

Changes to ASA Laws

Proposals in Principle and Intention for Council 2005 to implement Regionalisation and the consequences thereof.

1. **ASA Committee proposes that the Laws, Rules, Conditions and Regulations be changed throughout in order to:**
 - 1.1. refer to "Region" or "Regional", as appropriate, in place of "District";
 - 1.2. refer to "eight" [Regions] in place of "five" [Districts];
 - 1.3. increase Regional representation proportionately from five to eight, except that the number of Vice Chairmen of the Disciplinary Panel to be retained at four (Law 50);
 - 1.4. refer to "Regional Management Board" in place of "District Executive Committee";
 - 1.5. refer to "Regional Director or his equivalent" in place of "District Secretary";
 - 1.6. refer to "Regional Finance Officer or his equivalent" in place of "District Treasurer";
 - 1.7. remove all references to "Hon." or Honorary" in the sense of being unpaid.

2. **ASA Committee proposes that existing Law 2 be replaced in order to:**
 - 2.1. specify that the ASA shall be divided into eight Regions;
 - 2.2. specify that each region shall be aligned with one or more Sport England Regions;
 - 2.3. define the area covered by each Region using, as far as possible, ceremonial and/or sporting counties but using administrative areas wherever necessary or more practical to ensure clarity and consistency.

3. **ASA Committee proposes that a new Law 3 be added in order to:**
 - 3.1. specify that the powers and responsibilities of the Regions include, without limitation, to:
 - 3.1.1. manage the sport of swimming within its area subject to the strategic direction of the ASA
 - 3.1.2. observe and ensure that the laws and rules of the ASA are observed;
 - 3.1.3. follow and ensure that the decisions of Council and the ASA Committee are followed;
 - 3.1.4. set up and implement plans as required, based on the national strategic criteria set by the ASA and submit them to the ASA for approval;
 - 3.1.5. have authority to set and collect an annual regional affiliation fee from each club affiliated to it;
 - 3.1.6. administer membership and affiliation processes as required on behalf of the ASA and the Counties within its area, which may include the collection and transfer of fees;
 - 3.1.7. keep accounts of its income and expenditure;
 - 3.1.8. report annually to the ASA Committee, as required, on its activities, finances and performance against its plans.

4. **ASA Committee proposes that a new Law 4 be added in order to:**
 - 4.1. specify that each Region shall issue its own rules based on a standard constitution which
 - 4.1.1. shall be issued and reviewed from time to time by the ASA Committee
 - 4.1.2. may contain mandatory provisions on any part of the Region's governance or administration
 - 4.1.3. may contain recommended provisions on any part of the Region's governance or administration and any other matter

- 5. ASA Committee proposes that existing Laws 3, 5, and 6 be changed in order to:**
 - 5.1. differentiate between membership and affiliation, as two different categories of involvement within the ASA and its Regions, counties and clubs.

- 6. ASA Committee proposes that Law 5 be changed in order to:**
 - 6.1. specify that a club affiliated to a Region shall be automatically affiliated to a County, specified by the Region, which operates wholly or partly in that Region;
 - 6.2. specify that such an affiliation entails the club being liable for any affiliation fee which may be set by the County Association from time to time.

- 7. ASA Committee proposes that Law 6.1.1 be changed in order to:**
 - 7.1. suspend for two years from 1st October 2005, the requirements that clubs affiliated to a County or Local Association must: all be affiliated to the same Region to which the County or Local Association is affiliated, and must all have their headquarters within that Region.

- 8. ASA Committee proposes that Law 13 be changed in order to:**
 - 8.1. remove the automatic *ex officio* right of the Regional President, the Regional Secretary and the Regional Treasurer or their equivalents to be members of the Council;
 - 8.2. set the number of Regional representatives at Council as three plus one additional representative for each 3,500 members, or proportion greater than one half thereof, having paid an ASA membership fee through a club or organisation affiliated to that Region;
 - 8.3. set a minimum of eight representatives for each Region, irrespective of the number of ASA members in that Region.

- 9. ASA Committee proposes that Laws 14 and 17 be changed in order to:**
 - 9.1. specify that the Annual Council is to be held in the Region of the incoming President for that year at a venue agreed by the ASA Committee.
 - 9.2. specify that the Vice President shall be nominated by the Regions and the ASA Committee in the order – North East; London; West Midland; East; East Midland; North West; South East; ASA Committee and South West.
 - 9.3. specify the exception that if England is hosting the Olympic Games or the Commonwealth Games in any year, the nomination for the immediately previous year shall be made by the ASA Committee and the remaining Regional nominations in the nine year rotation shall be displaced as necessary to permit that nomination;
 - 9.4. specify that the President shall be nominated by the Regions and the ASA Committee in the order – South West; North East; London; West Midland; East; East Midland; North West; South East and ASA Committee
 - 9.5. specify the exception that if England is hosting the Olympic Games or the Commonwealth Games in any year, the nomination for that year shall be made by the ASA Committee and the remaining Regional nominations in the nine year rotation shall be displaced as necessary to permit that nomination;

- 10. ASA Committee proposes that Law 15.2 be changed in order to:**
 - 10.1. raise the number of Regions needed to call a Special General Meeting to five, to maintain the current proportion as nearly as possible.

