



STATUTE

30 November 2021

INTERPRETATION OF TERMS

Association and **ASA** shall mean the Aquatic Sports Association of Malta.

Club shall mean a club affiliated to the ASA whose statute is in conformity with that of the ASA, and that is duly registered with SportMalta at all times. *(approved AGM 2016)*

Club Officials shall mean the President, Secretary and Treasurer of a Club.

ASA Official shall mean any person nominated by the ASA to carry out specific and definite duties.

Body shall mean an affiliated Association or Organisation.

Active Member shall mean any person taking an active part in the Sport, Event or Competition, whether as Coach, Athlete or Committee Member of any Club.

Council Member shall be that individual appointed as a Council Member in terms of Rule 21 'b', and shall also include the respective Substitute Council Member.

Sport shall mean any aquatic discipline.

Event shall mean a particular Swimming Meeting, including time trials, Water Polo match, Artistic Swim Display or an Open Water Swim.

Competition in case of:

- (i) Swimming shall mean an Age Group Swimming meeting, a local or overseas International Swimming meeting and the National Swimming Championships,
- (ii) Water Polo, shall mean National Water Polo Competitions, Super Cups, Winter Competitions, Women's League and Knock Out Competitions, Age-Group Competitions and any other competitions organised by the ASA (WPCR 11) *(amended AGM 2017)*.
- (iii) Open Water Swimming, shall mean the Open Water Swim Series, the Gozo Malta Swim and the Malta Gozo Malta Swim. *(approved AGM 2016)*
- (iv) Artistic Swimming shall mean any local, overseas or international meeting or championship.

All personal pronouns used in this statute, whether used in the masculine, feminine or neuter gender, shall include all other genders, and the singular shall include the plural and vice versa.

SECTION 1

CONSTITUTIONAL LAWS

RULE 1 NAME, FOUNDATION DATE AND ADDRESS

The Association shall be called the Aquatic Sports Association of Malta. This Association was founded in November 1925 and its current address is Tal-Qroqq Sports Complex, Maria Teresa Spinelli Street, Gzira GZR 1711.

RULE 2 OBJECTIVES

The objectives of the Association shall be:-

- a. to promote and encourage the development of Swimming, Diving, Water Polo, Artistic Swimming, Open Water Swimming and, in general, any other aquatic sports in Malta and to adopt the necessary regulations and rules;
(amended AGM 2021)
- b. to stimulate public opinion in favour of providing proper accommodation and facilities to encourage Swimming, Diving, Water Polo, Artistic Swimming, Open Water Swimming, Life Saving and, in general any other aquatic sports.
(amended AGM 2021)

RULE 3 COMPOSITION

The Association shall comprise all clubs and bodies affiliated to it, whose objectives are similar to those of this Association and as described in Rule 2.

RULE 4 PARENT BODIES

The Association shall be affiliated to the:-

- a. Fédération Internationale de Natation (FINA);
- b. Ligue Européenne de Natation (LEN);
- c. Confédération Méditerranée de Natation (COMEN).
- d. SportMalta *(amended AGM 2017)*
- e. The Maltese Olympic Committee (MOC)
- f. Commissioner of Voluntary Organisations
(amended AGM 2021)

RULE 5 ORGANS OF THE ASSOCIATION

The Organs of the Association shall be:-

- a. The General Meeting
- b. The Council
- c. The Executive Committee
- d. The Water Polo, Swimming and Artistic Swimming Technical Committees
- e. Disciplinary & Adjudicating Boards

RULE 6 GENERAL MEETINGS *(Last amended AGM 2005)*

- a. General Meeting.
The General Meeting shall comprise the Annual General Meeting and any Extraordinary General Meeting.
- b. Chairmanship.
The President of the Association shall preside at all General Meetings and in the President's absence the Vice President Administration shall take his place. In the absence of the President and the Vice President Administration any one of the other Vice-Presidents shall chair the meeting, and in their absence the meeting shall decide upon another Member of the Council to take the Chair.
- c. Chairman's Authority.
For the purpose of the Meeting the Chairman shall have unlimited authority on any question of order and shall be the sole interpreter of the Laws governing the proceedings.
- d. Quorum.
The quorum for all General Meetings shall be 50% of the Council Members entitled to vote, and 50% of the Club Delegates entitled to vote. If there is no quorum the meeting shall take place half an hour later irrespective of the number of Members present.
- e. Representation.
Affiliated Clubs & Bodies have the right to send a delegate to the General meeting.
- f. Representation of Suspended Clubs.
Clubs under suspension shall have the right to retain affiliation and to be represented at all General Meetings in the capacity of observers. In such cases the Club/s concerned shall forward the name of its representatives to

the General Secretary of the Association at least fifteen days prior to the General Meeting.

g. Voting on Motions.

Voting on all motions should ordinarily be by a show of hands, but any Member may ask for a secret ballot. Electronic votes are also acceptable. To be approved:

- i. motions on procedure require a simple majority of the votes of the members present and entitled to vote;
- ii. motions for the amendment of Section 1 of the Statute require at least two-thirds of the votes of the members present and entitled to vote;
- iii. motions for the amendment of Sections 2 and 3 of the Statute require a simple majority of the votes of the members present and entitled to vote.

(amended AGM 2021)

h. Right to Vote in General Meetings.

- i. The Chairman shall have the right to a casting vote. When meetings are chaired by a Member who is entitled to an ordinary vote, he shall have the right to an ordinary and a casting vote.
- ii. Council Members, and Club delegates shall have the right to one vote each, provided that Club delegates whose Club has any outstanding payments to settle with the ASA shall be precluded from voting during such a General Meeting.
- iii. During Elections of ASA Officials and on amendments to Section 1 of this statute, only Club Delegates and Council Members nominated by Clubs that participated in at least one discipline during both the previous season and the current season shall have the right to vote and they shall have the right to one vote each. Swimming clubs with a minimum of twenty (20) participating athletes shall be deemed compliant and will thus be entitled to vote.
- iv. On amendments to Section 2 and Section 3 of this statute :-
 - a. On matters concerning Water Polo, only those Club Delegates and/or Council Members nominated by clubs whose senior team participated or is participating during the current season may cast their vote. Where no competitions are being held at the time of voting, such right shall vest only in those Club Delegates and/or Council Members nominated by clubs whose senior team participated during the season immediately preceding the General Meeting in which such vote is to be cast;
 - b. On matters concerning age-group Water Polo, only those Club Delegates and/or Council Members nominated by clubs who are participating or have participated in one or more age-group competitions during the current season may cast their vote. Where no competitions are being held at the time such a vote is to be taken, such right shall vest only in those Club Delegates and/or Council Members nominated by clubs who participated in at least

- one age-group competition during the season immediately preceding the AGM in which such vote is to be cast;
- c. On matters concerning swimming, only those Club Delegates and/or Council Members nominated by clubs whose swimmers are participating or have participated in competitions during the current season may cast their vote. Where no competitions are being held at the time such a vote is to be taken, such right shall vest only in those Club Delegates and/or Council Members nominated by clubs whose swimmers participated during the season immediately preceding the AGM in which such vote is to be cast;
 - d. On matters concerning artistic swimming, only those Club Delegates and/or Council Members nominated by clubs whose swimmers are participating or have participated in competitions during the current season may cast their vote. Where no competitions are being held at the time such a vote is to be taken, such right shall vest only in those Club Delegates and/or Council Members nominated by clubs whose artistic swimmers participated during the season immediately preceding the AGM in which such vote is to be cast (*included AGM 2020*);
 - v. Council Members nominated by Affiliated Bodies shall not have the right to vote.
 - vi. Without prejudice to the above, if an EGM is called at a point during the season where no competition or event is being held, and/or no registration periods for participation therein have not yet closed, the Club Delegates and/or Council Members entitled to vote shall be those representing/nominated by those clubs that participated in any one event in the previous season.
 - vii. For the purposes of this rule, “season” shall mean a competitive season, as opposed to the calendar season that starts and ends with the AGM. The competitive season for Water Polo shall start with the first competitive Water Polo match after the end of September of any given year, and shall draw to an end with the last competitive match held in September of the following year. The competitive season for swimming shall end with the National Swimming Championships and shall start with the first swimming meeting.
- i. Minutes.
The General Secretary shall circulate the minutes of the General Meeting by not later than five weeks from the end of the meeting. Clubs and Council Members are to submit any requests for correction of the minutes in writing within three weeks of the minutes having been circulated. If no requests for correction are submitted within this period, the minutes shall be automatically approved.

RULE 7 ANNUAL GENERAL MEETING

The Annual General Meeting (AGM) shall be held during the month of November.

