



UNDANG-UNDANG KELAB RENANG PULAU PINANG

PENANG SWIMMING CLUB RULES

2024

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RULES OF THE PENANG SWIMMING CLUB

NAME

1. The Club shall be called 'Kelab Renang Pulau Pinang'. (Penang Swimming Club).
 2. (a) 'Club' shall mean Kelab Renang Pulau Pinang (Penang Swimming Club).
- EGM 9/5/2010
- (b) 'Committee' shall mean the members for the time being of the Committee elected under Rule 24.
 - (c) 'Election Committee' shall mean the members for the time being of the Election Committee elected under Rule 30.
 - (d) 'In writing' shall mean written or printed or partly written or partly printed.
 - (e) 'Month' shall mean calendar month.
 - (f) 'Rules' shall mean these Rules and any amendments thereof for the time being in force.
 - (g) "Bye-Laws" shall mean the Bye-Laws made by the Committee under Rule 44 and any amendments thereof for the time being in force.
 - (h) 'Child' shall mean a person under the age of 16 years.
 - (i) The singular includes the plural and the masculine includes the feminine unless the context otherwise requires.
 - (j) 'Secretary' shall mean Honorary Secretary of 'Kelab Renang Pulau Pinang' (Penang Swimming Club)
 - (k) References to persons shall include bodies corporate unless the context otherwise requires.
 - (l) The rule headings do not form part of these rules and shall not be taken into account in their construction or interpretation.
- EGM 5/11/2023 (m)
- (m) "Address" shall mean the correspondence address as well as the email address as are registered with the Club by members.

EGM 5/11/2023 (n) "Members" shall mean the categories of members as stated in Rule 5.

OBJECTS

3. (a) The objects of the Club shall be to promote and encourage swimming and any associated water sports as well as other sporting recreational and social activities.
EGM 12/4/1991
- (b) To maintain a Pool, Club premises and to provide any other recreational facilities for the use of its Members.

COLOURS

4. The colours of the Club shall be black and orange.

MEMBERSHIP

5. The Club shall consists of:
EGM 12/4/1991 (a) Ordinary Members
EGM 9/5/2010 (b) Ordinary Transferable Members
(c) Lady Members
(d) Associate Members
(e) Corporate Members
(f) Term Members
(g) Patron/Honorary Members
(h) Junior Members
(i) Sporting Members
EGM 5/11/2023 (j) Annexe Members

ORDINARY MEMBERS

6. (a) An ordinary Member shall be a gentleman or lady not under twenty-one years of age.
EGM 18/10/1992
EGM 12/4/1991
EGM 9/5/2010
- (b) He may, after being a member of the Club for not less than three years, propose or second an applicant for membership PROVIDED that he may not propose or second more than three applications for memberships of the Club in any calendar year.
- (c) He shall be responsible for any debt due to the Club by any applicant whom he proposes or seconds. In the case of an applicant for election as Ordinary Member, Ordinary Transferable Member or Lady Member, such responsibility shall cease on election of the applicant.
- (d) He may introduce guests to the Club (Rule 16).

- (e) He may with one or more Ordinary members or Ordinary Transferable Members give notice of any proposal for consideration at the Annual General Meeting [Rule 34 (j)].

ORDINARY TRANSFERABLE MEMBERS

7. (a) An Ordinary Transferable Member shall be a gentleman or lady not under twenty-one years of age.

EGM 12/4/1991
EGM 9/5/2010

- (b) Subject to the approval of the Committee and Rule 7(e) on payment of a transfer fee and a registration fee, as determined by the Committee, an Ordinary Transferable Member may transfer his membership to any adult person. Rule 19 shall apply mutatis mutandis to the intended transferee as though such person were applying to the Club for membership except that he will not be required to pay an entrance fee.

EGM 12/4/1991
EGM 9/5/2000

- (c) The transfer fee shall be an amount of 10% of the prevailing entrance fee payable by an Ordinary Transferable Member at the time of such transfer except where the transferee is the son, daughter, husband or wife of an Ordinary Transferable Member, the transfer fee shall be a token sum of 1% of the prevailing entrance fee payable by an Ordinary Transferable Member and provided always that the Committee shall have the discretion to waive the transfer fee between the family members mentioned above in the event of terminal illness as certified by a qualified medical practitioner.

EGM 12/4/1991
EGM 9/5/2000

- (d) The rights and privileges of an Ordinary Transferable Member are the same as an Ordinary Member as set out in Rule 6(a) to (e).

EGM 18/10/1992
EGM 20/9/1998

- (e) In the event the Committee decides to conduct a membership enrolment drive for the purpose of raising additional funds for expansion and development of existing or new facilities, the Committee may at its discretion suspend the privilege of an Ordinary Transferable Member contained in Rule 7(b) for a period not exceeding one year and on such terms as the Committee deems fit and proper.

EGM 9/5/2010

- (f) On the death of an Ordinary Transferable Member, the Committee may on application transfer the membership of the deceased Member to his next of kin pursuant to order of the court. A transfer of membership on account of death as provided herein shall not be subject to the payment of a transfer fee and registration fee as required under Rules 7(b) and 7(c).

LADY MEMBERS

8. (a) A Lady Member shall be a single, unmarried lady not under twenty-one years of age or the wife of an Ordinary Member. A widow of an Ordinary Member who has been an Associate Member will automatically become a Lady Member upon the death of her husband and will subject to the payment of monthly subscription for single Lady Members.
- EGM 12/4/1991
11/6/1999
- (b) She may not propose or second any applicant for membership.
- (c) She may introduce guests to the Club (Rule 16).
- EGM 12/4/1991 (d) All Club bills and debts incurred by the Lady Members shall be the responsibility of the Lady Members.

ASSOCIATE MEMBERS

9. (a) Spouse of Ordinary Member or Ordinary Transferable Member may be elected as an Associate Member on his recommendation at the discretion of the Committee.
- EGM 12/4/1991
11/6/1999
- The membership of an Associate Member whose spouse is an Ordinary Transferable Member shall immediately terminate upon the death of the said Ordinary Transferable Member and thereupon all outstanding bills and debts owing to the Club shall be settled forthwith.
- (b) All Club bills and debts incurred to the Club by an Associate Member shall be the responsibility of the spouse concerned.
- (c) The rights and privileges of Lady Members as set out in Rule 8 are also applicable to Associate Members.

CORPORATE MEMBERS

- 9A. (a) The Election Committee may at its discretion elect firms, companies or corporations as Corporate Members.
- EGM 12/4/1991

- (b) A Corporate Member shall be entitled to nominate not more than two adult persons belonging to that organisation who shall upon their acceptance by the Election Committee be entitled to enjoy the full privileges of an Ordinary Member but shall have no voice in the management of the Club. The entrance fee payable in respect of a Corporate Member and its Nominee or Nominees shall be determined by the Election Committee from time to time. The entrance fees payable where there are two Nominees shall be higher than those for one Nominee. The appropriate entrance fee is to be paid upon application for Corporate Membership and irrespective of whether the initial one or two Nominees are being nominated at the time of application.
- (c) Upon the election of a Corporate Member, the name or names of the person or persons nominated to enjoy the privileges of membership shall be notified on a prescribed form by the firm, company or corporation to the Election Committee as soon as possible.
- (d) All nominees of a Corporate Member shall at the request of the Election Committee present themselves for introduction to the Committee on such date and at such time as the Election Committee may appoint.
- (e) All nominees, whether original or substituted of Corporate Members shall be subject to acceptance by the Election Committee which shall be entitled in its absolute discretion to reject any such nominations without assigning any reason thereof. All Nominees after the initial one or two Nominees shall upon their application for acceptance by the Election Committee pay a nominee fee determined by the Election Committee.
- (f) A Corporate Member may with the approval of the Election Committee transfer its membership to any firm, company or corporation subject to the payment of a transfer fee and a registration fee. Rule 19 hereof shall apply mutatis mutandis to any firm, company or corporation to whom the membership is to be transferred as though it were applying for membership of the Club, except that it will not be required to pay an entrance fee and a nominee fee in respect of its initial one or two Nominees.
- (g) The transfer fee shall be an amount equivalent to one-fourth of the entrance fee payable by a Corporate Member at the time of such transfer.

