

**NAMIBIA SWIMMING FEDERATION**

**CONSTITUTION**

**I. GENERAL**

**1. Name, Legal Status and Affiliations**

1.1. The name of the Federation shall be the Namibia Swimming Federation

1.1.1. The Federation shall be a corporate body having a separate legal *persona* with perpetual succession and no Member will have any rights, by reason of his membership, to the Property.

1.1.2. The Federation shall be affiliated to FINA and an affiliate member of CANA. The Federation recognises FINA as the only recognized body in the world which governs Aquatics internationally.

1.2. The Federation shall be registered with the Namibia Sport Commission as set out by the Namibia Sports Act, 2003 (Act No. 12 of 2003) and will comply with this Act, its constitution and rules.

**2. Definitions and Interpretation**

2.1. The headings to the articles and annexes to this Constitution are for reference purposes only and shall in no way govern or affect the interpretation of, nor modify nor amplify the terms of this Constitution, nor any article or annexure hereof.

2.2. Unless inconsistent with the context, the words and expression set forth below, shall bear the following meanings and cognate expressions shall bear corresponding meanings:

2.2.1. “**Act**” means the Namibia Sports Act 12 of 2003;

2.2.2. “**Affiliated Member**” means any *bona fide* Club in Namibia who successfully applied to the Federation to become an Affiliated Member in accordance with the provisions hereof and who is, at all applicable times, in good standing with the Federation and

**“Affiliated Membership”** shall have a corresponding meaning;

- 2.2.3. **“Annual Subscription”** means the annual subscription fee for Affiliated Members, Federation Members and Individual Members as determined by Exco from time to time and payable yearly in accordance with the provisions hereof;
- 2.2.4. **“Aquatics”** means the sports of swimming, open water swimming, diving, high diving, water polo and synchronized swimming;
- 2.2.5. **“Aquatic Discipline”** means, as the context may require, the applicable Aquatics activity provided for in article 2.2.4;
- 2.2.6. **“Aquatic Season”** has the meaning ascribed thereto in paragraph 4 of the Swimming Bye-Laws;
- 2.2.7. **“Athletes Representative”** means the athletes representative of the Federation, from time to time, duly elected as such in accordance with the provisions hereof;
- 2.2.8. **“Business Day”** means any day other than a Saturday, Sunday or an officially recognized public holiday in Namibia in terms of the Public Holidays Act 26 of 1990;
- 2.2.9. **“Club”** means a diving, swimming, open water swimming, synchronized swimming, water polo or masters club;
- 2.2.10. **“Club Member”** means any individual who is a registered member of any Affiliated Member;
- 2.2.11. **“Competition”** means, as the context may require, any Gala competition, event, meeting, camp clinic, tour or the like and relating to one or more Aquatic Discipline, be it national or international;

- 2.2.12. **“Constitution”**, **“this Constitution”**, **“herein”**, **“hereto”** and **“hereof”** and similar expressions may be used interchangeably and each refers to the Constitution as set out in this document as amended from time to time and includes any annexes hereto;
- 2.2.13. **“Council”** means the Council of the Federation, which shall consist of the Exco and two Delegates from each Affiliated Member;
- 2.2.14. **“Days”** means full calendar days, inclusive of public and other holidays;
- 2.2.15. **“Delegate”** means such Club Members as are, from time to time, appointed by the applicable Affiliated Member as a Delegate to the Council, provided that only Club Members of the applicable Affiliated Member may be appointed as a Delegate;
- 2.2.16. **“Drug(s)”** means any substance method and/or provision regulated, listed and/or prohibited in accordance with FINA’s Doping Control Programme and/or in the World Anti-Doping Agency’s Prohibited List;
- 2.2.17 **“Emergency Event”** means an event or occurrence, such as the following:
- 2.2.17.1 when time is of the essence and the Council/Exco is not available to decide;  
or
- 2.2.17.2 when the Council is unable to reach a decision for whatsoever reason;
- 2.2.18 **“Exco”** means the executive committee of the Federation elected in terms hereof;
- 2.2.19 **“Exco Meeting”** means a meeting of Exco duly convened and held in accordance with the provisions hereof and more specifically article 32 (*Meetings of Exco*);

- 2.2.20           “**Federation**” or “**NASFED**” may be used interchangeably and each means the Namibian Swimming Federation created and governed by this Constitution;
- 2.2.21.         “**Federation Member**” means any organization or body in Namibia with an interest in one or more Aquatic Discipline and who successfully applied to the Federation to become a Federation Member in accordance with the provisions hereof and who is, at all applicable times, in good standing with the Federation; and “**Federation Membership**” shall have a corresponding meaning;
- 2.2.22 “**Gala**” means a swimming gala;
- 2.2.23           “**General Meeting**” means a General Meeting of the Council duly convened and held in accordance with the provisions hereof and includes an Annual General Meeting “**AGM**” and;
- 2.2.24           “**Governance Framework**” means the framework, containing various policies, to be read together with this Constitution, as determined by the Federation from time to time;
- 2.2.25           “**Individual Member**” means any individual person who has successfully applied to the Federation to become an Individual Member in accordance with the provisions hereof and is at all applicable times in good standing with the Federation and “**Individual Membership**” shall have a corresponding meaning;
- 2.2.26           “**Law**” means any law (including common or customary law) or statutory constitution, decree, judgment, treaty, regulation, directive, by-law, order or any other legislative measure of any government, local government, statutory or regulatory body or court;

- 2.2.27            **“Members”** means collectively the Affiliated Members, Federation Members, Club Members, Honorary and Life Members and **“Member”** means, as the context may require, any one of such Members and **“Membership”** shall have a corresponding meaning;
- 2.2.28            **“Namibia”** means the Republic of Namibia;
- 2.2.29            **“Namibian National Championships”** means in relation to Long Course and Short Course, the Gala, held once a year during each Aquatic Season, which serves as the junior national championship (**“Junior Championship”**) and senior national championships (**“Open Championship”**) and is to be organised and held under the auspices of the Federation, provided that, although held on the same day, the Recorder will record the times and positions achieved at the junior and senior age groups separately;
- 2.2.30            **“NSC”** means the Namibia Sports Commission established in terms of section 2 of the **Act**;
- 2.2.31            **“Namibian Team”** means, from time to time ,the national team (this term having the meaning ascribed thereto in the Act) for any one or more Aquatic Discipline, provided that a team shall not be designated as a national team unless 5 or more national teams from other jurisdictions partake at the applicable Competition;
- 2.2.32            **“NASFED Emblem”** means the official emblem of the Federation determined by the Council, including any change to such emblem from time to time;
- 2.2.33            **“National Emblem”** means the national sports emblem for Namibia as determined in terms of the provisions of the Act and more specifically section 29 thereof;

- 2.2.34            **“Olympic Games”** means the Summer Olympic Games held under the auspices of the International Olympic Committee;
- 2.2.35            **“President”** means the President of the Federation, from time to time, duly elected as such in accordance with the provisions hereof;
- 2.2.36            **“Property”** means any or all of the assets (whether movable or immovable, *corporeal* or *incorporeal*) of the Federation;
- 2.2.37            **“Recorder”** means the national recorder of the Federation, duly elected as such in terms hereof;
- 2.2.38            **“Round Robin Resolution”** means a resolution adopted by written consent of a majority of the Delegates or Exco members (as the context may require), given in person or by email, provided that each Delegate or Exco member has received notice of the matter to be decided upon;
- 2.2.39            **“Secretary General”** means the Secretary General of the Federation, from time to time, duly appointed as such in accordance with the provisions hereof;
- 2.2.40            **“Swimming Bye-Laws”** means the Swimming Bye-Laws attached hereto as Annexure A or any replacement thereof;
- 2.2.41            **“Treasurer”** means the Treasurer of the Federation, from time to time, duly elected as such in accordance with the provisions hereof;
- 2.2.42            **“Vice-President”** means the Vice-President of the Federation, from time to time, duly elected as such in accordance with the provisions hereof;
- 2.3                Unless inconsistent with the contents, an expression which denotes:
- 2.3.1             any one gender includes the other genders;

