

DEL-MAR DIVING CLUB

BY-LAWS

NOTE:-

Under the rules of the BRITISH SUB-AQUA CLUB, RULE 3. BRANCHES.

A Branch shall adopt By-laws NOT IN CONFLICT with the MEMORANDUM AND ARTICLES OF THE ASSOCIATION OF THE BRITISH SUB-AQUA CLUB or with these RULES in such form as such BRANCH may approve which provide for :-

- (a) **The Management of the Branch which shall be vested in a Committee (of which the majority shall be 18 years of age or over).**
- (b) **In the case of an Ordinary or Snorkelling Branch consisting of at least 5 Members of which the Officers shall be Chairman, Secretary, Treasurer and Diving Officer.**
- (c) **An Annual General Meeting of the Branch and the Business thereafter.**
- (d) **The dissolution of the Branch.**
- (e) **The suspension of Branch Members from taking part in the activities of the Branch subject to an appeal to the Members of the Branch in General Meeting.**
- (f) **Other matters as necessary for the proper Management of Branch affairs.**

1. DEFINITIONS

- (i) CLUB "DEL-MAR 312 LEICESTER" hereafter shall be referred to as the "CLUB".
- (ii) The "BRITISH SUB-AQUA CLUB" hereafter shall be referred to as "BS-AC".

2. RULES

The CLUB is a BRANCH of BS-AC and as such is guided by the MEMORANDUM AND ARTICLES OF ASSOCIATION AND RULES OF THE BS-AC whilst retaining the right under rule 3. BRANCHES to adopt its own BY-LAWS for the better conduct of its Members and administration of its internal affairs.

3. MEMBERSHIP

DEFINITION:- A Member is deemed a person who has fully paid their annual subscription to BS-AC and is in CREDIT with their CLUB MEMBERSHIP FEE.

4. EQUAL OPPORTUNITIES

The CLUB operates an EQUAL OPPORTUNITIES policy of Membership restricted only by :-

- (i) A lower age limit of 14 years of age and subject to the following proviso.
- (ii) 14 to 18 year old Members on a CLUB dive must have at least one PARENT or authorised GUARDIAN in attendance before and after diving.
- (iii) That the parent or authorised guardian is a member of the CLUB .
- (iv) That the parent or authorised guardian agrees to be present on every open water dive to take responsibility for the youngster whilst diving.
- (v) That if a 14 to 18 year old member is allowed on a CLUB EXPEDITION the parent or authorised guardian must take full responsibility for their charges for the duration of the trip .

5. PROSPECTIVE MEMBERS

- (i) Prospective members and new members will before commencing any in water training of any nature under the CLUB (swimming, snorkelling and aqua-lung) sections sign the BS-AC/ CLUB disclaimer for liability, which will remain in force until such time that they obtain and present to the Diving Officer a BS-AC medical certificate of FITNESS TO DIVE and that a water confidence exercise is carried out .
- (ii) Prospective members before committing them selves to join the CLUB and the CLUB's willingness to accept them as new members shall be invited to discuss the matter with the Chairman the Diving Officer and the Treasurer of the CLUB to appreciate what is involved with regards to both costs and training.
- (iii) The CLUB is under no obligation to either prospective members or fully paid up members to provide any diving equipment either for training or diving purposes, However should the CLUB be able to lone any diving equipment to prospective members or fully paid up members the CLUB reserves the right to make a charge to cover the cost of maintenance and air fills.
- (iv) A maximum of two Try-Dives is available to prospective Members. Payment must be made and the appropriate form completed before the person is allowed into the water. The fee for such Try-Dives will be fixed at the discretion of the committee.