- a. Agenda of the Annual General Meeting.
The agenda for the AGM shall be circulated to all Clubs and Council Members at least fifteen days before the meeting and shall consist of the following items:-
- i. Confirmation of Approval of minutes of last General Meeting and of any Extraordinary General Meeting.
 - ii. President's Report for the year.
 - iii. Presentation and Approval of yearly audited accounts (a copy of which shall have been sent to all Clubs at least eight days before the AGM).
 - iv. Appointment of two Auditors for the following year.
 - v. Election of President, Vice Presidents, General Secretary and Treasurer, as the case may be.
 - vi. Appointment of Honorary President/s.
 - vii. Amendments to Rules.
- b. Amendments to Rules. *(Last amended AGM 2012)*
- i) Amendments to rules may only be proposed by Clubs, Council Members or the Executive Committee. Proposals made by Council Members must be seconded by another Council Member. Amendments to the Rules must be sent in writing to the General Secretary of the Association by not later than 21 days before the Annual General Meeting. A copy of these proposed amendments shall be circulated to all Clubs at least 15 days before the Annual General Meeting. Counter-proposals, corrections, and clarifications to proposed amendments may be brought forward during the AGM, provided they are strictly related to the proposed amendment, except on matters related to the rule regulating the use of non-Maltese nationals in competitions;
 - ii) Amendments to the ASA Statute shall be discussed during a General Meeting and the above time-frames apply *(added AGM 2020)*;
 - iii) Amendments to all other Rules and Regulations shall be discussed during the first Council Meeting following the Annual General Meetings however the time-frames stipulated in sub-para i) shall apply *(added AGM 2020)*;
 - iv) Additional amendments to all other Rules and Regulations may be submitted as stipulated in each document *(added AGM 2020)*.
- c. Nominations.
Nominations for the posts of Honorary President, the President, the Vice Presidents, the General Secretary and the Treasurer are to reach the ASA at

least 15 days prior to the Annual General Meeting. The names of the candidates are to be circulated to the Clubs at least 8 days before the Annual General Meeting.

- d. Election of President, Vice Presidents, General Secretary and Treasurer.
- i. If contested, the candidate polling the highest number of votes for each post shall be elected. In the case of a tie another vote shall be taken. In the case of another tie, fresh nominations shall be invited and another election shall take place at another General Meeting to be held for this purpose within four weeks.
 - ii. If uncontested, the candidate must poll at least half the number of votes cast plus one. If the candidate does not receive the required number of votes for election after two counts, fresh nominations will be invited and another election will take place at another General Meeting to be held for this purpose within four weeks. In such an event the said period for nominations of 15 days shall be reduced to 7 days. The non-elected candidate will be eligible for re-nomination.
 - iii. In the case that no nominations are submitted for the posts of one of President, General Secretary or Treasurer, even after a second call for nominations, then the duties of the post shall be carried out by any of the other Officers until such time that a nomination for the post is received and the nominee appointed to the post. *(amended - AGM 2019)*
 - iv. In the case that no nominations are submitted for the posts of one of the Vice Presidents, even after a second call for nominations, then the duties of the post shall be carried out by the General Secretary until such time that a nomination for the post is received and the nominee appointed to the post. *(added - AGM 2017)*
- e. Appointments of Honorary Presidents.
Honorary Presidents shall be appointed by a simple majority vote for a term of one year. Nevertheless the AGM may decide to appoint an Honorary President for life

RULE 8 EXTRAORDINARY GENERAL MEETINGS

An Extraordinary General Meeting shall be convened either by the President or the Council whenever it is deemed fit, or at the request of at least one-third of the Clubs eligible to vote in terms of Rule 6 'h'. In the latter case the reasons for convening such meeting are to be stated for the information of the Council. The meeting shall be held not later than 15 days after the receipt of the notice from the Clubs.

RULE 9 APPLICABILITY OF RULES FOR GENERAL MEETINGS

All the Rules contained under the heading of General Meetings shall be applicable to the Annual General Meeting and to any Extraordinary General Meetings.

RULE 10 COMPOSITION OF THE COUNCIL

The Council shall be composed of:-

- a. the Honorary President/s;
- b. the President;
- c. the three Vice Presidents;
- d. the General Secretary
- e. the Treasurer;
- f. representatives nominated by Clubs (Voting). These representatives shall be empowered by their respective Club to take decisions on behalf of their club without the need to refer to the Club's committee; *(amended AGM 2017)*
- g. the President or Secretary of affiliated Bodies (Non-Voting) *(added AGM 2017)*
- h. the immediate past President and the immediate past General Secretary, provided that they would have completed at least one full term of office as President and General Secretary respectively;
- i. the Honorary Members;
- j. any other Co-opted Members

RULE 11 COST INCURRED BY THE ASA

In the event that the ASA incurs, or is otherwise charged with any fines, costs, fees or other charges of whatever nature, for which a club, athlete or individual shall be responsible, the ASA shall be entitled to recover from the club or individual responsible all such fines, costs, fees or other charges it may have incurred or which it may be requested to pay. *(amended 2021)*

RULE 12 RESTRICTION OF COUNCIL MEMBERS

DELETED (*AGM 2017*)

RULE 13 FUNCTIONS AND POWERS OF THE COUNCIL

The Council shall be entrusted with establishing the policy of the Association, and generally to act solely and in the best interest of aquatic sports, overseeing the management of the Association's affairs Moreover, the Council shall be vested with the following powers:-

- a. to make by-laws for the purpose of regulating the internal management of the Association;
- b. to approve competitions or events programmes as proposed by the Executive Committee;
- c. to appoint any Committee or Commission and to delegate to them all or any of its powers for declared and specific purposes and for an definite period of time. Any such powers which are so delegated by the Council are to be notified to Clubs by the General Secretary within 15 days from the decision to delegate such powers. The notification is to contain the full terms of reference of such delegated powers and the appointees are to work strictly within these terms of reference;
- d. to approve the appointment of a number of independent members to act as Disciplinary Commissioners and Members of Appeals & Protest Boards
- e. to nominate and appoint Honorary Members, co-opt any member/s and assign to him/them any specific duty;
- f. to suspend for any period or sine die, or disqualify any person or persons proved guilty of an infringement of these Laws, or of any unfair practice connected with aquatic sport or any other sport in general, and to remit or shorten any such sentences upon due cause being shown;
- g. to expel from the Association any Club, Body or individual if, at any meeting of the Council, a resolution be passed to the effect that such Club, Body or individual has rendered himself unworthy to belong to the Association. Notice of such resolution must be inserted on the agenda for the meeting;
- h. to interpret these Rules such that the Council's decision shall be final;
- i. to consider and decide all appeals against the decisions of Clubs or Bodies;

- j. to recognise suspensions and/or sanctions imposed on its members by other local National Sports Associations/Federations or by the bodies to which the ASA is affiliated regarding cases concerning unfair practices in sport such as cases of corruption and doping.

RULE 14 COUNCIL MEETINGS

- a. Frequency of Meetings.
The Council shall meet as often as necessary for the transaction of business.
- b. Quorum.
The presence of one third of the nominated Council Members entitled to vote shall form a quorum for Council Meetings. If no quorum is present, the Council Meeting will commence fifteen minutes after the stipulated time with the members present (*amended AGM 2018*).
- c. Chairmanship.
The President of the Association shall chair all the Council meetings. In the President's absence the Vice President Administration shall chair the Council. In the absence of the President and the Vice President Administration any one of the other Vice-Presidents shall chair the Council, and in their absence the meeting shall decide upon another Member of the Council to take the Chair.
- d. Motions.
Motions not included in the Agenda shall not be discussed or voted upon, but may be brought to the attention of the Council to be discussed and voted upon during the next Council Meeting.
- e. Voting.
 - i. Voting on all motions should ordinarily be by a show of hands, but any Member may ask for a secret ballot. Electronic votes are also acceptable (*amended AGM 2021*)
 - ii. All motions shall be decided upon by a simple majority of votes.
 - iii. The Chairman shall have the right to a casting vote.
 - iv. When meetings are chaired by a Member who is entitled to an ordinary vote then he shall have the right to an ordinary and to a casting vote.
 - v. Council Members may vote in Council Meetings only on matters concerning the discipline or disciplines and in the age-groups in which the Clubs that nominated them are currently participating. At times where no competition is being held, or where the registration period is still open, only those Council Members nominated by clubs that participated during the previous season may cast their vote.
 - vi. Co-opted person/s shall be considered as Council Members without the power to vote.

- vii. Honorary Presidents, Honorary Members, the Immediate Past President, the Immediate Past General Secretary, Council Members nominated by Affiliated Bodies and Maltese Members on International Committees shall be precluded from voting.