- 2.3.2 a natural person includes a juristic person and *vice versa*; and
- 2.3.3 the singular includes the plural and *vice versa*.
- 2.4 Unless inconsistent with the context or save where the contrary is expressly indicated:
- 2.4.1 where any number of Days is prescribed in this Constitution, the same shall be reckoned exclusively of the first and inclusively of the last Day, unless the last Day falls on a day which is not a Business Day, in which case the last day shall be the next succeeding Business Day;
- 2.4.2 any reference in this Constitution to a provision of Law is to the provision as at the Signature Date and as amended or re-enacted from time to time;
- 2.4.3 the words “**shall**” and “**will**” and “**must**” used in the context of any obligation or restriction imposed on a person have the same meaning;
- 2.4.4 “**prescribed**” means as prescribed in writing by Council from time to time and communicated to the Members by the Secretary General;
- 2.5 Where any term is defined within the context of any particular article in this Constitution, the term so defined, unless it is clear from the article in question that the term so defined has limited application to the relevant article, shall bear the same meaning as ascribed to it for all purposes in terms of this Constitution, notwithstanding that the term is not being defined under this article 2 (“*Definitions and Interpretation*”).

### 3. Objectives

The purposes and objectives of the Federation shall be to, within Namibia:

- 3.1. promote and encourage the development of Aquatics;

- 3.2. provide for Aquatics to be Drug free;
- 3.3. promote and encourage the development of international relationships;
- 3.4. create and promote development initiatives;
- 3.5. stimulate and promote public opinion in favour of providing facilities for practising one of the Aquatic Discipline;
- 3.6. promote, organize, control and conduct Competitions;
- 3.7. make and promote the uniformity of rules for the control and regulation of Aquatic Disciplines, and particularly to make regulations as to the conduct and holding of Competitions and the appointment of officials to officiate at such Competitions and matters incidental thereto;
- 3.8. ensure that the Federation and all its Members do not practise discrimination on the grounds of race, religion or political associations.

**4. Neutrality and Non-Discrimination**

- 4.1. NASFED is neutral in matters of politics and religion.
- 4.2. Discrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status or any other reason is strictly prohibited and punishable by suspension or expulsion by NASFED through the NSC.

**5. Promoting Friendly Relations**

- 5.1. NASFED shall promote friendly relations between its Members and in society for humanitarian objectives.
- 5.2. Every person and organisation involved in NASFED is obliged to observe the relevant statutes, regulations and the principles of



fairness as well as the principles of loyalty, integrity and sportsmanship.

5.3. NASFED shall provide the necessary institutional means to resolve any disputes that may arise between Members.

**6. Conduct of Bodies and Officials**

6.1. NASFED must enforce the laws and rules of the Federation and deal with any infringement thereof.

6.2. The bodies and officials of NASFED must observe the statutes, by-laws, regulations, directives, decisions and the code of ethics of the NSC, if applicable, in their activities.

**7. Official Language**

7.1. The official language of NASFED shall be English. Official documents and texts shall be written in the English language.

7.2. The official language at the AGM shall be English.

**II. MEMBERSHIP**

**8. Submission, Suspension and Expulsion**

8.1. The Council shall decide whether to admit, suspend or expel a Member.

8.2. Admission may be granted if the applicant fulfils the requirements of NASFED.

8.3. Membership is terminated by resignation or expulsion. Loss of membership does not relieve the Member from its financial obligations towards NASFED or other Members of NASFED but leads to cancellation of all rights in relation to NASFED.

**9. Admission**

9.1. The Membership of the Federation will comprise of three or more Affiliated Members, Federation Members and Individual Members.

- 9.2. Application (“**Application**”) for Membership shall be made in writing in the prescribed form to the Secretary General, not later than the end of February of the applicable year. Each Application must be accompanied by:
- 9.2.1. the applicable Annual Subscription (provided that the Annual Subscription shall be refunded if the Application is not successful);
  - 9.2.2. a copy of the constitution, rules and regulations or other governing document of the applicant (except in the instance of an Application for Individual Membership), and such other information as the Federation may require;
  - 9.2.3. in the instance of an Application to become a Federation Member, by a recommendation to that extent by Exco;
- 9.3. Only Clubs will be eligible to become Affiliated Members. The constitution of each Club who desires to become an Affiliated Member must acknowledge that it is bound by the provisions of this Constitution and must not be in conflict with this Constitution. Where there is a conflict, this Constitution shall prevail.

**10.** Request and Procedure for Application

- 10.1. Federation Membership will only be granted in special circumstances, which circumstances shall be in the sole and absolute discretion of the Council. The organization or body applying for Federation Membership must have an interest in Aquatics.
- 10.2. Applications may only be considered at a General Meeting and may only be accepted if approved by a two-third majority of those present and eligible to vote at such General Meeting. A General Meeting shall have absolute discretion on whether or not to accept any Application. Notwithstanding the provisions of this article 10.2, the Exco shall have the right, subject to the provisions hereof, to provisionally accept any Application for Affiliated Membership affiliation of an applicant body temporarily and subject to confirmation thereof by the requisite two-third majority at the next

General Meeting. Upon approval of any Application, the Secretary General shall inform the applicable applicant thereof in writing.

11. Members Rights

Members have the right to withdraw from the Federation. Members wishing to do so shall give notice in writing to that effect before the date of the Annual General Meeting, failing which they will be held liable for the Annual Subscription for the ensuing year.

12. Members Obligations

12.1. An Affiliated Member must, during the applicable Aquatic Season, demonstrate its interest to remain active and uphold the objects of the Federation by either competing in at least two competitions organised by the Federation (not including school competitions), or by running at least two of its own competitions under the auspices, rules and regulations of the Federation. Results of such competitions shall be sent to the Recorder. In addition, each Affiliated Member must register its Club Members and officials and must pay its Annual Subscription according to the provisions hereof and must avail such number of its Club Members as is equal to its participation quota (which quota shall be determined and communicated by Exco from time to time) to be officials at Galas. Failure to do any of these will, subject to the provisions of article 40 (*Disciplinary Action*) result in suspension of such an Affiliated Member.

12.2. The Annual Subscription payable by all Members shall be paid on or before the day of the AGM for the applicable year and in the case of new Members together with their Application.

13. Suspension

13.1. A Delegate shall not be allowed to take part in any General Meeting if the Annual Subscription of the Affiliated Member, which he represents, is in arrears for more than one month; if such Annual Subscription is in arrears for more than three months, the Membership of that Affiliated Member shall automatically become suspended (“**Suspension**”) and such Suspension shall not be uplifted until the arrears are paid in full. While under Suspension, the applicable Affiliated Members or Club Member thereof shall not be allowed to take any part whatsoever in the affairs of the Federation, not be permitted to compete in any of the Competitions

or other events of the Federation or that of any of its Affiliated Members. Should an Affiliated Member or any Club Member thereof be engaged in any of the Competitions, Galas, Championship or other events of the Federation or any of its Affiliated Members prior to a Suspension, then upon Suspension, such Affiliated Member or any of its Club Members shall be barred from continuing to be so engaged.

13.2. No person may sit on the Council, Exco or any of its committees or boards, or act as an official at or take part in any Competition, whilst under sentence or disqualification or suspension, for an offence committed by himself.

#### **14. Expulsion**

14.1. The Council shall have the power to fine, reprimand or expel any Member, which or who, in its opinion, has been guilty of conduct warranting such action.

14.2. The Council must ensure that every Affiliated Member at all times comply with the provisions of this Constitution, the Affiliated Member's constitution (or other governing document) the Act or any applicable national or international Law.

