

Team Bath As Constitution

Dated: November 2022

Approved by Management Committee and Membership 1st February 2023

1. Name

1.1 The name of the Club shall be Team Bath AS.

2. Objects

2.1 The Club is a performance swimming club dedicated to serving the young people in the Bath area.

The objects of the Club shall be the teaching, development, and practice of all disciplines of swimming, but in particular competitive swimming guided by the principles of long-term athlete development. The competitive focus of the Club shall be County, Regional, National, International and selected Open Meets/Arena League, as determined by the Head Coach and the Management Committee. In the furtherance of these objects:

2.1.1 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

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

2.2 The Club shall be affiliated to Swim England South West Region Ltd and shall adopt and conform to the rules of Swim England South West Region Ltd and such other bodies as the Club may determine from time to time.

2.3 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:

2.3.1 All competing members shall be eligible competitors as defined in the Swim England Regulations; and

2.3.2 The Club shall in accordance with Swim England Regulations adopt the current Swim England Child Safeguarding Policy and Procedures ("Wavepower"); 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.

2.3.3 Members of the Club shall in accordance with Swim England Regulations comply with Wavepower.

2.4 By virtue of the affiliation of the Club to Swim England South West Region Ltd, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:

2.4.1 Somerset County Association; and

2.4.2 Swim England South West Region Ltd; and

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

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

2.4.5 LEN, the European governing body for the aquatic sports; and

2.4.6 FINA, the world governing body for the sport of swimming in all its disciplines (Hereinafter defined as "the Governing Body Rules").

2.5 In the event 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.

3. Membership

3.1 Entry criteria will be proposed by the Head Coach and agreed by the Management Committee. The total membership of the Club shall not normally be limited. If however the Management Committee considers that there is a good reason to impose any limit from time to time, then the Management Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members of the Club, by virtue of a majority vote, 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.

3.2 Club membership consists of four parts all or some of which may have annual fees. The four parts with applicable fees to be paid by the due date are Club, County, Region and Swim England membership.

3.3 All persons who assist in any way with the Club's activities shall become members of the Club and of Swim England and the relevant Swim England membership fee shall be paid unless already paid by another Club. Assisting with the Club's activities shall include, but not be restricted to, Administrators, Associate Members, Voluntary Instructors, Teachers and Coaches, Committee Members, Club Registered Volunteers, 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.

3.4 Paid individuals or contractors 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.

3.5 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary (and in the case of a child under 18 years of age the application must be signed by the swimmer's parent or guardian). The Club application process should be able to be viewed either online or via a paper format.

3.5.1 Election to Club Compete membership shall be determined by the Head Coach following an assessment by the Head Coach. Election to Club Support membership shall be determined by the Management Committee.

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3.6 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. Neither may refusal be made on the grounds of political persuasion.

3.7 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. The Club shall be required to give reasons for the refusal of any application for membership.

3.8 Any person refused membership may seek a review of this decision before a Review Panel. Appointed by the Management Committee ("Review Panel") comprised of not less than three members (who may or may not be members of the Management Committee). The Review Panel shall (wherever practicable) include one independent member nominated by the Swim England South West 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.

3.9 Membership is not transferable. This includes the transfer of membership rights from a child under 18 years of age to a parent or guardian.

3.10 For every family with one or more children under the age of 18 a minimum of one parent or guardian must be a member of the Club and all relevant fees paid

4. Membership and Other Fees

4.1 The annual membership fee and all other fees payable to the Club (as applicable) shall be determined from time to time by the Management Committee and the Management Committee shall in doing so make special provision for different classes of membership as it shall determine.

4.2 The annual Swim England, Region and County fees (if any) shall be due on joining the Club and thereafter on the 1st day of January each year. Collection of the monthly Club fees will be via Standing Order or Direct Debit on the 1st day of each month.

4.3 The Club shall inform all members of the fees payment structure and whether annual fees are paid in full or via an appointed scheme. Any member whose training and/or membership fees are unpaid by the date falling 30 days after the due date for payment may be suspended by the Management Committee from some or all Club activities from a date to be determined by the Management Committee and until such payment is made.

