



CLUB CONSTITUTION

Rules of Borehamwood Swimming Club as at 6 December 2020

1. Name

1.1 The name of the Club shall be Borehamwood Swimming Club.

2. Objects

2.1 The advancement of amateur sport, by the teaching, coaching, development and practice of swimming, (including competitions where appropriate) for the benefits of the residents of Borehamwood and the surrounding areas.

3. In furtherance to our objects

3.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.

3.1.2 The Club shall implement the Swim England Equality Policy (as may be amended from time to time).

3.2 The Club shall be affiliated to Swim England East Region, and shall adopt and conform to the rules of Swim England East Region, and to such other bodies as the Club may determine from time to time.

3.3 The business and affairs of the Club shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England ("Swim England Regulations") and in particular:

3.3.1 all competing members shall be eligible competitors as defined in Swim England Regulations; and

3.3.2 the Club shall in accordance with Swim England Regulations adopt Swim England's Child Safeguarding Policy and Procedures ("Wavepower"); and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.

3.3.3 members of the Club shall in accordance with Swim England Regulations comply with Wavepower.

3.4 By virtue of the affiliation of the Club to Swim England East Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:

3.4.1 Swim England East Region; and

3.4.2 Swim England (to include the Code of Ethics); and

3.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and

3.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules").

3.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

4. Membership

4.1 The total membership of the Club shall not normally be limited. If however the Board of trustees considers that there is a good reason to impose any limit from time to time then the Board of trustees shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.

4.2 All persons who assist in any way with the Club's activities shall become members of the Club and hence of Swim England and the relevant Swim England membership fee shall be paid. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Board of trustees members, helpers, Honorary members, life members, Officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of Swim England's educational certificates.

4.3 Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by Swim England's Code of Ethics, Swim England Regulations relating to Wavepower, those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.

4.4 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be determined by the Membership Officer but other person(s) authorised by the Board of trustees may make recommendation as to the applicant's acceptability. The Membership Officer shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Board of trustees ("Review Panel") comprised of not less than three members (who may or may not be members of the Board of trustees). The Review Panel shall wherever practicable include one independent member nominated by Swim England East Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

4.5 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

4.6 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

5. Subscription and Other Fees

5.1 The annual members' subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Board of trustees and the Board of trustees shall in so doing make special provision for different classes of membership as it shall determine.

5.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st of February each year.

5.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Board of trustees from some or all Club activities from a date to be determined by the Board of trustees and until such payment is made.

5.4 The Board of trustees shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England membership fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

5.5 The Executive Officers (or the Board of trustees) shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership fees, to address issues of social inclusion.

6. Resignation

6.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 6.1) has been complied with.

6.2 The member who resigns from the Club in accordance with Rule 6.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.

6.3 Notwithstanding the provisions of Rule 6.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.

6.4 The Swim England Membership Department shall be informed should a member resign when still owing money or goods to the Club.

7. Expulsion and other Disciplinary Action

7.1 The Board of trustees shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 7.3 and 7.4 below.

7.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 7.3 and 7.4 below.

7.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures ("the Procedures") as the same may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration).

7.4 A member may not be expelled or (subject to Rule 7.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall unanimously vote in favour of the expulsion of (or other penalty imposed upon) the member.

7.5 The Officers of the Club (or any person to whom the Board of trustees shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

8. Board of trustees

8.1 The Board of trustees shall consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") and at least 3 elected members all of whom must be members of the Club. All Board of trustees members must be not less than 18 years of age though the Board of trustees may allow younger member(s) to attend their meetings without power to vote. The Welfare Officer will have a right to attend Board of trustees meetings without a power to vote.

8.2 The Board of trustees shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with Wavepower.

8.3 The Executive Officers and Board of trustees members shall be proposed, seconded and elected at the Annual General Meeting. Election to an Executive post or Board of trustees shall be for three years. The newly elected Executive Officers and Board of trustees members will take office when the Chairman has closed the meeting. One third of those holding an Executive post and the members of the Board of trustees shall retire annually but shall be eligible for re-election. The members so retiring being those who have been longest in office. Any casual vacancy occurring by resignation or otherwise may be filled by the Board of trustees but any member so chosen shall retire at the next Annual General Meeting but shall be eligible for re-election at that Meeting.