14.3. Subject to article 14.2, the Council may (upon a three-fourths vote cast at any General Meeting) terminate/cancel the Membership of any Member or impose such other sanction (as it deems fit in its sole and absolute discretion) upon such Member, if the Council is satisfied that the Member (or any of its members) failed to comply with any provision of this Constitution, that Member's constitution (or other governing document) the Act or any applicable national or international Law or is otherwise unfit to be a Member.

14.4. The Council may not take any action in terms of article 14.3 before the applicable Member referred to in that article is given an opportunity to make written representations and if so requested by the said Member, oral representations in the matter to the Council and the Council having considered such representations, where after the Council may terminate/cancel the applicable Members' Membership or impose such other sanction as provided for in article 14.3.

**15.**        Resignation

15.1.        A member of the Exco who is desirous of resigning from his/her position must do so in writing to the Secretary General one month before the resignation is to become effective.

15.2.        A new member must be elected or appointed in accordance with the provisions of article 34 (*Vacancies on Exco*).

**III.        HONORARY PRESIDENT AND HONORARY MEMBER**

**16.**        Honorary President and Honorary Member

The Exco may give and grant honoraria and/or make presentations to such persons as may be deemed advisable in terms of the Constitution.

**IV.        ORGANISATION**

**17.**        Bodies of NASFED

17.1.        Council is the strategic and oversight body of NASFED.

17.2.        The day to day affairs of the Federation shall be conducted by the Exco.

17.3.        The Secretary General is the operational and administrative body of NASFED.

17.4.        The bodies of NASFED shall be either elected or appointed in terms of the provisions hereof without any external influence and in accordance with the procedures described in this Constitution.

**V.        COUNCIL**

**18.**        Definition and Composition of the AGM

18.1.        AGM means the annual General Meeting of the Council duly convened and held in accordance with the provisions hereof.

- 18.2. All the members of the Exco, including the Secretary General and the Affiliated Members must, unless it has tendered an apology, attend the AGM.
- 18.3. Exco members shall not have any voting rights at the AGM nor any other meeting of the Council.

**19.** Delegates

- 19.1. Not more than two Delegates may be appointed by each Affiliated Member, provided that such Delegates are Club Members of the applicable Affiliated Member. Delegates are to be appointed for an Aquatic Season meaning, unless good cause can be shown, Affiliated Members cannot change its appointed Delegates for the duration of the applicable Aquatic Season. Notice in writing of the names of the duly appointed Delegates must be given by the Affiliated Member to the Secretary General at least 7 (seven) Business Days before the applicable General Meeting, failing which such Delegates shall not have the right to take part in such meeting. An Affiliated Member may nominate two or more alternates in place of its appointed Delegates to act in their stead where circumstances make it impossible for the appointed Delegates to act, provided however, that such alternate delegates shall be Club Members of that Affiliated Member and notice in writing of the names thereof shall have been given to the Secretary General as provided for.
- 19.2. Duly appointed Delegates shall be deemed to have the authority to represent the interest of its Affiliated Member at the applicable General Meeting.
- 19.3. In the case of any one or both the Delegates or alternate delegates of an Affiliated Member not being able to attend a General Meeting, any item (for example elections or constitutional changes), which the Secretary General, in the manner provided for below, allows to be voted upon by email can be voted on by the applicable Affiliated Member via email. No voting by proxy is allowed.
- 19.4. Where a vote by email is for the reason mentioned in article 19.3 required, the Secretary General shall via email, send a clear statement of the item to be so voted on together with the date on

which voting shall close, to the applicable Affiliated Member. The said Affiliated Member must then send its vote(s) thereon to the Secretary General by return of email (“**Electronic Vote**”). The Secretary General shall allow at least 5 (five) Business Days to an Affiliated Member to send its Electronic Vote to the Secretary General. The Electronic Votes shall be kept confidentially on file by the Secretary General, until the opening thereof at the applicable General Meeting, at which the Electronic Votes shall be read out allowed, and evidentiary proof thereof be shown to any Delegate requesting same.

**20.**        Areas of Authority

The Council may exercise any or all of the following powers:

- 20.1.        The Council shall maintain a Banking Account/Building Society Account in the name of the Federation, which account shall be operated upon by electronic or other recognised means by the President or Vice-President or Secretary General, together with the Treasurer. The accounts of the Federation shall be audited by auditors appointed or reappointed at each Annual General Meeting held in each season.
- 20.2.        The Council shall, at each AGM, vote to fill any vacancies on Exco as more fully provided for in article 23 (Elections).
- 20.3.        The Council may purchase or hire movable and immovable property in the name of the Federation, upon such terms and conditions as may be considered expedient and shall further have the right to borrow money on mortgage or otherwise for such purposes.
- 20.4.        The Council shall at a General Meeting consider all applications for affiliation, including applications for affiliation provisionally accepted by the Exco in terms of and subject to the provisions of article 10.2.
- 20.5.        The Council may suspend, abandon, or alter any or all of its competitions or in their stead substitute others.
- 20.6.        The Council shall deal with all appeals or protests from or against decisions of Exco, provided that Exco members shall not, in their capacity as Exco members, be entitled to vote on the disputed resolution.

- 20.7. The Council may appoint or nominate special committees (each a “**Special Committee**”) to consider and report upon any question that may be referred to them.
- 20.8. The Council shall be empowered to deal with all matters arising out of or incidental to the proper management or control of the affairs of the Federation or of Aquatics itself and not otherwise provided for in this Constitution.
- 20.9. The Council shall be empowered to elect a swimming board of control (“**Board of Control**”) as may be deemed necessary at the AGM as more fully provided for in article X (*Standing Committee*).
- 20.10. Other than the election of Exco members, the Council may decide upon any matter which it is empowered to resolve upon, by means of a Round Robin Resolution

**21.** Quorum of the Council & Voting

- 21.1. A quorum at all General Meetings shall consist of Delegates (provided that it shall not be necessary for an Affiliated Member for this purpose to be represented by more than one Delegate) representing not less than one quarter of the total number of Affiliated Members which are in good standing with the Federation, together with at least five members of the Exco (provided that Exco members cannot serve Delegates as well). If, within fifteen minutes from the time appointed for any General Meeting, a quorum is not present, the meeting shall stand adjourned to the same day in the next week, provided that all Affiliated Members shall be notified in writing of the time and place of the adjourned General Meeting by the Secretary General. If at such adjourned meeting, there is not a quorum present within fifteen (15) minutes from the time appointed for such adjourned meeting, the Delegates and/or members of Exco then present shall be entitled to proceed with the business of the agenda of the original General Meeting only.
- 21.2. Each Federation Member is entitled to two representatives who may attend General Meetings. These representatives may enter into discussion on matters relevant to the affairs of their Federation Member but shall not vote at such meetings.



- 21.3. Each Individual Member is entitled to attend General Meetings but shall have no vote at such meetings.
- 21.4. The chairman at all General Meetings (“**Chairman**”) shall be the President and in his absence the Vice-President. If both are absent, the Council shall elect a Chairman from those present at the applicable General Meeting and entitled to vote. The Chairman shall have authority on every point of order. The Chairman shall in cases of equality of votes, have a casting vote.
- 21.5. Unless specifically otherwise provided for herein, no resolution of the Council shall be passed unless more than 50% of the Members attending the applicable General Meeting and who are entitled to vote thereat, vote in favour thereof and any resolution, which is passed in breach thereof shall be of no force and effect.
- 21.6. Voting shall be by show of hands, except in the election of officers where more than one candidate has been nominated, in which case the voting shall be by ballot. In the event that only one candidate has been nominated for a specific post and no objection is received from the Delegates at the applicable AGM, such candidate shall be deemed elected in terms hereof without a formal vote being required. If one or more Delegate objects to such candidate then a formal vote in terms hereof, will be required.
- 21.7. The Chairman, with the consent of the Council, may adjourn any General Meeting from time to time, and at such adjourned meetings only such business remaining unfinished shall be transacted.