4.4 The Management Committee shall, from time to time, have the power to determine the annual membership and other fees. This shall include the power to make such a change in the fees as shall, where the Club pays the relevant affiliation fees to Swim England on behalf of members, be consequential upon a change of such fees. Any increase in subscriptions shall be advised to the members in writing and the reasons for any increase to be reported to the

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members at the next Annual General Meeting.

4.5 The Executive Officers (or the Management Committee) shall have the power in special circumstances to remit the whole or part of the fees, to address issues of social inclusion. The Club may also make suitable arrangements for the required payment of Swim England, Regional and County fees (where applicable).

5. Resignation

5.1 A member wishing to resign membership of the Club must give to the Membership Secretary 30 days written notice of their resignation via post or electronic means. A member's resignation shall only take effect when this (Rule 5.1) has been complied with and all outstanding fees have been settled in full.

5.2 Notwithstanding the provisions of Rule 5.1 above, a member whose fees are more than two months in arrears shall be deemed to have resigned from the Club and their membership terminated. Where membership has been terminated in this way the member shall be informed in writing either via post to their last known address or by electronic means that they are no longer a member.

5.3 A member who resigns from the Club, accordance with Rule 5.1, or whose membership is terminated shall not be entitled to have any part of the annual Club, Swim England, Region or County membership fee refunded and must immediately return any Club or external body's property.

5.4 The Swim England Membership Department and the relevant Swim England Region shall be informed by the Club should a member resign or have their membership terminated when still owing money or property to the Club.

6. Expulsion and Other Disciplinary Action

6.1 The Management Committee 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 and/or when a breach of the Clubs Code of Conduct has been deemed to have occurred. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.

6.2 Upon expulsion the former member shall not be entitled to have any part of the annual Club membership fee refunded and must immediately return any Club or external body's property held including but not limited to any trophy or trophies. In exercising this power, the Club is required to comply with provision of Rules 6.3 and 6.4 below.

6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures (Regulations 150-155 inc.) 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).

6.4 A member may not be expelled or (subject to Rule 6.5 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. The panel will be drawn from

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either 2 or 4 members of the Club Management Committee plus an independent member.

6.5 The Officers of the Club (or any person to whom the Management Committee 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.

6.6 Swim England shall have power to temporarily suspend members or suspend members for a specified term in accordance with Judicial Regulations and Child Safeguarding Regulations as the same may be revised from time to time.

7. Committees

7.1 The Club shall be governed by a Management Committee. The Management Committee shall consist of the Chair, Secretary and Treasurer, (together "the Executive Officers of the Club") and no more than 12 elected members all of whom must be members of the Club. All Management Committee members must be not less than 18 years of age though the Management Committee may allow younger member(s) to attend their meetings without power to vote.

7.2 In accordance with Wavepower the Management Committee 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. The Welfare Officer shall not be related to or in a relationship with any one of the 'Executive Officers of the Club' or the Club's Coaches or Teachers.

7.3 The Welfare Officer will have a right to attend Committee meetings without a power to vote. Attendance at meetings will be for the purpose of sharing or addressing matters relating to Welfare.

7.4 The Executive Officers and Management Committee members shall be proposed, seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chair has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Management Committee. Retiring Executive Officers and members of the Management Committee shall be eligible for re-election.

7.5 Management Committee meetings shall be held not less than monthly, and the quorum of that meeting shall be 50% of the number entitled to vote with at least one executive officer present. The Chair and the Secretary shall have discretion to call further meetings of the Management Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Management Committee not less than two days oral notice of a meeting. Decisions of the Management Committee shall be made by simple majority and in the event of equality of votes the Chair, (or the acting Chair of that meeting) shall have a casting vote. The Secretary, or in their absence, a member of the Management Committee, shall take minutes.

7.6 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

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meeting, or such other date and time as may be determined by the Chair. If a quorum is not present at the adjourned meeting, then those Management Committee 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 10.2 shall not apply.

7.7 In addition to the members so elected the Management Committee may co-opt 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 Management Committee and shall be counted in establishing whether a quorum is present.

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

7.9 The Management Committee 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 for employees of the Club or defining or agreeing the contract terms of any service provider. The Management Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Management Committee 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 a General Meeting.

7.10 The members of the Management Committee 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.

7.11 The Management Committee shall maintain a log of Accidents/ Incidents at Club related activities. 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. A copy of entries should be kept for a period of six years or in respect of an injury to a child they should be kept for six years after they attain 18 years of age.