- EGM 12/4/1991
- (h) Corporate Members shall be liable for the payment of all subscriptions, registration fees and monies due on the accounts of their Nominees with the Club, as well as the accounts of those of their Nominees' spouses and children admitted as Members under Rules 8, 9 and 13.

TERM MEMBERS

10. (a) A person not under twenty-one years of age may apply to the Election Committee for admission as a Term Member.
- (b) The term of such membership shall be one year but the Committee at its absolute discretion may permit extensions to a total of three years.
- (c) A Term Member shall pay a non-refundable entrance fee for each year of membership [Rule 21(c)].
- (d) A Term Member may not propose or second any applicant for membership.
- (e) He shall have no voice in the affairs or management of the Club and shall have no vote nor attend any meeting.
- (f) He may introduce guests to the Club (Rule 16).
- (g) He shall be entitled to submit his child/children between the ages of sixteen and twenty-one for membership as Junior Member(s) (Rule 13).
- (h) A Term Member may convert to any other category of membership only through the procedure established by these Rules for that category.
- (i) The Committee at its discretion may require a Term Member to pay a deposit to the Club which shall be returned at the end of the term and after full settlement of all dues to the Club.

PATRON/HONORARY MEMBERS

11. (a) The Committee may invite a person of high rank and distinction to be the Patron of the Club for such time or times as is thought fit.

- (b) Honorary Members shall be such persons as the Committee may invite whether for life or such time or times as is thought fit.
- (c) The Patron or Honorary Members shall not propose or second an applicant for membership.
- (d) They shall have no vote nor any responsibility for running the affairs of the Club.
- (e) They shall not be called upon to pay any entrance fee or subscription or any levies that may be made from time to time.
- (f) They may introduce guests to the Club (Rule 16).

VISITING MEMBERS

- 12.
- (a) A lady or gentleman not under sixteen years of age who is on temporary visit to Penang may apply for admission as a Visiting Member by filling in the appropriate form obtainable from the Secretary. The applicant must be proposed by one Ordinary or Ordinary Transferable Member and seconded by another Ordinary or Ordinary Transferable Member. When completed, the form shall be forwarded to the Secretary.
 - (b) The application shall be referred to three Members of the Election Committee through the Secretary and if approved the applicant shall become a Visiting Member.
 - (c) The period of membership of a Visiting Member shall normally not exceed one month, but the Committee may extend the period to a total of up to three months.
 - (d) A Visiting Member shall enjoy the privileges, rights and responsibilities of an Ordinary or Lady Member as the case may be, except that:-
 - (i) A Visiting Member shall have no voice in the affairs or management of the Club.
 - (ii) A Visiting Member may not introduce a guest to the Club.
 - (iii) A Visiting Member may not enter for any Club competition.

- (e) A Visiting Member shall pay no Entrance Fee [Rule 21(b)].
- (f) A Visiting Member shall pay a subscription [Rule 22(e)].

JUNIOR MEMBERS

- 13. (a) A Junior Member shall be sixteen and twenty-one years of age and shall be the child of a member except that in the absence of the parent(s) or guardian from Malaysia, the Committee at its discretion may accept the application. In such cases no credit shall be allowed.
- (b) He may not propose or second an applicant for membership.
- (c) He shall have no voice in the affairs or management of the Club, and shall have no vote nor attend any Meetings.
- (d) He may not introduce a guest.
- (e) He shall pay no Entrance Fee [Rule 21(b)].
- (f) He shall pay a subscription [Rule 22(f)].
- (g) He shall cease to be a Junior Member on attaining the age of twenty-one years but he may within three months or such extended period as the Committee in its discretion shall allow before the cessation of his Junior Membership, apply for conversion to Term Member for a period not exceeding three years with all the rights, privileges and obligations of that category of membership except that he shall not pay any entrance fee and his conversion to Term Member shall be effective after his twenty-first birthday and upon payment of a conversion fee of RM250.00

ABSENT MEMBERS

- 14. (a) A member who is an Ordinary Member, Ordinary Transferable Member, Lady Member, associate Member, Term Member or Junior Member shall give at least one week's notice in writing to the Secretary that he will be absent from Malaysia for one or more. months shall have his name entered on the list of Absent Members after payment of the absent members fee of RM50.00 per request.

EGM 12/11/2000

- (b) He shall inform the Secretary of the date of his departure and the date up to which he wishes his account to be made up together with his intended overseas correspondence address and shall notify the Club of any change of address subsequently. After that date he shall incur no further liability to the Club before departure.
- EGM 12/11/2000
- (c) He shall inform the Secretary of the date of his return.
- (d) He shall pay his subscription for the month in which he departs and the month in which he returns but shall pay no subscription during the months of his absence.
- (e) Should the period of absence extend to over one year, the Member shall pay half the normal monthly subscription during the period of absence. This rule shall however not apply to Junior Members.
- (f) No Member while residing in Malaysia shall be entitled to have his name on the list of Absent Members.
- EGM 9/5/2010
- (g) An Absent Member shall not enjoy any of the privileges of the Club.
- EGM 11/6/1999

SPORTING MEMBERS

- 14A. (a) Sporting Members shall be admitted on a 3 monthly basis to any Section of the Club notwithstanding any provision in the Club Rules to the contrary in order to fulfil the Club's objective of promoting swimming and aquatic sports.
- EGM 18/10/1992
- (b) The admission of such members shall be at the discretion of the Committee and on the sponsorship and recommendation of the Club Captain and Chairman of the Section in the prescribed form.
- (c) Sporting Members shall have privileges equivalent to those available to members of the Sections with respect to training for and participating in competitions.
- (d) Sporting Members shall not constitute more than 50% of the respective Section members in training.
- (e) Sporting Members may, at the discretion of the Committee, be eligible for any Club subsidies.

- (f) Sporting Members shall not be allowed any credit facilities nor shall they have any voice in the affairs of the Club. They shall, however, be subject to all the Rules and Bye-Laws of the Club and the respective Sections.

ANNEXE MEMBERS

- 14B. (a) Any person, aged twenty-one (21) years and above, may
EGM 5/11/2023
- (a) Any person, aged twenty-one (21) years and above, may apply to the Club to be accepted as an Annexe Member.
 - (b) The Committee may, at its sole discretion and subject to such terms and conditions as may be imposed by the Committee, consider and approve applications from individuals to become an Annexe Member.
 - (c) Annexe Member upon being accepted as members by the Committee shall be subject to payment of: -
 - (i) An entrance fee of RM 50.00
 - (ii) Annual Fee of RM 10.00.
 - (d) Existing Club members shall not be subject to payment of an Annexe Annual Fee or an entrance fee, but will be allowed to enter the Annexe Club free of charge subject to identification by producing their club membership card.
 - (e) The location of the Annexe Club shall be at such location as approved by the Ministry of Finance.
 - (f) Annexe Members shall:
 - (i) only be permitted to enter the Annexe Club premises and shall not be entitled to enter the Club premises or to enjoy any rights and privileges accorded to any other categories of membership;
 - (ii) have no say in the affairs or management of the Club, including the Annexe Club;
 - (iii) have no voting rights or the right to attend any meeting.
 - (g) The Committee may, at its sole discretion and without giving any reason, at any time suspend and/or terminate the membership of any Annexe Members for such period as the Committee may deem fit.

- (h) During the period of suspension or upon termination of the Annexe membership, such Annexe Members shall not be allowed into the Annexe Club.
- (i) Annexe Members whose membership has been terminated by the Committee may appeal in writing to the Committee to be reinstated as an Annexe Member within fourteen (14) days of such termination.
- (j) The Committee may in its absolute discretion reject such appeal without giving any reason whatsoever or re-admit such members to be Annexe Members subject to such conditions as may be deemed fit by the Committee.
- (k) Annexe Members are prohibited from bringing guests into the Annexe Club.
- (l) Annexe Members shall be subject to the Annexe Bye-Laws as may be determined by the Committee.