- f. Absences from Council Meetings.
Members of the Council who absent themselves from three consecutive Council Meetings without notice beforehand giving reasons which will satisfy the Council shall be considered to have vacated their seats on the Council. The Council shall take immediate steps to request the Club or Clubs concerned to take steps to fill the vacancies. Clubs are to be notified each time the Council Member (or his substitute) nominated by the Club does not attend a Council Meeting.

- g. Minutes.
The General Secretary shall forward a copy of the minutes of each Council Meeting to Council Members and Secretaries of Clubs and Affiliated Bodies not later than fifteen (15) days after the said meeting. (*amended AGM 2017*)

RULE 15 THE EXECUTIVE COMMITTEE

- a. Composition of the Executive Committee.
The Executive Committee shall be composed of the:-
 - i. President,
 - ii. Vice President Administration & Development
 - iii. Vice President Water Polo
 - iv. Vice President Swimming
 - v. General Secretary
 - vi. Treasurer

- b. Powers of the Executive Committee.
The Executive Committee shall be entrusted with the daily administration and general management of the Association's affairs, and shall furthermore be entrusted with the organisation of all competitions and events, including but not limited to the management of the national teams. The Executive Committee shall be empowered to delegate any or all of its functions, appoint a Financial Controller (*amended AGM 2018*), as well as to engage staff or third parties in any manner whatsoever in order to assist it in carrying out its functions and, in addition to the aforesaid, the Executive Committee shall:-
 - i. use every means in its power to attend to and foster the objectives of the Association as defined under Rule 2 of this Statute;
 - ii. be responsible for the publication of the ASA Laws and to see that all amendments are properly incorporated therein;
 - iii. appoint a coach or coaches for all National teams;

- iv. appoint all officials for all organised events conducted under ASA Rules. No protest against such appointments shall be entertained.
 - v. reduce as much as possible the costs for participating Clubs in local competitions and of the National Squads' participation in international competitions by seeking sponsorships;
 - vi. appoint independent members to act as Disciplinary Commissioners, members of Appeals and Protest Boards from the list confirmed by the Council. In case of emergency the Executive may appoint members other than those nominated by the Council.
 - vii. to impose fines as regulated by the ASA Disciplinary Code, and to enforce decisions by any of the Disciplinary or Adjudicating Boards;
 - viii. collect money and raise funds to finance the Association's affairs, projects, competitions and events; *(added - AGM 2017)*
 - ix. when required, seek to obtain financing facilities (loans) from a recognised financial institution, provided that
 - a) Every facility must be supported by an ad-hoc resolution that shall be put on the agenda of a Council Meeting before the facility is obtained, and that must be approved by a two-thirds majority vote in the said Council Meeting. The resolution must contain full details of the facility being sought, including a detailed budget of the project, a business case, the financial institution involved, the cost of the facility, etc. The ad-hoc resolution may be approved by means of an electronic vote *(amended AGM 2018)*
 - b) These facilities shall be of a bridging nature, that is, to cover the interval between the planned expenditure and eventual reimbursement by a sponsor or backer. The planned expenditure must not be in connection with the day to day running of the ASA but must relate to a specific project.
 - c) Any approved credit facility shall be repaid in full by not more than 3 months from the date when the ASA receives the funds.
 - d) No ASA assets shall be used as security for the facility. *(added - AGM 2017)*
- c. Duties of the Executive Committee.
In carrying out its duties the Executive Committee shall be in duty bound to implement all policies and decisions taken by the Council, and shall further report on its workings during every Council Meeting.

RULE 16 DUTIES OF THE PRESIDENT

- a. The President shall preside at all meetings and must ensure that decisions taken at such meetings are carried into effect.
- b. The President shall have the duty to summon all those meetings which he is required to summon in accordance with the rules of the Association. During

all Meetings, the President shall have unlimited authority on any question of order and shall be the sole interpreter of the Laws governing the proceedings.

- c. The President shall also perform those other tasks which he is required to perform in accordance with the rules of this Statute and in accordance with the other rules and regulations of the Association, and shall exercise authority in those areas which are not expressly assigned by this Statute to the different Organs, the other Officers or other Officials of the Association.
- d. In cases of urgency, where it is neither practical nor convenient to call a meeting either of the Council or the Executive Committee, the President may, after having consulted with at least three members of the Executive Committee or at least three Council Members, assume the functions of the Executive Committee or the Council. However, the President shall, at the earliest opportunity, inform the Executive Committee or the Council, as the case may be, of any such decisions taken by him.

RULE 17 DUTIES OF THE VICE PRESIDENTS

- a. The Vice President Administration & Development:-
 - i. shall assist the President in his work, and in his absence during Council and General meetings, shall have the same powers and duties as the President;
 - ii. moreover, the Vice President Administration & Development shall be responsible for matters related to the promotion and education of aquatic sports in general, as well as matters concerning discipline, appeals and protests.
- b. The Vice President Water Polo shall assist the President in his work, and in his absence he shall chair any commission / committee related to Water Polo.
- c. The Vice President Swimming shall assist the President in his work, and in his absence he shall chair any commission / committee related to Swimming.

RULE 18 DUTIES OF THE GENERAL SECRETARY

The General Secretary shall be responsible to conduct the general business of the Association. He may assign any of his duties or other specific duties to the Administrative Secretary. He may appoint Assistant Secretaries with the prior approval of the Council.

RULE 19 DUTIES OF THE TREASURER

The Treasurer shall:-

- a. keep a cash book and ledger showing every financial transaction of the Association;
- b. the prepare a periodical income and expenditure report on all financial affairs of the Association;
- c. prepare the yearly accounts for auditing;
- d. inform the Council of the financial position when necessary;
- e. keep an up-to-date inventory which shall be included in the Balance Sheet and shown as assets of the Association in a separate column;
- f. prepare a budget for the Council's approval.

RULE 20 ELECTIONS

The election of each of the members of the Executive Committee shall be held during the Annual General Meeting or at an Extraordinary General Meeting called for such a purpose. Upon election he shall cease to remain an active member of any club.

RULE 21 NOMINATIONS

- a. Nomination of Honorary Presidents, President, Vice Presidents, General Secretary and Treasurer.
Nominations for the posts of Honorary Presidents, President, Vice Presidents, General Secretary, and Honorary Treasurer may come from any Club and/or from Council Members. Nominations made by Council Members are to be seconded by another Council Member. Nominations are to reach the ASA at least 15 days prior to the General Meeting. The names of the candidates are to be circulated to the Clubs at least 8 days before the Annual/Extraordinary General Meeting.
- b. Nomination of Council Members.
 - i. All Clubs and Affiliated Bodies are entitled to nominate a representative and a substitute representative to sit on the Council as Council Members and Substitute Council Members respectively. *(amended AGM 2017)*
 - ii. Clubs and Affiliated Bodies eligible for representation on the Council shall, for the approval of the Council, submit the names of their representative and substitute representative to serve as Council Members and Substitute Council Members respectively. These nominations may be made at any time. *(amended AGM 2017)*
- c. Nomination of Honorary Members and Co-opted Members.
Honorary and co-opted Members are to be nominated and appointed by the Council.

RULE 22 TERM OF OFFICE

- a. The term of office for each member of the Executive Committee shall be of three years. The elections for the posts of General Secretary and Vice-President Swimming shall be held first. The elections for the posts of Treasurer and Vice-President Water Polo shall be held during the following AGM, whereas the elections for the posts of President and Vice-President Administration and Development shall be held during the ensuing AGM.
- b. If any of the posts of Executive Committee is vacated prior to the lapse of the three year term, an EGM shall be called to fill in the vacated post, and the newly elected Executive Committee member shall continue the term of his predecessor.
- c. The term of office of the Immediate Past President and the Immediate Past General Secretary shall be for a period equal to the term of office of the President and General Secretary respectively.
- d. Representatives and Substitute Representatives of Clubs and Affiliated Bodies shall retain their seats on the Council from time of nomination until such time that they resign or are replaced by the Club or Affiliated Body that nominated them. (*amended AGM 2017*)

Ruling: The status of Council Members (and Substitutes) nominated by Clubs for 2018 shall change immediately to Representatives as specified in these changes. They will be subject to all changes introduced in these changes, including their term of office (*added AGM 2017*).

- e. The term of office of Honorary Presidents shall be for a period as determined by the Annual General Meeting on election. However, an Honorary President can be removed by simple majority by the Annual General Meeting.
- f. The term of office of Co-opted Members shall expire at the end of the ASA Annual General Meeting.

RULE 23 TECHNICAL COMMITTEES

The management and organization of events and competitions shall be undertaken by Technical Committees set up for this purpose.