8.4 Board of trustees meetings shall be held not less than quarterly (save where the Board of trustees itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Board of trustees members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Board of trustees if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Board of trustees not less than two days oral notice of a meeting. Decisions of the Board of trustees shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote. The Secretary, or in his/her absence a member of the Board of trustees, shall take minutes.

8.5 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Board of trustees members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 14.1 shall not apply.

8.6 In addition to the members so elected the Board of trustees may co-opt up to 2 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Board of trustees and shall not be counted in establishing whether a quorum is present.

8.7 The Board of trustees may from time to time appoint from among their number such sub-board of trustees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-board of trustees) and may delegate to them such of the powers and duties of the Board of trustees as the Board of trustees may determine. All sub-board of trustees shall periodically report their proceedings to the Board of trustees and shall conduct their business in accordance with the directions of the Board of trustees.

8.8 The Board of trustees shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Board of trustees shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Board of trustees shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.

8.9 The members of the Board of trustees shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.

8.10 The Board of trustees shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines. The Club shall make an annual return to the Swim England Membership Department indicating whether or not an entry has been made in the prescribed online form.

8.11 The Board of trustees shall have power to make regulations, create by-laws (see Rule 17.1) and to settle disputed points not otherwise provided for in this Constitution.

8.12 The trustees must manage the business of the charity and have the following powers in order to further the objects (but not for any other purpose):

- 8.12.1 (a) to raise funds. In doing so, the trustees must not undertake any taxable permanent trading activity and must comply with any relevant statutory regulations;
- 8.12.2 (b) to buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
- 8.12.3 (c) to sell, lease or otherwise dispose of all or any part of the property belonging to the charity. In exercising this power, the trustees must comply as appropriate with sections 117 - 122 of the Charities Act 2011;
- 8.12.4 (d) to borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed. The trustees must comply as appropriate with sections 124 - 126 of the Charities Act 2011, if they intend to mortgage land;
- 8.12.5 (e) to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;
- 8.12.6 (f) to establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;
- 8.12.7 (g) to acquire, merge with or enter into any partnership or joint venture arrangement with any other charity formed for any of the objects;
- 8.12.8 (h) to set aside income as a reserve against future expenditure but only in accordance with a written policy about reserves;
- 8.12.9 (i) to obtain and pay for such goods and services as are necessary for carrying out the work of the charity;
- 8.12.10 (j) to open and operate such bank and other accounts as the trustees consider necessary and to invest funds and to delegate the management of funds in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000;
- 8.12.11 (k) to do all such other lawful things as are necessary for the achievement of the objects.
- 8.12.13 No alteration of this constitution or any special resolution shall have retrospective effect to invalidate any prior act of the trustees.
- 8.13 Any meeting of trustees at which a quorum is present at the time the relevant decision is made may exercise all the powers exercisable by the trustees.

9. Disqualification and removal of trustees

- A trustee shall cease to hold office if he or she:
- 9.1 (1) is disqualified from acting as a trustee by virtue of sections 178 and 179 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision);
- 9.2 (2) ceases to be a member of the charity;
- 9.3 (3) in the written opinion, given to the charity, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a trustee and may remain so for more than three months;
- 9.4 (4) resigns as a trustee by notice to the charity (but only if at least two trustees will remain in office when the notice of resignation is to take effect); or
- 9.5 (5) is absent without the permission of the trustees from all their meetings held within a period of six consecutive months and the trustees resolve that his or her office be vacated.

10. Conflicts of interests and conflicts of loyalties

- A charity trustee must:
- 10.1 (1) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not been previously declared; and
- 10.2 (2) absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest). Any charity trustee absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.