6. SUBSCRIPTIONS

- (i) Upon a new member joining the CLUB they will be liable to pay the full annual BS-AC membership charge at the time of joining and a full 6 months CLUB membership fee in advance. This is considered by the CLUB to be fair as the first 6 months training is the most intensive and preparation for and testing of novice divers, thereafter their CLUB subscriptions can be paid quarterly in advance on the due date.
- (ii) Current members must pay their full BS-AC membership fee from the first day of the month annually in advance of the due date. CLUB subscription fee's can be paid quarterly in advance of the due date.
- (iii) No BS-AC or CLUB subscriptions are refundable and although the Treasurer will make every effort to inform members when fee's are due, it is the responsibility of individual members to pay the required fee's to the Treasurer on or before their due date.
- (iv) Any member failing to pay CLUB subscriptions within four weeks of their due date will cease to be a member of the CLUB and will be excluded from all training, CLUB dives, expeditions, CLUB meetings and loose all voting rights.
- (v) A prior member of the CLUB, that is a member who has exceeded the four week period and or has not notified the CLUB in writing of their intent to cease their membership will upon applying to re-join the CLUB will be charged the normal joining fee plus all back arrears and three months Club subscriptions in advance. (BS-AC and CLUB membership subscriptions must always remain currently in credit).

7. NON-DIVING MEMBERS

The Committee at its discretion shall be able to introduce new categories of Membership and set appropriate levels of subscription without the need to call a General Meeting. Any changes to categories of Membership will be notified to Members at the earliest opportunity.

8. DIVING

- (i) All Diving is subject to BS-AC DIVING PRACTICES and the CLUB BY-LAWS.
- (ii) All CLUB diving is the responsibility of the Diving Officer and as such is subject to his/her approval. The Diving Officer shall appoint a Dive Marshall for each CLUB dive who will act as his/her representative who will conduct the CLUB dive/activity on the Diving Officers behalf. As the Diving Officers representative the Dive Marshall's decision shall be final. The CLUB has a moral if not legal duty for the safety of its members, and a members conduct will always be a reflection on the CLUB . In the event of an incident the Officers of the CLUB will be called upon to give an account, furthermore BS-AC Third Party insurance cover is only in operation for Club activities.
- (iii) Therefore :-
 - (a) To be classed as a CLUB dive participant's must apply and meet the approval of the Diving Officer, submitting a DIVE PLAN and after the dive a DIVE LOG.
 - (b) Student Divers ie; Those below Sport Diver Level, may only dive outside Club activities with permission of the Diving Officer. His/Her decision will be final. Anyone found to be acting outside this By-law will be reported to the Diving Officer and may face suspension or dismissal from the Club.

9. INCIDENTS

In the event of an incident occurring, however small and of any nature, Members will at the earliest opportunity inform the Diving Officer or the acting Dive Marshall in his/her absence.

10. TRAINING

- (i) All training is subject to BS-AC training programs and Safe Diving Practices and the CLUB By-laws.
- (ii) All training lectures and assessments are subject to the approval of the Training Officer in conjunction with the Diving Officer.
- (iii) Training and assessments both practical and theory will normally take place subject to approval during pool sessions or CLUB dives.
- (iv) Training both theory and practical is geared to reflect the needs of its membership and therefor members are asked to keep the Training Officer regularly informed as to their training requirements in order that members training programs can be monitored and devised to meet their needs. Theory lecture dates will be posted on the CLUB notice board in advance. Practical lessons and assessments can only take place on an individual basis according to the rate of progress of the member. Individual members should discuss their progress and future training/assessments regularly with their instructor and the Training Officer. The CLUB recognises that the more qualified a CLUB diver progresses or due to personal circumstances training may become less frequent. Therefor any member wishing to train or be assessed outside normal CLUB diving may apply to the Training Officer who will seek the approval of the Diving Officer for the required activity to be carried out at a suitable diving site. The Diving Officers decision will be final bearing the ultimate responsibility for the dive and stipulate the necessary requirements to permit the dive.