- a. Function of Technical Committees.
Technical Committees (TC), shall see to the implementation of the programs and events established by the Association in accordance with this Statute, and in accordance with the terms of reference set out from time to time by the Council. These terms of reference are to be circulated to all clubs. Any required interpretation of any part of the terms of reference shall be made

by the Council. Council Members shall have the right to ask the Executive Committee to investigate any alleged breach of the terms of reference (amended – AGM 2015).

b. Composition of a Technical Committee. (Last amended AGM 2012)

Technical Committees shall be composed of:-

- i. The Vice President of the respective discipline, who shall have the right to a vote and casting vote;
- ii. The other members of the ASA Executive Committee;
- iii. The TC Secretary who shall be nominated by the respective VP and approved by the Council. (Preference to be given to the ASA General Secretary or Administrative Secretary);
- iv. The TC Treasurer who shall be nominated by the respective VP and approved by the Council. (Preference to be given to the ASA Treasurer or Administrative Secretary);
- v. Members nominated yearly by Clubs who would have participated in the previous year's competitions and duly approved by the Council. These members shall be entitled to vote. The right to vote shall be as specified in Rule 14(e);
- vi. For Water Polo only a member nominated yearly by the Water polo Referees Association (WPRA), duly approved by the Council;
- vii. Any other co-opted members. Co-opted members shall be nominated by the TC and approved by the Council;
- viii. The term of office of (iii), (iv), (v), (vi), (vii) & (viii) above shall be until the end of the season in which they would have been nominated;
- ix. At any time, clubs and the WPRA (in WP only) may nominate persons to replace their nominees on the TC. The new nominee will take his/her place on the TC after the Council approves the nomination. The replaced member will vacate his/her seat on the TC immediately upon his/her replacement being approved by the Council.

c. Meetings and Decisions.

Technical Committees shall meet at least once a month. Decisions taken during meetings shall be recorded and kept by the TC Secretary. These shall be circulated to the TC and to the Executive Committee once approved.

d. Finances.

The TC Treasurer shall prepare periodic detailed statements of Income and Expenditure as well as Statements of Assets and Liabilities. These shall be presented to the Executive Committee at least twice a year or when requested by the Executive Committee. These financial statements shall form an integral part of the Financial Statements that are presented to the ASA General Meeting by the ASA Hon Treasurer.

- a. There shall be a Disciplinary Commissioner who shall be appointed by the Executive Committee to hear and decide upon all disciplinary matters relating to any aquatic discipline. In so doing the Disciplinary Commissioner shall abide by the Code of Discipline of the ASA, and the Rules of Procedure of the ASA.
- b. There shall be a Protests Board that shall hear and decide upon protests brought by clubs or individuals. The Protests Board shall be regulated by the Board of Protests Rules of the ASA.
- c. There shall also be an Appeals Board that shall be competent to hear and decide upon any appeal from a decision delivered by the Disciplinary Commissioner, as well as other disciplinary decisions taken by clubs concerning their athletes. The Appeals Board shall be regulated by the Board of Appeal Rules of the ASA.

RULE 25 OFFICERS AND REPRESENTATIVES OF THE ASSOCIATION

- a. The Officers of the Association are the President, the Vice Presidents, the Treasurer and the General Secretary.
- b. Any two of the Officers may sign cheques on behalf of the Association provided one of the signatories is the President, the General Secretary or the Treasurer. *(amended – AGM 2019)*
- c. The President and any one of the General Secretary or the Treasurer shall have the legal and judicial representation of the Association.

RULE 26 AFFILIATION

- a. Application for Affiliation.
Applications for affiliation to the ASA shall first be vetted and processed by the Executive Committee and then submitted to the Council for its approval or otherwise. Affiliation will be categorised as follows:-

i) Club Affiliation

Full Affiliation shall cover all clubs participating in 1 or more aquatic disciplines, being entitled to privileges/benefits and voting rights as stipulated in the ASA Rules & Regulations and whose members are registered with the ASA. Affiliation fee of €100 *(amended AGM 2018)*

Restricted Affiliation shall cover new applications received from schools, private enterprises or other bodies and/or entities which shall have no voting rights and shall not benefit from subsidized rates for lane bookings during

peak hours (05:00 – 08:00 and 15:30 – 21:45). Their members/athletes must be registered with ASA. A registration fee of €10 for Junior Athletes and €20 for Senior Athletes shall be applicable. Affiliation fee of €250 (*amended AGM 2018*).

ii) Other Affiliated Bodies

Other Bodies and Entities can apply for affiliation as long as they satisfy the rules set in Section 3 – Laws Governing Affiliated Bodies. The Affiliation Fee of €100 shall be payable in advance and prior to the ASA’s Annual General Meeting (*amended AGM 2021*)

- b. Affiliation Fee.
The affiliation fee shall be as indicated above. Affiliation fees shall be payable in advance and prior to the Annual General Meeting (*amended AGM 2018*).
- c. Suspension when Affiliation Fee is not paid in time.
If a Club or Affiliated Body has not paid its affiliation fee prior to the Annual General Meeting such Club or Affiliated Body shall be automatically suspended from that date until such fee has been paid.
- d. Termination of Affiliation.
Clubs or Affiliated Bodies wishing to terminate their affiliation shall give notice in writing and shall remain liable for any sums of money owing to the ASA or to any Club or Athlete.

RULE 27 EFFECTIVE DATE TO AMENDMENTS TO THE STATUTE

- a. Amendments to the Constitutional Laws and Laws Governing Clubs
 - i. All amendments to the Constitutional Laws (Section 1) and Laws Governing Clubs (Section 3) shall be dealt with at the Annual or Extraordinary General Meetings and shall be effective immediately.
- b. Amendments to the Laws Governing the Sport
All amendments to the Laws Governing the Sport (Section 2) shall be dealt with only at the Annual General Meeting and shall be effective immediately.
 - i. Amendments to Laws Governing the Sport (Section 2) and any other rules and regulations regulating the eligibility of athletes, shall remain in force for at least three seasons from when they become effective. Proposals for amendments to these laws are to be proposed for amendment at the ASA Annual General Meeting preceding the end of the third season. If no amendments are made to these rules, they shall remain in force indefinitely and until a proposed amendment is approved at the AGM preceding the season in which the change is to be effected.

RULE 28 ASA SEASONS

- i. The ASA Calendar Season shall commence at the Annual General Meeting and shall come to an end at the Annual General Meeting of the following year unless otherwise provided for under these rules.
- ii. The ASA Competitive Season
 - a. For Water Polo shall start with the first competitive match after the end of September of any given year and shall draw to an end with the last competitive match held in September of the following year irrespective of categories or age groups.
 - b. For Swimming shall start with the first Time-Trial and shall end with the National Swimming Championships.
 - c. For Artistic Swimming, shall start on any date after 1st October and shall end not later than 31st August of the following year. (*amended AGM 2021*)
- iii. The ASA Financial Year shall start on the 1st October of any given year and shall end on the 30th September of the following year. (*approved AGM 2016*)

RULE 29 VOLUNTARY ORGANISATION

The Aquatic Sports Association of Malta is a voluntary and non-profit organisation and any excess funds received or generated from its activities will always be re-invested for the benefit of aquatic sports.

Officials sitting on the bodies of the Association shall generally act on a voluntary basis.

RULE 30 DISSOLUTION OF AQUATIC SPORTS ASSOCIATION OF MALTA

If at any time the Association shall pass in General Meeting by a majority comprising seventy-five per cent (75%) of all the registered Members present and entitled to vote a resolution of its intention to dissolve, the Executive Committee shall take immediate steps to settle any debts, and dispose of the monies and property remaining as determined by the General Meeting; and thereupon the Association shall for all purposes be dissolved.

In the event of dissolution of the Association, any remaining funds and/or property shall be donated to either, a voluntary non-profit making Association, a non-profit charitable institution or the Voluntary Associations Fund chosen by the outgoing Executive Committee.

In the event of dissolution of the Association, the outgoing Executive Committee is to inform the Commissioner for Voluntary Associations within 15 days of the decision taken to dissolve.

SECTION 2

LAWS GOVERNING THE SPORT

RULE 31 LAWS GOVERNING THE SPORT

All sporting disciplines falling under the aegis of the ASA shall be regulated by FINA rules unless otherwise specified in the rules or regulations of the Association.

RULE 32 COMPETITIONS

- a. The association shall organize National Aquatic Sports for all affiliated Clubs and other competitions as determined by the Council periodically. These shall be subject to all Rules and Regulations of the ASA.
- b. The Association shall issue calls for applications for participation in all competitions.
- c. The programmes for all National Aquatic Sports Competitions are to be approved by the Council.