**22.** Decisions of the Council

The Council's decision on all questions shall be final binding on all Members and the Council may call upon any Member to submit for inspection such documents, books or statements as may deemed necessary and expedient for the purposes of the matter under consideration. Failure to comply with such demand shall render the offender liable to such penalty as may be imposed by the Council.

**23.** Elections

- 23.1. Members of the Exco shall be elected at a duly constituted AGM.

- 23.2. Nominations of candidates for vacancies on Exco to be voted upon at the AGM, must be submitted to the Secretary General by the Affiliated Members in good standing, not less than 7 (seven) Business Days before the applicable AGM. The Secretary General shall disclose all nominations to the Affiliated Members not less than 5 (five) Business Days before the AGM.
- 23.3. The President, Vice President, Treasurer and Recorder shall be elected for terms of four years each after which they may either retire or stand for re-election.
- 23.4. The posts of President and Treasurer will be staggered by one year to those of Vice-President and Recorder.
- 23.5. Exco members elected for a four-year office may, after one year, make themselves available to any other four-year post. If elected to that new post the vacancy thus created will then be filled by election for the remaining period of the vacated post. All other members (including the Athlete Representative) shall hold office for two years.
- 23.6. Should any Exco member holding a dual post on the Exco resign then only his chair will be filled in terms of 34 (*Vacancies on Exco*). The dual posts will be filled by existing Exco members.
- 23.7. The Athletes Representative shall be elected by and from amongst swimmers, synchronised swimmers, divers and water polo players. The Athlete Representative must, at the applicable time be 16-years or older and be permanently resident in Namibia for the duration of his/her term as Athlete Representative. Only swimmers, synchronised swimmers, divers and water polo players 12-years and older shall be entitled to vote for the Athletes Representative.

**24. Annual General Meeting (AGM)**

An AGM, of which twenty-eight days' notice in writing shall have been given by the Secretary General to all members of Exco and Affiliated Members, shall be held in June each year or as soon as reasonably possible thereafter.

**AGM Agenda**

- 24.1. The agenda at an AGM will include the following:

- 24.1.1. confirm minutes of previous AGM;
- 24.1.2. receive and adopt the Annual Report of the Exco;
- 24.1.3. receive and adopt the Financial Statements submitted by the Treasurer;
- 24.1.4. consider Applications for Affiliations;
- 24.1.5. consider and deal with any notices of motion;
- 24.1.6. elect persons to fill vacancies on (i) Exco as more fully provided for in article 23 (*Elections*), (ii) any Board of Control if deemed necessary in terms of article X (*Standing Committee*) and (iii) to elect such other officials as may be deemed expedient;
- 24.1.7. consider and deal with any general business of the Federation.

**25. Extraordinary / Special General Meeting**

A special General Meeting may be called by the President and shall be called by the Secretary General on written requisition signed by at least four (4) Affiliated Members, which meeting shall be held within seven (7) days of the application and at which meeting no business shall be conducted other than that specified in the notice calling the meeting.

**26. Ordinary General Meetings**

An ordinary General Meeting may be convened by the Secretary General, on approval of the President or in his absence the Vice-President, upon 7 (seven) days' notice in writing thereof being given to all members of Exco and Affiliated Members, whenever the same may be necessary for the transaction of any business.

**27. Amendments of Statutes**

The Council may, at any General Meeting, alter, amend or vary any provision of the Constitution and/or alter, amend, vary or revoke any Bye-Laws, Rules or Regulations of the Federation (collectively, "**Amendment**"), provided however,

that a written notice of the applicable motion relating to one or more Amendment setting out details of the proposed Amendment shall be prepared by the proposer thereof and be given to the Secretary General not later than fourteen days after receipt of the notice setting the date of the General Meeting. The Secretary General shall circulate the said notice proposing the Amendment to all Affiliated Members not less than seven days prior to such meeting. For the proposed Amendment to become effective it must be passed at a General Meeting by a two-third majority of those present and eligible to vote at such meeting.

**28.** Minutes

28.1. The Chairman shall cause to be kept by the Secretary General, a full record of minutes ("**Minutes**") of the proceedings of all General Meetings. Unless otherwise agreed upon at the applicable General Meeting, copies of the Minutes shall be forwarded to each Affiliated Member within a reasonable time of the applicable General Meeting, except the Minutes of the AGM (which shall be read at the first Exco Meeting convened and held after the applicable AGM and initialled by the Chairman as a correct record) shall be read at the next General Meeting and, after confirmation, be signed by the Chairman of that General Meeting and the Secretary General.

28.2. The Secretary General shall record the proceedings of the Exco in the minute book ("**Exco Minutes**").

28.3. Copies of the Exco Minutes shall, if practically possible, be circulated to Affiliated Members within fourteen (14) days after the applicable meeting.

**29.** Effective Dates of Decisions

Decisions passed by the Council shall become effective for the Members 60 (sixty) days after the close of the AGM or applicable General Meeting unless the Council at the time of the applicable decision agrees to another date for a decision to take effect.

**VI. EXECUTIVE COMMITTEE**

**30.** Composition

The Exco of the Federation shall consist of:

- 30.1. a President;
- 30.2. a Vice-President;
- 30.3. a Treasurer;
- 30.4. a Recorder;
- 30.5. the Athletes Representative; and
- 30.6. so many executive members, as may be necessary to make up a committee of not less than 7 (seven) and not more than 11 (eleven) members.

**31. Powers and Duties of the Exco**

- 31.1. The powers and duties of the Exco shall be to:
  - 31.1.1. appoint the Secretary General from nominations received from Affiliated Members in good standing, which appointment shall be for a four-year term, after which he/she may either retire or be reappointed. The Secretary General shall be a non-voting member of Exco and may be paid such remuneration as Exco may decide upon
  - 31.1.2. allocate the Namibian National Championships and other Competitions and to fix the fees therefore;
  - 31.1.3. approve or veto officials to officiate at Galas;
  - 31.1.4. decide all cases of dispute arising from, between, or relating to Members or otherwise pertaining to Aquatics not otherwise provided for in this Constitution;
  - 31.1.5. deal with complaints against any Affiliated Member, or Club Members thereof, for misconduct and, if considered advisable, to impose penalties by way of suspension etc. Affiliated Members or any of its members so penalised shall have the right to appeal to the Council in which case any penalty imposed by the Exco, may be confirmed, varied or set aside by Council provided that neither Exco members nor the Delegates of the Affiliated Member against whom the sanction was imposed, shall be allowed to partake in any vote pertaining to the aforesaid at the applicable General Meeting;

- 31.1.6. consider ratification of all Namibian Swimming Records of which application for ratification has been received;
- 31.1.7. act as holders in trust of all trophies, monies and other Property of the Federation and to deal with the same as the Council may decide. To arrange methods of ensuring the safety of Trophies whilst in the hands of holders including receipts for possession, liability for damage whilst in holders' possession and penalties for not returning the same on due date. All Trophies shall be insured by and at the expense of the Federation;
- 31.1.8. receive and pass accounts for payment;
- 31.1.9. deal with any urgent business which it is impracticable to refer to the Council; also, routine business including the provisional acceptance of Applications which may be received between General Meetings;
- 31.1.10. hear and decide upon any appeal or protest by any Club Member penalised/sanctioned by its Affiliated Member, provided that all appeals or protests when made by any Club Member must be accompanied by a deposit as prescribed by the Exco and advised at the AGM, such deposit being forfeited should the protest or appeal be deemed by the Federation to have been made frivolous or not on reasonable grounds;
- 31.1.11. institute or defend legal proceedings on behalf of the Federation;
- 31.1.12. refund all necessary expenses incurred by any person or body whilst engaged in the work of the Federation.
- 31.1.13. refer any matter upon which Council may decide in terms hereof or any deadlock at Exco level, for a decision by Council which decision may (if so directed by the President) be taken by Council by means of a Round Robin Resolution;

- 31.1.14. decide upon any matter (which it is empowered to decide upon in terms hereof) by means of a Round Robin Resolution.
- 31.2. All decisions of the Exco shall be final and binding on the Members and take immediate effect and shall be acted upon unless and until altered by the Council at a General Meeting.
- 31.3. The Exco shall be responsible for electing representatives to fill the positions of manager and chaperone(s) and any other necessary position for travelling Namibian Teams.
- 31.4. The Exco shall appoint a person, who need not be a member of the Exco, to act as the organiser of Competitions ("**Gala Organiser**"). This person shall act as such unless otherwise decided by the Council at the Annual General Meeting. The Gala Organiser shall head a sub-committee made up of himself and one Club Member of each Affiliated Member. It shall be this subcommittee's duty to organise officials and all necessary workers for all Competitions, displays or events that are run under the auspices of the Federation. The Gala Organiser shall be responsible for publishing a list of all officials and workers prior to the applicable Competition and for informing them of their duties at least 5 (five) days before the commencement of the applicable Competition.