11. EXPEDITIONS

- (i) All expeditions must be notified to the Expeditions Officer at least six weeks in advance. All expeditions are subject to the approval of the Committee and all expeditions organised by individual members must be finalised by the Diving Officer. A submission of the expedition including the names of the :-
 - (a) The dive expedition leader (who will be an Advance Diver).
 - (b) Two qualified boat handlers (where applicable).
 - (c) A minimum of two additional divers (three where the Dive Expedition Leader is also acting as a Boat Handler).
 - (d) A full dive plan two weeks in advance of the expedition.
- (ii) Following the expedition The dive log sheets must be returned to the Diving Officer immediately.
- (iii) All expeditions stating minimum diver qualifications required must be posted on the notice board four weeks in advance and thereby open to all members.
- (iv) All Club Expeditions/Trips should state that Travel Insurance be recommended and taken out by individual Members taking part on the Expedition/Trip. Any Member who puts their name forward for an expedition/trip is responsible for the full cost. It
It is recommended that the Member takes out suitable Travel Insurance.

N. B. PRIVATE DIVES ie THOSE NOT NOTIFIED IN ACCORDANCE WITH THE CLUB BY-LAWS, WILL NOT BE RECOGNISED BY THE CLUB AS CLUB DIVES.

12. EQUIPMENT

- (i) The CLUB owns various pieces of equipment including Sub-Aqua gear for training purposes, Boats for expeditions and auxiliary equipment (a list of equipment can be obtained from the Equipment Officer) . The CLUBS equipment is solely for the use of CLUB members for its activities and as such its use is governed by the CLUBS elected representatives whose decision is final. Individual members or groups of members or new members using CLUB equipment are subject to a hire charge to cover maintenance of the equipment. The CLUBS elected Officers shall determined the charge and hold the right to adjust the levy when required.
- (ii) HIRE;- CLUB equipment hired to an individual member or group of members will be signed for on collection and countersigned by the Equipment Officer or a Committee Member in his/her absence. Any defects should be agreed and listed and a receipt for any repairs should be submitted to the CLUB Treasurer along with the list for reimbursement. Whilst the equipment is in the possession of the user(s) it is their responsibility to keep the equipment in good working condition and prevent its misuse. Upon the return of the equipment any damage or defect must be reported in writing to the Equipment Officer. Any damage or defect found and not previously reported after the equipment's return will be deemed unless proved otherwise to be the responsibility of the previous user(s). If the damage or defect is found to be due to negligence by the user(s) then the cost of repair will be levied against the user or group of users as a whole regardless of the circumstances. Individual members or groups of members who fail to pay dues owing to the committee may have the amount due deducted from their CLUB subscription in credit, which may firstly put them into the category of a lapsed member and ultimately a non-member until such time the position is rectified. Diving Equipment belonging to the Club will not be available for use by students in open water.

13. CLUB COMMITTEE

- (i) The CLUB is governed by 10 elected unpaid Committee Members representing the interests of its members by ensuring the smooth running of the CLUBS activities and its business. The

Committee's constitution shall be as prescribed in the "Articles of Association". (Article 20 (a)) and the Rules are promulgated by the Council of The BS-AC under the powers conferred by Article 47(a) (1).

(a) CONSTITUTION

- (i) CHAIRMAN
- (ii) DIVING OFFICER
- (iii) SECRETARY
- (iv) EXPEDITIONS OFFICER
- (v) TREASURER
- (vi) RECORDS OFFICER
- (vii) SOCIAL SECRETARY
- (viii) TRAINING OFFICER
- (ix) EQUIPMENT OFFICER

(The duties of the CLUB Officials are described in Rule 1 of The BS-AC rule book.)

Officers of the Committee are elected at an A. G. M. by holding elections Every 3 years (note-A. G. M. 's are still held every year) so that Committee Member elected positions are therefore held for 3 year periods. In the event of an elected member of the Committee needing to stand down within their 3 year term of office the Committee can co-opt a replacement, the Continuation in office of the person so co-opted can be approved by the Membership at the next A. G. M (therefore within one year). The person elected to the casual vacancy shall hold that position for the remainder of the original term of office and will be eligible for re-election at election time.

Elected Committee Members will resign at the end of their 3 year term and will be eligible for re-election. (Members of the Committee may not hold the same position for more than 3 electoral terms, 9 years) but may stand for election to other Committee positions.

