

Lunesdale Sub Aqua Club byelaws

Club Number 138 of the British Sub-Aqua Club

Approved at AGM 28th Feb 2020

1. Scope

These Bye-laws shall regulate the structure, administration and activities of a Branch of the British Sub-Aqua Club to be known as Lunesdale Sub Aqua Club (hereinafter “the club”) These Bye-laws are made in compliance with Article 85 of the Articles of Association of the British Sub-Aqua Club.

2. Membership

- i. All persons who assist with club activities *should* become members of BSAC.
- ii. The right to vote at the club meeting shall be restricted to members who have a current membership. A membership has expired once 30 days have passed since the anniversary of their renewal.
- iii. (i) There shall be five classes of membership:
 - (a) Full Diving/ Snorkelling Membership, for which any person 18 years of age or over shall be eligible.
 - (b) Student Diving / Snorkelling Membership, for which any person of the age of 18 or over shall be eligible provided that they are in full time education.
 - (c) Honorary Membership, which shall be conferred solely by the branch committee and for which any person shall be eligible.
 - (d) Social Membership, Social Members may vote on Club social matters only. They should not be allowed to vote on any matters that relate to any aspect of the Club’ diving activities, nor may they hold office on the Club Committee other than as an invited observer / spokesperson representing Social Members.
 - (e) Non BSAC members. Divers who are not members of BSAC will need to provide proof of qualification along with their insurance annually to the Diving Officer. They shall be limited to the depth to which they are qualified by their training agency.
 - (f) An applicant for membership of the Club shall apply to the Committee and upon acceptance of his application and payment of the appropriate Club and BSAC subscriptions shall be a member of the class for which they have applied and are eligible. The Committee may delegate to such members of the Club as it may see fit the responsibility for entertaining and accepting applications for membership.
 - (g) A member shall retain their membership until they have resigned or are deemed to have resigned in accordance with this paragraph or Bye-law 9. If payment of their Club or BSAC subscriptions, in respect of any period is 30 days or more overdue, a member shall be deemed to have resigned.

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- (h) Members applying for new or renewed membership of the Club who will be undertaking Regulated activity (Appendix i) with under 18's will be required to give their permission for their criminal record to be checked through the Disclosure and Barring System.

3. Management

- i. A committee elected at each Annual General Meeting of the club should include club officers where possible, Chair, Diving Officer, Membership secretary, others may comprise of a secretary, boat/equipment officer and treasurer.
- ii. The committee shall comprise 4 officers who shall serve ex officio, and no less than 2 nor more than 6 other members shall manage the Club
- iii. Positions may be combined within the Committee if no member is elected to that position.
- iv. The committee shall hold and administer for the benefit of the membership all funds, equipment and property owned by the club.
- v. Both the committee and members should be aware of BSAC Policies such as Safeguarding.
- vi. Responsibilities and duties of each club officer can be found on the BSAC website, below is the summary: -

The Chair

The Chair shall be the Chief Executive Officer of the club. They shall chair all meetings of the club and committee at which they are present, and subject to the provisions of these Rules, their decision on matters of procedure shall be final.

The Diving Officer

The club's Diving Officer derives their authority in training and diving matters from the National Diving Officer of the British Sub-Aqua Club. They shall have responsibility for the training and diving activities of the club and for the safe conduct thereof. The diving officer shall ensure that the said activities are carried on in accordance with such practices and procedures as may be recommended from time to time by the National Diving Officer or pursuant to their authorisation. The Diving Officer may delegate training duties to a Lead Instructor. The Diving Officer's decision in respect of their responsibilities shall be final in the club, subject only to such guidelines consistent with this Byelaw as may be established from time to time by the Committee.

The Secretary

The Secretary shall record the meetings of the Committee, General Meetings of the club, and such other meetings as the Chairman may request. They shall be primarily responsible for the Club's communications with third parties, and shall keep the Officers, the Committee and/or the Club, as may be appropriate, informed of matters coming to his attention which pertain to Club activities.