- 11. ASA Committee proposes that Law 33 be deleted in order to:**
 - 11.1. permit more appropriate procedures and standing orders for Regional governance etc. to be included in the Regional constitutions without conflicting with ASA Laws.

- 12. ASA Committee proposes that Law 309.4 be deleted in order to:**
 - 12.1. remove all reference to awards for long service.

- 13. ASA Committee proposes that Law 311 be changed in order to:**
- 13.1. specify that the annual return of club membership may be sent to the ASA or the Region to which the club is affiliated, as required, not later than 31st March in each year;
 - 13.2. specify that the corresponding ASA membership fees may be paid, as required, to the ASA or the Region to which the club is affiliated;
 - 13.3. specify that any initiation or change of details of membership other than through the club's annual return of membership may be done through the ASA or the Region to which the club is affiliated, as required.
- 14. ASA Committee proposes that Law 312 be changed in order to:**
- 14.1. reflect the fact that registration as a competitor or official with the ASA shall be done, as required, through the ASA or the Regional administration of ASA membership.

Proposals in Principle and Intention for Council 2005 other than to implement Regionalisation

- 15. ASA Committee proposes that Law 3 be changed, a new Law 10 and a new section in Law 36 be added in order to:**
- 15.1. add "temporary affiliation" to the list of those categories comprising ASA Affiliation;
 - 15.2. add "temporary membership" to the list of those categories comprising ASA Membership;
 - 15.3. specify that the ASA Committee has, and may delegate, the authority to grant temporary membership to the participants in an event and temporary affiliation to the promoting body if required, provided that it is satisfied that the event is to be:
 - 15.3.1. organised by a responsible club, association body or organisation;
 - 15.3.2. pursuant to a suitable sporting or health initiative.
 - 15.4. define under what conditions an event for which temporary affiliation and/or temporary membership has been granted may be held, which shall include that
 - 15.4.1. the event shall be run in accordance with all applicable ASA Laws and Technical Rules subject to any specific dispensations which may be granted;
 - 15.4.2. the participants (whether or not fully paid up ASA members) shall be subject to the ASA Child Protection Procedures and the ASA Judicial Laws and Rules in relation to the event;
 - 15.4.3. the only benefit that the participants shall receive shall consist of permission to participate with fully paid up ASA members. They shall not enjoy any other benefit of ASA membership solely by virtue of the temporary membership;
 - 15.4.4. the applicable ASA Health and Safety requirements shall be observed;
 - 15.4.5. all participants shall agree, in writing, to be bound by the conditions above.
- 16. ASA Committee proposes that Law 5 be changed in order to:**
- 16.1. extend to all educational establishments the exemption from the requirement to be organised and managed on a democratic basis.
 - 16.2. delete the requirement that its membership must be restricted for a school or educational establishment to be exempt from the requirement to be organised and managed on a democratic basis.
- 17. ASA Committee proposes that Laws 13.1.2 and 17.1.3 be deleted and Laws 12.1.2 and 201.1 be changed in order to:**
- 17.1. remove all reference to the Honorary Medical Adviser.
- 18. ASA Committee proposes that Laws 14, 35, 42, 43, 44, 45, 46, 114 and 201 be changed in order to:**
- 18.1. specify that 50% of those entitled to attend and vote shall form a quorum at meetings of the ASA Council, ASA Committee, Technical and other ASA Committees, Panel, Forum or any other decision making body at national level within the ASA.