7.12 The Management Committee shall retain all financial records relating to the Club and copies of minutes of all meetings for a minimum period of six years.

7.13 The Management Committee shall have power to make regulations, create rules and to settle disputed points not otherwise provided for in this Constitution (see Rule 12.1).

7.14 The Head Coach will have a right to attend Committee meetings without a power to vote. Attendance at meetings will be for the purpose of sharing or addressing matters relating to Coaching.

7.15 The Club may have a Special Advisor. A Special Advisor can also be appointed by the Management Committee.

7.16 Where appointed by the Management Committee, the Special Advisor must not be less

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than 18 years of age and should have an appropriate background and specialist knowledge of matters relating to the sport in general. The Special Advisor will have the right to attend Committee meetings and have the power to vote. The Special Advisor should not be a parent, grandparent or guardian of a swimming member of the Club.

7.17 The Management Committee minutes will be ratified by members of the Management Committee at the first meeting after the minutes were taken. These minutes will be uploaded onto the Club website within 7 days of the ratification.

8. Ceremonial Positions and Honorary Members/Life Members

8.1 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.

8.2 The Management Committee may nominate any person as an honorary member of the Club for a specified period of time, 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 Management Committee unless any such person shall also be a fee-paying member of the Club in accordance with Rule 3.

8.3 Such honorary members must be elected at the Annual General Meeting, confirmed annually and be included in the Club's annual return as to membership. A Club may commit to paying all relevant Swim England and Club membership fees on behalf of the honorary member upon election at the Annual General Meeting.

8.4 Honorary memberships may only be removed at an Annual General Meeting of the Club when it shall be properly proposed in accordance with these Rules.

8.5 A minimum of 21 days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary membership effected by the above proposal drawing the proposal to their attention and inviting them to attend the Annual General Meeting. Reasons for the proposal will be circulated with the agenda.

8.6 Where the effected holder or holders of the honorary membership do not attend or are unable to attend the Annual General Meeting, the Chair may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by secret ballot.

9. Annual General Meeting

9.1 The Annual General Meeting of the Club shall be held each year on a date in November. The date, time and venue/ online option for the Annual General Meeting shall be fixed by the Management Committee.

9.2 For the purpose of participation in voting at an Annual General Meeting of the Club, all persons shall have been a member as at the membership deadline day which is the date of closure of nominations and submission of proposals (Rule 9.7).

9.3 The purpose of the Annual General Meeting is to transact the following business:

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9.4 To receive the Chair's report of the activities of the Club during the previous year;

9.5 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;

9.6 To remove and elect the independent examiner (who must not be a member of the Management Committee or a member of the family of a member of the Management Committee) or confirm that they remain in office;

9.7 To elect the Executive Officers and other members of the Management Committee;

9.8 To decide on the dissolution of existing honorary membership categories;

9.9 To decide on any resolution which may be duly submitted in accordance with Rule 9.6;

9.10 To elect or reaffirm the Custodians of the Club;

9.11 To agree any changes to the Club Constitution.

9.12 For the Annual General Meeting the Secretary shall personally be responsible for sending to each member at their last known postal or electronic address any documentation requiring consideration at the Annual General Meeting. A written agenda giving notice of the date, time and place of the General Meeting and requests for any resolutions for the meeting will be made no later than 28 days prior to the published date. Details of the nomination process including job descriptions for the election of members to any office will be sent to members along with this notice. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.

9.13 Nominations for election of members to any office or for membership of the Management Committee shall be made in writing by the proposer and seconder to the Secretary not later than 21 days prior to the published date of the meeting. Both the proposer and seconder must be a fully paid member of the Club and Swim England at the time of nomination. The nominee shall be required to indicate in writing on the nomination form their willingness to stand for election.

9.14 Any member shall be entitled to put any proposal for consideration at an Annual General Meeting provided the proposal in writing is received by the Secretary not later than 21 days prior to the published date of the meeting. In the event of no nominations being received for any post, nominations will be taken at the AGM for election at that AGM.

9.15 No less than 14 days before the published meeting date, together with the resolutions to be proposed a list of the nominees for the Management Committee posts and a copy of the examined accounts will be circulated to all Club members along with any constitutional amendments.

