appropriate Swim England Student Competitor membership fee;
 - 55.4.3.2.4** may not rely on the affiliation nor on any performance in an event entered under this Regulation 55.4.3 as a criterion of selection for any representative English or British team.

For the purposes of this Regulation 55.4 only, a body affiliated directly to Swim England shall have the responsibilities and privileges of an affiliated club.

56. Temporary membership and affiliation

- 56.1** Temporary membership of the Swim England may be granted to the participants in a specified event or series of events and, if required, temporary affiliation may be granted to the promoting body provided that:
 - 56.1.1** the event or series of events is:
 - 56.1.1.1** organised by a responsible club, association, body or organisation;
 - 56.1.1.2** pursuant to a suitable sporting or health initiative;
 - 56.1.1.3** operated under specified conditions which shall include, but not be limited to:
 - 56.1.1.3.1** compliance with all applicable Swim England Regulations and Technical Rules subject to any specific dispensations which may be granted in relation to the event or series of events;
 - 56.1.1.3.2** compliance by all participants (whether or not fully paid up Swim England members) with the Swim England Child Safeguarding Policy and Procedures, Swim England Regulations and Technical Rules and all applicable Swim England health and safety requirements in relation to the event or series of events;
 - 56.1.1.3.3** participation with fully paid up Swim England members to be the only benefit from the grant of temporary membership that the participants shall receive.
 - 56.1.2** all the participants in such an event or series of events (whether or not fully paid up Swim England members) agree, in writing, to be bound by the conditions specified in the grant.

- 56.2** Temporary membership of Swim England in Category Two for a specified event may be granted to any individual who is not a member of an affiliated club and who wishes to participate in any discipline in an open event under the jurisdiction of Swim England at any level up to and including national events,
- 56.2.1** provided that:
- 56.2.1.1** the promoter's conditions do not prevent his entry to the specified event(s);
 - 56.2.1.2** the appropriate application form has been submitted with the required fee and approved by Swim England before the closing date for entries for the first event in any calendar year to be covered by the temporary membership;
 - 56.2.1.3** the temporary membership may be renewed for further events within the same calendar year on payment of a further fee for each event.
- 56.2.2** A temporary membership granted under this Regulation 56.2 shall carry the full benefits and limitations of Category Two membership, only for the period and matters normally associated with the event(s) covered.
- 56.3** Temporary membership of Swim England in Category Three may be granted to any bona fide individual who is not a member of an affiliated club and who wishes to volunteer to assist Swim England in any capacity,
- 56.3.1** provided that:
- 56.3.1.1** the appropriate application form has been completed and submitted with the required fee(s) to Swim England before the temporary membership becomes effective;
 - 56.3.1.2** the maximum period of this temporary membership shall be from the date that the initial grant is recorded to the end of the same membership year.
- 56.3.2** A temporary membership granted under this Regulation 56.3 shall carry the full benefits and limitations of Category Three membership only for the period of the temporary membership.

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58. Protocols for elections and appointments made at General Meetings

58.1 The Vice President shall:

- 58.1.1** be nominated by the Regions and the Board in the following rotation: North East; London; West Midland; East; East Midland; North West; South East; the Board and South West. The nomination shall be approved by the Annual Council Meeting of the Region, if applicable, and submitted to the Chief Executive Officer at least 14 days before the Swim England Annual General Meeting. Except that if England is hosting the Olympic Games or the Commonwealth Games, the nomination for the immediately previous year shall be made by the Board and the remaining Regional nominations in the nine year rotation shall be displaced as necessary to permit that nomination;

58.1.2 take office from when his election is made at the Annual General Meeting and shall remain in office until his successor is elected at the immediately following Annual General Meeting.

58.2 The President shall:

58.2.1 be nominated by the Regions and the Board in the following rotation: South West; North East; London; West Midland; East; East Midland; North West; South East and the Board. The nomination shall be approved by the Annual Council Meeting of the Region, if applicable. Except that if England is hosting the Olympic Games or the Commonwealth Games, the nomination for that year shall be made by the Board and the remaining Regional nominations in the nine-year rotation shall be displaced as necessary to permit that nomination;

58.2.2 be the retiring Vice President unless his resignation, death or a decision of the Annual Council Meeting of the Region or the Board which nominated him as Vice President to nominate another person on a resolution passed by four-fifths of those present and voting, prevents it;

58.2.3 take office from when his election is made at the Annual General Meeting and shall remain in office until his successor is elected at the immediately following Annual General Meeting;

58.2.4 represent Swim England where a ceremonial presence is required.

