

**SCOTTISH AMATEUR SWIMMING ASSOCIATION LIMITED  
COMPANY RULES  
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**COMPANY RULES**

- R1.0 NAME – *Not used***
- R2.0 OBJECTIVES – *Not used***
- R3.0 MEMBERSHIP – *SASA BYELAWS***
- R4.0 GOVERNANCE - *SASA BYELAWS***
- R5.0 GENERAL CONGRESS - *SASA BYELAWS***
  
- R6.0 COMPANY ANNUAL GENERAL MEETING**

**R6.1 Business**

The Business of the Annual General Meeting shall include :

- (a) Chairperson’s Remarks.
- (b) Apologies for absence
- (c) Minutes of previous AGM/EGM
- (d) Business from Minutes
- (e) Correspondence
- (f) Address by Company Chairperson/Chief Executive
- (g) Finance Report.
- (h) Company Fees and Fines
- (i) Annual Report, which will include reports from the Company and Standing Committees.
- (j) Notices of Motion
- (k) Endorsement of Members of Standing Committees.
- (l) Confirmation of Appointments

**R6.2 Standing Orders**

Standing Orders for the Conduct of business shall be :

- R6.2.1 The Company Chairperson shall Chair the meeting or, in their absence, the Directors present shall agree who of their number shall Chair the meeting.
  
- R6.2.2 In the event of there being an equality of votes on a motion which requires a decision (choice) to be made for the continued good governance of the Company, the Chairperson shall have a second or casting vote.
  
- R6.2.3 Procedures adopted for the conduct of business at a General Meeting shall be as set out in paragraphs BL5.2.2 to BL5.2.25 inclusive of the SASA Bye Laws.

**R7.0 EXTRAORDINARY GENERAL MEETING**

**R7.1 Order of Business**

- R7.1.1 The Order of Business for an Extraordinary Meeting shall be:
  - a) Chairpersons Address
  - b) Apologies for absence.
  - c) Business to be transacted of which due notice has been given in accordance with Section 5 of the Company Articles of Association.
  
- R7.1.2 No Business shall be transacted at the EGM other than Business of which due notice has been given in accordance with Section 5 of the Company Articles of Association.

**R7.2 Standing Orders**

Standing orders for a Extraordinary General Meeting shall be the same as those Set out in sub-section R6.2 of the Company Rules.

- R8.0 DISTRICTS AND CLUBS - *SASA BYELAWS***
- R9.0 COUNCIL – *SASA BYELAWS***

**R10.0 BOARD OF DIRECTORS****R10.1 Meetings**

R10.1.1 Board of Directors shall meet at least six times a year at venues to be arranged by the Company with the agreement of the Chairperson.

R10.1.2 The Company shall give not less than seven days notice of a Board Meeting and specify the business.

R10.1.3 The Company, with the agreement of the Chairperson, may alter the date of any meeting or cancel the meeting should there be insufficient business to be transacted.

R10.1.4 The Chief Executive and persons responsible for Administration, Finance and Technical Matters, all of the Company shall normally be in attendance.

**R10.2 Business**

R10.2.1 The business for Board of Directors Meeting shall include:

- (a) Apologies for Absence
- (b) Minutes of Previous Meeting
- (c) Actions from Previous Meeting
- (d) Correspondence
- (e) Chief Executive's Report
- (f) Finance Report
- (g) Administration Report
- (h) Technical Matters Report
- (i) Council of the Member's Business Update
- (j) Director(s) Reports
- (k) GB Report
- (l) Regulations, Reports from Standing Committees and approval of records
- (m) Any Other Competent Business

**R10.3 Standing Orders**

R10.3.1 Standing Orders for the conduct of business at meetings of the Board of Directors shall be:

R10.3.1.1 The Chairperson shall be the Chairperson of the Board, or in their absence, those present shall agree who shall chair the meeting.

R10.3.1.2 Procedures adopted for the conduct of business at meetings of the Board of Directors shall be as set out in paragraphs BL9.5.3 to BL9.5.8 of the SASA Bye-Laws inclusive.

**R10.4 Publications**

R10.4.1 The Board of Directors shall arrange for the publication of:

- (a) An Annual Guide and Information Booklet
- (b) Amendments to the Constitution and Bye-Laws of the SASA and to the Memorandum and Articles of Association, Bye-Laws and Rules and Regulations of the Company
- (c) Other information as deemed necessary

**R11.0 STANDING COMMITTEES****R11.1 Meetings**

- R11.1.1 Standing committees shall meet at least twice per year at venues, dates and times agreed by the majority of members of the Committee.
- R11.1.2 Confirmation of venue, date and time of each meeting, along with an Order of Business shall be sent out not less than seven days prior to each meeting, normally by the Company.
- R11.1.3 A Special Meeting of a Standing Committee shall be called when requested by the Board of Directors. The venue, date and time of the meeting shall be agreed by the majority of the members of the Committee.
- R11.1.4 Each Committee shall provide a list of meeting dates for the following calendar year to the Company by the 31 October each year.