(b) Qualifications of Elected Officers

(i) Diving Officer

The Diving Officer must be the holder of ADVANCED DIVER qualification and must also hold the minimum qualification of Club Instructor and should be a Club member of 3 years or more.

Chairman

Should be a Member of the Club for 3 years or more.

Treasurer

Should be a Club member of 3 years or more.

Training officer

Should be a Club member of 1 year or more and be willing to attend a BS-AC instructor training course.

(c) Annual General Meeting

- (i) The Annual General Meeting of the Branch shall be held in December each year. Notice of the Meeting shall be posted on the Club notice board 6 weeks prior to the date or sent by post or otherwise transmitted to all paid-up Members.
- (ii) The Notice shall identify those Members of the Committee who are standing again and shall request nominations for officers and the Committee at large. 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/she is willing to accept the position if he/she 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/she shall be deemed to have been so elected.
- (v) The notice of the meeting shall also include the text of any motion/s proposed by the Members/ Committee. Any Member may propose amendments to such motion/s, but such amendments must be proposed and seconded in writing and delivered to the Secretary not less than seven (7) days before the Meeting.
- (vi) At least ten per cent (10%) of the Branch's membership entitled to vote at the meeting shall 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.
- (vii) The right to vote at the meeting shall be restricted to subscription paying members whose current subscriptions are fully paid.
- (viii) Committee Members of the Club who are joint signatories of Club Bank Accounts must not be family members.

(d) NOMINATIONS FOR COMMITTEE

A Member standing for election requires another member to nominate them and a further member to second the nomination. Members will vote by the electoral process known as "CLOSED BALLOT", details of which can be obtained from the Secretary, but are normally circulated to Members prior to the election. Members not able to attend the A. G. M. but wish to vote in an election may in writing appoint another Member to act as their proxy. Upon their written proxy being produced at an A. G. M. when elections are taking place and are accepted by the electoral adjudicator the appointed Member will be issued with their voting slip. (No Member may hold or vote on more than one proxy vote.)

The candidate with the majority vote shall be declared as the successful candidate as duly elected and take up their position on the Committee.

14. GENERAL

All fully paid Members are entitled to request to read the signed Minutes of any Committee Meeting. In the interest and protection of the CLUB and its Members copies are NOT available for circulation and therefore must be read in the presence of a Committee Member and returned immediately to their possession.

These BY-LAWS may be amended by a procedure similar to that required to amend The BS-AC's Articles of Association and Rules.

15. GRIEVANCE PROCEDURE

Any Member having a grievance with the CLUB or any Member of the CLUB should first approach an Officer of the CLUB where hopefully the grievance may be resolved. If the Member is still not satisfied they may ask for their case to be taken to the Committee for consideration, ultimately if the grievance is not resolved at CLUB level the Member is entitled to appeal to The BS-AC referee.

16. DISSOLUTION

- (i) The Branch 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 By-law 13(b).

- (ii) A proposal to dissolve the Branch shall be subject to ballot and, in order to be carried, it must receive the affirmative votes of two-thirds of the voting members of the Branch who are present at the Meeting.
- (iii) If dissolution of the Branch is voted in accordance with the preceding provisions of the By-laws, the Committee shall proceed without delay to realise the property of the Branch and to discharge the Branch's outstanding liabilities. Any net assets thereafter remaining shall be distributed to such recipient or recipients and in such fashion as the Meeting shall have decided.
- (iv) If the Branch has assets acquired in part or in full with grants from agencies such as the Lottery Sports Fund or the 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, and or to advice on there disposal perhaps to another worthy user.

NOTE :- ALL MEMBERS OF THE CLUB HAVE A RESPONSIBILITY TO THE CLUB AND ITS AFFAIRS AND NOT BEING A MEMBER OF THE COMMITTEE DOES NOT MEAN MEMBERS CAN ABDICATE THEIR MEMBER RESPONSIBILITIES OF INVOLVEMENT AND CONDUCT.

Amended 12/12/2000