58.4 The eight members of the Judicial Appointments Panel shall:

58.4.1 be nominated by an affiliated club, body, organisation, County Association or Region;

58.4.2 each be from a different Region;

58.4.3 hold office for a period of one year;

58.4.4 take office from when their election is made at an Annual General Meeting and shall remain in office until their successors are elected.

58.5 The Judicial Commissioner shall:

58.5.1 be a member of Swim England;

58.5.2 be nominated by an affiliated club, organisation, body, County Association or Region;

58.5.3 hold office for a term of three years;

58.5.4 not hold any other elective office in, nor take any active part in, the government of swimming by:

58.5.4.1 Swim England, including but not being limited to, membership of any committee established under the Articles;

58.5.4.2 British Swimming, including but not being limited to, membership of any British Swimming committee comparable to those established under the Articles;

58.5.4.3 any other National Association;

58.5.4.4 any Region;

58.5.4.5 any County Association;

58.5.5 not hold any other office or position, remunerated or otherwise, within Swim England executive or judicial structures;

- 58.5.6** not be an employee of Swim England other than on a contract basis;
- 58.5.7** be directly accountable to the Chairman of the Board and, through him, to the Members' Forum;
- 58.5.8** take office from when his election is made at the Annual General Meeting and shall remain in office until his successor is elected and takes office except that if a vacancy arises during a term of office it may be filled by the Judicial Appointments Panel. The replacement shall hold office until the next following Annual General Meeting and may then be nominated for the remainder of the term of office or for a full term of office as appropriate;
- 58.5.9** be subject to removal from office at any time provided that three-quarters of the members of the Board are in favour.

58.6 Committees of Swim England

The Chairman of the Board together with the Chief Executive Officer of Swim England shall be ex officio members of appropriate Committees with the exception of the Audit, Risk and Probity Committee.

59. Financial Year

The Swim England financial year shall end on 31 December.

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62. Annual General Meeting Agenda, Annual Report, Financial Statements and Minutes

- 62.1** The agenda of the Annual General Meeting and audited financial statement for the past year, together with the Annual Report, which shall be presented at the Annual General Meeting, shall be forwarded to the Regional Administrator, or his equivalent of each Region and directly affiliated body not later than the 14 August. These documents shall also be sent to each affiliated club by that date.
- 62.2** A member of the Members' Forum who wishes to discuss an item in the published minutes of the last Annual General Meeting or any subsequent General Meeting, the Annual Report, the financial statements or any minutes of the Board or committees including any published changes to Regulations or Technical Rules, must indicate his intention by giving notice to the Chief Executive Officer no later than 14 days prior to the Annual General Meeting.
- 62.3** Questions on the minutes of the Board or committees appointed under the Articles, shall normally refer only to those for the Swim England past year as defined in Regulation 59.1.
The Chairman may, at his discretion, allow discussion on matters in the minutes of meetings held after the end of the Swim England year provided that:
 - 62.3.1** he is satisfied that the question is of sufficient importance and/or relevance to the meeting; and

- 62.3.2 the minutes have been approved by the Board; and
- 62.3.3 a specific question seeking further clarification or information is asked.

62.4 The Chief Executive Officer may send to a member of the Members' Forum a written answer to a question posed in accordance with Regulation 62.2, in which case the member may, at his discretion, withdraw the question. The Chairman may, at his discretion, or on request, disclose the contents of the written answer for the information of the members of the Members' Forum.

63. Modification of Regulations

63.1 Re-numbering of Regulations, minor alterations to ensure clear meaning and any consequential alterations shall be at the discretion of the Chief Executive of Swim England, in consultation with the Rules Committee.