MEMBERS OF AFFILIATED CLUBS

15. (a) A Member of a Club with which the Committee has made reciprocal membership arrangements shall be entitled to the privileges and be subjected to the responsibilities of a Visiting Member on presentation of a letter of introduction from the Secretary of such Club.

This Rule shall not apply to a person:-

- (i) who has come to reside in the State of Penang for more than three months.
 - (ii) who has been a Member of the Club and has left it a debtor to the Club.
 - (iii) who has been an unsuccessful candidate for admission to the Club.
- (b) The Committee may at any time withdraw all privileges granted under this Rule.
- (c) The names of the Clubs with which reciprocal membership arrangements have been made shall be posted on the notice board of the Club.

GUESTS

16. (a) Ordinary Members, Ordinary Transferable Members, Lady Members, Associate Members, Corporate Members (Nominees), Term Members and Honorary Members only shall be entitled to introduce not more than two guests to the Club at any one time except for the purpose of dining not on special occasions organised by or under the auspices of the Club.
- EGM 9/5/2010
- (b) The Member making the introduction shall write the name and normal address of the guest and his own name in the Guest Book kept at the Clubhouse or, in the alternative, the Member may give the guest a written introduction to the Secretary who shall enter the names of the guests and the Member in the Guest Book.
- (c) No person shall be introduced as a guest on more than three days in any one month except for dining as provided for in Rule 16 (a).
- EGM 26/6/2011
- (d) The Committee may limit or withhold the use of such Club facilities by guests as it thinks fit.
- (e) A guest shall not incur any liability to the Club.
- (f) A Member introducing a guest shall be responsible for seeing that the guest abides by the Rules and Bye-Laws of the Club. Any breach of such Rules and Bye-Laws by a guest shall make the Member liable to such actions as outlined in Rule 41 as if the Member himself has committed the breach.

CHILDREN

17. (a) No child shall be permitted to enter the Club without the consent of his parent or guardian who shall be a Member.
- (b) No child shall be permitted to enter the Club unless in the continuous charge of an Adult Member, who shall be entirely responsible for the acts and conduct of such child
- (c) No child shall incur any liability to the Club.

ADDRESSES

18. Every member shall register his address as defined in Rule 2(m) with the Secretary and shall immediately notify him of any change of such address. Any correspondence forwarded to the last registered address of a Member shall be deemed as correctly addressed and received by the Member.

ELECTION OF MEMBERS

19. (a) Applicants for election as Ordinary Members, Ordinary Transferable Members, Lady Members (except for widows of Ordinary Members), Associate Members, Corporate Members, Nominees of Corporate Members, Term Members and Junior Members shall fill in the appropriate forms obtainable from the Secretary and must be proposed by one Ordinary or Ordinary Transferable Member and seconded by another Ordinary or Ordinary Transferable Member, both of whom shall have been members of the Club for a period of not less than six months. When completed the forms shall be sent to the Secretary.
- (b) Applicants for Membership may only use the Club when they have been informed by letter that their applications have been accepted for consideration by the Election Committee.
- Pending election to Membership of the Club, accepted applicants shall have the privileges and responsibilities of a Visiting Member, but shall pay subscriptions for the class of Membership for which they are being considered.
- (c) Forms of application for membership as Ordinary Members, Ordinary Transferable Members, Lady Members, Associate Members and Corporate Members shall be posted on the notice board of the Club for twenty-eight days before being accepted for consideration by the Election Committee.
- (d) The Election Committee shall meet at least once monthly on such date and at such time and place as the Committee may from time to time appoint and shall call the Applicant for membership for interview/s.
- (e) Election shall be by ballot by the Election Committee.
- (f) No member of the Election Committee shall vote by proxy.

- (g) The ballot shall be taken by circulating a ballot box amongst the Members of the Election Committee of whom at least ten must vote and sign the ballot book at the time of voting, otherwise the election shall be null and void. Abstentions shall not count as votes.
 - (h) The ballot box shall be opened in the presence of at least two Members of the Election Committee who shall record the result over their signature in the Ballot Book.
 - (i) For election, a candidate must receive favourable votes from at least 75% of the Election Committee who have voted.
 - (j) If the ballot has been declared to be favourable, the candidate shall be considered duly elected. The Secretary shall notify the candidate, his proposer and seconder accordingly and shall transmit to the candidate a copy of the Rules and Bye-Laws of the Club together with a bill for his Entrance Fee, if any, and his subscription. On the payment of this bill the candidate shall be entitled to all the benefits and privileges of Membership and shall be bound by the Rules and Bye-Laws of the Club and by amendments that may be lawfully passed. If such bill is not paid within two weeks of presentation, the Committee shall have power to declare the candidate's election void.
 - (k) If the ballot for election of any candidates has been declared unfavourable, the Secretary shall so inform his proposer and seconder in writing.
 - (l) A rejected candidate shall not again become a candidate for election and until a period of twelve months has passed since the date of his last rejection. (w.e.f 1.10.2005)
 - (m) An applicant for membership who fails to turn up for interview for 3 times over a period of six months ("first six months") shall be deemed to have withdrawn his/her application and shall not again become a candidate for election until a period of six months has passed since the expiry of the first six months.
20. A candidate who has been accepted for consideration may withdraw at any time up to his election.

EGM 15/5/2005

EGM 12/11/2000

ENTRANCE FEE

21. (a) Entrance fees for Ordinary Members, Ordinary Transferable Members, Lady Members and Corporate Members shall be such sums as may be approved from time to time by the Committee but may not exceed the amounts as stated hereunder:
- EGM 11/6/1999
- (i) Corporate Members RM 100,000.00 (per nominee)
(ii) OthersRM 80,000.00

EGM 11/10/1992
EGM 12/11/2000

The entrance fee for an applicant who has been a Junior Member for at least 4 years and who applies before his twenty-fourth birthday shall be 30% of RM35,000.00 or such higher sum as may be decided by the general body at an Annual General Meeting in accordance with the provisions of Rule 34(i) of the Club Rules. The aforesaid sum shall be payable in such instalments as the Committee may from time to time decide PROVIDED ALWAYS that the maximum period for instalment shall not be more than 60 months.

The entrance fee for an applicant who has been a Junior Member for less than four (4) years and who applies before his twenty-fourth birthday shall be 30% of RM35,000/- and an additional sum which shall be determined as follows shall be payable:-

EGM 12/11/2000

P – RM10,500/- X
47 months

No. of month(s) being the difference between the length of time the Junior Member has been a Junior Member and 47 months.

Where the “P” represents the sum decided by the general body at General Meeting and the said sum shall not be less than RM10,500/-.

The entrance fee as determined herein for an applicant who has been a Junior Member for less than 4 years shall be payable in such instalments as the Committee may from time to time decide provided always that the maximum period for instalment shall not be more than 60 months.

However, an Ordinary Transferable Member elected under this provision shall not be eligible to transfer his membership under Rule 7(b) until he has been an Ordinary Transferable Member for a period of five years and subject always to Rule 7(e).

- (b) Lady Members who are widows of Ordinary Members and Associate Members who are spouses of Ordinary Members, Ordinary Transferable Members or Nominees of Corporate Members and Honorary Members, Visiting Members and Junior Members shall pay no entrance fees.
- EGM 16/6/1999
- (c) Term Members shall be required to pay a non-refundable annual fee of 30% of the current entrance fee for Ordinary Members. The wives of Term Members shall pay no fees.

Rule 21(a) was cancelled at the EGM 16 February 2023

SUBSCRIPTIONS

22. (a) Subscriptions shall be paid in advance.
- (b) The subscription of an Ordinary Member, Ordinary Transferable Member, Nominee of Corporate Member and Term Member shall be such sum as may be fixed from time to time by the General Meeting but shall not be less than RM40.00 a month.
- EGM 12/4/1991
EGM 27/6/2010
- EGM 18/10/1992
- However the subscription of an Ordinary Member or Ordinary Transferable Member who has attained the age of 60 years and has been a member of the Club for 15 years or more shall only be 60 per cent of that payable by members of the same category.
- However the subscription of Lady Member who has attained the age of 60 years and has been a member of the club for 15 years or more shall only be 60 per cent of that payable by members of the same category.
- (c) The subscription of Lady Member and Associate Member shall be 80% of the monthly subscription of an Ordinary Member or Ordinary Transferable Member.
- EGM 12/4/1991
EGM 12/11/2000
- EGM 12/4/1991 (d) An Honorary Member shall pay no subscription.
- (e) The subscription of a Visiting Member shall be such sum as may be fixed from time to time by the Committee but shall not exceed twice the monthly subscription of an Ordinary Member or Ordinary Transferable Member per fifteen days.
- EGM 12/4/1991
EGM 12/11/2000
- (f) The subscription of a Junior Member shall be 50% of the monthly subscription of an Ordinary Member or Ordinary Transferable Member.