RULE 33 NATIONALITIES, ELIGIBILITY AND RECORDS

- a. Nationality (*amended AGM 2016*)
 - i. An individual shall be considered of Maltese Nationality if the individual is a citizen of Malta by virtue of Maltese legislation currently in force.
 - ii. Disputes on Nationality shall be referred to a suitably qualified arbitrator who shall be appointed and approved by the Executive Committee. The decision of the arbitrator shall be final and binding.
- b. Eligibility for Registration (*Last amended AGM 2012*)
 - i. Athletes of Maltese and non-Maltese Nationality may be registered as Seniors or Juniors. They shall be eligible to participate in all sporting activities organised by or under the aegis of the ASA, provided they are duly registered with any club affiliated to the ASA. They shall be regulated by the ASA Statute and any other rules and regulations of the ASA.
 - ii. The Competition Rule regulating the maximum number of athletes of non-Maltese nationality eligible to form part of a senior Water Polo squad in any competitive match organised by the ASA is to be approved by the AGM. Proposals to change this Competition Rule are to be made and decided upon in accordance with the rules regulating the AGM.
 - iii. The Competition Rule regulating the number of athletes of non-Maltese nationality forming part of the junior, youth or minor squads is to be

approved by the Council at least two months prior to the start of the respective competition. Proposals to change this Competition Rule are to be made and decided upon in accordance with the rules regulating the Council.

(amended AGM 2021)

c. National Records

- i. Only Maltese Nationals shall have the right to be referred to as and/or declared National Champions or hold National Records.
- ii. Athletes who are in possession of dual nationalities may be referred to as and/or declared National Champions or hold National Records, ONLY if they are registered with the ASA in accordance with its Rules and Regulations as well as with the FINA Rules in force at the time of registration.

RULE 34.1 REGISTRATION OF WATER POLO PLAYERS

a. General Rules:- (amended AGM 2016)

- i. A Water Polo player may only register with any one Club.
- ii. Clubs shall register all their Water Polo players with the Association by means of the official Registration Forms duly completed and signed in force at the time of registration. Only Water Polo players registered in this manner shall be eligible to participate, as regulated by the relevant rules, in any sporting discipline falling under the aegis of the ASA, FINA or LEN.
- iii. Registration forms, duly completed and signed are to be submitted to the ASA Office within one month from the date of the signature of the Water Polo player. Registration Forms duly filled and signed that are sent to the ASA by electronic means are to be replaced by the original Registration Form within ten days from submission. Failure to abide by this clause within the stipulated time shall render the registration invalid. *(amended – AGM 2019)*
- iv. Valid Registration Forms deposited at the ASA are to be acknowledged within a week. Water Polo players shall also receive an acknowledgment of their registration within a week if an email address is included on the registration form. These acknowledgments may be made by means of electronic mail.
- v. The registration period for Water Polo players shall open on the 16th of October of any given year, and shall close on the lapse of the same competitive season as defined in Rule 28.ii.a of the Statute.
- vi. An annual registration fee for each Water Polo player is to be paid by the club with whom the Water Polo player is registered. This fee will be determined periodically by the Council. If an athlete is registered as both a swimmer and a Water Polo player with the same club, then the second registration fee shall be waived.
- vii. The official ASA Registration forms are to incorporate:-

- a. Details of identification of the Water Polo player – birth certificate or passport identification page;
 - b. The duration of the Water Polo player’s registration period with the club;
 - c. Name of previous club, if applicable;
 - d. Signature of Water Polo player and date of registration.
 - e. Signature of any two Club officials of the Club registering the Water Polo player or, alternatively, should a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club’s behalf is submitted to the General Secretary, the registrations forms may be signed by 1 Club Official. Such resolution is valid for a one-year period can be renewed annually; (*amended AGM 2020*)
 - f. Registrations of Water Polo players who have not yet reached the age of eighteen years are also to be signed by the legal guardian of the Water Polo player;
 - g. Signature of any two of the Club officials of the previous Club (if applicable) authorising the transfer or a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club’s behalf on the registration form. Such resolution is valid for a one-year period can be renewed annually.
 - h. In the case of the registration of a Junior Water Polo Player, and in the case of a Water Polo Player registering for the 1st time as a Senior Water Polo Player, the amount of compensation paid (where applicable). Two Officials of the Club receiving compensation shall also sign the Registration Form;
 - i. Two passport photos;
 - j. Anti-Doping Consent Form;
 - k. Data Protection Declaration (*amended AGM 2018*)
 - viii. The registration is to be considered as an agreement between Club and Water Polo player. The Club on one part is requesting the services of the registering Water Polo player, and is prepared to make use of the Water Polo player during competition, and will accede to his transfer or transfer on loan if his services are no longer required. The Water Polo player on the other part is accepting to be an active member of the Club he is registering for, by participating in training sessions, friendly and competitive events, and any other terms stipulated in the agreement between Club and Water Polo player.
 - ix. A Registration of a Water Polo player with the ASA is considered to be valid at such time that a Registration Form, observing the requisites listed in sub-article vii above, is submitted to the ASA and endorsed and acknowledged by the General Secretary or the Registrations Secretary. Registration Forms with missing and/or incorrect details, or which do not conform to other ASA Rules shall be null and void.
 - x. All registration rules applying at the time of registration of a Water Polo player shall continue to apply for the duration of the said registration.
- b. Senior Water Polo players:- (*amended AGM 2017*)
Water Polo players who register with a Club in terms of this Rule shall be referred to as “Senior Water Polo Players”. To qualify to register as a Senior Water Polo Player, a Player must either
- Reach the age of 18 years or more during the year of competition, or

- Reach the age of 16 or 17 years during the year of competition (refer to Rule 34.1.c.i). In this case the Registration Form of the Player must also be signed by a legal guardian of the Player.
 - i. The registration period shall not be of less than four competitive seasons, except that the minimum registration period may be of less than four competitive seasons such that the registration shall expire at the end of the season during the year of competition in which the Water Polo Player reaches the age of 32 or more.
 - ii. At the expiration of the registration period the Water Polo player may wish to renew his registration with the same Club or ask the Club to negotiate his transfer with another Club.
 - iii. The period for which a Water Polo player is registered with a Club may be extended before the expiration of the original period by a fresh registration provided that such a registration shall be considered as a new registration of the Water Polo player with the same Club and regulated by the minimum registration period.
 - iv. A Water Polo player whose registration period has expired and who has not re-registered (with the same club or another club), is to be considered as free released after a period of two years from the expiry date of his last registration. A club may, upon instruction to the General Secretary by means of a letter bearing the signature of any two officials, request that a player be released from its list of registered athletes at any time during the registration period or during the bound period (*amended AGM 2020*)
 - v. Besides the registration, the Club may wish to make a written agreement with the Water Polo player incorporating conditions of service, terms of remuneration, and any other terms desired by any of the parties as long as FINA and ASA rules are scrupulously observed. The expiry date of this agreement shall not exceed the expiry date of the Water Polo player's registration period. This agreement is to be signed by any two of the Club's Officials on one part and the Water Polo player on the other. if a written agreement is made between the club and Water Polo player, an authenticated copy of the agreement may be submitted to the ASA for filing. The contents of the agreement will remain secret. Only in case of dispute and/or report of breach of contract by any of the parties shall the contents of the agreement filed at the ASA be revealed.
- c. Age-Group Water Polo players:- (*amended AGM 2017*)
- i. Eligibility
Boys and girls who, during the year of competition, shall reach the age between 9 and 17 shall be eligible to register as Junior Water Polo Players (or Junior Players). However, boys and girls who, during the year of competition, shall reach the age of 16 or 17 shall also be eligible to register as Senior Water Polo Players.

Children who, in the year of competition, reach the age of 8 or less may not be registered with the ASA.

ii. Registration

- The registration forms of Junior Players shall be signed by any two Club Officials or, alternatively, should a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf is submitted to the General Secretary, the registrations forms may be signed by 1 Club Official. Such resolution is valid for a one-year period and can be renewed annually. The registration forms shall also be signed by a legal guardian of the Player (*amended AGM 2020*)
- A Junior Player has the right to be released from his/her club at the end of any season until the season during which he/she reaches the age of 11. If the player opts to be released he/she must inform the Club and the ASA in writing by not later than the 15th October.
- During the years where he/she reaches the age of 12 to 15, the club may agree to release the player and have a right, if it wishes, to compensation based on Rule 34.1 c.iv (*amended AGM 2020*). During this period a player will not be automatically released at the end of each season.
- Players who, during the year of competition, reach the age of 16, can submit his/her request for a release to the Club and the ASA by not later than the 15th October.
- Players who, during the year of competition, reach the age of 17 shall be automatically released. Should the athlete be listed on the Club's Named Players' List, compensation as stipulated in sub-para iv hereunder, must be settled. (*amended AGM 2021*)
- During a season within the registration period, a player may, by agreement with his/her club, be transferred to any other club. Such transfer shall either be effected by means of a release and registration process, on loan or as a shared athlete, as allowed by ASA rules. Any compensation shall be negotiated between the clubs concerned.
- Registration Forms for Junior Players are to be submitted four (4) days before the start of the first match in which the player will be participating (*amended AGM 2018*)

iii. Named Players Lists

By not later than the **20th August of each year**, Clubs are to submit to the General Secretary, a "Named Players List". This list shall contain the names of not more than 6 Junior Players per year during which the player reached or will reach, at least, the age of 12. That is,