64. Powers and Duties of the Board

64.1 **In addition to the authority given by the Articles the Board shall:**

- 64.1.1 approve, if at least two thirds of those voting are in favour, the wording of all changes to Company Regulations to implement the principles and intentions of a General Meeting;
- 64.1.2 decide the meaning of any Regulation of Swim England which may be referred to it. In arriving at any such decision the Board shall be guided primarily by any relevant minute which sets out the principle and intention of the Regulation decided by a General Meeting or the Board;
- 64.1.3 decide the meaning of any Swim England Technical Rule which may be referred to it. In arriving at any such decision the Board shall be guided primarily by any relevant minute which sets out the principle and intention of the Technical Rule;
- 64.1.4 decide any relevant matter that lies within its jurisdiction not provided for in the Regulations, or Technical Rules of Swim England;
- 64.1.5 have authority to make, if at least two-thirds of those voting are in favour, any change to the Regulations or Technical Rules of Swim England which it may think necessary by reason of changes in the rules of FINA. Any such changes shall become effective on a date to be decided by the Board which shall be at least six weeks after the meeting at which the changes are made;
- 64.1.6 approve, if a majority of those voting is in favour, the principle, intention and wording of all changes to Swim England Championship conditions proposed by the relevant committee, which shall become effective on 1 January following the meeting at which the changes are made;
- 64.1.7 consider all claims for a Swim England, British, European, Commonwealth and World records and submit its findings to the appropriate authority;
- 64.1.8 fill any relevant vacancy as specified in Regulation 58, which may occur amongst Office Holders of Swim England until the next General Meeting;
- 64.1.9 from time to time in full consultation with the relevant Committee recruit, against an agreed job description, and appoint administrators for such committees as have been duly appointed;

- 64.1.10 appoint individuals to a Nominations Committee to appoint representatives to the Board of Directors of British Swimming and other appropriate bodies;
- 64.1.11 be responsible for the publication of the Swim England Handbook and for the incorporation therein of any changes authorised by the General Meeting;
- 64.1.12 upon the recommendation of the relevant committee have the authority to grant dispensation from specified Technical Rules for specified events or competitions. The details of any such dispensation and the events and/or competitions for which it was granted shall be recorded in the minutes of the meeting at which it was considered;
- 64.1.13 have the authority to grant, or to delegate the authority to grant, temporary membership to the participants in a specified event or series of events and, if required, temporary affiliation to the promoting body;
- 64.1.14 from time to time define low level competitions for the purpose of the exemption from the requirement for registration and inclusion in Category Two of membership;

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68. **Appointment, terms of reference, powers and responsibilities and membership of Committees**

68.1 The Board may appoint, suspend or remove committees in accordance with the Articles as it shall from time to time decide.

68.2 The Board shall from time to time determine and publish for each committee appointed under the Articles its:

- 68.2.1 terms of reference;
- 68.2.2 powers and responsibilities;
- 68.2.3 membership.

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72. **Criteria for the Judicial Appointments Panel**

72.1 **Membership**

72.1.1 The panel shall consist of eight persons, one from each Region.

72.1.2 No member of the panel shall also be a member of the Board or an elected member of a Regional Management Board.

- 72.1.3 No member of the panel shall also be a member of the Independent Disciplinary and Dispute Resolution Panel or the Independent Disciplinary and Dispute Resolution Appeals Panel.
- 72.1.4 50% of those entitled to attend and vote shall form a quorum at any meeting.

72.2 Duties

- 72.2.1 The duties of the panel shall include, but not be limited to:
 - 72.2.1.1 to appoint a chairman from within its own members;
 - 72.2.1.2 from time to time set criteria, match the nominees under Regulation 58.5.2 to the criteria, and recommend one, or more, of the nominees to the Annual General Meeting for election to the office of Judicial Commissioner;
 - 72.2.1.3 to fill any vacancy in the office of Judicial Commissioner which may occur during the term of office. Such a replacement shall take office immediately and remain in office until his successor is elected at the immediately following Annual General Meeting and takes office;
 - 72.2.1.4 in consultation with the relevant chairman for the time being of the relevant panel and following the procedures set out in Regulations 73 and 74, appoint the members of the Independent Disciplinary and Dispute Resolution Panel and the Independent Disciplinary and Dispute Resolution Appeals Panel.

72.3 Powers

- 72.3.1 The powers of the panel shall include, but not be limited to, the power to co-opt persons with suitable skills and expertise to assist in its deliberations.