- (g) Members are required to contribute towards the Staff Gratuity Fund. The rates shall be determined by the Committee from time to time but shall not exceed RM5.00 per month.
- EGM 12/4/1991

RESIGNATION

23. (a) Any Member may resign his Membership on giving two weeks notice in writing to the Secretary. Such Member shall pay his subscription for the month in which his resignation takes effect, and his resignation shall not be effective until all dues to the Club have been paid.
- (b) On ceasing to be a Member of the Club, a Member shall forfeit all rights to and claims upon the Club and its property and funds.
- (c) A Member who has resigned his membership of the Club, may subsequently apply for re-admission to membership, and the Committee may at its discretion waive such part of the difference between the current entrance fee at the time of the application and the Absent Members fee as it sees fit.

MANAGEMENT

24. (a) The Club shall be managed by the Committee.
- EGM 12/4/1991
- (b) The Committee shall consist of:
- EGM 9/5/2010
- The President
The Vice-President
The Honorary Secretary
The Honorary Treasurer
The Club Captain
and Seven other Ordinary or Ordinary Transferable Members,
Representatives referred to in Rule 24(c) (as ex-officio member). (IPP Taken Out in 2010).
- (c) One representative from each Section who is the Chairman of the Section shall be made an ex-officio member of the Committee without any voting rights.
- EGM 12/11/2000
EGM 9/5/2010
- (d) The Committee shall be elected by ballot at the Annual General Meeting except Representatives referred to in Rule 24(c).

(e) Subject to Rule 24(j), a candidate for election to the Committee must be an Ordinary or Ordinary Transferable Member and who has been Ordinary or Ordinary Transferable Member of the Club for at least three (3) years and who has paid up his Entrance Fee in full and is not a Defaulter in respect of his account at the time of nomination. The candidate shall be nominated in writing. Such nomination paper shall contain the signatures of the proposer and seconder and countersigned by the candidate indicating his consent. All such nominations shall be received by the Club fourteen days before the date set for the Annual General Meeting. A list of all nominations received shall be posted on the Club notice boards twelve days before the Annual General Meeting.

EGM 29/2/2004 (f) The Committee elected at the Annual General Meeting of the Club in any year shall hold office until the election of a new Committee at the Annual General Meetings in the following year. Retiring Members shall be eligible for re-election. Without prejudice to Rule 41, the Club may also by resolution in a General Meeting remove any member of the Committee before the expiration of his/her period of office in any circumstances. A member of the Committee, who has been so removed, shall immediately cease and vacate his/her office.

EGM 11/6/1999 (g) All vacancies in the Committee occurring between two Annual General Meetings shall be filled within one month by the Committee.

(h) A member who has been elected as President of the Club at two consecutive Annual General Meetings shall not be eligible for re-election as President for the following year.

EGM 12/11/2000
EGM 9/5/2010 (i) An Ordinary or Ordinary Transferable Member who has been suspended under Rule 41(d) shall not be eligible to be nominated as a candidate for election to the Committee for three (3) consecutive years from the date of his suspension.

(j) A Committee Member whose membership is suspended or who has been expelled shall immediately cease to be a member of the Committee.

QUORUM OF COMMITTEE

25. Seven Members of the Committee shall form a quorum.

COMMITTEE MEETINGS

26. (a) The Committee shall meet at least once every month, and at any time on the requisition of the President or of two Members of the Committee. A quorum shall be competent to transact in accordance with these Rules any business before it, provided that every Member of the Committee has been given notice of the Meeting as far as is practicable.
- EGM 9/5/2010 (b) The President, or in his absence the Vice-President, shall be Chairman at all meetings of the Committee. In the absence of both the President and Vice-President, the members of the Committee shall elect a Chairman from amongst themselves. No member of the Committee shall participate in the discussion/deliberation and/or in respect of any arrangement in which he has directly or indirectly a personal interest and this includes any matters relating to the Section in which the member of the Committee is also a member.
- (c) In the case of an equality of votes on any proposal, the proposal shall be considered lost. The Chairman shall have no second or casting vote.
- (d) Any Member of the Committee absenting himself without sufficient reason from two consecutive meetings of the Committee of which not less than two clear days notice shall have been given, may be called on by the Committee to resign from the Committee and he shall forthwith cease to be a Member of the Committee.

POWERS OF THE COMMITTEE

27. The Committee shall have a general power to deal with such affairs of the Club as are not reserved by these Rules for a General Meeting and in particular:
- (a) To control the ordinary revenue and expenditure of the Club, to invest any funds belonging to the Club and, subject to any limit fixed or directions given by a General Meeting, to borrow money from time to time from a Registered Bank for the purpose of the Club.
- (b) To appoint managerial and executive staff and to fix their remuneration and terms of service after the posts have been approved for inclusion in the Annual Budget of the Club by a General Meeting. [Rule 34(c)].

- (c) To appoint, pay and dismiss all employees of the Club.
- (d) To appoint Sub-Committees from their own body with power to co-opt other Members and to delegate any of their function to such Sub-Committees, provided that such Sub-Committees shall not incur any expenditure of the Club's fund without the approval of the Committee. The President or in his absence the Vice-President or in the absence of both of the President and Vice-President, the Hon. Secretary shall be Ex-Officio a member of all such Sub-Committees.
- (e) To make Bye-Laws not being inconsistent with the Rules.
- (f) To grant the use of the Club for special dinners, suppers or entertainment as and when and upon such terms and conditions as is thought fit.
- (g) To grant the use of Club facilities upon such terms and conditions (provided priority shall always be given to members of this Club) to other Clubs and Associations involved in water sports in pursuance of the objectives of the Club.
- (h) To declare any day or occasion a Guest Day or Guest Occasion and to waive for such Day or Occasion such limitations on the inviting of guests as is thought fit.
- (i) To convene Extra-Ordinary General Meeting [Rule 35(a)].
- (j) To consider any complaints or suggestions made by Members [Rule 46].
- (k) To appoint or replace Trustees [Rule 43].
- (l) To restrict the entry of Members and children to specified areas of the Club premises.
- (m) To enter into reciprocal arrangements with any other Club or Clubs upon such terms and conditions as may appear desirable.
- (n) To incur general and specific expenditures as provided for in the approved Annual Budget subject to the condition that any expenditure exceeding RM50,000.00 may only be incurred one month after the Committee have circularised the reason(s) for and the details of the proposed expenditure to all Members.

- (o) If approved by the general body, to undertake and conduct enrolment drive for the purpose of raising additional funds for the club in furtherance of its object not limited to the power to invite Associate Members to apply to be Ordinary Transferable Members and not withstanding Rule 7, to impose such terms and conditions as the Committee deems fit.

DEVELOPMENT COMMITTEE

27(A)

EGM 9/5/2010

- (a) If at any time deemed necessary by the Committee or by a General Meeting, a Development Committee consisting of a Chairman and four others shall be elected at a General Meeting to implement and supervise any development programme passed at a General Meeting.
- (b) Election shall be for a term of three years, each Member retiring by rotation every year. In the initial Election, the Chairman shall be elected for three years, Member One and Two for two years and Member Three and Four for one year.
- (c) At least two members of the Development Committee must have experience in the building and construction industry.
- (d) The current President or his nominee from the committee and one other Member nominated by the Committee shall be Ex-Officio Members of the Development Committee.
- (e) Decisions of the Development Committee shall be forwarded to the Committee for approval before implementation.
- (f) If there is any disagreement between the Development Committee and the Committee, an Extraordinary General Meeting shall be called within 21 days.
- (g) Any vacancy in the Development Committee shall be filled within one month by the Development Committee with the approval of the Committee.
- (h) Without prejudice to Rule 41, the Club may also by resolution in a General Meeting remove any member of the Development Committee before the expiration of his period of office in any circumstances. A member of the Development Committee who has been so removed, shall immediately cease and vacate his office.