**32. Meetings of Exco**

- 32.1. Exco Meetings shall be convened by the Secretary General whenever deemed expedient or on instructions of the President, and also upon a written requisition thereof signed by four members of the Exco.
- 32.2. A quorum at any meeting of the Exco shall consist of the majority of its members.
- 32.3. Unless specifically otherwise provided for herein no resolution of Exco shall be passed unless more than 50% of the members of Exco who are present at the start and throughout a duly constituted Exco Meeting, vote in favour thereof and any resolution which is passed in breach thereof shall be of no force and effect.

32.4. Save as herein provided and in so far as the same are applicable, the provisions laid down in article V (*Council*) for the conduct of General Meetings, shall, *mutatis mutandis*, apply to the conduct of meetings of the Exco.

**33.** Absence from Meetings of Exco

If any member of the Exco is absent from three consecutive Exco meetings, after having received the customary notices and without tendering a valid excuse, the seat of such member on the Exco may be declared vacant, by an ordinary majority vote by Council.

**34.** Vacancies on Exco

Exco has the power and authority to fill any vacancy that occurs on Exco in the period between AGMs. The Secretary General shall inform all presidents of Affiliated Members in writing of such a vacancy. Nominations may then be made by any Affiliated Member in good standing. These nominations shall be considered by the Exco at the following Exco meeting and the vacancy shall be filled by election passed by an ordinary majority. The new post shall be held until the next General Meeting.

**35.** Exco Members may not act as Delegates

No member of the Exco may act as a Delegate, except at any Annual General Meeting when such member may be newly appointed and then for that meeting only.

**VII. COLOURS, BADGE AND AWARDS**

**36.** Colours and Badge

The colours, blazer and badge of the Federation shall be as decided upon by Exco from time to time.

**37.** Awards

The Council may at a General Meeting award any of the following awards:

37.1. Competitors

37.1.1. "Total" Award -



- 37.1.1.1. This award is available to all beginners;
- 37.1.1.2. This award will take the name of the Sponsor;
- 37.1.1.3. The standards for this award being as determined by the Council from time to time; and
- 37.1.1.4. The award comprises a Certificate and a lapel pin.

37.1.2. "Schools" Colours

- 37.1.2.1. This award is available to those who are chosen to represent Namibia in school teams ("**School Team**"), both junior and senior;
- 37.1.2.2. The award takes the form of a cloth badge with a special School's design. A Scroll under the badge will delineate whether the award is "junior" or "senior";
- 37.1.2.3. The standards for selection for a School Team are to be determined by the Board of Control (and in the event that there is no Board of Control, by Exco), provided that such standards must be ratified by Exco or the Council at a special General Meeting.

37.1.3. "Junior" Colours

- 37.1.3.1. This award is available only to Club Members between the ages of nine (9) and fourteen (14) who are selected to represent the Federation ("**Junior Team**");
- 37.1.3.2. The award takes the form of a cloth badge with a special "Junior" design. A scroll underneath delineates the type of

Aquatic Discipline the individual was selected for;

37.1.3.3. The standards for selection for a Junior Team are to be determined by the Board of Control (and in the event that there is no Board of Control, by Exco), provided that such standards must be ratified by Exco or the Council at a special General Meeting.

37.1.4. "Senior" Colour Normal

37.1.4.1. This award is available only to Club Members over the age of fifteen (15) who are selected to represent the Federation ("**Senior Team**");

37.1.4.2. The award takes the form of a metal Blazer badge of the NASFED Emblem. A scroll underneath delineates the type of Aquatic Discipline the individual was selected for;

37.1.4.3. The standards for selection for a Junior Team are to be determined by the applicable Board of Control (and in the event that there is no Board of Control, by Exco), provided that such standards must be ratified by Exco or the Council at a General Meeting;

37.1.4.4. This award does not stand as high as the National Emblem. It may be awarded in tandem with the aforementioned.

37.1.5. "Honours" Colours

37.1.5.1. This award is available to any Club Member;

37.1.5.2. The award takes the form of a metal Blazer-badge of the NASFED Emblem with a wreath  $\frac{3}{4}$ <sup>ths</sup> around the emblem. A scroll underneath delineates the type Aquatic Discipline the individual was selected for;

37.1.5.3. This award may be awarded in tandem with the National Emblem Honours award;

37.1.5.4. The Federation may award this award to:

37.1.5.4.1. Any individual who has represented Namibia in any Aquatic Discipline at not less than three international Competitions, and has to the opinion of the Exco performed satisfactorily, i.e. in swimming; has reached the required standard times, as laid down by the Council at least once; and

37.1.5.4.2. Any competitor who has set at least 6 (six) Namibian records, Age Group or Open, in at least 3 (three) separate strokes. This shall be done in one and the same season.

37.2. Management / Officials

All forms of the underlying awards take the form of the NASFED Emblem unless superseded by the National Emblem.

37.2.1 "Service Awards"

37.2.1.1. This award takes the form of lapel pins in the colours of bronze, silver and gold. The diamond pin includes a stone of correct colour besides the NASFED emblem.

37.2.1.2. This award may be awarded to any Club Member and who has been active in the position and for the minimum prescribed total number of years mentioned in the table below:

	<u>BRONZE</u>	<u>SILVER</u>	<u>GOLD</u>	<u>DIAMOND</u>
NASU Executive	2 years	5 years	10 years	25 years
Gala Official	2 years	5 years	10 years	25 years
Other	determined for all levels by the NASU Executive based on written recommendation and written rationalisation.			

37.2.2. "Blazer" Badge

37.2.2.1. This award takes the form of a metal woven Blazer badge of the NASFED Emblem. A Scroll indicating "resident"; "management" and "official" will be attached to the NASFED Emblem where applicable.

37.2.2.2. This award shall be awarded automatically to the:

37.2.2.2.1. President;

37.2.2.2.2. Vice-President;

37.2.2.2.3. Secretary General;

37.2.2.2.4. Any Exco member who has served on Exco for three or more years;

37.2.2.2.5. Any individual who served on the management of any Junior or Senior Teams;

37.2.2.2.6. Any official of the Federation who has been the recipient of a gold service award.

37.2.3. "Meritorious Service" Award

This award is available to any Club Member and has been a recipient of the "gold" service award and then on the following basis:

37.2.3.1. upon written application to the Federation and subsequent decision by the Council at any General Meeting provided that ample rationalisation of the individual's contribution has been supplied to Exco and substantiated by Exco;

37.2.3.2. the Council votes (by means of secret ballot) by a majority of two-thirds in favour of thereof.