The Treasurer

The Treasurer shall be responsible for dealing with all monies received or paid on behalf of the club, shall make any investment of Branch funds approved by the Committee; shall keep records and proper account of all financial transactions conducted in the Branch's name. The treasurer shall prepare for consideration by the committee an annual statement of income and expenditure which they shall have audited by the Branch auditors for submission to the Annual General Meeting.

They shall arrange for all Branch funds to be kept on deposit with a bank approved by the Committee and shall maintain a current account on which any two of three Officers nominated at the AGM may sign cheques or other orders. With the approval of the Committee, the Treasurer may open one or more other current accounts on which any other member of the Committee has joint signature authority.

The Membership Secretary

The Membership Secretary of a club is responsible for ensuring membership fees and administration of new and renewing membership is completed with HQ, and for keeping up to date records of membership details in compliance with GDPR Regulations.

Lead Instructor

The committee shall appoint a Lead Instructor, who need not be a committee member (but will be responsible to the Diving Officer), to award BSAC diver qualifications in accordance with the authorisation granted by the National Diving Officer.

The Communications Officer

Shall be responsible for publicity and media relations within the branch.

General & Social Committee Members

Shall represent the wider membership.

4. Annual General Meeting

- i. The Annual General Meeting of the club shall be held in February /March each year. Notice of the meeting and the agenda shall be sent by post or otherwise transmitted to all paid-up members of the club 4 weeks before the meeting.
- ii. The Notice shall request nominations for officers and the committee. Committee members standing again shall be deemed to have been nominated by the committee.
- iii. To be valid, nominations not deemed to have been made by the committee must be [a] delivered to the Secretary in writing at least fourteen (14) days before the meeting, [b] seconded and [c] endorsed by the Nominee to the effect that he is willing to accept the position if he is elected.
- iv. The Officers and other members of the committee shall be elected at the meeting by ballot. If a nominee stands unopposed, he shall be deemed to have been elected.
- v. The notice of the meeting shall also include the text of any motion proposed by the committee. Any member may propose amendments to such motion and may make any further motion for consideration at the meeting, but such amendments and further



motions must be proposed and seconded in writing and delivered to the Secretary not less than fourteen (14) days before the meeting.

- vi. The meeting may vote to appoint a President for the ensuing year. If a President is appointed, they shall be a non-voting member of the Committee.
- vii. At least 10% of the Club's membership entitled to vote at the meeting should be required for a quorum, but a quorum once formed shall not be lost despite the departure from the meeting of any member or members.
- viii. The right to vote at the meeting shall be restricted to members whose current subscriptions are fully paid.

5. Special General Meetings

- i. Any General Meeting of the Club other than the Annual General Meeting shall be known as a Special General Meeting.
- ii. The committee may call a Special General Meeting at any time upon giving not less than fourteen (14) days written notice to all paid-up members. The notice shall state the reasons for the meeting and shall include the text of any motion proposed for consideration. Amendments to such motion may be proposed at the meeting.
- iii. The committee shall call a Special General Meeting upon receipt of a request to do so signed by not less than 10% paid-up members, provided that the request states the reason and contains the text of at least one motion proposed for consideration. The provisions of the preceding paragraph shall apply with regard to conduct of the meeting.
- iv. The business of a Special General Meeting shall be that for which it was called and no other.
- v. The provisions of Bye-laws 4 (vii) and (viii) shall apply to Special General Meetings.

6. Voting

- i. Subject to the provisions of Bye-law 4 (iv) and 11 (ii) and of the next succeeding paragraph, voting on any given motion at a General Meeting shall be by show of hands or by ballot, as the Chair may decide and motions shall be carried by the votes of a simple majority of voting members present. The Chair's vote will be used as a casting vote in the event of a tie.

Subject to Bye-law 12, a motion to alter these Bye-laws shall only be carried by at least a two-thirds majority of votes cast by not less than 10% of the members of the Club entitled to vote at General Meetings. Such motion may be voted upon in General Meeting or by postal ballot of all voting members.