28. Any Member of the Committee or Election Committee or any duly appointed Official of the Club may draw the attention of any person on the Club premises to the fact that he is guilty of a breach of the Rules or Bye-Laws of the Club.

INVALIDATION OF ACTIONS OF THE COMMITTEE

29. (a) No act, proceeding or resolution of the Committee shall be invalidated or questioned only by reason of a vacancy or vacancies in its Membership, or the disqualification or any irregularity in the appointment of any Member or Members of the Committee or by reason of the accidental omission to give any Member or Members of the Committee due notice of any meeting or by the non-receipt of any such notice.
- (b) No resolution passed by a General Meeting of the Club shall invalidate any prior act of the Committee which would have been valid if such resolution had not been passed.
- (c) A Committee Member shall not, whether directly or indirectly, have an interest in a contract or proposed contract with the Club, unless such contract is approved by the Members at a General Meeting.

A Committee Member shall deemed to have an interest in a contract if he or his immediate family is a sole proprietor, partner, principal, substantial shareholder, employer or employee of the other contracting party.

Any contract entered into where a Committee Member is deemed to have an interest may be voided, unless such contract is approved by the Members at the General Meeting OR that such contract was entered into prior to the election/appointment of the Committee Member.

ELECTION COMMITTEE

30. (a) The Election Committee shall consist of the Committee and six other Ordinary or Ordinary Transferable Members proposed and seconded at the Annual General Meeting and elected by ballot. Rule 24(e) and 24(j) shall apply mutatis mutandis to the election of the six other members of the Election Committee
- (b) The Election Committee shall have powers to co-opt up to a further three Members if required.

EGM 9/5/2010

- (c) The Election Committee shall continue in office until the appointment of a new Election Committee at the following Annual General Meeting. Retiring Members shall be eligible for re-election.
- (d) Any vacancy in the Election Committee between two Annual General Meetings shall be filled within one month by the Committee.
- (e) The Election Committee shall meet not less than once a month at such time and place as the Committee shall appoint.
- (f) Any Member of the Election Committee absenting himself without sufficient reason from two consecutive meetings of the Election Committee, of the holding of which not less than two clear days' notice shall have been given, may be called on by the Committee to resign from the Election Committee and shall forthwith cease to be a Member of the Election Committee.

GENERAL MEETING

31. General Meetings shall be of two kinds:-

- (a) Ordinary General Meetings.
- (b) Extraordinary General Meetings.

ORDINARY GENERAL MEETINGS

32. (a) The only Ordinary General Meeting in each year shall be the Annual General Meeting which shall be held in the month of June or as near thereto as convenient.

EGM 5/11/2023 (b) Not less than fourteen days' notice in writing shall be given by the Committee to all Ordinary and Ordinary Transferable Members of the date, time and place of the Annual General Meeting.

(c) With the notice shall be sent:-

- (i) A copy of the Committee's Report on the year's activities.

- (ii) An audited Balance Sheet of the Accounts of the club as they stood at the end of the financial year.
 - (iii) The report of the internal auditor.
- and
- (iv) An agenda of the matters to be considered at the Meeting.
- (d) The President, or in his absence the Vice-President, shall take the Chair at all Annual General Meetings. In the absence of both the President and Vice-President, the Ordinary and Ordinary Transferable Members present shall elect a Member of the Committee present to take the Chair.

QUORUM OF ANNUAL GENERAL MEETINGS

33. The quorum at the Annual General Meeting shall be two hundred Ordinary or Ordinary Transferable Members present in person. If there is no quorum at the end of thirty minutes from the appointed time of the Meeting, the Meeting shall be adjourned to a date not more than one month ahead and all members informed in writing. The business at the postponed meeting shall be the same as and none other than that to be dealt with at the original Meeting. At the postponed Meeting, if there is no quorum at the end of thirty minutes from the appointed time of the Meeting, those Ordinary and Ordinary Transferable Members present shall form a sufficient quorum.

BUSINESS OF AN ANNUAL GENERAL MEETING

34. The business to be conducted at the Annual General Meeting shall, if necessary, include but not necessarily in the order hereunder:-
- EGM 26/6/2011
- (a) The confirmation of the Minutes of the previous Annual General Meeting and of any Extraordinary General Meetings held since the last Annual General Meeting.
 - (b) The consideration and, if approved, the adoption of the Report and Accounts submitted by the Committee.
 - (c) The consideration and, if approved, the adoption of a 12 month Budget commencing from 1st July of the current year to 30th June of the following year showing an estimate of each of the items as set out under the Income and Expenditure Account of the Club.
- EGM 26/6/2011

EGM 9/5/2010

- (d) The election of a new Committee [Rule 24(d)].
- (e) The election of a new Election Committee [Rule 30(a)].
- (f) The election of an internal auditor wherein Rules 24(e) and 24(j) shall apply mutatis mutandis and to fix his remuneration or honorarium.
- (g) The election of Auditors.
- (h) The consideration of and decision on any proposal signed by not less than two Ordinary or Ordinary Transferable Members which has been received by the Hon. Secretary not less than one month before the date of the Meeting.
- (i) The granting of authority to the Committee to borrow money [Rule 39].
- (j) The amendment of the Rules [Rule 49].
- (k) With the approval of the Chairman, the consideration of any other matter.

EXTRAORDINARY GENERAL MEETINGS

35. (a) An Extraordinary General Meeting may be called at any time by the Committee on giving not less than fourteen days' notice to all Ordinary and Ordinary Transferable Members. The notice shall state the date, time and place of the Meeting and the business to be considered.

EGM 5/11/2023

- (b) (i) The Committee shall convene an Extraordinary General Meeting by issuing a notice (“the Notice”) containing the date, time and venue of the E.G.M. to members within twenty-one (21) days from the receipt by the Secretary of a requisition signed by not less than one hundred (100) Ordinary and/or Ordinary Transferable Members.

EGM 5/11/2023

- (ii) The Extraordinary General Meeting so requisitioned shall be held within two (2) months from the date of the Notice.
- (c) The business at an Extraordinary General Meeting shall be confined to the purpose or purposes for which it was called.

- (d) The President, or in his absence the Vice-President, shall take the Chair at all Extraordinary General Meetings. In the absence of both the President and Vice-President, the Ordinary and Ordinary Transferable Members present shall elect a Member of the Committee present to take the Chair.

QUORUM OF EXTRAORDINARY GENERAL MEETINGS

- 36. The quorum at an Extraordinary General Meeting shall be two hundred Ordinary or Ordinary Transferable Members present. If there is no quorum at the end of thirty minutes after the appointed time, the Meeting shall:
 - (i) If called by the Committee, be postponed to a date not more than twenty-one days and all members advised in writing. The business at the postponed Meeting shall be the same as and none other than that to be dealt with at the original Meeting. The Ordinary and Ordinary Transferable Members present at the postponed Meeting shall constitute a sufficient quorum whether they number two hundred or not.
 - (ii) If called on a requisition by members, be cancelled.

VOTING

- 37. (a) Only Ordinary Members and Ordinary Transferable Members who have paid their Entrance Fee in accordance with the manner and time as decided by the Committee shall have a vote in the management of the Club and shall be entitled to attend and vote at any General Meeting.
- EGM 12/11/2000 (b) Every proposal or resolution submitted to a General Meeting shall be decided by a simple majority on a show of hands unless in any case a sufficient majority is required by these Rules. Any member may, however, demand for a ballot by giving 7 days notice to the Secretary prior to the General Meeting.
- (c) There shall be no voting by proxy.
- (d) In the case of an equality of votes, the proposal shall be declared lost. The Chairman shall have no second or casting vote.