**R11.2 Order of Business**

- R11.2.1 The business of Standing Committees shall include:
- (a) Minutes of Previous Meeting
  - (b) Actions from Previous Meetings
  - (c) Finance
  - (d) Forward Programme
  - (e) Any Other Competent Business
- R11.2.2 The Order of Business for each meeting will be agreed by the Committee Chairperson prior to issue.

**R11.3 Standing Orders**

- R11.3.1 Standing Orders for the conduct of business at meetings of Standing Committees shall be:
- R11.3.1.1 The Chairperson shall be the Committee Convenor. In the absence of the Convenor, the Chairperson shall be one of the District Representatives of the SASA as decided by the meeting.
- R11.3.1.2 Procedures adopted for the conduct of business at meetings of Standing Committees shall be as set out in paragraphs BL9.5.3 to BL9.5.8 of the SASA Bye-Laws inclusive.

**R12 FINANCE****R12.1 Receipts and Payments – SASA Byelaws****R12.2 Membership fees – SASA Byelaws****R12.3 Fees – No longer used****R12.4 Other Fees**

- R12.4.1 The following fees shall be agreed at each Annual General Meeting of the Company and shall be published in the Annual Guide and Information Booklet or an alternative publication decided by the Board of Directors. The fees shall be collected by the Company.
- (a) Protests
  - (b) Complaints
  - (c) Appeals
  - (d) Special Council Meeting
  - (e) Special District Meetings
  - (f) Composite Teams
  - (g) Meet Licence Applications

R12.4.2 All fees other than those specified in R12.4.1 shall be recommended by the appropriate Standing Committee, approved by the Board of Directors in January each year and shall be published in the Annual Guide and Information Booklet or an alternative publication decided by the Board of Directors.

**R12.5 Levies - SASA Byelaws**

**R12.6 Fines**

R12.6.1 All fines except those imposed by the National Enquiry Panel and/or the National Arbitration Panel in accordance with paragraph R17.7.2 shall be recommended by the appropriate Standing Committee, approved by the Board of Directors in January each year and shall be published in the Annual Guide and Information Booklet or an alternative publication decided by the Board of Directors.

**R12.7 Expenses**

R12.7.1 All claims for expenses shall be made to the Company on official forms, accompanied by appropriate receipts showing supplier's VAT registration number where appropriate.

R12.7.2 The Company Finance Manager shall have power to pay such expenses or refer claims to the Chief Executive who in exceptional circumstances may refer them to the Board of Directors. This power does not extend to the payment of the individual's own expenses.

R12.7.3 Expenses shall be paid on the basis of a standard rail fare or The Company car mileage allowance agreed by the Board of Directors. Air fare(s) shall only be paid with the prior approval of the Company. The mode of transport shall be stated on the claim form. Reasonable meal and overnight allowances shall be paid where necessary.

R12.7.4 All reasonable expenses of the following shall be met.

- (a) President, Vice President, Council, Board of Directors and members of administration staff incurred in attending convened meetings of Standing and Ad Hoc Committees, Company Championships meets or trials, international meets held in Scotland and such other meets or meetings as they are authorised to attend.
- (b) Conveners and members of Standing and Ad Hoc Committees for attendance at appropriate convened meetings and meets under their control.
- (c) Competitors selected for representative teams or participating in selection trials convened by the appropriate Company Standing Committee.
- (d) Technical officials appointed by the Company to act at:
  - (i) International meets or trials in Scotland
  - (ii) National Championships held in Scotland
  - (iii) Inter District Competitions
- (e) Technical Officers in pursuit of their contractual duties.
- (f) Lecturers/Examiners conducting approved certificate courses/examinations.
- (g) Limited Technical Officials from other Associations/Federations

- R12.7.5 The expenses of Technical Officials incurred by attendance at other meets shall be met as follows, unless decided otherwise by the Board of Directors.
- (a) District and club galas which may include District Championships - by the organisers
  - (b) Water Polo League Matches - by the home team
  - (c) Swimming Leagues - by arrangement of the participating clubs
  - (d) Commonwealth Games by nominee
  - (e) Olympic Games )  
 FINA World Championships ) by British Swimming  
 FINA World Cup Competitions )  
 LEN Competitions )

## **R13.0 CHAMPIONSHIPS AND MEETS**

### **R13.1 Scottish Championships**

- R13.1.1 Standing Committees shall have full responsibility for the organisation of SASA National Championships appropriate to their Discipline.

### **R13.2 District Championships - SASA Byelaws**

### **R13.3 Inter District Competition - SASA Byelaws**

### **R13.4 Licensed/Accredited Meet**

- R13.4.1 All competitive aquatic meets held in Scotland, involving members from two or more clubs, require to be licensed by the Company.
- R13.4.2 Licensing is necessary to provide the Company with a means of control over and maintenance of minimum standards. The organisers of a competitive aquatic Meet are responsible for making application for a Licence in accordance with the appropriate Company Regulations.
- R13.4.3 In addition to a licence, an Meet can also be “accredited” in accordance with the appropriate Company Regulations for the discipline of the meet that is to be licensed, in order to allow athletes an opportunity to achieve qualifying standards for National and International meets and teams.
- R13.4.4 Athletes under 8 years on the last day of competition are not eligible to take part in a meet that has applied for accreditation.

### **R13.5 Eligibility**

- R13.5.1 All competitors shall be registered with their National Federation to be eligible to compete (FINA Rule GR1.1).
- R13.5.2 A competitor must have signed a declaration agreeing to submit to testing for ‘Banned Substances’ if selected. Competitors under the age of 16 years must have the declaration signed by their parent/guardian.
- R13.5.3 A competitor selected to represent Scotland must be either:
- (a) a native of Scotland **or**
  - (b) a person with a Scottish mother or father **or**
  - (c) satisfy either of the following residential criteria:
    - i) for the Commonwealth Games –  
 In line with current Commonwealth Games Federation Regulations or Guidelines. (see information guide for details)
    - ii) for all other meets –  
 a person who has been resident in Scotland for a minimum of six months in the 12 months prior to the first day of competition

- R13.5.4 A Competitor who is not a SASA member may enter an OPEN CHAMPIONSHIP/MEET organised by the Company, provided they satisfy the requirements of Rule R13.5.1.
- R13.5.5 A Competitor who has changed their club in accordance with paragraph BL8.2.4 of the SASA Bye-Laws and is not eligible to compete for their new club may compete as UNATTACHED. An unattached competitor cannot compete for a club in a relay event.
- R13.5.6 a) For Swimming a Junior Competitor is defined as under 17 years of age at midnight on 31 December in the year of competition.
- b) For disciplines, other than Swimming, a Junior Competitor is defined as under 17 years of age at midnight on 31 December in the year of competition except where FINA Rules state otherwise

## **R13.6 Club/Team**

- R13.6.1 An Individual may participate in the internal championships/meets of any club of which they are a member providing the club has not a Regulation that would prevent such participation
- R13.6.2 An individual may compete for one club only in Swimming, Masters Swimming, Water Polo, Synchronised Swimming, Diving or Open Water Swimming during the period 1 January to 31 December in any one year with the following exceptions:
- (a) In Swimming
- (i) An individual who is a member of only one club may compete for one club in Scotland during the period 1 January to 31 July and a different club in the period 1 August to 31 December.
- (ii) An individual who is a member of more than one club can declare to the Company, on the appropriate form, which is their First and Second claim club. Such individuals shall be eligible to compete for their second claim club with the written permission of their first claim club.
- (iii) An individual shall compete for only one first claim and second claim club in Scotland during either periods 1 January to 31 July and 1 August to 31 December.
- (b) A member whose registered club is part of a composite team may also compete in meets confined to the team.
- (c) Providing that the promoting body concerned does not take part in open competition, an individual may also take part in the annual gala and local, district, international, national and international competitions of their appropriate:
- (i) Occupation, trade, profession or business
- (ii) School, college, further education establishment, university
- (iii) Youth organisation provided the individual is under 18 years of age on 31 December
- (d) Where a person has changed residence to another SASA District, they may join a club in the new District provided that they have the permission of their former principal competitive club and District.
- (e) When a person has represented their District in competition but not their Club.
- (f) Swimmers may compete in a composite team in an invitation one off meet with the permission of their club.

## R13.6.3 In Water Polo the following shall apply:

- (a) A Water Polo player may only represent one District during the period 1 January to 31 December in any one year.
- (b) A Water Polo player may compete for only one club in the period 1 January to 31 December, with the following exception: A Water Polo player may represent a Combined Team in any competition without prejudice to their District and/or National club. (A combined team is a combination of players from two or more clubs for competition purposes as approved by the Company's Water Polo Committee).
- (c) A Water Polo player may play for their first or second claim club in any Scottish competition. Once committed to a club for a particular age group in any competition, they cannot play for the other club in the same age group within that competition during the period 1 January to 31 December.

**R13.7 Drug Abuse**

- R13.7.1 A competitor is forbidden to use any of the 'Banned Substances' listed by FINA.
- R13.7.2 A competitor found to have used, or to be in possession of a 'Banned Substance' at a competition or refusing to submit to a test shall be disqualified from the competition, at the instance of British Swimming
- R13.7.3 Testing for 'Banned Substances' shall be in accordance with British Swimming requirements.
- R13.7.4 Any person assisting or inciting others to use a 'Banned Substance' shall be considered as having committed an offence.
- R13.7.5 Complaints relating to drug offences shall be dealt with in accordance with paragraph R16.1.2.

**R13.8 Medals**

- R13.8.1 In all Aquatic Sports Championships, except Water Polo, organised by the Company, medals shall be awarded as follows:-
  - (a) For all events, including Open events, 'Gold', 'Silver' and 'Bronze' will be presented.
  - (b) In Open events a 'Gold' only will be presented to the Scottish Champion provided they are not also the Open Champion. When the Scottish and the Open Champion is the same person only one medal will be presented.
- R13.8.2 In Water Polo championships, 'Gold' medals shall be awarded to all team members whose names appear on the team sheet of the team finishing first. 'Silver' medals shall be awarded to the members of the team finishing second and the following competitions: Scottish Water Polo Championship (Scottish Cup); Scottish Youth League Championships (Malta Trophy); Scottish Under 17 Water Polo Championship (Willie Mellors Memorial Trophy); Scottish Women's Water Polo Championship.
- R13.8.3 In Water Polo National Leagues 'Gold' medals shall be awarded to the team finishing first.

**R13.9 Scottish Records**

- R13.9.1 All applications for Scottish Records shall be submitted on the appropriate form to the Company normally within 30 days of the attempt. Applications for Scottish Junior Records must be eligible as defined in R13.5.6. Applications will not be approved unless the individual or all the members of the relay team are members of the SASA.

- R13.9.2 The approval or rejection by the Company of any application shall be final.
- R13.9.3 The Company shall issue on request a certificate for a Scottish Record.
- R13.9.4 Any individual who relinquishes their right to compete for Scotland in favour of another country cannot be accredited with a new Scottish Record.
- R13.9.5 The events for which a Scottish Record can be claimed shall be as set out in Company Regulations.
- R13.9.6 The Company shall maintain a history of National Records.

**R13.10 GB Records**

- R13.10.1 Application for GB records shall be submitted in accordance with the requirements of British Swimming.

**R13.11 Access to Championships/Meets**

- R13.11.1 Council members of the SASA and members of the Company Board and Standing Committees will have free access to all meets under the Company's Jurisdiction and will receive permits for this purpose.

**R13.12 Competition/Training Outside Great Britain**

- R13.12.1 An individual competing/training outside Great Britain shall conform to FINA Rules.
- R13.12.2 An individual wishing to compete/train outside Great Britain shall make application for a Permit to the Company.

**R14.0 TROPHIES**

- R14.1 The winner of a trophy shall sign a receipt guaranteeing safe custody and return of the trophy at least two months prior to the next competition or on request by the Trustee or Company. Any change of address by the holder must be communicated to the Trustee.
- R14.2 No trophy shall be taken outside Scotland.
- R14.3 In the event of a Championship being withheld, the holder shall return the Trophy to the Trustee.
- R14.4 Where the sole entrant is the holder of the Championship, they shall be recognised as champion without competition or award.

**R15.0 PROTESTS**

**R15.1 Scope**

- R15.1.1 A protest may be made in the circumstances described in Section C15.0 of the Constitution of the SASA.
- R15.1.2 In Diving, a verbal protest may be made by the appropriate individual (see paragraph R15.1.1) immediately after the execution of a dive, a round of dives or a section of the contest. If the verbal protest is not accepted, a formal protest may be made.
- R15.1.3 A protest may not be made against a decision of the Referee or any other official regarding placing, fouling or any other facts of a competition.

**R15.2 Procedure - Referee**

- R15.2.1 The Referee is responsible for dealing with protests during an event.
- R15.2.2 If conditions causing a potential protest are noted prior to the competition a protest must be lodged before the signal to start is given, otherwise the protest must be lodged within 30 minutes following the conclusion of the respective event or match.
- R15.2.3 A protest must be submitted:  
 (a) To the Referee  
 (b) In writing  
 (c) By the appropriate individual (see paragraph R15.1.1)  
 (d) Together with the appropriate fee (see paragraph R12.4.1)
- R15.2.4 A referee rejecting a protest must give the reason for their decision in writing. The appellant may appeal to the Jury of Appeal, which shall be appointed as defined in Company Regulations.
- R15.2.5 If the protest is rejected, the fee will be forfeited to the management body of the competition. If the protest is upheld, the fee will be returned.

**R15.3 Procedure - Jury of Appeal**

- R15.3.1 A Jury of Appeal shall consist of at least three individuals. Each jury member shall have one vote (except as provided in paragraph R15.3.2) and in the case of equality of voting the Chairperson may exercise a casting vote.
- R15.3.2 A jury member is allowed to speak but not to vote on a case in which the interest of their own District or Club is involved. A jury member having acted as an official is not allowed to vote on a case.
- R15.3.3 The Jury of Appeal shall be appointed as defined in Company Regulations.

**R15.4 Treatment - Jury of Appeal**

- R15.4.1 The decision of a Jury of Appeal is final.

**R16.0 COMPLAINTS****R16.1 Scope**

- R16.1.1 A complaint may be made in the circumstances described in Section C16.0 of the SASA Constitution. Any Individual or Body the subject of complaint must be offered the opportunity to be heard in their defence.
- R16.1.2 In dealing with complaints about breaches of Club Constitution/Rules, District Rules, SASA Constitution or Bye-Laws, Memorandum and Articles of Association of the Company and Rules or Regulations of the Company or unfair practice the appropriate body to consider the complaint is as follows:
- |                                                                                    |   |                            |
|------------------------------------------------------------------------------------|---|----------------------------|
| (a) For Club Constitution<br>and/or Rules                                          | - | The Club                   |
| (b) For Drug offences                                                              | - | British Swimming           |
| (c) For all other complaints -<br>except child abuse or other<br>criminal offences |   | The National Enquiry Panel |
- R16.1.3 If the complaint involves child abuse or other criminal offences the complaint shall be referred to the Company's Chief Executive within 48 hours. Failure to do so may result in disciplinary action. The Chief Executive, Company Legal Adviser, Director of Operations and the Chairperson of the Board of Directors shall deal with such cases as appropriate. For such cases No fee is required and the initial contact need not be in writing.

- R16.1.3.1 Upon receipt by the Chief Executive of:
- (a) notification that an individual has been charged with an Offence; or
  - (b) notification that an individual is the subject of an investigation by the police, social services or any other authority relating to an Offence; or
  - (c) other evidence which causes the Chief Executive reasonably to conclude that an individual may have committed an Offence then in any such case the Chief Executive may impose upon the individual an interim suspension from any event or activity promoted or authorised by the Company or any body directly or indirectly affiliated to the SASA or the Company wherever held.
- R16.1.3.2 In reaching his determination as to whether an interim suspension should be imposed the Chief Executive shall give consideration to, inter alia, the following factors:
- (a) whether a child or children or young persons(s) is/are or may be at risk;
  - (b) whether the allegation(s) is/are of a serious nature;
  - (c) whether a suspension is necessary or proportionate to allow conduct of any investigation (by the Company or any other authority or body) to proceed unimpeded.
- R16.1.3.3 Where an individual shall have been convicted or have been the subject of a caution in respect of an Offence the Chief Executive shall have power to impose summarily either or both of the following penalties:
- (a) the withdrawal with immediate effect of any licence granted by the Company, which the individual may hold;
  - (b) the suspension sine die of the individual from any event or activity promoted or authorised by the Company or any other body directly or indirectly affiliated to the SASA wherever held. There shall be a right of appeal to the National Arbitration Panel under this Rule16.1.3.3.
- R16.1.3.4 Without prejudice to the generality of R16.1.3.3 the Company may from time to time issue guidance or directions with regard to compliance with R16.1.3.3
- R16.1.4 If the complaint involves the use of drugs the complaint shall be referred to the Secretary of the Amateur Swimming Federation of Great Britain (ASFGB) for action and no further action taken under the complaints procedure. The ASFGB shall deal with all cases involving drugs and their decisions in such cases shall be accepted by the Company.

## **R16.2 National Enquiry Panel (NEP)**

### **R16.2.1 Appointment and Composition**

- R16.2.1.1 A National Panels Member List from which members of NEP tribunals shall be appointed for the purpose of hearing Complaints shall be established by the Company in whom the right to hear Complaints has been delegated by the SASA and in whom such right vests.
- R16.2.1.2 In terms of the SASA Constitution, nominations for membership of the National Panels Member list of the Company, may be made by Districts and individuals registered with the SASA. Each District may, each year, nominate not more than six persons (who shall be Members of SASA).Nominations to be sent to the Company by 15 November for submission to the Board. Members of the SASA Council and the Company Board shall not be eligible for nomination.

- R16.2.1.3 From nominations received, the Company shall appoint a maximum of twenty suitably trained and experienced persons to the National Panel Member List and appoint up to six list members who can act as chairperson of a tribunal.” Appointment shall be for a three year term of office after which a person is eligible for re-appointment.

### **R16.2.2 Panel Membership**

- R16.2.2.1 No Panel Members shall participate in a tribunal in which they have a personal involvement with either the subject matters or the parties to the complaint or be present at such a tribunal.
- R16.2.2.2 A Tribunal which will consist of a minimum of three persons including a Chairperson shall be selected from the panel membership.

### **R16.2.3 Procedure**

- R16.2.3.1 A complaint is made to the Company.
- R16.2.3.2 The written complaint must reach the Company not later than 30 days after the incident that gave rise to it, but the Company may at their discretion extend this period up to six months in any case in which they are satisfied that it was not practicable for the complaint to be made within 30 days of the incident.
- R16.2.3.3 The written complaint must detail the matter(s) with which the complainant is dissatisfied and the reasons for their dissatisfaction.
- R16.2.3.4 The written complaint must be accompanied by the appropriate fee (see paragraph R12.4.1) except in the case of a water polo referee reporting “brutality” or “Disrespect”.
- R16.2.3.5 Within 14 days of receipt of a complaint, the Company shall send a copy to each of the parties who are involved, the appointed NEP Tribunal members and the appropriate District Secretary(s).
- R16.2.3.6 The NEP Tribunal Chairperson shall arrange the date and venue for the National Enquiry Panel to consider the complaint which must be within 60 days of receipt of the complaint and shall give the parties at least 14 days notice of the arrangement.
- R16.2.3.7 If the NEP Tribunal Chairperson becomes aware of any unavoidable circumstances which will prevent a hearing being held within 60 days from receipt of the complaint, they shall have the discretion to extend the period for the hearing to a maximum of 120 days from receipt of the complaint, and shall notify the parties as soon as the decision to extend the period is made giving the reasons.
- R16.2.3.8 The Tribunal Chairperson may seek written or verbal evidence from any person who may be able to help the hearing.
- R6.2.3.9 The proceeding shall be flexible and shall be at the discretion of the Tribunal Chairperson who shall ensure that manuscript notes of the proceedings are taken.
- R16.2.3.10 The Company may invite the SASA Honorary Legal Adviser to act as adviser to a NEP Tribunal.
- R16.2.3.11 The Tribunal Chairperson shall obtain from the Company the record of previous offences, if any, of the alleged offender. It shall be supplied in an inner sealed envelope which shall only be opened in accordance with paragraph R16.2.4.2.

**R16.2.4 Treatment**

- R16.2.4.1 If any question concerning the interpretation of General Law arises, the Tribunal Chairperson must seek the written advice of the SASA Honorary Legal Adviser.
- R16.2.4.2 In any case where a complaint is upheld the record of any previous offences of The person concerned shall be opened before the Panel considers the imposition of a penalty.
- R16.2.4.3 A Panel may make whatever order it considers just, including the imposition of financial penalty and/or exclusion/suspension for a period.
- R16.2.4.4 The Panel may decide to return the fee when the complaint is upheld.
- R16.2.4.5 The Chairperson of the Tribunal at which the complaint is heard shall arrange for the decision to be communicated in writing to the parties, the Company and the appropriate District Secretary(s) within 14 days of the date of the meeting.
- R16.2.4.6 The Chairperson of the Tribunal at which the complaint is heard shall arrange for a copy of the finding with all the attendant documents to be sent to the Company for record purposes and request the Company to inform the Board of Directors.

**R16.2.5 Costs**

- R16.2.5.1 A Panel may at their discretion, award as costs in full or part, a sum to meet the expenses actually and necessarily incurred by a successful party in preparing and presenting their case. In calculating the amount of such a sum, nothing shall be included on account of professional charges for representation or otherwise, and expenses shall conform to Company Rules.

**R17.0 SUSPENSIONS AND FINES****R17.1 Powers of Club(s)**

- R17.1.1 For a breach of its own Rules, a Club may suspend a member from activities wholly within its own jurisdiction provided that before doing so, it informs the member of the alleged offence and the requirements of paragraph R16.1.1 have been satisfied.

**R17.2 Powers of National Enquiry Panel**

- R17.2.1 Suspensions and fines may be imposed on Individuals and or Clubs, by the National Enquiry Panel provided the requirements of paragraph R16.1.1 have been satisfied.
- R17.2.2 Decisions taken by a National Enquiry Panel are mandatory on any individual or club cited in the report, unless the decision is withdrawn by the Panel following written representation
- R17.2.3 Where a fee or fine (not subject to appeal) imposed by the Company has not been paid, then the Company can after due warning, suspend the individual or Club until payment is made.

**R17.3 *Not used*****R17.4 *Not used*****R17.5 National Arbitration Panel**

- R17.5.1 Suspensions and fines may be imposed on Individuals and or Clubs by the National Arbitration Panel provided the requirements of paragraph R16.1.1 have been satisfied.

- R17.5.2 Decisions taken by a National Arbitration Panel are mandatory on any individual or club cited in the report, unless the decision is withdrawn by the Panel following written representation.