- Maximum 6 Players who, during the year of competition, each the age of 12
- Maximum 6 Players who, during the year of competition, each the age of 13
- Maximum 6 Players who, during the year of competition, each the age of 14

- Maximum 6 Players who, during the year of competition, each the age of 15
- Maximum 6 Players who, during the year of competition, each the age of 16
- Maximum 6 Players who, during the year of competition, each the age of 17

Clubs that do not submit their lists by the stipulated date for any or all of the years shall be deemed to have submitted an empty list in respect of those years.

iv. Compensation

When a Player who was included in his/her club's Named Players List for the season at the end of which he/she was released, registers for another club during the subsequent season (only), then the new club shall pay compensation to the old club unless the latter renounces its right for compensation in writing. The maximum compensation that shall be paid is as follows:-

- Players reaching the age of 12 in the year of competition €250
 - Players reaching the age of 13 or 14 in the year of competition €500
 - Players reaching the age of 15 or 16 in the year of competition €1000
 - Players reaching the age of 17 in the year of competition €2500
- Compensation shall be paid by a Club to another Club. Players, parents, guardians or any other 3rd party shall not pay compensation for the Player to be released from a Club.
 - Compensation shall be paid by means of a cheque payable to the Club in question. The cheque shall be attached to the player's registration form with the new club. This cheque will be handed to a representative of the new club once the registration is processed and endorsed and acknowledged by the General Secretary or the Registrations Secretary.
 - The ASA shall set up a tribunal to settle any disputes on the quantum of compensation or any other matter.

Ruling:

1. At the end of season 2021 the provisions of Rule 34.1.c.ii shall be suspended in the case of Junior Players registered under the rules in force in 2019/2020 so that these registrations shall not be extended, and the Players shall be automatically released. In this case, the Players shall then need to sign new Registration Forms as per this new rule. *(included at AGM 2020)*
2. All Players who are currently registered with a Club and who, during 2018, shall reach the age of 8 or less, shall be automatically released.
3. At the end of season 2018 the provisions of Rule 34.1.a.x shall be suspended in the case of Junior Players registered under the rules in force in 2017 so that these registrations shall not be extended, and the Players shall be automatically released without compensation being payable to the

Club. In this case, the Players shall then need to sign new Registration Forms as per this new rule.

4. All Players born 2002 who were automatically released from Clubs at the end of season 2017, shall not be eligible to register as Junior Players as per this new Rule. If they choose to register with a Club, they shall register as Senior Players for a minimum of 5 competitive seasons as specified by the Statute at the time when they were released.

- d. Water Polo players Joining Foreign Clubs *(last amended AGM 2009)*
A Club may release a Water Polo player to participate in events abroad. However, the said Water Polo player remains on the Club's books, and this release is not valid for the said Water Polo player to join another local Club. The period the Water Polo player is playing abroad with another Club is valid for the period the Water Polo player binds himself on signing with the local Club. Maltese Water Polo players participating in competitions abroad with a foreign team may at any time participate in any ASA competition with the local club he is registered with.

RULE 34.2 REGISTRATION OF SWIMMERS

- a. General Rules:- *(Last amended AGM 2012)*
 - i. A swimmer may only register with any one Club.
 - ii. Clubs shall register all their Swimmers with the Association by means of the Official Registration Forms duly completed and signed in force at the time of registration. Only Swimmers registered in this manner shall be eligible to participate, as regulated by the relevant rules, in any sporting discipline falling under the aegis of the ASA, FINA or LEN.
 - iii. Registration forms, duly completed and signed are to be submitted to the ASA Office within one month from the date of the signature of the swimmer, and not later than the deadline for the submission of on-line entries of the swim meet in which the athlete will be participating in *(amended AGM 2019)*. Registration Forms duly filled and signed that are sent to the ASA by electronic means are to be replaced by the original Registration Form within ten days from submission. Failure to abide by this clause within the stipulated time shall render the registration invalid.
 - iv. Valid Registration Forms deposited at the ASA are to be acknowledged within a week. These acknowledgments may be made by means of electronic mail.
 - v. The end of the registration period shall coincide with the end of the National Championships of the season.
 - vi. An annual registration fee for each Swimmer is to be paid by the club with whom the swimmer is registered. This fee will be determined periodically by the Council. If an athlete is registered as both a swimmer and a Water Polo player with the same club, then the second registration fee is waived.

- vii. The official ASA Registration forms are to incorporate:-
- a. Details of identification of the swimmer - birth certificate or passport identification page;
 - b. The duration of the swimmer's registration period with the club;
 - c. Name of previous club, if applicable;
 - d. Signature of swimmer and date of registration.
 - e. Signature of any two Club officials of the Club registering the swimmer or, alternatively, should a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf is submitted to the General Secretary, the registrations forms may be signed by 1 Club Official. Such resolution is valid for a one-year period can be renewed annually (*amended AGM 2020*);
 - f. Registrations of Swimmers under the age of eighteen (18) are also to be signed by the legal guardian of the swimmer;
 - g. Signature of any two of the Club officials of the previous Club or a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf on the registration form. Such resolution is valid for a one-year period can be renewed annually (if applicable) authorising the transfer.
 - h. Two passport photos;
 - i. Anti-Doping Consent Form;
 - j. Data Protection Declaration (*amended AGM 2018*).
- viii. The registration is to be considered as an agreement between Club and swimmer. The Club on one part is requesting the service of the registering swimmer and is prepared to make use of the swimmer during competition, and will accede to his transfer or transfer on loan if his services are no longer required. The swimmer on the other part is accepting to be an active member of the Club he is registering for, by participating in training sessions, friendly and competitive events, and any other terms stipulated in agreement between Club and Swimmer.
- ix. A Registration of a Swimmer with the ASA is considered to be valid at such time that a Registration Form, observing the requisites listed in sub-article vii above, is submitted to the ASA and endorsed and acknowledged by the General Secretary or the Registrations Officer. Registration Forms with missing and/or incorrect details, or which do not conform to other ASA Rules shall be null and void. (*amended AGM 2016*)
- x. All rules applying at the time of registration of a swimmer shall continue to apply for the duration of the said registration.
- xi. Swimmers shall, on signing for a club, bind themselves to remain on the Club's books for a period of one season.
- xii. The registration forms of these swimmers shall be signed by any two of the Club Officials or a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf on the registration form. Such resolution is valid for a one-year period can be renewed annually, and by a legal guardian in the case of swimmers below the age of 18 (*amended AGM 2020*).

- xiii. The registration period shall be automatically extended by further periods of one year each unless the swimmer or Club requests in writing that his/her registration period is not to be extended. Such requests are to be submitted in writing to the club or swimmer and copied to the ASA by not later than fifteen (15) days prior to the start of a new season.
 - xiv. Besides the registration, the Club may wish to make a written agreement with the swimmer incorporating conditions of service, terms of remuneration, and any other terms desired by any of the parties as long as FINA and ASA rules are scrupulously observed. The expiry date of this agreement shall not exceed the expiry date of the swimmer's registration period. This agreement is to be signed by any two of the Club's Officials on one part and the swimmer on the other. If a written agreement is made between the club and swimmer, an authenticated copy of the agreement may be submitted to the ASA for filing. The contents of the agreement will remain secret. Only in case of dispute and/or report of breach of contract by any of the parties shall the contents of the agreement filed at the ASA be revealed.
- b. Swimmers Joining Foreign Clubs:-
A Club may release a swimmer to participate in events abroad, however the said swimmer remains on the Club's books, and this release is not valid for the said swimmer to join another local Club. The period the swimmer is participating abroad with another Club is valid for the period the swimmer binds himself on signing with the local Club. Maltese swimmers participating in competitions abroad with a foreign club may at any time participate in any ASA competition with the local club he is registered with.

RULE 34.3 REGISTRATION OF ARTISTIC SWIMMERS

- a. General Rules:-
- i. A swimmer may only register with any one Club.
 - ii. Clubs shall register all their Swimmers with the Association by means of the Official Registration Forms duly completed and signed in force at the time of registration. Only Swimmers registered in this manner shall be eligible to participate, as regulated by the relevant rules, in any sporting discipline falling under the aegis of the ASA, FINA or LEN.
 - iii. Registration forms, duly completed and signed are to be submitted to the ASA Office within one month from the date of the signature of the swimmer, Registration Forms duly filled and signed that are sent to the ASA by electronic means are to be replaced by the original Registration Form within ten days from submission. Failure to abide by this clause within the stipulated time shall render the registration invalid.
 - iv. Valid Registration Forms deposited at the ASA are to be acknowledged within a week. These acknowledgments may be made by means of electronic mail.