FINANCIAL

38. (a) The financial year of the Club shall run from the 1st day of January till the 31st day of December.
EGM 5/11/2023
- (b) The Committee shall be responsible for the receipt of all Entrance Fees, Subscription and Monies due to the Club and shall pay them into an account kept in a Registered Bank selected by the Committee.
- (c) A receipt signed by the person delegated by the Committee shall be the only sufficient discharge of any monies paid to the Club.
- (d) All payments by the Club shall be made as far as practicable by cheques signed by two Members of the Committee so authorised or by the Secretary if so authorised.
- (e) At the end of the financial year the Hon. Treasurer shall prepare statements consisting of Balance Sheets showing the financial position of the Club and of the Development Fund at the year end and an Income and Expenditure Account showing the results of the Club's operations for the year.
- (f) These statements shall be audited and submitted for consideration by Members at the Annual General Meeting.
- (g) Any budget for capital expenditure approved at any Annual General Meeting pursuant to Rule 34(c) herein which is not utilised/carried into effect within two (2) years from the date of the Annual General Meeting approving the same shall lapse and have no effect unless otherwise approved by members in a subsequent Annual General Meeting.
EGM 12/11/2000

DEVELOPMENT FUND

- 38.A (a) One half of the money received from entrance fees shall as soon as practicable be placed on fixed deposit with the Club's bankers or financial instruments guaranteed by the federal government in the name of the KELAB RENANG PULAU PINANG (PENANG SWIMMING CLUB) DEVELOPMENT FUND for such period as the Committee shall decide and the interest earned therefrom shall be credited as income of the Club.
EGM 9/5/2010

- (b) The Committee may from time to time recommend to the Members in General Meeting the appropriation of the surplus funds from the general account of the Club to the Development Fund. The acceptance of such appropriation by resolution of a General Meeting shall be binding on the Committee.
- EGM 9/5/2010 (c) All income from the Development Fund shall after payment of any income tax due be credited as income of the Club.
- (d) Expenditure of any sum from the Development Fund may only be made one month after the Committee have circularised the reason(s) for and the details of the project to be financed to all Members.
- EGM 5/11/2023 (e) Any payment of money out of the Development Fund must be signed by at least two authorised signatories, one signatory from a member of the Committee and the other signatory from a member of the Development Committee.

LEASE PREMIUM FUND

- 38B (a) One half of the money received from entrance fees shall as soon as practicable be placed on fixed deposit with the Club's bankers or financial instruments guaranteed by the federal government in the name of the KELAB RENANG PULAU PINANG (PENANG SWIMMING CLUB) LEASE PREMIUM FUND for such period as the Committee shall decide and the interest shall be credited as income of the Club.
- EGM 9/5/2010 (b) The Committee may from time to time recommend to the Members in General Meeting the appropriation of the surplus funds from the general account of the Club to the Lease Premium Fund. The acceptance of such appropriation of resolution of a General Meeting shall be binding on the Committee.
- EGM 9/5/2010 (c) All income from the Lease Premium Fund shall after payment of any income tax due be credited as income of the Club.
- (d) Expenditure of any sum from the Lease Premium Fund may only be made one month after the Committee has circularized of the reason(s)/details which shall be for renewal, conversion, acquisition of land lease or freehold land for the purpose of meeting objects of the Club (Rule 3).

- (e) Any payment of money out of the Lease Premium Fund must be signed by two authorized signatories of the Committee.

BORROWING

- 39. (a) On the passing at the General Meeting of a resolution authorising the Committee to borrow monies from a Registered Bank for the purposes of the Club, whether by overdraft, mortgage or otherwise, the Committee shall be empowered to borrow up to such limit as may be fixed in such resolution, whether at one time or from time to time, and at such rate of interest and in such form and manner and upon such security as the Committee may think fit.
- (b) All Members of the Club whether voting on such resolution or not and all persons becoming Members of the Club after the passing of such resolution shall be deemed to have assented to the same.
- (c) The Trustees shall at the direction of the Committee make all such disposition of the Club property or any part there-of as the Committee may deem proper for giving security on such borrowings and interest.

MEMBERS ACCOUNT

- 40. (a) The accounts of Members shall be made up at the end of each month and shall become due and payable on the first day of the following month, whether a bill for the same shall have been presented or not.
 - (b) Members who are transferring to the Absent Members List or resigning shall state the date up to which they wish their accounts made out and shall after that date incur no further debt to the Club before departure.
- EGM 10/11/2000
- (c) (i) Members shall settle their accounts within one (1) month from the date of the statement failing which the Club shall send a reminder notice to such members requiring them to settle the outstanding Account within fourteen (14) days.
- EGM 5/11/2023
- (ii) Members who fail to settle their accounts within fourteen (14) days as stated in Rule 40 (c)(i) shall forthwith be posted as Defaulters in the notice board of the Club.
- EGM 5/11/2023

- EGM 5/11/2023 (iii) A defaulter so posted shall not be allowed to enter the Club premises, including as a guest, and shall immediately forfeit the enjoyment of all his Club privileges and facilities, including but not limited to credit facilities as well as the right to attend and vote in general meetings.
- EGM 5/11/2023 (iv) If the Account still remains unpaid at the expiration of fourteen (14) days from the date of such posting as defaulters, the defaulting member shall *ipso facto* cease to be a member of the Club.
- EGM 5/11/2023 (v) The defaulter may however appeal in writing to the Committee for readmission as a member. If the Committee is satisfied with his explanation for the non-payment of his Account, the Committee may, at its discretion and upon full settlement of the Account readmit him as a member of the Club without payment of any entrance fee but subject always to a maximum readmission of not more than two times.
- EGM 5/11/2023 (vi) If the defaulter's appeal for readmission under clause 40 (c)(v) is refused by the Committee without having to give any reasons whatsoever, he shall not be reinstated as a member but he shall be allowed to transfer his membership in accordance with the rules governing transfer of membership herein.
- (d) The Committee may at any time stop any Member from incurring credit from or liability to the Club.

DISCIPLINARY COMMITTEE AND CONDUCT OF MEMBERS

41. (a) The Disciplinary Committee shall consist of a Chairman and EGM 9/5/2010 4 other members proposed and seconded at the Annual General Meeting and elected by show of hands. They shall be persons of high standing and reputation who have been an Ordinary Member or Ordinary Transferable Member of the Club for at least 10 years. Save the foregoing, Rules 24(e) and 24(j) shall apply mutatis mutandis to the election of the Disciplinary Committee. They shall hold office for 3 years but shall be eligible for re-election upon retirement. Any vacancy in the Disciplinary Committee between three Annual General Meetings shall be filled within one month by the Disciplinary Committee. Three members of the Disciplinary Committee shall constitute a quorum and may elect an ad hoc chairman from among themselves if the Chairman is absent.

- (b) The Disciplinary Committee shall have full powers to administer, manage and determine discipline amongst all categories of Members of the Club including but not limited to the Members' family and guest or guests utilising the facilities of the Club.
- (c) Any complaint regarding the behaviour or conduct of any member either within the Club premises or when representing the Club or when using affiliation facilities, and that of his guest or guests shall be made in writing and addressed to the Hon. Secretary. In addition any Committee Member of the Main Committee shall have the power to refer to the Disciplinary Committee any such misbehaviour or misconduct of a member or his guest. Upon receipt of the complaint the Hon. Secretary shall forthwith transmit it to the Disciplinary Committee for further action.
- (d) Upon receipt of the complaint regarding the conduct of a member and/or his guest, the Disciplinary Committee shall within one month or such further period as it may deem fit and proper but in any event not exceeding 3 months, make such inquiry into the matter as it may consider necessary and if it shall be of the opinion that the conduct complained of or brought to its notice as aforesaid is unbecoming of a member of the Club or injurious to the character or interests of the Club, then, in such case, the Disciplinary Committee may;
- EGM 9/5/2010
- (i) caution the member or
- (ii) suspend the member from the privileges of membership for a period not exceeding three months or
- EGM 9/5/2010
- (iii) recommend to the member to resign from the Club or transfer his membership in accordance with the rules of the Club, and in the event of the member failing to resign, transfer his membership aforesaid within seven days after the recommendation, the Disciplinary Committee shall take action as is specified in Rule 41(d)(iv).
- EGM 9/5/2010
- (iv) expel the member from the Club whereupon he shall forthwith cease to be a member of the Club and shall lose all such rights and privileges attaching to his membership of the Club.

- (v) in addition to clauses (i) - (iv) in the event any member, his family or his guest breaks or damages the property of the Club, order such member to pay to the Club, the cost of making good the damage assessed by the management of the Club which cost shall be charged to the member's account.
- (e) Provided always that before exercising any of the powers conferred on it by the above clauses, the Disciplinary Committee shall allow the member an opportunity to be heard either in person and/or in writing.
- (f) In the case of an expulsion such member shall have a right of appeal to the General Body by a letter addressed to the Hon. Secretary within 14 days upon being informed in writing of the decision of the Disciplinary Committee requesting the requisition of an Extraordinary General Meeting. By a simple majority, the General Body may either confirm the decision of the Disciplinary Committee or order that the member be reinstated with such period of suspension as it might find expedient or proper. The decision of the House shall be final and binding upon the Member.
- (g) Any member who has been expelled shall be entitled to address the General Meeting in person but shall not be entitled to the privileges of membership unless and until he shall have been reinstated.
- (h) Any member who has been suspended from the privileges of membership the third time or for an aggregate of more than 270 days in any 36 months period shall be automatically expelled. There shall be no right of appeal from such expulsion.
- (i) At no time whatsoever a member who has been suspended or expelled be introduced as a guest to the Club by the members of the Club.
- (j) Pending inquiry the Disciplinary Committee may suspend a member till the conclusion of the inquiry against him.
- (k) The spouse and family of a suspended member shall not access the Club during such period of suspension unless they are members in their own right.

(l) A member shall not be liable to arrears of subscriptions during the period of his suspension.

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(m) A member who has been expelled shall forfeit all rights to and claims upon the Club and its property and funds, and all privileges attached to membership. He shall not be eligible for membership in future and shall not be allowed to enter the premises of the Club as a guest.

42. Any Member breaking or damaging any of the property of the Club may be called upon to pay the cost of repairing or replacing the same to the satisfaction of the Committee.

BANKRUPTCY AND INSOLVENT MEMBERS

42A. A member who has been adjudged bankrupt shall automatically cease to be a member of the Club but he may be admitted as a member at the Committee's discretion upon production of a copy of the sealed court order discharging his bankruptcy.

TRUSTEES

43. (a) The property of the Club shall be vested in three Trustees or in a Trustee Company in trust for the Members for the time being of the Club. The Trustees shall be appointed by the Committee and shall remain in office until death, resignation or bankruptcy or until the Committee shall think proper to replace them or any one of them. A vacancy in the office of Trustee shall be filled by the Committee.

(b) A Trustee Company appointed Trustee of the property of the Club in accordance with this Rule shall remain in office until such Company shall resign or until the Committee shall think proper to replace such Trustee Company. A Trustee Company which resigns or is replaced shall, at the request of the Committee, transfer the Club property to new Trustees or to new Trustee Company appointed by the Committee.

BYE-LAWS

44. (a) The Committee may from time to time make such Bye-Laws (not being inconsistent with these Rules) as may be deemed necessary for the proper management of the Club and may amend, add to or cancel Bye-Laws for the time being in force.

- (b) Such Bye-Laws and any amendments, additions and cancellations shall, by order of the Committee, be posted on the notice board of the Club and shall then be binding on all Members of the Club.

CLAIMS AND INDEMNITY

- 45. (a) No Member, Guest or Child shall have any claim against the Club or its property or the Committee for any loss, damage or injury suffered or sustained by him on the Club premises.
- (b) Every member of the Committee, Election Committee, Development Committee and Disciplinary Committee of the Club for the time being shall be indemnified out of the funds of the Club against all actions, proceedings in the discharge of their duties as such member in good faith.

EGM 9/5/2010

SUGGESTIONS AND COMPLAINTS

- 46. Suggestions and complaints shall be made either in writing to the Secretary or by entry in the book kept for the purpose in the Clubhouse. Such entries shall be signed by the Member making them. Such suggestions and complaints shall be dealt with by the Committee at its next Meeting. The Member concerned shall be informed in writing or by entry in the book of the action taken by the Committee.

RELATIONSHIP WITH SECTIONS

- 47. These rules govern the relationship between the Penang Swimming Club and its Sections.
 - (a) The Penang Swimming Club Committee, hereinafter referred to as the Committee, may permit special aquatic activities to be carried on under the auspices of the Club and Section will be formed to conduct and organise these activities if so requested by the Committee.
 - (b) Members of any Section must first be members of the Penang Swimming Club and abide by the Rules of the Club.
 - (c) Buildings and Fixtures will be provided and maintained out of Penang Swimming Club funds and will be owned by the Club. Utility services will be provided by the Club at the discretion of the Committee.

- (d) The Section's Fittings and Equipment will be purchased by the Section who will retain full ownership and be responsible for the necessary maintenance and upkeep.

A Section may however apply for Club funds to purchase any Fitting or Equipment and if granted, the Fitting or Equipment shall be the property of the Club. The control and use of any such Fitting or Equipment shall be subject to such terms and conditions as may be imposed by the Committee from time to time.

- (e) Buildings and Fixtures provided in accordance with Rule (c) above shall be provided solely at the discretion of the Committee who may withdraw the Buildings and Fixtures from the use of a Section at its sole discretion. The Sections shall have no authority to sublet to others without permission of the Committee.
- (f) Fittings and Equipment of any Section which become derelict or useless shall be removed by the Section from Club premises. If they fail to remove such fittings and equipment at the request of the Committee, the Committee may then remove and dispose of such fittings and equipment as it thinks fit.
- (g) Each Section shall draw up Bye-Laws for the running of the Section These Bye-Laws and amendments thereto must be submitted to the Committee for approval and ratification. Infringements of these Bye-Laws shall be dealt with by enforcing their own Bye-Laws, failing which the Committee shall have power so to do.
- (h) Each Section may levy its own Entrance Fee and monthly subscription (which are in addition to the Entrance Fee and monthly subscription of the Penang Swimming Club).
- (i) The funds of each Section shall be held with the general funds of the Club, and will be administered through the Secretary of the Penang Swimming Club by the Section Committee concerned, who may authorise expenditure from such funds.

- (j) Only the Committee may make loans or grants to a Section for the purpose of the formation or expansion of that Section and shall have an absolute lien over all the assets of such Section for the repayment of loans made under this Rule. No Section may pledge the credit of the Penang Swimming Club.
- (k) In the event of a Section winding up, its assets may be sold by the Committee. Funds remaining after payment of all debts shall be held in trust for a period of not less than five years. If the Sections is reformed within this period the Committee may re-allot such trust funds towards the reformation of such Section. After five years such trust funds will revert to ownership of the Penang Swimming Club. Should the Penang Swimming Club itself wind up, the funds and assets of the various sections shall revert to the Trustees of the Club for disposal at their absolute discretion taking into consideration any existing agreements.
- (l) Should any dispute arise between the Sections or between a Section and the Club, the decision of the Committee on the dispute shall be final and binding.
- (m) Interpretation of these Rules rests in the first instance with the Committee. The redress by a Section aggrieved by the decision of the Committee will be by recourse to an Extraordinary General Meeting under Rule 35.

PROHIBITIONS

- 48. (a) None of the following games shall be played in the premises of the Club: Roulette, Lotto, Fan Tan, Poh Peh Bin, Belangkai, Pai Kau, Tau Gnau, Ten and a Half, Tien Kow, Chop Ji Kee, Sam Cheong, Twenty One, Thirty One and all games of dice, banker's games and all games of mere chance provided prior permission/approval has been obtained from the authorities concerned.
- (b) The Club shall not hold any lottery, whether confined to its members or not, in the name of the Club of its Office Bearers, Committee, or Member, without prior permission from the authorities concerned.
- (c) Benefits as stated in Section 2 of the Societies Act, 1966, should not be given by the Club to any Member or Member's

dependant.

- (d) Neither the Club nor its Members in their capacity as Club Members shall attempt to restrict or in any other manner interfere with the trade or prices or engage in any trade union activities as defined in the Trade Union Ordinance 1959.
- (e) No university or university college students coming under the purview of the Malaysia University and University Colleges Act shall be admitted as a member of the Club unless he or she has obtained written permission from the Vice Chancellor of the university concerned.

INTERPRETATION

- 49. The Committee shall be the sole authority for the interpretation of these Rules and any Bye-Laws and their decision on any question of interpretation shall be final and binding on the Members.

AMENDMENTS OF RULES

- 50. Any alteration of these Rules shall be made by resolution at a General Meeting, provided that no such resolution shall be deemed to be passed unless at least two-thirds of the Members present and voting shall have voted in favour of it, subject to a quorum being present at the time of the vote. The resolution setting out the proposal shall be included in the notice calling the meeting.

WINDING UP

- 51.
 - (a) A proposal to wind up the Club may be made by the Committee or at the request of not less than two-thirds of the Existing Ordinary and Ordinary Transferable Members.
 - (b) The Committee shall submit the proposal in writing to a referendum of all the Ordinary and Ordinary Transferable Members of the Club, stating the date (not less than one month ahead) by which all replies to the referendum must be forwarded to the Secretary.
 - (c) On receipt of such replies the Committee shall publish or post on the Club notice boards the names of the Ordinary and Ordinary Transferable Members replying and their individual opinions. If two-thirds of the Ordinary and Ordinary Transferable Members are in favour of the proposal, the Club shall be wound up.

- (d) On winding up, the net assets of the Club shall be distributed to the Ordinary Members, and Ordinary Transferable Members equally after payments of all debts and the cost of winding up.

BYE-LAWS GENERAL

1. The Club is available for use by Members at the hours specified and posted by the Committee.
2. The Club can accept no responsibility in any circumstances for money or valuables brought on to the Club premises.
3. No animal may be brought on to the Club premises. Any Member contravening this Bye-Law shall be liable to a fine of RM50.00 for each animal and for each occasion.
4. Members may not bring or allow persons for whom they are responsible to bring any provisions or drinks on to the Club premises except with the permission of Main Committee. (W.E.F 16/1/2015).
5. No Member shall in any circumstances give any money or gratuity to any servant of the Club.
6. No Member shall personally reprimand or punish any servant of the Club. All complaints shall be made in the manner provided in Rule 46. This bye-laws shall not apply to members of the Main Committee carrying out or discharging their duties and functions. (W.E.F. 1/6/2022)
7. No page, plate, supplement or advertisement shall be mutilated or abstracted from any book, periodical or paper belonging to the Club.
8. Books, periodicals, papers and furnishings in the Clubhouse may not be removed from the Clubhouse except on occasions approved by the Committee.
9. Proper attire must always be worn at the Club.

10. Members are provided with Membership Cards. These Cards should be carried when visiting the Club. Anyone unable to produce a Membership Card or introduction card may be refused entry or be expelled from the Club premises by a Member of the Committee or by an authorised official of the Club. Any member who loses his/her membership card will be charged RM 20 for replacement.
11. No Member, Guest or child shall bring in to the Club premises or play thereon any musical instrument or portable wireless apparatus without the prior approval of the Committee.
12.
 - (a) No child under the age of 16 may at any time enter the Clubhouse or the Old Quarter Deck except on special occasions approved by the Committee.
 - (b) No child under the age of 16 may at anytime sit or stand at any installed Bar on the Club premises.
 - (c) Children under the age of 16 are permitted to enter the New Quarter Deck at all times (unless reserved at Committee approval for special occasions) providing they are accompanied by an adult or responsible Member.
 - (d) WET swimming attire may not be worn by Members and their children or Guests whilst seated on the New Quarter Deck or the Captain's Deck.
13. Applications for all categories of Membership shall be posted on the Main Notice Board outside the Clubhouse entry door for the information of all the Members. Any Member objecting to the admittance to membership of such applicants shall advise the Committee in writing not less than seven days before the next Election Committee Meeting is due.
14. No member may use Club facilities for financial gains without permission of the Committee.
15. The minimum dress code for gentlemen in the Old Quarter Deck, the Pacific Lounge and the Captain's Restaurant shall be shirt with collar, long trousers and shoes. Ladies should not be in T-shirts, shorts or slippers and are expected to be appropriately dressed.

16. Minimum attire at any time in the Clubhouse, New Quarter Deck and The Captain's Deck shall include footwear, shorts and some form of shirt.
17. Smoking will not be allowed in the Pacific Lounge and the Captain's Restaurant.
18. Any Person who is successful in his appeal for re-admission as a member of the Club under Rule 40 (c) shall only be re-admitted upon payment of his arrears and a Security Deposit of RM1,000.00 which shall be held by the club for a period of 12 months interest free from date of re-admission and shall be refunded upon the expiry of the 12 months. However, the Security Deposit shall be forfeited if his membership were to cease again under the same rule. Additionally, a penalty fee of RM100.00 or 10% of arrears whichever is higher will be charged. -(W.E.F. 16/11/2017)
19. No sound recordings, films, broadcasts or published editions in literary, dramatic, musical or artistic works and other subject matters in infringement of the Copyright Act 1987 (Act 332) of Malaysia including its Regulations And Orders shall be permissible within the Club and/or be brought into the Club or its premises. For the purpose of this bye-law, any reference to the Copyright Act 1987 (Act 332) of Malaysia shall include reference to any Act, statutory provisions or enactments replaced thereby and any substituted statutory provisions.
20. Members renting, using or handling boats, diving equipments, sailing boats shall deem to have the necessary experience and/or qualification in handling same.
21. Any member wishing to park his/her car in the Club must display a valid PSC parking label and shall park at the designated spaces provided. No car will be permitted to park overnight unless duly authorised by the Club. Any Member or Guest found in breach of this Bye-Law may result in their car being clamped, liable to a fine of RM50.00 per day for releasing and/or disciplinary action being instituted. (W.E.F. May 2017)
22. No members of the Main Committee shall put themselves in a position of conflict of interest. Members of Main Committee are expressly prohibited from holding any position in any Section or Group as well as representing any Section or Group in budget application and negotiation with the Main Committee. (W.E.F. 1/6/2022)

Byelaw 23 (a) (b) and 24 were cancelled
pursuant to Notice dated 28 June 2024.

BYE-LAWS POOLS

1. Supervision of any child/children entering the Pool or its surrounds shall rest entirely with the parent or Adult in charge of the child or children and shall be responsible for the safety thereof.
2. ANY person found:-
 - (a) using the showers as toilets
 - (b) using the pool as a toilet
 - (c) failing to use the shower before entering the pool
 - (d) spitting in or around the pool
 - (e) running around the pool
 - (f) pushing another person into the pool
 - (g) “bombing” another person from the diving boards or the side of the pool
 - (h) interfering with pool safety equipment or first aid cupboards
 - (i) disobeying the published and displayed Rules on use of the Diving Boards

Shall be suspended from the use of the Pool and its surroundings, and/or other Club amenities, as the Committee may so direct.

3. The use of the Children's pool shall be confined to children under 8 years of age, who shall be supervised by a responsible Adult.
4. The use of “Lilos” and Rubber/Plastic toy canoes etc. in both Club pools is prohibited in the interest of health and safety. The use of flotation rings through which a child may slip is also prohibited in both pools.
5. The Main Pool shall not be reserved for any Club training activities on Sundays and Public Holidays except with the permission of the Main Committee.-(W.E.F. 20/11/2014)
6. NO Member or child of Member may use Snorkel Equipment in the Club Pool at anytime unless and until he/she is in possession of a recognised Efficiency Certificate in the use of this equipment. Such Certificate shall be made available for the scrutiny of authorised Club Officials upon request.
7. No child of members may use arm bands, floats or floating aids in the main pool unless under the close supervision of an adult.
8. No guests are allowed to use the Pool, Sauna and Gym.
9. Spitting is prohibited in any part of the Club premises.