73. Criteria for the Independent Disciplinary and Dispute Resolution Panel

73.1 The composition and method of appointment of the Independent Disciplinary and Dispute Resolution Panel, (the 'Disciplinary Panel'), shall be as follows:

- 73.1.1 Nominations of persons who are current members of Swim England may be submitted by an affiliated club, organisation, association, other body, County Association, Region or individual member supported by a seconder to the Judicial Administrator for membership of the Disciplinary Panel.
- 73.1.2 An individual who is a member of Swim England, provided that he is supported by at least two other members of Swim England, may apply to the Judicial Administrator for membership of the Disciplinary Panel.
- 73.1.3 From these nominations and/or applications the Judicial Appointments Panel shall appoint and maintain from time to time, a panel of as many members as it deems appropriate each of whom shall hold office for three years. The members shall take office from when they accept their appointment. All appointments made under this section shall be reported to the following General Meeting.

- 73.1.4** One third of the panel members shall retire each year but shall be eligible for re-appointment.
- 73.1.5** No member of the Board nor member of any of the committees established under the Articles nor member of a Regional Management Board nor member of the Appeals Panel nor person who receives any remuneration (other than legitimate expenses) for any service to British Swimming, Scottish Swimming, Swim Wales, Swim England or any of its Regions including without limitation full-time or part-time staff, development officers, coaches, consultants and team managers shall be appointed or continue to serve as a member of the Disciplinary Panel.
- 73.1.6** The Chairman of the Disciplinary Panel or the Chairman of a Disciplinary Committee shall have the power exercisable in his absolute discretion to co-opt from time to time additional persons with specialist skills or experience to a Disciplinary Committee to deal with a specific complaint or protest appeal which requires such specialist skills or experience.
- 73.1.7** The Chairman of the Disciplinary Panel shall have the power exercisable in his absolute discretion to co-opt from time to time additional persons with specialist skills or experience as a sole arbitrator, to an Arbitration Committee or as a mediator to deal with a specific complaint or protest appeal which requires such specialist skills or experience.

73.2 The functions of the Disciplinary Panel shall include, but not be limited to:

- 73.2.1** to provide the members of Disciplinary Committees to consider and decide complaints or protest appeals which involve alleged serious misconduct liable to bring the sport into disrepute, pursuant to the disciplinary procedure (See Regulation 162);
- 73.2.2** to provide mediators and/or arbitrators and/or experts for cases which do not come under the category of serious misconduct, pursuant to the dispute resolution procedure (See Regulation 167);
- 73.2.3** to provide members to consider appeals against decisions of the Judicial Commissioner (See Regulations 108.2 and 108.3).

74. Criteria for the Independent Disciplinary and Dispute Resolution Appeals Panel

74.1 The composition and method of appointment of the Independent Disciplinary and Dispute Resolution Appeals Panel, (the 'Appeals Panel') shall be as follows:

- 74.1.1** Nominations of persons who are current club members of Swim England may be submitted by an affiliated club, organisation, association, other body, County Association, Region or individual club member supported by a seconder to the Judicial Administrator for membership of the Appeals Panel.
- 74.1.2** An individual who is a club member of Swim England, provided that he is supported by at least two other members of Swim England may apply to the Judicial Administrator for membership of the Appeals Panel.

- 74.1.3** From these nominations and/or applications the Judicial Appointments Panel shall appoint and maintain from time to time, a panel of as many members as it deems appropriate each of whom shall hold office for three years. The panel members shall take office from when they accept their appointment. All appointments made under this section shall be reported to the following Swim England General Meeting.
- 74.1.4** One third of the panel members shall retire each year but shall be eligible for re-appointment.
- 74.1.5** No member of the Board nor member of any of the committees established under the Articles nor member of a Regional Management Board nor person who receives any remuneration (other than legitimate expenses) for any service to British Swimming, the Scottish Swimming, the Swim Wales, Swim England or any of its Regions including without limitation full time or part time staff, development officers, coaches, consultants and team managers shall be appointed or continue to serve as a member of the Appeals Panel.
- 74.1.6** The Chairman of the Appeals Panel or the Chairman of an Appeal Committee shall have the power exercisable in his absolute discretion to co-opt from time to time additional persons with specialist skills or experience to an Appeal Committee to deal with a specific appeal which requires such specialist skills or experience.

74.2 The functions of the Appeals Panel shall include, but not be limited to:

- 74.2.1** to provide the members of Appeal Committees to consider and decide appeals from any decision of a Disciplinary Committee;
- 74.2.2** to provide the members of Appeal Committees to consider and decide appeals from any arbitration decision under Regulation 108.5.