- v. The registration period shall run from 1st October up to 31st August of each year.
- vi. An annual registration fee for each Swimmer is to be paid by the club with whom the swimmer is registered. This fee will be determined periodically by the Council. If an athlete is registered as both a swimmer and a Water Polo player with the same club, then the second registration fee is waived.
- vii. The official ASA Registration forms are to incorporate:-
 - a. Details of identification of the swimmer - birth certificate or passport identification page;
 - b. The duration of the swimmer's registration period with the club;
 - c. Name of previous club, if applicable;
 - d. Signature of swimmer and date of registration.
 - e. Signature of any two Club officials of the Club registering the swimmer or, alternatively, should a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf is submitted to the General Secretary, the registrations forms may be signed by 1 Club Official. Such resolution is valid for a one-year period can be renewed annually;
 - f. Registrations of Swimmers under the age of eighteen (18) are also to be signed by the legal guardian of the swimmer;
 - g. Signature of any two of the Club officials of the previous Club or a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf on the registration form. Such resolution is valid for a one-year period can be renewed annually (if applicable) authorising the transfer.
 - h. Two passport photos;
 - i. Anti-Doping Consent Form;
 - j. Data Protection Declaration.
- viii. The registration is to be considered as an agreement between Club and swimmer. The Club on one part is requesting the service of the registering swimmer and is prepared to make use of the swimmer during competition, and will accede to his/her transfer or transfer on loan if his/her services are no longer required. The swimmer on the other part is accepting to be an active member of the Club he/she is registering for, by participating in training sessions, friendly and competitive events, and any other terms stipulated in agreement between Club and Swimmer.
- ix. A Registration of a Swimmer with the ASA is considered to be valid at such time that a Registration Form, observing the requisites listed in sub-article vii above, is submitted to the ASA and endorsed and acknowledged by the General Secretary or the Registrations Officer. Registration Forms with missing and/or incorrect details, or which do not conform to other ASA Rules shall be null and void. *(amended AGM 2016)*

- x. All rules applying at the time of registration of a swimmer shall continue to apply for the duration of the said registration.
- xi. Swimmers shall, on signing for a club, bind themselves to remain on the Club's books for a period of one season.
- xii. The registration forms of these swimmers shall be signed by any two of the Club Officials or, alternatively, should a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf is submitted to the General Secretary, the registrations forms may be signed by 1 Club Official. Such resolution is valid for a one-year period can be renewed annually, and by a legal guardian in the case of swimmers below the age of 18.
- xiii. The registration period shall be automatically extended by further periods of one year each unless the swimmer or Club requests in writing that his/her registration period is not to be extended. Such requests are to be submitted in writing to the club or swimmer and copied to the ASA by not later than fifteen (15) days prior to the start of a new season.
- xiv. Besides the registration, the Club may wish to make a written agreement with the swimmer incorporating conditions of service, terms of remuneration, and any other terms desired by any of the parties as long as FINA and ASA rules are scrupulously observed. The expiry date of this agreement shall not exceed the expiry date of the swimmer's registration period. This agreement is to be signed by any two of the Club's Officials on one part and the swimmer on the other. If a written agreement is made between the club and swimmer, an authenticated copy of the agreement may be submitted to the ASA for filing. The contents of the agreement will remain secret. Only in case of dispute and/or report of breach of contract by any of the parties shall the contents of the agreement filed at the ASA be revealed.

(included AGM 2020)

RULE 35 **TRANSFER OF ATHLETES** *(Last amended AGM 2012)*

- a. An athlete shall not participate in the same competition with different Clubs in the same season.
- b. For the purpose of this rule, the National Water Polo Championships & KO Competitions (that is, the Preliminary Round, if any, the Premier Division League, the Premier Division Knock Out Competition, the First Division League, the First Division Knock Out Competition and all associated play-offs) shall be considered to be one competition.
- c. The Christmas Water Polo Cup (Enemed Water Polo Cup) and the Water Polo Winter League shall be considered to be separate competitions. Players on loan may be transferred back to the original clubs at the end of each of these competitions. *(amended AGM 2017)*

- d. With regards to swimming, each Age group swimming meeting, each local or overseas swimming meeting, including any time trial, and the National championships shall be considered as separate competitions. A swimmer can only be loaned once during a season (*amended AGM 2018*)
- e. Club and athlete may agree to terminate their contract and the relative registration and agree on the transfer of the athlete to another Club, even before the expiration of the minimum registration period has lapsed. In this case a new registration form must be submitted which is regulated by the minimum registration period. This form is to contain the signatures of two officials of the previous Club and the signature of two officials of the new Club or a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf on the registration form. Such resolution is valid for a one-year period can be renewed annually (*amended AGM 2020*)
- f. The release or transfer of an athlete must be signed by any two of the Club Officials or a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf on the registration form. Such resolution is valid for a one-year period can be renewed annually (*amended AGM 2020*).
- g. If a Club's affiliation with the ASA is terminated then all the athletes registered with that Club shall be considered as released and they may register with any other Club.
- h. If an agreement is not reached between athlete and the club for the transfer of the athlete to another Club, the athlete and the club interested in acquiring his service may refer the matter to the ASA Council. The Council shall appoint a tribunal or arbitrator to decide the matter.

RULE 36 TRANSFER OF ATHLETES ON LOAN (*Last amended AGM 2012*)

The transfer of athletes on loan shall be governed solely by this rule.

- a. A Club may transfer an athlete on loan to another Club at any time during the athlete's registration period, provided that such loan shall start and end within the same season, and provided further that Rule 35(a) shall be observed at all times. The period during which an athlete is registered on loan shall be considered to be part of his registration period with his original Club.
- b. The transfer on loan may be terminated at any time provided that:-
 - i. the athlete may only be transferred back to his original Club;
 - ii. the Association is informed of this transfer by both Clubs.
- c. A Club may have any number of athletes registered on loan at any one time.

- d. The transfer on loan must be made on the ASA official Registration On Loan Form which will incorporate:-
 - i. Details of identification of the athlete;
 - ii. Signature of athlete being transferred on loan and date of registration;
 - iii. Name of Club transferring the athlete on loan;
 - iv. The period (in the same year) during which the athlete shall be transferred on loan;
 - v. Signature of any two Club Officials authorizing the transfer on loan of the athlete or, alternatively, should a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf is submitted to the General Secretary, the registrations forms may be signed by 1 Club Official. Such resolution is valid for a one-year period can be renewed annually (*amended AGM 2020*);
 - vi. Name of the Club registering the athlete on loan;
 - vii. Signature of any two Club officials of the Club registering the athlete on loan or, alternatively, should a resolution bearing the signature of any two officials of the club giving a power of attorney to one official to sign on the club's behalf is submitted to the General Secretary, the registrations forms may be signed by 1 Club Official. Such resolution is valid for a one-year period can be renewed annually (*amended AGM 2020*);
 - viii. Transfers of athletes under the age of eighteen (18) are also to be signed by the legal guardian of the athlete (*amended AGM 2020*)
 - ix. A passport-sized photo (Age Group players and all swimmers) (*amended AGM 2018*)
- e. If a club does not participate in any competition during a particular season, then all its registered athletes shall have the right to be transferred on loan to any other club.
- f. If a club participates only in the Senior Competitions, during a particular season, those athletes who are eligible to participate in any age group competition, are entitled to be transferred on loan to any other club provided that they do not form part of the senior team of the loaning club.
- g. If a Club only participates in age group competitions, during a particular season, those registered athletes, who are not eligible to participate, by virtue of age, are entitled to be transferred on loan to any other club.

RULE 37 **ANTI-DOPING** (*Introduced at AGM 2014*)

- a. The ASA shall be bound by all national laws and regulations that shall be in force from time to time regulating doping in sports, particularly in aquatic disciplines. For all intents and purposes the anti-doping legislation currently in force by virtue of Legal Notice 281 of 2011 is to be deemed incorporated in this statute, forming an integral part thereof.

- b. By virtue of their affiliation and registration with the ASA all clubs and athletes shall be deemed to be equally bound by such anti-doping legislation as may be in force from time to time.

RULE 38 **HARASSMENT AND ABUSE** *(introduced at AGM 2021)*

The ASA is committed to creating and preserving a sport setting that ensures positive, healthy and fulfilling experiences for all individuals. In doing so, the ASA prioritizes the welfare, safety and rights of every participant at all times.