- 19. ASA Committee proposes that Laws 20 and 14 be changed in order to:**
- 19.1. specify that the ASA financial year will end on March 31st;
 - 19.2. specify that the audited accounts must be issued to the Regions by June 30th
 - 19.3. specify that the ASA Annual Council meeting must be held in the months of September or October.
- 20. ASA Committee proposes that Law 34.1 be changed in order to:**
- 20.1. remove the *ex officio* right of the President and the Vice President to be members of the ASA Committee
 - 20.2. set the date of implementation of this change as 1st October 2005.
- 21. ASA Committee proposes that Law 34.2.5 be changed in order to:**
- 21.1. remove the restriction that the Chairman of the ASA Committee may not take any active part in the government of swimming by any National, District or County Association.
- 22. ASA Committee proposes that Law 34.3 be changed in order to:**
- 22.1. remove the requirement for the skills or experience of persons appointed to the ASA Committee under this section to be specialist in nature.
 - 22.2. identify the persons appointed to the ASA Committee under this section as "independent members"
 - 22.3. specify that the number of persons appointed to the ASA Committee under this section shall be limited to a maximum of four.
 - 22.4. specify that the terms of office of the persons appointed to the ASA Committee under this section shall be so arranged that a maximum of two persons are elected each year. A transitional arrangement to be agreed to bring this about following 1st October 2005.
- 23. ASA Committee proposes that Laws 36.2.3 and 36.2.8 be changed in order to:**
- 23.1. remove the restriction that only Regions may refer a query to the ASA Committee for it to decide on the meaning of an ASA Law or an ASA Technical Rule and add a reference to Law 302.1 which already specifies this.
- 24. ASA Committee proposes that Law 36.2.21 be changed in order to:**
- 24.1. specify that any appointments of the Chairmen of the Committees listed and identified in Law 36.2.22 which become due shall be made at the next scheduled meeting of the ASA Committee after November 1st;
 - 24.2. specify that the appointed Chairmen shall take office on December 1st next following or immediately upon appointment if the appointment is not made in November.
- 25. ASA Committee proposes that Law 45.2.1.3 be deleted and Laws 36.2.22, 45.2 and 45.3 be changed in order to:**
- 25.1. discontinue the right of each Region to have one voting member on the committees named in Law 45.1.1;
 - 25.2. introduce the right of each Region to appoint one liaison member without the right to attend the normal committee meetings but with the right to;
 - 25.2.1. receive all the papers for meetings;
 - 25.2.2. correspond with the committee through the Chairman;
 - 25.2.3. attend a meeting for a specific item with the prior approval of the Chairman.
 - 25.3. specify that all the members of those committees shall be appointed by the ASA Committee from nominations received against a skill and competency framework;
 - 25.4. specify that members shall normally be appointed for a term of office of four years;
 - 25.5. specify that a retiring member may be re-appointed, except that no member may serve on a committee for more than 12 years in the same rôle;
 - 25.6. specify that half the members, as nearly as possible, shall be appointed every two years.
[Note that a transitional arrangement for the initial appointments will be necessary]
 - 25.7. add to the Committee's duties that of holding one meeting each year to which all the Regional liaison members are invited.

- 26. ASA Committee proposes that Law 105 be changed in order to:**
- 26.1. add misconduct to the list of grounds for a complaint.
- 27. ASA Committee proposes that Law 106.1 be changed in order to:**
- 27.1. give the Chairman of a Disciplinary Committee the power to take such action as he deems appropriate, including a complaint, against any member of the ASA who refuses or neglects to participate and give evidence or to supply written documents or other evidence to the Disciplinary Committee.
- 28. ASA Committee proposes that Law 201.3 be changed in order to:**
- 28.1. add the duty of advising whether an activity outside the normal scope of swimming club activities should be identified as having an enhanced risk of death and/or injury and whether it should be included or excluded from the normal insurance cover and issuing guidelines on that basis;
- 29. ASA Committee proposes that Law 305 be changed in order to:**
- 29.1. extend those provisions for protection given to children, to vulnerable adults.
- 30. ASA Committee proposes that Law 402 be deleted and Law 3 be changed in order to:**
- 30.1. remove the requirement for the competing members of a club applying for affiliation to be registered with the ASA prior to the application.
- 30.2. remove the requirement for each club to have a rule to this effect
- 30.3. add a formal requirement that all affiliated clubs organisations, associations, bodies and individual members shall be bound by any ASA Law, Rule, Regulation or Condition which applies to them.
- 31. ASA Committee agreed that a proposal emanating from the Technical Swimming Committee be placed on the order paper which proposes that Law 416.1 be changed in order to:**
- 31.1. permit, additionally, persons who are on or have served on a Welsh ASA or Scottish ASA list of officials of the discipline concerned to be appointed to a Jury of Appeal by the promoter of an open competition.

Law change made by ASA Committee under ASA Law 36.2.5

- 32. Council is asked to approve the decision of ASA Committee that Law 412 be changed in order to:**
- 32.1. reduce the minimum age limit for Masters synchronised swimming events to 20, to conform with changes in FINA Synchronised Swimming Rules;
- 32.2. increase the minimum age limit for Masters Water Polo events to 30, to conform with changes in FINA Masters Water Polo Rules.