75. Limitations and privileges of the Judicial Commissioner and the members of the Independent Disciplinary and Dispute Resolution Panel and the Independent Disciplinary and Dispute Resolution Appeals Panel

- 75.1** The Commissioner and the members of the Disciplinary Panel or the Appeals Panel shall be immune from complaint only while acting in accordance with Swim England Regulations in their respective capacities as the Commissioner or as members of the Disciplinary Panel or the Appeals Panel. In all other respects they shall be treated as members of Swim England.
- 75.2** No Disciplinary Panel member or Appeals Panel member shall act as a member of a Disciplinary Committee or Appeal Committee or act as a mediator or arbitrator or consider any appeal in a case where he has been a witness to the incidents giving rise to the complaint, protest appeal or water polo appeal.
- 75.3** Unless he is a party to the complaint, protest appeal or water polo appeal or has been called as a witness by one of the parties to the complaint, protest appeal or water polo appeal, no Disciplinary Panel member or Appeals Panel member shall participate in, or be present at, a hearing in which he has a personal involvement with either the subject matter of, or any of the parties to the complaint, protest appeal or water polo appeal.

75.4 If the Chairman of the Disciplinary Panel or the Chairman of the Appeals Panel is at any stage unable or unwilling to act, one of the Vice-Chairmen of the appropriate panel shall do so instead. If all the Vice-Chairmen of the appropriate panel are unable or unwilling to act, another member of the appropriate panel shall be selected to act in his stead.

76. Criteria for the appointment of officers of the Independent Disciplinary and Dispute Resolution Panel and the Independent Disciplinary and Dispute Resolution Appeals Panel

76.1 The members of the Disciplinary Panel shall elect the officers from among themselves, namely a Chairman and seven Vice-Chairmen, each from a different Region, each for a term of office of three years.

An officer who is not re-appointed as a member of the Panel by the Judicial Appointments Panel shall immediately vacate his position.

76.2 The members of the Appeals Panel shall elect the officers from among themselves namely, a Chairman and two Vice-Chairmen for a term of office of three years. An officer who is not re-appointed as a member of the panel by the Judicial Appointments Panel shall immediately vacate his position.

76.3 A retiring officer shall be eligible for re-election and a Vice-Chairman may stand for election as Chairman.

76.4 If an officer vacates his position for any reason before the end of his term of office, a successor shall be elected by the Panel members from among themselves to serve for the remaining period of office of his predecessor.

77. Criteria for Water Polo Delegate(s), Referee(s) and Jury of Appeal

77.1 The appointment and authority of water polo delegate(s), referee(s) and a Jury of Appeal are set out in Regulations 413, 414 and 415 respectively.

77.2 The referee (s) or water polo delegate(s) shall be responsible for the receipt of, and dealing with protests.

77.3 When a Jury of Appeal is appointed it shall be responsible for dealing with appeals against a referee's decision on a protest.

77.4 If no Jury of Appeal is appointed, an appeal against a referee's decision on a protest may be made under Regulation 108.1.

78. Judicial Commissioner

78.1 The Judicial Commissioner, (the 'Commissioner'), shall normally be elected at an Annual General Meeting.

78.2 The requirements for and limitations on the holder of the office of Commissioner are set out in Regulation 58.5.

- 78.3 The powers and duties of the Commissioner shall include but not be limited to:**
- 78.3.1** to review every complaint or protest appeal received under the Judicial Regulations and decide the procedure to be followed in each case. The permitted procedures shall include:
- 78.3.1.1** for the Commissioner to decide the issue and take action which may include the imposition of summary sanctions and costs where appropriate up to the limits to be agreed by the Board from time to time; (See Regulation 160.2);
- 78.3.1.2** if the Commissioner judges his powers of sanction to be insufficient for the gravity of the case, for him to refer the matter to be dealt with by a Disciplinary Committee.
There shall be a right of appeal against any decision taken under this section. (See Regulation 160.6)
- 78.3.2** to require any or all of the procedures to decide a complaint or protest appeal to be expedited irrespective of the time provisions in the Judicial Regulations, if he is satisfied, having considered the circumstances, that it is necessary in the interest of the sport to achieve a speedy outcome;
- 78.3.3** to require that Swim England members and request that other individuals participate and give evidence and/or that further written documents or other evidence be supplied by any or all of them. If any member of Swim England refuses or neglects to comply with such a requirement, the Commissioner may impose such sanctions as he deems appropriate;
- 78.3.4** to enforce Regulation 100.7. If any member of Swim England refuses or neglects to comply with the requirements of Regulation 100.7 the Commissioner may impose such sanctions as he deems appropriate.
- 78.3.5** to recommend the appointment of a solicitor or counsel to chair hearings of a Disciplinary Committee if he feels that the circumstances of the case may require it;
- 78.3.6** to monitor the progress of any complaint that he, or his substitute, has reviewed and referred under Regulation 160.1.3 to a club in its capacity as an employer and direct that action be taken against the club under Regulation 162 if it fails to deal satisfactorily with its responsibilities in this area;
- 78.3.7** to appoint a substitute to act in his place, if he is unable or unwilling to review and/or monitor the progress of any complaint.
- 78.4** The Commissioner may take advice from any person when reviewing any complaint or protest appeal.
- 78.5** An appeal against a decision of the Commissioner may be made in certain cases under Regulation 108.2 or 108.3.

79. Judicial Management Group

79.1 Membership

The management of the judicial system shall be the responsibility of a Judicial Management Group consisting of:

79.1.1 The appointed members who shall be entitled to vote and to hold office consisting of:

79.1.1.1 the Chairman and the Vice-Chairmen of the Appeals Panel; and,

79.1.1.2 the Chairman and the Vice-Chairmen of the Disciplinary Panel.

79.1.2 The invited members who shall not be entitled to vote and to hold office consisting of:

79.1.2.1 the Judicial Commissioner; and,

79.1.2.2 a representative of the Office of Judicial Administration.

79.2 Meetings

The Chairman of the Judicial Management Group shall, in each year, convene at least one meeting of the Judicial Management Group for the purpose of managing the Judicial system. Administrative support for the Judicial system shall be provided by the Office of Judicial Administration in consultation with the Chairman of the Judicial Management Group.

79.3 Quorum

50% of those entitled to attend and vote shall form a quorum at any meeting.

79.4 Judicial Management Group Chairman

79.4.1 At the first meeting following the Annual General Meeting or as and when required the Judicial Management Group shall elect a Chairman from among those members holding office as the Chairman and Vice-Chairman of the Appeals Panel and the Disciplinary Panel.

79.4.2 The Chairman shall serve for a period not exceeding three years.

79.4.3 On retirement the Chairman shall be eligible for re-election.

79.4.4 If the Chairman ceases to be a member of the Judicial Management Group, by retirement, resignation or for any other reason before the end of their term of office they shall immediately cease to be the Chairman. The members shall immediately move to fill the vacancy of Chairman and the person so elected shall serve for the remainder of the term of office of their predecessor until the next normal period of election of the Chairman.

79.5 Vote of No Confidence in the Chairman

79.5.1 Any member of the Judicial Management Group may request a vote of no confidence in the Chairman.

79.5.2 A vote of no confidence shall be held if not less than five members entitled to attend and vote at the meeting submit such a request in writing to the Judicial Administrator.

- 79.5.3** On receipt of such a request the Judicial Administrator shall be obliged to call a meeting of the Judicial Management Group whereupon the supporting arguments for both sides shall be presented and the vote of no confidence itself shall be taken. The vote of no confidence shall be passed by a simple majority of the members present and entitled to vote being in favour of the proposal.
- 79.5.4** If a vote of no confidence in the Chairman is passed the Chairman will immediately leave office and the position of Chairman shall be considered to be vacant. The Judicial Administrator shall then move to organise an election to fill the vacancy.
- 79.6 Expenses**
- 79.6.1** All expenses properly incurred in transacting the business of the Judicial system including, but not being limited to, the hearing of complaints, mediation, arbitration and the hearing of appeals, unless otherwise recoverable under these Regulations, shall be paid by Swim England.
- 79.6.2** Claims in respect of the expenses incurred by Disciplinary Panel members and by Appeals Panel members shall be fully documented and sent to the Office of Judicial Administration.