10. Special General Meeting

10.1 A Special General Meeting may be called at any time by the Management Committee at a committee meeting.

10.2 A Special General Meeting shall be called by the Club within 28 days of receipt by the

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Secretary of a requisition in writing signed by not less than seven 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.

10.3 For the purpose of participation in voting at a Special General Meeting of the Club, all persons shall have been a member as at the membership deadline day which is the date that the requisition for the meeting was made by the Management Committee or members.

10.4 In the case of a Special General Meeting the Secretary shall be responsible for sending to each member at their last known postal or electronic address a written agenda giving notice of the date, time, and venue no later than 21 days prior to the date agreed by the Management Committee following the requisition submitted stating the purposes for which the meeting is required, and the resolutions proposed.

11. Procedure at the Annual and Special General Meetings

11.1 The Committee can decide to hold the Annual or Special General Meeting virtually, using such electronic and video technology as it sees fit.

11.2 The quorum for the Annual and Special General Meetings shall be 7 members entitled to attend and vote at the Meeting, or if greater, such number as presents one-tenth in number of such members.

11.3 The Chair, or in the Chair's absence an Executive Officer of the Club appointed by the Management Committee, shall take the Chair. 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 9.7. In the event of an equality of votes the Chair shall have a casting or additional vote.

11.4 Only paid-up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chair as matters concerning swimmers under the age of 16, such as the election of Club Captains.)

11.5 The Secretary, or in their absence a member of the Management Committee, shall take minutes at the Annual and Special General Meetings. These minutes published in draft and will be formally approved at the first Management Committee meeting following the Annual General Meeting. They will be posted on the Club website within 7 days of the Management Committee meeting for members to view.

11.6 The appointed Chair shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

12. Alteration of the Rules and Other Resolutions

12.1 The Rules 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

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until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by Swim England Southwest Region Ltd.

13. By-Laws

13.1 The Management Committee shall have power to make, repeal and amend regulations and by-laws as they may from time to time consider necessary for the well-being of the Club. Such regulations, by-laws, repeals and amendments shall have effect until set aside by the Management Committee or at a General Meeting. The Management Committee shall have power to settle disputed points not otherwise provided for in the Constitution.

14. Finance

14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club.

14.2 No sum shall be drawn from that account except by cheque or bank transfer any other method must be agreed in advance by the Management Committee which includes a minimum of two authorisations. Cheques should be signed by two of the three signatories on the bank mandate (as agreed by the Management Committee). Any monies not required for immediate use may be invested as the Management Committee in its discretion think fit. If the Management Committee decides to operate all or part of its financial matters on Internet banking, it shall first discuss the process with the relevant bank and as a minimum shall make provision, in conjunction with the bank to set up at least two signatories to approve online transactions. The Club will ensure that at least one other signatory approves in-advance payments made by the main signatory operating the account. This approval should be recorded in writing and retained by the Club. Any online transactions and bank statements will be reviewed regularly by the Management Committee.

14.3 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 17.3).

14.4 The Management Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member, employee or contractor of the Club and to any other person or persons for services rendered to the Club.

14.5 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Management Committee thinks fit.

14.6 The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.

14.7 The Management Committee shall retain all financial records relating to the Club and copies of Minutes of all meetings for a minimum period of six years.

15. Borrowing

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15.1 The Management Committee 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.

15.2 When so borrowing the Management Committee 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.

15.3 The Management Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16. Property

16.1 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 who shall be members of the Club and over 18 years of age. They shall deal with the property as directed by resolution of the Management Committee and entry in the minute book shall be conclusive evidence of such a resolution.

16.2 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.

16.3 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.

17. Dissolution

17.1 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.

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

17.3 In the event of dissolution or, winding up, all assets remaining after settlement of all debts and liabilities shall be given to a registered charity, 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 Management Committee meeting as the best solution for the furtherance of the swimming development of the membership on the dissolution.

18. General Data Protection Regulations (GDPR)

18.1 The Club shall comply with the General Data Protection Regulations (GDPR) as applicable.

19. Acknowledgement

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

19.2 This constitution must be readily available to all Club members. This may be via posting on the Club website or shared with members annually at the time of membership renewal.

19.3 The following statement must appear on Club membership renewal 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 Team Bath AS 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."