- ii. Except as provided in Bye-laws 11 and 12, the committee may put any motion to the voting membership at any time by postal ballot. Voting papers for such ballot shall be

sent to all paid-up members not less than fourteen (14) days before the date on which the votes are to be counted. A motion put to postal ballot shall only be carried by a majority of votes cast by not less than 10% of the members of the Club entitled to vote at General Meetings.

7. Committee

- i. The appointed committee member shall take their position upon election and shall hold office until their successors have been elected.
- ii. The committee shall have the power to fill any vacancy amongst the officers of the club or amongst the rest of the committee's membership which occurs during their term of office, and any person newly appointed to the committee to fill such vacancy shall become a full voting member thereof. The committee shall also have the power to co-opt up to four non-voting members.
- iii. A simple majority of voting committee members shall form a quorum for a meeting; provided, however, that no quorum shall be formed without the presence of either the Chairman, or the Secretary. A quorum once formed shall not be lost even though, as a result of the departure of a member during the meeting, the number of voting members falls below the number required to open the meeting.
- iv. The committee may adopt no resolution unless:
 - a. It has the votes of a simple majority of those members present and entitled to vote, and;
 - b. The number of such votes is at least equal to a simple majority of the number of members required to open the meeting at which the resolution is proposed.
- v. No member shall be entitled to vote on a matter in which his interest differs from that of the Club as a whole, and they shall withdraw from any meeting during the period of discussion of such interest.
- vi. Any Executive Officer shall have the power to require the Secretary to call a meeting of the Committee at any time.
- vii. The Committee shall determine any question as to the interpretation of these Byelaws and of any regulations made hereunder and may rule in connection with any situation not otherwise provided for herein. In the latter event, such ruling shall only remain in effect until the next General Meeting of the Branch. Its continued validity shall depend upon ratification of that meeting.

8. Club Activities

- i. At the discretion of the Diving Officer, club diving and open-water training activities shall be open to members of other clubs and to guests.
- ii. Subject to such regulations as may be established from time to time by the Committee, any Branch member and, with the prior approval of the official in charge of the session, any visitor from another Branch or any guest may use a pool hired for club use for



training, testing equipment, swimming with basic equipment and free swimming. No one shall use any equipment other than basic equipment without the prior approval of the official in charge of the session.

- iii. If a member damages or loses club equipment the Committee may charge that member the cost of repairing or replacing it.
- iv. All branch activities will comply with the BSAC Policy on the Protection of Children and vulnerable persons where this is necessary under said policy

9. Discipline.

- i. Temporary suspension from participation:
 - a. In order to ensure the safety and good name of the Branch and its members, the person in charge of a club activity may suspend, at their discretion and for the duration of the activity, any member who misconducts themselves. Any such suspension shall be reported as soon as possible to the chairman or the secretary and shall be discussed at the next meeting of the committee.
 - b. The committee shall first discuss the incident without the presence of the member in question and then shall invite them to join the discussion and explain their view of the matter.
- ii. Suspension and loss of membership:
 - a. The committee shall have the power by a two-thirds majority of all current voting members to suspend the membership of any member of the club. Suspension of the membership of any officer or other committee member shall be dealt with in accordance with the provisions of the next sub-clause. A decision to suspend shall be immediately communicated to the member concerned, and their membership shall be suspended. A suspended member shall be entitled to demand a hearing at the next regular meeting of the committee during which the reasons for their suspension shall be made fully known and they shall be given the opportunity to answer fully the charges against them. Upon conclusion of the hearing, the member shall leave the meeting and the committee shall vote again on the suspension. If the requisite two-thirds majority does not carry the motion, the suspension shall be lifted and the member shall be informed accordingly. If the motion is carried again by the said majority, the member shall be informed and they shall be deemed to have resigned their membership in the Club. The member affected shall have the right to appeal the decision of the Committee to the next General Meeting of the Club. In that regard, they shall for the purposes of Rules 4 (v) and 5 (iii) have the rights of a paid-up member.
 - b. Suspension of the membership of an officer or other committee member shall only be voted upon at a meeting where the agenda has [a] been posted or distributed to all committee members at least one week prior to the meeting and [b] explicitly refers to the motion of suspension. If the person charged attends the meeting, they shall be entitled to hear and respond to the charges levied against them. When the Chair of the meeting is satisfied that the matter has been adequately and fairly discussed, the person charged shall leave the meeting and a vote shall be taken. If the proposal to suspend is carried by the requisite two-thirds majority, the person charged shall be deemed to have resigned his membership in the Club, and they shall have the right of appeal provided for in

the preceding paragraph. If the person charged does not attend the meeting, the provisions of the preceding paragraph shall apply.