## **VIII. PRESIDENT / VICE PRESIDENT**

The President of the Federation will from time to time be duly elected by the Members at the applicable AGM and otherwise in terms hereof, and have the following duties:

- serve on the Exco;
- chair all General Meetings;
- chair Board of Control meetings;
- chair Selection Committee meetings;
- authorize a Special General Meeting and Ordinary General Meeting;
- attend meetings with the Ministry of Sports, Youth and National Service, Namibia Sport Commission, Namibia National Olympic Committee, Namibia Schools Sport Union and other sports administration bodies;
- authorize official documentation and financial transactions;

- assist in preparation of budgets;
- chair disputes and disciplinary hearings; and
- promote unity and cooperation within NASFED structures.

The Vice President of the Federation will from time to time be duly elected by the Members at the applicable AGM and otherwise in terms hereof, and have the following duties:

- serve on the Exco;
- attend all General Meetings;
- attend meetings with the Ministry of Sports, Youth and National Service, Namibia Sport Commission, Namibia National Olympic Committee, Namibia Schools Sport Union and other sports administration bodies;
- co-authorize financial transactions;
- assist in preparation of budgets;
- assume duties of the President in the absence of the latter; and
- adopt vacant portfolio(s).

#### **IX. EMERGENCY COMMITTEE**

The Emergency Committee (“**EC**”) shall be elected or appointed at an AGM and will be called upon during an Emergency Event only.

An EC member cannot also be an Exco member.

#### **X. STANDING COMMITTEES**

At any AGM, a Board of Control may be elected by the Council.

The Board of Control shall be constituted as follows, one member thereof shall be the President, and the other members shall be elected from the Delegates with a maximum of 1 (one) Delegate per Affiliated Member.

The duties of the Board of Control shall be to:

- advise Exco on technical matters with regards to updated techniques and regulations on swimming;
- assist with the planning and drawing up of the annual programme;
- assist in settling protests and disputes and to recommend their findings to Exco;

- advise on the training and education of officials for Competitions;
- advise the Exco on the need for training equipment and facilities;
- perform such other duties or tasks as may be requested by Exco or allocated to it in terms hereof.

All decisions of the Board of Control shall be subject to approval by the Exco.

## **XI. SECRETARY GENERAL**

The Secretary General shall have the following duties:

- serve on the Exco;
- attend to all correspondence addressed to the Federation;
- authorize official documentation;
- attend NASFED, Board of Control and Selection Committee meetings;
- set agendas, compile and distribute Minutes and Exco Minutes of the above;
- handles National Colours, Clearance and Grant applications;
- issues Certificates of Good Standing and Testimonials;
- assist with the registration of clubs, coaches, athletes, and officials (checks applications);
- assist in preparation of budgets;
- notify others of the Annual General Meeting; and
- convene the Special General Meeting and Ordinary General Meeting.

## **XII. JUDICIAL BODIES**

A formal complaint shall be made in writing to the Secretary General and the Exco shall consider the grounds for any such complaint.

A complaint which cannot be resolved by the Exco, shall be brought before the Judicial Panel Committee comprising of a chairperson and no less than 2 (two) and no more than 4 (four) other members. The Chairperson and members of the Judicial Panel Committee shall be selected by Exco from:

- i. currently members of currently Affiliated Members who wish to avail themselves for such duty;
- ii. past NASFED President(s) and distinguished members;

iii. NASFED Athletes' Representative (if applicable).

### **XIII. FINANCE**

Council may call for an independent trust committee ("**Trust Committee**") to manage the finances in case an individual sponsor or for that matter any institution (collectively "**Sponsor**"), contributes to a specific swimmer or specific project (the latter hereinafter referred to as a "**Financial Project**") only.

Members of the Trust Committee will be duly nominated and elected by a vote of Delegates at any General Meeting.

This Trust Committee is responsible for the financial decisions of all projects and monies entrusted to them by the Federation on behalf of the sponsor(s). All financial decisions by the Trust Committee must be sanctioned by Exco at the next meeting of Exco.

Members of the Trust Committee will be elected from nominations in the following categories:

- A past President of the Federation or its predecessor in title who will act as chairman of the Trust Committee;
- A former (retired) national athlete or swimmer of reputable standing;
- A current or former member of a national recognised sporting body other than Aquatics. The said sporting body must be registered with the NSC;
- The current President of the Federation; and
- The current Treasurer of the Federation.

In the event of a Financial Project two additional seats will be granted on the Trust Committee, namely that of a:

- Project co-ordinator (appointed by the Exco); and
- Sponsor representative (appointed by the Sponsor),

both of whom shall have the power to attend and vote at any Trust Committee meeting.

The chairman of the Trust Committee will be responsible for calling meetings and liaising with the Exco.



Separate financial statements will be prepared for each Financial Project and will be reflected separately and individually in the Annual Financial Report of Exco.

#### **XIV. COMPETITIONS AND RIGHTS IN COMPETITIONS AND EVENTS**

##### Selection of Namibian Teams

###### *Competitors*

A committee ("**Selection Committee**"), which shall comprise of the President, the Secretary General and the Recorder, and 1 (one) Delegate (or his alternative) of each Affiliated Member shall be appointed or reappointed at every AGM, whose duty it shall be to select the competitors to represent Namibia in any national or international competition for the ensuing year. All such selections and nominations must be referred to the Exco for confirmation.

###### *Management Teams*

Management Teams may be appointed for all Namibian Teams at least three months before the date of the applicable Competition itself by Exco from recommendations received from each Affiliated Member. If such Competitions are announced on short notice, this appointment shall be done at the earliest possible date.

Please refer to Annexure A and B below.

#### **XV. INTERNATIONAL MATCHES AND COMPETITIONS**

Please refer to 13 in Annexure A below.

#### **XVI. FINAL PROVISIONS**

##### **38. No Claim**

There shall be no claim for damages against the Federation in the event of any Competition or other fixture failing to take place.

##### **39. Arbitration**

All disputes (of whatsoever kind or nature and howsoever arising) between the Council, Exco and/or any Affiliated Members or Club Members that are not resolved in accordance with the provisions hereof within period of 21 (twenty-one) days from the date the dispute first arise, may be referred by Council, Exco and/or any Affiliated Members or Club Members to the NSC for resolution thereof

in terms of the provision of the Act and more specifically section 35 thereof. Any decisions made by the NSC shall be final and binding on all parties concerned.

**40.**     Disciplinary Action

The disciplinary code and procedures are set out in the Federation's Governance Framework.

**41.**     Address of the Federation

The address of the Federation is as follows:

1st floor, 1@Steps Offices  
c/o Grove & Chasie Street  
Kleine Kuppe  
Windhoek  
Namibia

PO Box 3300  
Windhoek  
Namibia,

or such other address as the Secretary General may inform the Affiliated Members of in writing from time to time.

**42.**     Bye-Laws and Conditions governing Swimming

42.1.     All bye-laws, regulations and rules governing Aquatics and this Federation under the auspices of FINA and included in or promulgated under the FINA Constitution (collectively "**FINA Bye-Laws**") shall be binding on the Federation and the Members

42.2.     Such bye-laws shall become effective as of the date that this Federation receives notification thereof from FINA.

**43.**     Indemnities

Unless the failure is condoned by Exco, no swimmer may participate in any Competition or represent the Federation or Namibia in any Competition unless a

signed indemnity (in the form prescribed from time to time) for the respective season has been submitted to the Secretary General.

## ANNEXURE A

### SWIMMING BYE-LAWS

Capitalised terms used in these bye-laws, shall have the meaning ascribed thereto in the Constitution of the Federation and in so far as there is any conflict between the provisions of these bay-laws and that of the Constitution, the provisions of the Constitution shall prevail.

#### GALAS

1. The Recorder must within a reasonable time send the results and times of the applicable Gala, clearly marked as such, to all Affiliated Members.

#### OPEN GALAS

2. Affiliated Members wishing to hold Open Galas must apply to the Federation for a permit ("**Gala Permit**"). Open Galas are Galas or a series of Competitions in which Club Members of more than one Affiliated Member are eligible to compete. A fee as determined by Exco once a year before the AGM and advised of at the AGM shall be paid for the issue of a Gala Permit, except in the case of all school associations which shall be exempt from payment of such fee.

#### ENTRY FEES FOR NAMIBIAN NATIONAL CHAMPIONSHIPS AND OTHER COMPETITIONS

3. Entry fees as determined by Exco once a year before the AGM and advised of at the AGM will be applicable for participation in the Namibian National Championships and other Competitions.

#### AQUATIC YEAR

4. Each Aquatic season ("**Aquatic Season**") shall be reckoned as from 1<sup>st</sup> May to 30<sup>th</sup> April.

#### REGISTRATION

5. First Time Registration:

As soon as any person becomes a Club Member, such person may be registered with the Federation in the manner provided for in paragraph 6 of these bye-laws, in the registration book or the electronic database of the Federation ("**Register**"), kept for that purpose by the Secretary General.

A Club member may only be registered as aforesaid as representing one Affiliated Member at any one time, and such registration shall have the effect of

making that Club Member a first claim member of the Affiliated Member by whom he is so registered.

The Secretary General should sign and date the Register on receiving the application together with the correct application fee, which date should then become the date of application of the applicable Club Member.

6.

6.1 Manner of Registration:

- (i) Application for registration shall be made to the Federation on a form (prescribed from time to time) provided for that purpose and lodged by the secretary of the Affiliated Member applying for registration of its Club Member, which form shall be signed by the Club Member indicating his or her membership and consent to represent such Affiliated Member.
- (ii) Registration of a Club Member once accepted, will continue for the current Aquatic Season only.
- (i) A Club Member may apply for re-registration as a first time member of another Affiliated Member from time to time, provided that fresh application is made to the Federation on a new form lodged by the secretary of the Affiliated Member to whom he or she is transferring, together with a clearance of good standing from the Affiliated Member from which the Club Member is seceding..

In the event of an Affiliated Member refusing, without good reason, to issue such clearance, then the Exco may approve of such re-registration, provided it has satisfied itself that the Club Member is in good standing.

6.2 Effect of Registration:

The Club Member shall only be entitled to compete in an Gala held under the auspices or rules of the Federation if that Club Member has been registered as above for a period of 7 (seven) days before the date of the Competition and shall only be entitled to compete in the Namibian National Championships if the Club Member has been

registered as above for a period of 10 (ten) days before the date of such Namibian National Championships.

6.3 Registration Fee:

Registration fees as determined by Exco once a year before the AGM and advised of at the AGM, will be levied against all Club Members of Affiliated Members. These registration fees are due and payable annually and for each Aquatic Season and then on or before such date as the AGM may determine from time to time. Those participating in closed school events only shall be exempted from registration payment of such fee.

AGE LIMITS

7. In all Competitions where an age limit is fixed by the Council, the age group of the Club Member shall be his/her age on the first day of the commencement of that Competition.

RECORDS

- 8.
- 8.1 All records must be approved by Exco on the form issued for that purpose by Council or failing which, in writing.
- 8.2 All records must be established in a 50 m (fifty) ("**Long Course**") or 25 m (twenty-five) ("**Short Course**") pool (only metre records will be recognised).
- 8.3 Unless electronic time keeping is applicable, the record time shall be taken by three timekeepers appointed or approved by Exco and they shall start their watches when the starting signal is given. When two watches agree, that shall be the accepted time, but if all watches disagree, that time recorded by the middle watch shall be accepted. The Starter or some other responsible official may inspect the watches used, record the times and publicly announce them.
- 8.4 If approved a certificate will be issued for a record broken in either age group or open Gala.

8.5 Four tables of records shall be kept by the Recorder:

8.5.1 The Namibian Open Record set by a Club Member who is a Namibian citizen and registered with the Federation. Age of the Club Member does not play a role in setting a Namibian Open Record;

8.5.2 The Namibian Age Group Record set by an age group Club Member who is a Namibian and registered with the Federation. The age of the Club Member must correspond to the age group for which the record is set;

8.5.3 Namibian Visitors Record set by any Non-Namibian citizen not registered with the Federation swimming in any Gala of the Federation at any venue inside Namibia and provided that the record must be faster than the Open or Age Group Namibian Record;

8.5.4 Namibia Swimming Federation Record set by any Club Member registered with the Federation through an Affiliated Member swimming in any Gala of the Federation at any venue inside Namibia.

The above four tables of records shall be kept by the Secretary General for both the Long Course and Short Course events.

A Namibian Open Record (may be established in any Gala at any venue (be it inside or outside Namibia).

A Namibian Age Group Record may be established in any Federation sanctioned age group Gala or open competition at any venue (be it inside or outside Namibia).

A Namibian Visitors Record may only be established by any Non-Namibian citizen, who is not registered with the Federation, swimming in any Gala at any venue inside Namibia.

8.7 Club Members of relay teams must be from the same Affiliated Member or a National Team.

### REPRESENTATIVE MATCHES

9. Competitions arranged by the Exco or Council (“**Representative Fixture**”) shall take precedence over other fixtures.

### REPRESENTATIVE FIXTURES

10. When a Representative Fixture takes place on the same date as an ordinary club fixture , any Club Member selected to represent the Federation who is unable to attend the applicable Representative Fixture will be barred from representing his Affiliated Member on that day, unless good and sufficient reason be given to the Exco why representative selection is unacceptable.

### REPRESENTATIVE PERSONS

11. Club Members chosen to represent the Federation who, without good and sufficient reason, refuse to comply with the arrangements of the Federation for attending such Competitions, shall be guilty of misconduct and any Affiliated Member or other Club Member thereof proved to have encouraged or instigated such the first mentioned Club Member to commit a breach of this rule shall be deemed guilty of a similar offence and dealt with accordingly.

### DRUG TESTING

12. Every Club Member, competing in any Aquatic Discipline, consents to submit to drug testing when called upon to do so by an authorised official and furthermore agrees for the Federation to forward his name and such other details as may be required to any one or more Drug governing body or institution.

### SELECTION TO A NAMIBIAN NATIONAL TEAM

13. Any Club Member duly registered with the Federation through a Namibian Affiliated Member, who intends to train and/or compete outside the borders of Namibia for any period of time, and who wants to be eligible for selection to a Namibian Team, shall:

13.1 be a Namibian citizen;

13.2 abide by FINA rules;

13.3 may only and exclusively compete at any Gala as a Namibian citizen, the fact of which the Club Member shall inform the organisers of the event of;



13.4 must participate in at least one Gala under the auspices of the Federation in the Aquatic Season immediately preceding the selection of the applicable Namibian Team; and

13.5 they must abide by the provisions of the Act.

A Club Member, who is also registered with a foreign club under FINA rules, shall provide the Federation with the full name and address of the foreign club.

Should it come to the knowledge of the Federation that any Club Member participated at any Competition under the nationality other than the Namibian nationality, he/she will immediately forfeit his/her will not be considered for selection to any Namibian Team.

#### GALA ORGANISER AND OFFICIATING AT GALAS

14. The Gala Organiser shall:

14.1 make a fair and pro-rata distribution of officials allocated from the Affiliated Members (according to the quotas determined by Exco in the manner hereinafter provided from time to time) to officiate at Galas. The quota as determined by Exco shall, as far as practically possible, ensure that the number of officials representing each Affiliated Member at a Gala expressed as a percentage of all the officials officiating at the applicable Gala shall, be equal to that Affiliated Member's total Club Members expressed as a percentage of the total Club Members of all Affiliated Members, provided that each Affiliated Member shall avail at least 1 official for each Gala

14.2 indicate the function of each and every official so decided on. For instance, timekeepers, style judges etc.;

14.3 take into consideration the fact that the Federation did not make sufficient arrangements over the last couple of years to educate enough officials to officiate in the more technical positions like referee and style judge;

14.4 inform the Secretary General about the allocation of the number of officials per Affiliated Member. This should be done for every Gala;

- 14.5 inform the secretaries of the Affiliated Members of the requirements for officials from the specific Affiliated Member, determined in accordance with the provisions of paragraph 14.1;
- 15 Exco may impose a N\$ 1000.00 official penalty on any Affiliated Member for every official of that Affiliated Member who was required to officiate at a Gala but failed to show up or for not providing the number of officials it was required to provide in terms of paragraph 14.1.
- 16 The Gala Organiser must make sure that there are enough stand-by officials should a situation as stated in paragraph 15 occur.
- 17 All previous bye-laws with regard to the allocation of officials officiating at galas are repealed.

## **ANNEXURE B**

### **CONDITIONS AND BYE-LAWS FOR SWIMMING COMPETITIONS**

#### **(A) Namibia Open Swimming Championships**

Capitalised terms used in these bye-laws, shall have the meaning ascribed thereto in the Constitution of the Federation and in so far as there is any conflict between the provisions of these bye-laws and that of the Constitution, the provisions of the Constitution shall prevail.

The following general conditions shall apply to the Open Championships forming part of the Namibian National Championships and (except no. 2) to the Team Races:

1. The championship shall be open to all amateurs who have been registered Club Members for a period of at least 10 (ten) days before the date on which the Open Championship will be held.
2. The Open Championship will be held annually once during each Aquatic Season and may coincide with the Junior Championship, notwithstanding which it will be a separate Competition. The Short Course Championships will likewise be held annually once during each Aquatic Season
3. All competitors shall wear FINA approved costumes.
4. Winner to receive a Gold Medal, suitable inscribed. Second a Silver Medal, suitably inscribe. Third a Bronze Medal, suitably inscribed.  
If there is less than four swimmers for any event, awards will only be handed out when the said swimmers have completed the full distance or the particular event in the qualifying time as laid down from time to time by the Council.
5. Rules and technical aspects governing such a Competition will be as outlined by FINA.
6. Entries, accompanied by the prescribed fee, shall be made on the prescribed form and must reach the Secretary General/Recorder not later than ten (10) days before the date of the applicable Open Championship. The best current time of the swimmer shall be indicated on the entry form for heat allocation. These times are to fall within the standard qualifying times for the Namibia National Championships. Times are fixed at an "AAA" for the age of 13 (thirteen) years or as laid down by the Exco for the longer distances. The Exco may allow additional swimmers to compete on merit in the Open Championship.

7. The holder of each trophy awarded at the previous Open Championship shall return the trophy to the Secretary General on or before the date specified by the Secretary General in a communication to the Affiliated.

Such trophy shall be returned in the same condition as when it was awarded at the preceding Open Championship.

If not, the trophy holder – or if a minor, his/her parent/guardian – shall be liable for all costs in restoring the trophy.

Failing to comply with the deadline, mentioned above, the holder shall be levied with a fine of N\$ 100.00 per day per trophy.

8. The Programme for Open Championship shall be:

50m, 100m, 200m, 400m and 1500m freestyle	men
50m, 100m, 200m, 400m and 800 freestyle	women
100m and 200m Breaststroke	men
100m and 200m Breaststroke	women
100m and 200m Butterfly	men
100m and 200m Butterfly	women
200m and 400m Individual Medley	men
200m and 400m Individual Medley	women
4 x 100m Medley Relay	men
4 x 100m Medley Relay	women
4 x 100m and 4 x 200m Freestyle Relay	men
4 x 50m and 4 x 100m Freestyle Relay	women
4 x 50m Freestyle Relay	men

- 9.

- (a) Scratching on the day of the race will result in the swimmer being excluded from any subsequent event during that day.

- (b) Should a swimmer fail to report for a race, the swimmer shall be excluded from any subsequent event during that day.
- (c) The exclusion mentioned in 7 paragraphs (a) and (b) shall not apply to relay races.
- (d) Presentation of medical certificate or good cause shown will overrule paragraphs (a) and (b) above.

(B) Namibian Junior Championships

- 10. Open to all amateurs, who have been registered Club Members for a period of at least 10 (ten) days before the date on which the Junior Championships will be held.
- 11. The Junior Championship will be held annually once during each Aquatic Season and may coincide with the Open Championship, notwithstanding which it will be a separate Competition;
- 12. Club Members partaking s must be 16 (sixteen) years of age or younger on the date of the Competition in the Aquatic Season in which the Competition is held.
- 13. All competitors shall wear FINA approved costumes.
- 14. Entries, accompanied by fee, and the date of birth of swimmer, must reach the Secretary General/Recorder of at least 10 (ten) days before the date of Competition.
- 15. The Team Races will be open to teams, of which the four Club Members should belong to the same Affiliated Member or be Individuals Members.
- 16. Winner is to receive a Gold Medal, suitable inscribed. Second- a Silver Medal, suitably inscribe. Third- a Bronze Medal, suitably inscribed.
- 17. The programme for the Junior Championship to be decided upon by the Exco.
- 18. In individual events a swimmer may enter in his/her own age group or any age group higher, but he/she may enter in one age group only.
- 19. In relay events a swimmer may swim either in his/her own age group or one higher age group irrespective of the age group in which he/she swam in the individual events.

### (C) Age Group Swimming Competitions

1. All National Age Group Competitions shall be run according to the Bye-Laws as set down by the Council, failing which shall be governed by the bye-laws governing the Junior Championship
2. The Exco can draw up or approve of other age group Competitions during the Aquatic Season. These Competitions will be run in accordance with the laws and bye-laws as set down under (D) below.

### (D) Swimming Laws

The conduct of swimming Competitions as well as the officiating of such, i.e. duties of officials, rules on strokes, drawing of heats and the race itself, shall be according to the FINA Bye-Laws.

### (E) Namibian Junior Swimming/Diving Competition for Primary School Pupils

1. Swimmers/Divers need not be Club Members.
2. To be held annually during each Aquatic Season.
3. Only pupils of Grade 1 - Standard Grade 7 (both grades included) may participate.
4. The team races will be open to teams of which the four members should be pupils of the same school or college.
5. Entries, accompanied by the applicable fee, and date of birth of swimmers/divers, must reach the secretary of the promoting body at least 14 days before the date of the Competition.
6. The entry fee shall be as defined by the promoting body.
7. All competitors shall wear regulation costumes.
8. To avoid conflict, the Bye-Laws and Constitution of the Federation shall be observed.
9. The Bye-Laws and Constitution of the Federation shall be observed.
10. The winner of each event to receive a gold medal. The second - silver medal. The third - a bronze medal. All finalists receive certificates.

11. The winning school or college shall be presented with a trophy of the Federation suitably engraved and a certificate. The second with a smaller trophy than that of the winning school, suitably engraved and a certificate. The third with a certificate.
12. The secretary General shall make the programme available before the Competition is to take place.

#### Namibian Senior Swimming Diving Competition for High School Pupils

1. Swimmers/divers need not be Club Members.
2. To be held annually during each Aquatic Season usually in the month of February.
3. Only High School pupils (from Grade 8 and upward) may participate.
4. The team Races will be open to teams, of which the four members should be pupils of the same school or college.
5. Entries, accompanied by the applicable fee, and date of birth of swimmers/divers, must reach the secretary of the promoting body at least 14 days before the date of the Competition.
6. The entry fee shall be as defined by the promoting body.
7. All competitors shall wear regulation costumes.
8. To avoid conflict, the Bye-Laws Constitution of the Federation shall be observed. The winner of each event is to receive a Gold Certificate. The second a - Silver Certificate. The third - a Green Certificate.
9. The winning school or college shall be presented with a trophy of the Federation suitably engraved with a certificate. The second with a smaller trophy than that of the winning school, suitably engraved and with a certificate. The third with a certificate.