## **R17.6 Suspensions**

- R17.6.1 A District will be suspended if a motion to the effect 'that the District has rendered itself unworthy to belong to the SASA' is carried by a two-thirds majority of those present and voting at an Annual General Meeting or Extraordinary General Meeting of the Company.
- R17.6.2 A person under suspension shall not participate in any activity organised by a Club or controlled by the Company except as in paragraph R17.6.3.
- R17.6.3 Where appropriate a person may be given a limited suspension provided the limitation(s) are clearly defined (eg a person may be suspended from all competition activities but allowed to continue in training and administration activities).
- R17.6.4 A Swimmer, Club or Official taking part in a competition held by an unaffiliated club or body except as permitted in paragraph R13.5.9.1(c) may be suspended.
- R17.6.5 An eligible competitor taking part in competitions, exhibitions or demonstrations with someone whom they know to be under suspension may themselves be suspended.
- R17.6.6 Suspensions by the National Enquiry Panel or the National Arbitration Panel shall be binding on all Clubs and Districts of the SASA.
- R17.6.7 Suspensions and the lifting of suspensions shall be reported to Clubs, Districts and to British Swimming/FINA as appropriate.

## **R17.7 Fines**

- R17.7.1 Fixed fines published annually in the Annual Guide and Information Booklet or an alternative publication decided by the Board of Directors shall be imposed on all Individuals and Clubs by Districts and Company Standing Committees as appropriate.
- R17.7.2 Fines may be imposed on Individuals, Clubs or Districts by the National Enquiry Panel or the National Arbitration Panel. The value of the fine will be as determined by the appropriate panel.
- R17.7.3 When a fee or fine (not subject to appeal) due to the Company has not been paid the Company can after due warning suspend the Individual or Club until payment is made.

## **R18.0 APPEALS**

### **R18.1 Scope**

- R18.1.1 There is LEAVE TO APPEAL against a decision taken by a Club, a District, the SASA and the Company or any individual(s) or organisations empowered to act on behalf of the SASA or the Company.
- R18.1.2 In dealing with Appeals the appropriate body to consider an appeal is as follows:
- (a) For a decision of a club or  
The National Enquiry Panel - The National Arbitration Panel.
- (b) For a decision of the  
National Arbitration Panel - The Company Final Appeal Panel.
- R18.1.3 Decisions arising from the normal course of business of a Club, District or Company Standing Committee on administrative and technical matters, appointments and selection of teams may not be the subject of an appeal.

R18.1.4 The decision of the National Arbitration Panel will be final except when it is contended that the appeal has not been handled in accordance with the Company Rules and only then can Leave of Appeal be made to the Company Final Appeals Panel.

R18.1.5 When Leave to Appeal is made, the decision against which the appeal is being made shall be suspended, except in exceptional cases which shall include but not be limited to circumstances where Child Protection is an issue. For the avoidance of doubt the Company will decide whether or not the case is an exceptional case for the purposes of the forgoing sentence.

## **R18.2 National Arbitration Panel (NAP)**

### **R18.2.1 Appointment and Composition**

R18.2.1.1 Members of NAP Tribunals shall be appointed, by the Company in whom the right to hear Appeals has been delegated by the SASA and in whom the such right vests, from the National Panels Member List for the purpose of hearing Appeals.

R18.2.1.2 Nominations for the National Panels Members List shall be in accordance with Company Rule R16.2.1.2.

R18.2.1.3 The Company shall make appointments, to the National Panel Members List in accordance with Company Rule R16.2.1.3.

### **R18.2.2 Panel Membership**

R18.2.2.1 No Panel Members shall participate in a tribunal in which they have a personal involvement with either the subject matters or the parties to the complaint or be present at such a tribunal.

R18.2.2.2 The Chairperson, Vice-Chairpersons and other members of the panel shall be appointed up to a three year term of office. Two of the members shall retire each year but shall be eligible for re-appointment.

R18.2.2.3 A NAP Tribunal which will consist of a minimum of three persons including a Chairperson shall be selected from the Company National Panels Membership List. A person that has been a member of the National Enquiry tribunal dealing with the complaint can not also be a member of the tribunal considering the appeal.”

### **R18.2.3 Procedure**

R18.2.3.1 Leave to appeal is made to the Company.

R18.2.3.2 The written appeal must reach the Company not later than 30 days after receipt of notification of the decision which is being appealed.

R18.2.3.3 The appeal statement must detail the decision against which the appeal is being made and the reasons for dissatisfaction.

R18.2.3.4 The written appeal must be accompanied by the appropriate fee (see paragraph R12.4.1).

R18.2.3.5 Within 14 days of receipt of an appeal, the Company shall send a copy of the appeal statement to the Chairperson of the appropriate Appeal Body, each of the parties who are involved and the appropriate District Secretary.

R18.2.3.6 The Chairperson of the Appeal Body, after due consideration of the appeal statement and any other supporting documentation available will decide whether the appeal will be handled by a tribunal hearing or only by due consideration of the documentation presented and arrange for the interested parties and the appropriate District Secretary to be advised of the decision within 14 days.

- R18.2.3.7 When the decision is taken to hold a tribunal hearing the date and venue must be within 90 days of receipt of the appeal by Company and the parties shall be given at least 14 days notice of the arrangements.
- R18.2.4 Treatment**
- R18.2.4.1 The procedure to be followed at a hearing of the Appeal Tribunal shall be flexible and shall be at the discretion of the Chairperson. The purpose of the proceedings is to reach, expeditiously, a just outcome.
- R18.2.4.2 Witnesses may not be called except with the prior consent of the Chairperson of the Appeal Tribunal which shall not be given unless either:
- (a) New evidence has come to light which was not available at the original hearing or the Chairperson is of the opinion that their evidence should be heard in the interests of justice.
  - (b) The Chairperson is of the opinion that the record of evidence at the original hearing is inadequate.
- R18.2.4.3 The Chairperson of the tribunal shall not allow a substantial re-hearing of the case of one party without allowing an equal re-hearing of the other.
- R18.2.4.4 Professional representation shall be permitted only when the Chairperson of the tribunal and other parties to the hearing have been given at least 14 days notice of the name and professional status of such a representative.
- R18.2.4.5 A representative of the Body whose decision is being appealed, should be available at the hearing of the appeal but may not act as a witness for the parties.
- R18.2.4.6 Any questions concerning the accuracy of the record made at the hearing of the complaint shall be referred in writing to the Chairperson of the relevant Tribunal who must reply in writing.
- R18.2.4.7 At the hearing, each party has the right to state their case, to call witnesses if this has been allowed by the Chairperson, to cross-question witnesses called by another party and finally to summarise their case.
- R18.2.4.8 The appointed Secretary shall record fully the hearing, the decision(s) and the reason(s) for it. Any tape recording shall be retained for at least six years.
- R18.2.4.9 If any question concerning the interpretation of general law arises the Chairperson of the Tribunal shall make a full record of the issue and shall seek the advice of the Honorary Legal Adviser in writing.
- R18.2.4.10 If any question arises concerning the interpretation of the rules of a District Association or Club, the Chairperson may seek the advice in writing of the relevant District or Club President.
- R18.2.4.11 The normal rules of evidence shall apply except that the Chairperson of the tribunal shall not be bound by judicial laws in respect of procedure or the admissibility of evidence.
- R18.2.4.12 The Chairperson of the Tribunal may advise the parties orally of the decisions and matters recorded pursuant to Company Rules of the Panel after the hearing. Whether or not the Chairperson does so, the parties shall be informed in writing within 14 days of the date of the hearing. A copy of the decisions shall be sent to the appropriate District Secretary for their information.
- R18.2.4.13 The entire record of the proceedings shall be sent to the Company for recording and storage. The Company shall inform Council of the decision.

**R18.2.5 Costs**

R18.2.5.1 A panel may at their discretion, award as costs in full or part, a sum to meet the expenses actually and necessarily incurred by a successful party in preparing and presenting their case. In calculating the amount of such a sum, nothing shall be included on account of professional charges for representation or otherwise, and expenses shall conform to Company Rules.

**R18.3 Company Final Appeals Panel****R18.3.1 Appointment and Composition**

R18.3.1.1 A Company Appeals Panel for the purpose of hearing Final Appeals shall be established by the Company in whom the right to hear Final Appeals has been delegated by the SASA and in whom rights vests.

R18.3.1.2 Any person(s), who is a SASA member, may be requested to serve on a Company Appeals Panel, provided they have not been a member of either the NEP or NAP Tribunals that have previously deliberated on the case.

**R18.3.2 Panel Membership**

R18.3.2.1 No Panel Members shall participate in a panel in which they have a personal involvement with either the subject matters or the parties to the complaint or be present at such a tribunal.

**R18.3.3 Procedure**

R18.3.3.1 Leave to appeal is made to the Company.

R18.3.3.2 The written appeal must reach the place of business of the Company not later than 30 days after receipt of notification of the decision which is being appealed.

R18.3.3.3 The appeal statement must detail the reasons for contending that the Appeal Body did not handle the original appeal in accordance with Company Rules.

R18.3.3.4 The written appeal must be accompanied by the appropriate fee (see paragraph R12.4.1).

**R18.3.4 Treatment**

R19.3.4.1 The procedure shall be the same as for a National Arbitration Panel (see section R18.2.4).

**R18.3.5 Costs**

R18.3.5.1 A panel may at their discretion, award as costs in full or part, a sum to meet the expenses actually and necessarily incurred by a successful party in preparing and presenting their case. In calculating the amount of such a sum, nothing shall be included on account of professional charges for representation or otherwise, and expenses shall conform to Company Rules.

R19.0

**AWARDS – SASA BYELAWS**

R20.0

**REPLICAS – SASA BYELAWS**

R21.0

**DISPOSAL OF FUNDS AND DISSOLUTION – *Not used***