Finance

80. Expenses

- 80.1** Swim England affiliated bodies and promoters of competitions under Swim England Regulations may invite officers, officials and competitors to submit claims for expenses necessarily incurred in taking part in competitions and other activities connected with the management and control of swimming. They may set limits to the amounts that may be claimed and no one shall claim more than he has actually expended for food, lodging and travel by public or privately hired transport. Compounded subsistence allowances in lieu of separate amounts for board and lodging, and mileage allowances for the use of private cars may be set.
- 80.2** Swim England shall pay:
- 80.2.1** the business expenses of all General Meetings;
- 80.2.2** the travelling, hotel and incidental expenses incurred by the President, Vice President, Board members and members of the Members' Forum in connection with all General Meetings;
- 80.2.3** the travelling, hotel and incidental expenses incurred by members of the Board and other committees in connection with all meetings of the Board and other Swim England committees.
- 80.3** The Board shall each year publish in the Swim England Handbook Regulations setting the limits to expenses, subsistence and mileage allowances that it will pay.

81. Conflicts of Interest

81.1 Register of Interests

81.1.1 All members of the Board, all members of the Management Boards of the eight Regions and members of any other committee appointed by Swim England or the eight Regions and all employees, consultants to and agents of Swim England or the eight Regions and the Directors of any company controlled by Swim England ('Affected Persons') shall subscribe to registers ('the Regional Conflicts of Interests Register' and 'Swim England Conflict of Interests Register' as appropriate). These registers shall be maintained separately by the office of each of the eight Regions, and the Company Secretary. The Affected Person shall disclose any interest or benefit of his of whatever nature, whether direct or indirect, which he may have or expect to have in relation to the business or affairs of Swim England or a Region to include, without limitation:

- 81.1.1.1** any contract or arrangement proposed to be entered into between Swim England and the Affected Person or any person, firm or company with whom the Affected Person is associated (as that expression is defined in s.435 of the Insolvency Act 1986). Directors should also remember that they need to declare potential conflicts arising through their connected persons, which includes spouses, children and companies controlled by the Director. For example, where the director's spouse enters into a transaction with a company controlled by Swim England that may (but need not necessarily) give rise to an indirect interest on the part of the Director in that transaction;
- 81.1.1.2** any directorship of a Company or any partnership or any other profit, salary or fee earning activity not covered under 81.1.1.1 above;
- 81.1.1.3** any arrangement made, proffered or contemplated in consequence of his holding the office of a member of a committee by any third party (for this purpose, benefit includes financial support or allowance or advantage);
- 81.1.1.4** any benefit which he receives from a sponsor of or donor to Swim England or a Region , either personally or on behalf of a third party;
- 81.1.1.5** any benefit which he makes to another member of a Swim England or a Region Committee or a body they represent.

81.1.2 In the event that the Chief Executive Officer shall have an interest or benefit to disclose then, in addition to making an entry in the Swim England Conflict of Interests Register, he/she shall supply in writing particulars of the interest or benefit to the person appointed by the Board to receive notification of any interest or benefit of the Chief Executive Officer.

81.1.3 Any data subscribed to the Regional Conflicts of Interest Registers shall be made available to the Swim England Conflicts of Interest Register on request.

81.2 Declaration of Interests:

81.2.1 An Affected Person, being a member of any committee shall as soon as practicable declare any interest in any matter being or likely to be discussed at any meeting. In any event the interest must be declared at the meeting immediately prior to consideration of the matter in which he has an interest. The meeting shall require the Affected Person to leave the room at that stage. In the absence of the Affected Person the meeting will then decide whether the Affected Person may, notwithstanding his declared interest, take part in the consideration or discussion or voting on any question relating to the matter affected by the interest. The meeting may impose a condition that the Affected Person may take part in the discussions but not vote on any question relating to the matter affected by the interest or such other conditions as it sees fit. In the event that the meeting decides that the Affected Person may take part in the consideration and discussion on the matter affected by the interest the Affected Person shall be invited to re-join the meeting. The use of these procedures at any meeting shall be fully minuted.

81.2.2 Where an Affected Person becomes aware in advance of a meeting that he may have an interest in matters to be discussed at the meeting he shall notify the Secretary of the committee. The secretary shall at the start of the meeting report any such notification(s) received and further shall remind members of their obligation to make a declaration of any interest they may have in matters to be discussed.

81.3 Code of Practice:

81.3.1 The Board may issue and from time to time revise a Code of Practice with regard to the operation of this Regulation 81.

81.3.2 All Affected Persons shall be required to complete an acknowledgement to the effect that they have read and understood this. Regulation 81 and the Code of Practice then in force.