11. Benefits to Trustees & Connected Persons

- 11.1 No charity trustee or connected person may:
- 11.1.1 (a) buy or receive any goods or services from the charity on terms preferential to those applicable to members of the public;
- 11.1.2 (b) sell goods, services or any interest in land to the charity;
- 11.1.3 (c) be employed by, or receive any remuneration from, the charity;
- 11.1.4 (d) receive any other financial benefit from the charity; unless the payment is permitted by sub-clause (2) of this clause, or authorised by the court or the Charity Commission ('the Commission'). In this clause, a 'financial benefit' means a benefit, direct or indirect, which is either money or has a monetary value.
- 11.2 Scope and powers permitting trustees' or connected persons' benefits
- 11.2.1 A charity trustee or connected person may receive a benefit from the charity in the capacity of a beneficiary of the charity provided that a majority of the trustees do not benefit in this way.
- 11.2.2 A charity trustee or connected person may enter into a contract for the supply of services, or of goods that are supplied in connection with the provision of services, to the charity where that is permitted in accordance with, and subject to the conditions in, section 185 of the Charities Act 2011.
- 11.2.3 Subject to sub-clause (3) of this clause a charity trustee or connected person may provide the charity with goods that are not supplied in connection with services provided to the charity by the charity trustee or connected person.
- 11.2.4 A charity trustee or connected person may receive interest on money lent to the charity at a reasonable and proper rate which must be not more than the Bank of England bank rate (also known as the base rate).
- 11.2.5 A charity trustee or connected person may receive rent for premises let by the trustee or connected person to the charity. The amount of the rent and the other terms of the lease must be reasonable and proper. The charity trustee concerned must withdraw from any meeting at which such a proposal or the rent or other terms of the lease are under discussion.
- 11.2.6 A charity trustee or connected person may take part in the normal trading and fundraising activities of the charity on the same terms as members of the public.
- 11.3 Payment for supply of goods only - controls The charity and its charity trustees may only rely upon the authority provided by sub-clause 2(c) of this clause if each of the following conditions is satisfied:
- 11.3.1 (a) The amount or maximum amount of the payment for the goods is set out in an agreement in writing between the charity and the charity trustee or connected person supplying the goods ('the supplier') under which the supplier is to supply the goods in question to or on behalf of the charity.
- 11.3.2 (b) The amount or maximum amount of the payment for the goods does not exceed what is reasonable in the circumstances for the supply of the goods in question.
- 11.3.3 The other charity trustees are satisfied that it is in the best interests of the charity to contract with the supplier rather than with someone who is not a charity trustee or connected person. In reaching that decision the charity trustees must balance the advantage of contracting with a charity trustee or connected person against the disadvantages of doing so.
- 11.3.4 (d) The supplier is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her or it with regard to the supply of goods to the charity.
- 11.3.5 (e) The supplier does not vote on any such matter and is not to be counted when calculating whether a quorum of charity trustees is present at the meeting.
- 11.3.6 (f) The reason for their decision is recorded by the charity trustees in the minute book.
- 11.3 office are not in receipt of remuneration or payments authorised by clause 5.
- 11.3 In sub-clauses (2) and (3) of this clause:
- 'the charity' includes any company in which the charity: (i) holds more than 50% of the shares; or
- (ii) controls more than 50% of the voting rights attached to the shares; or
- (iii) has the right to appoint one or more trustees to the board of the company.
- 'connected person' includes any person within the definition set out in clause 34 (Interpretation).