10. Subscriptions

- i. Anyone joining or re-joining the club shall pay the appropriate BSAC membership subscription and the club subscription.
- ii. The price of Branch membership subscriptions, shall be voted on at the AGM. Their payment dates, and terms and conditions may be determined from time to time by the Committee.
- iii. All members of Lunesdale SAC automatically shall be enrolled as social members of Morecambe Yacht Club on renewal for the duration of 12 months and voted at each subsequent AGM for a period of a rolling 12 months.

11. Dissolution

- i. The club may not be dissolved except pursuant to a vote taken at a General Meeting; provided, however, that dissolution may be put to a vote at an Annual General Meeting only if it appears on the agenda provided for in Bye-law 4(i).
- ii. A proposal to dissolve the club shall be subject to ballot and, in order to be carried, it must receive the votes of two-thirds of the voting members of the club who are present at the Meeting.
- iii. If dissolution of the club is voted in accordance with the preceding provisions of this Bye-law, the committee shall proceed without delay to realise the value of the property of the club and to discharge the club's outstanding liabilities. Any net assets remaining shall be distributed to such recipient or recipients and in such fashion as the Meeting shall have decided.

(If the club has assets acquired in part or in full with grants from agencies such as the Lottery Sports Fund or Foundation for Sport and the Arts, those agencies should be informed of the proposed dissolution, for they have a right to recover a proportion of the current value of the assets.

12. Amendment

- i. These Bye-laws may only be amended in General Meeting in accordance with the affirmative votes of a majority of two thirds of those voting members of the club who are present at the meeting.
- ii. Notwithstanding anything to the contrary contained in these Bye-laws, no amendment may be made to this Bye-law or to Bye-laws 3, 11 and 13, unless prior to the meeting at which such amendment is proposed, an Officer or the Chief Executive of the British Sub-Aqua Club shall have notified the Club in writing of the British Sub-Aqua Club's approval of the subject and text thereof.



13. British Sub-Aqua Club Rules

These Bye-laws are made in compliance with Article 85 of the Articles of Association of the British Sub-Aqua Club, shall be subject to the provisions and requirements of that Rule, and shall only be valid to the extent that they are not in conflict with the said provisions and requirements or with those of the Articles of Association of the British Sub-Aqua Club.

14. Appendix 1.

There is a new definition now in place to define “regulated activity” which focusses on work that involves unsupervised contact with children. An individual eligible for the enhanced DBS check and deemed to be in regulated activity will be required to meet the following requirements:
The activity must include:

Teaching, training, caring or supervising children

OR

Providing guidance/advice on wellbeing

OR

Driving a vehicle only for children

AND

Happens frequently (once a week or more often)

OR

Happens infrequently (on 4 or more days in a 30 day period or overnight)

AND

The individual carrying out the activity of teaching, training or instructing is unsupervised.

If the individual working with children is supervised (e.g. assistant instructor) they will NOT be classed as being in a regulated activity. They are eligible for and should complete a Self-Declaration form to be retained by the Club Welfare Officer within the club but BSAC will not be allowed to have an enhanced DBS check on them.

If the individual working with children is unsupervised they will be classed as being in regulated activity and they will be eligible for an enhanced DBS check which incorporates a barred list check on them.

Original DBS results will be sent to the member in question. The member will send a copy to the BSAC Welfare Officer, or other nominated person. The DBS enhanced Disclosure Certificate will be returned to the applicant cleared unless information pertinent to the role applied for is disclosed. In such circumstances BSAC will consider what if any action should be taken prior to consideration being given to clearing the check at which stage the applicant will be informed.