In doing so, the ASA is applying to its Statute, rules and regulations, the provisions of Article V.B.2 of the FINA code of Ethics. In the foreword to the document, the following changes will apply throughout the document:-

Wherever there is reference to:-

FINA, this shall be replaced by ASA;

FINA Bureau, this shall be replaced by the ASA AGM;

FINA Executive, this shall be replaced by ASA Executive;

FINA Office, this shall be replaced by ASA Office;

Event Safeguarding Officer, this shall be replaced by an ASA Official;

Athletes Safeguarding Council, this shall be replaced by an Athletes' Body;

Jurisdiction shall be the exclusive jurisdiction of the ASA;

FINA Ethics Panel, this shall be replaced by Disciplinary Commissioner as appointed by the ASA General Secretary;

Chairman of the FINA Ethics Panel, this shall be replaced by the Disciplinary Commissioner as appointed by the ASA General Secretary;

Appeals Arbitration Division, this shall be replaced by the Appeals Board of the ASA;

Covered event shall have the meaning of Events as defined by the ASA Statute and shall include any training sessions or any other aquatic activity;

Major Event Organisation, this shall be replaced by ASA Events

At the end of sub-article 5.1 – Reporting Requirements of Article V.B.2 of the FINA Code of Ethics, the following shall be added:-

“All reports will be done in the spirit of DC04.iii – Other Reports of the ASA Disciplinary Code but shall not be bound by any time limits”

RULE 38 **DATA PROTECTION** *(introduced at AGM 2021)*

The Aquatic Sports Association of Malta (ASA) collects, uses, shares or otherwise processes personal information that is provided to them, or that they may otherwise obtain or generate.

- a. The Aquatic Sports Association of Malta shall be bound by all National laws and regulations that shall be in force from time to time regulating data

protection. For all intents and purposes the data protection legislation currently in force by virtue of Chapter 586 of the Laws of Malta is to be deemed incorporated in this Statute, forming an integral part thereof.

- b. By virtue of their affiliation and registration with the ASA, all entities consent to the processing of their data. Athletes should sign and submit the Data Protection Consent Form together with their Registration Form.

The next rule is Rule 41.

SECTION 3

LAWS GOVERNING CLUBS AND AFFILIATED BODIES

CLUBS

RULE 41 CLUB STATUTES

The Statute of every Club affiliated to the ASA must conform with the laws, rules and spirit of the Association.

RULE 42 BOOKS TO BE KEPT

Clubs shall keep the following books:-

- a. A Minute Book showing records of all Committee Meetings and General Meetings of the Club.
- b. A Cash Book showing all financial transactions of the Club.
- c. A Membership Book showing names and addresses of all Members, date of joining Club and date of ceasing their membership.

RULE 43 CLUBS' ANNUAL GENERAL MEETINGS

- a. Clubs shall inform the Executive Committee of their Annual General Meeting at least ten days beforehand. Such General Meeting is to be held after the end of the ASA Competitive Season (Rule 28) and not later than the end of October of each year. Clubs that fail to conform to this Rule shall be suspended from all ASA activities. This suspension shall be lifted by the Executive Committee when it is satisfied that the Club has held its Annual General Meeting (*amended AGM 2020*).
- b. The Executive Committee has the right to appoint a delegate to supervise Clubs' Annual General Meeting. The composition of a Club's new Committee and any changes to the Club's statute are to be forwarded to the Executive Committee as early as possible and in any case by not later than the 6th November. Any subsequent changes of the Committee and statute are to be notified within five days (*amended AGM 2020*).
- c. The Executive Committee shall have the right to object to any Member of the Committee without giving reasons. Such Member shall vacate his post within 15 days from receipt of an objection by the Executive Committee. In default, the President and Secretary of that particular Club will be held responsible

and shall be automatically suspended until the position is rectified (*amended AGM 2020*).

- d. Any Member under suspension at the time of the Club's AGM when the election of the Committee is being held, may not contest such election. In default all the election shall be deemed null and void. Such Member may not be co-opted to the Club's Committee and/ or any sub-Committee whilst under suspension.
- e. Clubs shall present a copy of their Financial Statements to ASA for viewing by the Executive Committee by not later than the 15th November of each year. The Financial Statements shall be those approved by their Annual General Meeting and must be audited.

RULE 44 STATEMENTS TO THE PRESS

No authorisation is required by a Club or Club Members before issuing statements/reports to the Press, or before granting interviews on the Broadcasting Media, however Clubs or Club Members shall be responsible for any unethical or unsporting statements/reports, or any statement/report which go against the interest of the Association. Clubs or Club Members are to seek the approval of the ASA Executive prior to the issuing of statements/reports to International and Foreign Sporting Bodies. (*amended AGM 2016*)

RULE 45 CLUB DELEGATES

The President and/or Secretary of each Club shall authorise the appointment of the delegate or his substitute. Only such delegate has the right to vote and speak on behalf of the Club during Association's AGM and to speak on behalf of the Club whenever necessary.

RULE 46 CORRESPONDENCE TO THE ASA

- a. Only correspondence signed by any of the Club Officials shall be recognised by the ASA. This, however, does not include any contestations on referees' reports which may also be made by the official/coach accompanying the team. If, for some reason or other, the Club Officials happen to be simultaneously away from the Island, then the Club is to delegate a person to sign correspondence. The name of this delegate is to be forwarded in writing to the Association.
- b. It shall be the Club's responsibility to ensure that the ASA has received all correspondence and any other information sent to the ASA by the Club.

RULE 47 COST INCURRED BY THE ASA

In the event that the ASA incurs, or is otherwise charged with any fines, costs, fees or other charges of whatever nature, for which a club or individual athlete shall be responsible, the ASA shall be entitled to recover from the club or individual responsible all such fines, costs, fees or other charges it may have incurred or which it may be requested to pay.

AFFILIATED BODIES

RULE 48 AFFILIATED BODIES' STATUTES

The Statute of every Affiliated Body affiliated to the ASA must conform with the laws, rules and spirit of the Association.

RULE 49 BOOKS TO BE KEPT

All Affiliated Bodies shall keep the following books:-

- a. A Minute Book showing records of all Committee Meetings and General Meetings of the Body.
- b. A Cash Book showing all financial transactions of the Body.
- c. A Membership Book showing names and addresses of all Members, date of joining Body and date of ceasing their membership.

RULE 50 AFFILIATED BODIES' ANNUAL GENERAL MEETINGS

- a. Affiliated Bodies shall inform the Executive Committee of their Annual General Meeting at least ten days beforehand. Such General Meeting is to be held after the end of the ASA Competitive Season (Rule 28) and not later than the end of October of each year. Affiliated Bodies that fail to conform to this Rule shall be suspended from all ASA activities. This suspension shall be lifted by the Executive Committee when it is satisfied that the Affiliated Body has held its Annual General Meeting (*amended AGM 2020*).
- b. The Executive Committee has the right to appoint a delegate to supervise Affiliated Bodies' Annual General Meeting. The composition of an Affiliated Body's new Committee and any changes to their statute are to be forwarded to the Executive Committee as early as possible and in any case by not later than the 6th November. Any subsequent changes of the Committee and statute are to be notified within five days (*amended AGM 2020*).

- c. The Executive Committee shall have the right to object to any Member of the Committee without giving reasons. Such Member shall vacate his post within 15 days from receipt of an objection by the Executive Committee. In default, the President and Secretary of that particular Affiliated Body will be held responsible and shall be automatically suspended until the position is rectified (*amended AGM 2020*).
- d. Any Member under suspension at the time of the Affiliated Body's AGM when the election of the Committee is being held, may not contest such election. In default all the election shall be deemed null and void. Such Member may not be co-opted to the Affiliated Body's Committee and/ or any sub-Committee whilst under suspension.
- e. Affiliated Bodies shall present a copy of their Financial Statements to ASA for viewing by the Executive Committee by not later than the 15th November of each year. The Financial Statements shall be those approved by their Annual General Meeting and must be audited.

RULE 51 STATEMENTS TO THE PRESS

No authorisation is required by a Club/Affiliated Body or Club Members before issuing statements/reports to the Press, or before granting interviews on the Broadcasting Media, however Clubs/Affiliated Bodies or their Members shall be responsible for any unethical or unsporting statements/reports, or any statement/report which go against the interest of the Association. Clubs/Affiliated Bodies or their Members are to seek the approval of the ASA Executive prior to the issuing of statements/reports to International and Foreign Sporting Bodies. (*amended AGM 2016*)

RULE 52 CORRESPONDENCE TO THE ASA

- a. Only correspondence signed by any of the Affiliated Body's Officials shall be recognised by the ASA. If, for some reason or other, the Body's Officials happen to be simultaneously away from the Island, then the Affiliated Body is to delegate a person to sign correspondence. The name of this delegate is to be forwarded in writing to the Association.
- b. It shall be the Affiliated Body's responsibility to ensure that the ASA has received all correspondence and any other information sent to the ASA by the Body.