12. Ceremonial Positions and Honorary Members/Life Members

- 12.1 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice- Presidents. A President or Vice-President need not be a member of the Club on election but shall, ex officio, be an honorary member of the Club and must be included in the Club's Annual Return of Members to Swim England.
- 12.2 The Board of trustees may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Board of trustees unless any such person shall have retained in addition their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's annual return as to membership.
- 12.3 Once created by the Board of trustees, honorary and/or Life membership categories may only be removed (notwithstanding that persons may hold these categories of membership) at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.
- 12.4 A minimum of 21 days in advance of the Annual General Meeting, the Board of trustees shall write to all holders of honorary and/or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting.
- 12.5 Where the effected holder or holders of the honorary and/or Life membership do not attend or are unable to attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by show of hands

13. Annual General Meeting

- 13.1 The Annual General Meeting of the Club shall be held each year on a date in May The date, time and venue for the Annual General Meeting shall be fixed by the Board of trustees.
- 13.2 The purpose of the Annual General Meeting is to transact the following business:
- 13.2.1 to receive the Chairman's report of the activities of the Club during the previous year;
- 13.2.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;
- 13.2.3 to remove and elect the independent examiner (who must not be a member of the Board of trustees or a member of the family of a member of the Board of trustees) or confirm that he/she remain in office;
- 13.2.4 to elect the Executive Officers and other members of the Board of trustees;
- 13.2.5 to decide on the dissolution of existing honorary and/or Life membership categories;
- 13.2.6 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 13.3 Nominations for election of members to any office or for membership of the Board of trustees shall be made in writing by the proposer and seconder to the Secretary not later than 10th April. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 10th April.
14. Special General Meeting
- 14.1 A Special General Meeting may be called at any time by the Board of trustees. A Special General Meeting shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than five members entitled to attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed.

15. Procedure at the Annual and Special General Meetings

- 15.1 The Secretary shall personally be responsible for the handing out or sending to each member at his/her last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Board of trustees posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 15.2 The quorum for the Annual and Special General Meetings shall be seven members entitled to attend and vote at the Meeting or, if greater, such number as represents one-tenth in number of such members.
- 15.3 The Chairman, or in the Chairman's absence a member appointed by the Board of trustees, shall take the chair.
- 15.4 Each member present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 13.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters.

16. Alteration of the Constitution and Other Resolutions

- 16.1 The constitution may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least (two-thirds) of members present and entitled to vote at the General Meeting. No amendment(s) to the Rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by Swim England East Region.
- 16.2 Such number of members, which are not less than five members entitled to attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such members of the members entitled to attend and vote at a General Meeting shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 10th April in the case of the Annual General Meeting or, in the case of a Special General Meeting, 21 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

17. By-Laws

- 17.1 The Board of trustees shall have power to make, repeal and amend such by-laws and as they may from time to time consider necessary for the well being of the Club which by-laws, repeals and amendments shall have effect until set aside by the Board of trustees or at a General Meeting.

18. Finance

- 18.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by cheque signed by two of the three signatories who shall be the Chairman, Membership Secretary and Treasurer. Any monies not required for immediate use may be invested as the Board of trustees in its discretion think fit. (See Guidance Notes regarding Accounts).
- 18.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 18.3).
- 18.3 The Board of trustees shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Club and to any other person or persons for services rendered to the Club.
- 18.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Board of trustees thinks fit.
- 18.5 The financial year of the Club shall be the period commencing on 6 April and ending on 5 April the following year. Any change to the financial year shall require the approval of the members in a General Meeting.
- 18.6 The Board of trustees shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.

19. Borrowing

19.1 The Board of trustees may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion up to such limits on borrowing as may be laid down from time to time by the General Meeting for the general upkeep of the Club or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.

19.2 When so borrowing the Board of trustees shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

19.3 The Board of trustees shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

20. Property

20.1 The property of the Club, other than cash at the bank, shall be vested in not less than two but not more than four Custodians. They shall deal with the property as directed by resolution of the Board of trustees and entry in the minute book shall be conclusive evidence of such a resolution.

20.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

20.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

21. Dissolution

21.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three - quarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.

21.2 The dissolution shall take effect from the date specified in the resolution and the members of the Board of trustees shall be responsible for the winding-up of the assets and liabilities of the Club.

21.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects) nominated by the last Board of trustees.

22 Acknowledgement

22.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

The following statement must appear on Club membership forms and is to be signed by the member. It must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

"I acknowledge receipt of the rules of Borehamwood Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules."