

York Sub-Aqua Club Byelaws

York Sub-Aqua club (Branch 0050) of the British Sub-Aqua Club approves these Byelaws as of 26th March 2024.

1. Scope

- I. These byelaws shall regulate the structure, administration and activities of a Branch of the British Sub-Aqua Club to be known as York Sub-Aqua Club. These byelaws are made in compliance with Article 84 of the Articles of Association of the British Sub-Aqua Club.

2. Membership

- I. All persons who assist with club activities must be a member of BSAC.
- II. BSAC is a members' organisation and all members, by accepting membership, agree to abide by the rules, regulations and policies of the organisation. Members agree to follow the Code of Conduct and failure to do so may result in disciplinary or other action being taken. A copy of BSAC's Code of Conduct is at Appendix A of these byelaws and can also be found at bsac.com/codeofconduct
- III. Anyone joining or rejoining the club must pay the appropriate BSAC membership fees and the club levy.
- IV. The right to vote at the club meeting shall be restricted to members who hold a current annual Branch and BSAC membership, having paid the appropriate fees.
- V. The right to use club facilities (e.g. air fills, pool sessions, etc.) shall be restricted to members who hold a current annual Branch and BSAC membership, having paid the appropriate fees.
- VI. The club committee shall be entitled to elect (by a 2:1 majority) Honorary Life Members with such qualifications and such privileges and subject to such limitations as the committee shall from time to time determine, provided that the number of such members shall not exceed five per cent of the total membership.
- VII. Those holding honorary life membership are not subject to the club levy.
- VIII. At the discretion of the committee, individuals who wish to utilise one aspect of club facilities (e.g. receiving only air fills) but do not wish to dive will be considered associate members and will be subject to a levy as decided by the committee and have no voting rights.

3. Management

The club adopts these byelaws in line with the Articles of Association of BSAC in which provide for:

- I. The management of the club which shall be vested in a committee (of which the majority shall be 18 years or over):
 - a. The committee shall consist of at least five members of which the officers shall be Chair, Secretary, Treasurer and Diving Officer.
 - b. The roles of Equipment Officer and up to 4 general committee members will also be available to be voted on by members as laid out in byelaw 4
 - c. The committee will have the option to assign the roles of Welfare Officer, Training Officer, and Website & Social Media Officer
- II. An Annual General Meeting of the Club and the Business thereof
- III. The dissolution of the Club
- IV. The suspension of club members from taking part in activities of the Branch subject to a right of appeal to the members of the Branch in general meeting.
- V. Other matters as necessary for the proper management of Branch affairs.

4. Annual General Meeting

- I. The Annual General Meeting of the club shall be held in March each year. Notice of the meeting and the agenda shall be handed out to all paid-up members of the club at least 28 days before the meeting.
- II. The Notice shall request nominations for officers and the committee.
 - a. Delivered to the secretary at least seven (7) days before the meeting.
 - b. Seconded and
 - c. Endorsed by the nominee to the effect that they are willing to accept the position if they are elected.
- III. The Officers and general members of the committee shall be elected at the meeting by ballot. If a nominee stands unopposed, they shall be deemed to have been elected.
- IV. The Notice 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 no less than seven (7) days before the meeting.
- V. At least 25% of the Branch'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.
- VI. The right to vote at the meeting shall be restricted to members who hold a current annual Branch and BSAC membership, having paid the appropriate fees.

5. Special General Meeting

- I. Any General Meeting of the Branch 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 no 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 no less than 10% of 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. Following expulsion of a member of the branch of a member under disciplinary action 9 (ii), the expelled member has the right to demand an SGM to appeal their expulsion from the branch. On receipt of the request the committee shall call a Special General Meeting to be held within 30 days of the request and giving no less than fourteen (14) days written notice to all paid-up members (who were paid up at the time of the request). The notice of the meeting shall state the reasons for the expulsion and any grounds on which the appeal is being made. Conduct of a disciplinary appeal SGM shall involve:
 - a. Statement of the reasons for the disciplinary action by the committee
 - b. An opportunity for the excluded member to state their case to be allowed to continue in the branch
 - c. A vote to be conducted as defined in the provisions of byelaw 6 (ii)
 - d. The business of a Special General Meeting shall be that for which it was called and no other.
 - e. The provisions of byelaws 4 (vi) and (vii) shall apply to Special General Meetings.

6. Voting

- I. Subject to the provisions of byelaws 4 (vii) and 10 (ii) and of the 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.
- II. Subject to the provisions of byelaw 5 (iv) a vote to agree to uphold an appeal by an expelled member must be conducted by a secret ballot and shall require to be carried by at least a two-thirds majority of votes cast by not less than 10% of the members of the Branch entitled to vote at General Meetings
- III. Subject to byelaw 11, a motion to alter these byelaws shall only be carried by at least a two-thirds majority of votes cast by not less than 10% of the members of the Branch entitled to vote at General Meetings. Such motion may be voted upon in General Meeting or by postal ballot of all voting members

- IV. Except as provided in byelaws 10 and 11, the committee may put any motion to the voting membership at any time by postal or e-mail ballot.
 - a. 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 Branch entitled to vote at General Meetings.

7. Committee

- I. The appointed committee member should take their position upon election and remain until their successors have been elected.
 - II. The committee shall have the power to fill a 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.
 - III. 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.
- IV. No member shall be entitled to vote on a matter in which their interest differs from that of the Branch as a whole, and they shall withdraw from any meeting during the period of discussion of such interest.
 - V. Any Officer shall have the power to require the Secretary to call a meeting of the committee at any time.
 - VI. The committee will have the authority to appoint a sub-committee to undertake a specific delegated role within the club.
 - VII. The committee shall:
 - a. Meet monthly, with at least 5 days notice from the secretary to committee members. The meeting shall be considered quorate if 5 committee members are present
 - b. Make monthly meeting minutes available to the club membership
 - c. In the event of a committee member not attending three or more consecutive monthly committee meetings without giving prior notice have the option to replace the member (see byelaw 7 ii)

8. Branch Activities

- I. At the discretion of the Diving Officer, club diving and open-water training shall be open to members of other clubs or guests
- II. If a member damages club equipment the committee may charge that member the cost of repairs or replacement of the equipment

9. Discipline

- I. Temporary suspension from participation:
 - a. The person in charge of a club / branch 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 Chair or 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 the 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 Branch. The member affected shall have the right to appeal the decision of the committee to the next General Meeting of the Branch. In that regard only, they shall have the rights of a paid-up member.
 - b. Suspension of the membership of an Officer or general 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 their membership in the Branch, 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. 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 byelaw 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 byelaw, the committee shall proceed without delay to realise the value of the property of the club / branch and to discharge the club / branch'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.
- IV. 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

11. Amendment

- I. These byelaws may only be amended in a General Meeting in accordance with the affirmative votes of a majority of 50% of those voting members of the club who are present at the meeting.
- II. Notwithstanding anything to the contrary contained in these byelaws, no amendment may be made to this byelaw or to byelaws 3, 10 and 12, 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 Branch in writing of the British Sub-Aqua Club's approval of the subject and text thereof.

12. Finance & Protection

- I. The Club shall maintain two bank accounts;
 - a. A current account to be known as “York Branch BSAC Current Account”.
 - b. A capital account to be known as “York Branch BSAC Capital Account” or Sinking fund which is intended to be used to cover the exceptional loss of club assets.
- II. All monies received by the Club shall be paid into the respective accounts.
- III. Withdrawals shall be made by the Treasurer of the Committee of Management and agreed by one other club officer in agreement with the Committee of Management.
- IV. The Committee of Management shall set aside each year in the Capital Account any money above £2000 (or above six months of expected expenditure whichever is larger) within the main account, to the capital/sinking account fund based on a majority vote at a quorate meeting
- V. Expenditure from the capital/sinking fund needs agreement from management committee with a majority vote at a quorate meeting
- VI. The committee shall ensure that appropriate insurance cover is made on all club equipment
- VII. Any member shall have the right to request to see proof of club accounts

13. British Sub-Aqua Club Rules

These byelaws are made in compliance with Article 84 of the Articles of Association of the British Sub-Aqua Club, shall be subject to the provisions and requirements of that Article, 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.

Important Note: Clubs must also comply with Article 86.(E) which requires that:

“All boats (other than hand propelled watercraft) used by a Branch or by any member of the Club on Branch or Club activities must be insured for Third Party risks with a minimum indemnity limit of an amount stipulated by Council from time to time.”

Appendix A: BSAC Code of Conduct

1. BSAC is a members' organisation and all members, by accepting membership, agree to abide by the rules, regulations and policies of the organisation. The authority for this BSAC Code of Conduct is derived from the Articles of Association of the British Sub-Aqua Club.

2. The BSAC Code of Conduct includes the following and members are bound by it. The list is not exhaustive. All members shall:

- a. Act in accordance with the law of the land
- b. Comply fully with duly authorised authorities outside BSAC
- c. Act in accordance with the BSAC Articles of Association, BSAC Safe Diving, rules training programmes, policies or guidance, and Branch byelaws.
- d. Comply with BSAC training programmes when delivering and receiving training
- e. Fulfil their obligations towards others by compliance with duty of care
- f. Comply with BSAC Safeguarding policy
- g. At no time bring BSAC into disrepute
- h. Act in a manner that is consistent with the responsibilities and expectations of BSAC, as the National Governing Body for the sports of sub-aqua diving and snorkelling
- i. Respect other scuba diving and snorkelling agencies and members thereof and avoid derogatory action or behaviour towards these
- j. Be respectful of others outside the diving and snorkelling communities and uphold the good name of BSAC
- k. Attempt to resolve disputes or complaints by dealing with these promptly, clarifying uncertainties and with use of good communication
- l. Resolve disciplinary matters at a local level, wherever possible. Exceptions include safeguarding issues and criminal matters which have wider implications for BSAC
- m. Fully cooperate with disciplinary and any other investigations
- n. Take care not to involve themselves or BSAC in unauthorised activities
- o. Declare any potential conflict of interest to the proper BSAC authorities

3. Failure to follow this BSAC Code of Conduct may result in disciplinary or other action being taken.