

by the member or former member.

Further, the Club shall at all times have a lien over the members' or former members' boats parked or moored on the Club's premises or Club moorings in respect of all monies due to the Club, whether in respect of arrears or mooring fees or subscription or otherwise. Where a member is in arrears with the payment of monies owed to the Club by at least 6 months, the Club may in any event take possession of the member's boat.

#### AMENDMENTS TO THE RULES

60. The Rules of the Club may be changed only at an Annual General Meeting. Any motion for the addition, amendment or deletion of any Rule shall be submitted and debated in accordance with Rules 15, 16 and 16A. A majority of not less than two-thirds of those present and voting shall be required to carry any proposal to amend the Rules of the Club.

#### DISPLAY OF RULES AND POLICIES

61. A copy of the current Rules and Policies shall be displayed at all times on the Club Notice Board.



# Yarmouth

# Sailing Club



## Constitution

(with amendments to April 2008)

# YARMOUTH SAILING CLUB

## RULES

### THE CLUB

1. The name of the CLUB shall be YARMOUTH SAILING CLUB.
2. The Club Burgee shall be triangular blue segments top and bottom of the hoist, a white diamond with a red letter Y superimposed central.
3. The Object of the Club shall be to promote and encourage all forms of water-borne activity and provide social activities for its members.
4. The Club shall be a Members' Club and shall consist of Full, Cadet, Junior, Temporary and Honorary Members. All Full Members are expected to participate actively in the operating of the Club by taking a fair share in the work of Committees and Duty Rotas.
5. The Club is a non-profit making organization. All profit and surpluses will be used to maintain or improve the Club's facilities. No profit or surplus will be distributed other than to another non-profit making body on winding up or dissolution of the Club.

### THE MEMBERS

6. Any person shall be eligible for Membership of the Club. Members aged less than sixteen years shall be termed Junior Members and those aged sixteen or seventeen years shall be termed Cadet Members. Members of eighteen years or upwards shall be termed Full Members.
- 6a A Junior Member shall either be the child or Grandchild of a Full Member, or have the same residence as a full member. The Full Member shall nominate the Junior member in writing.
7. All applications for Membership shall be considered by the Management Committee and acceptance or rejection shall be by show of hands. The Honorary Secretary shall notify every applicant in writing of his or her acceptance or rejection, but no reason shall be given to an applicant for his or her rejection, nor may he or she be proposed again within a period of six months.

using the Club premises, property or amenities for any purpose. No such recommendation shall, however, be sent to any Member and no such expulsion shall actually take place unless the same shall be agreed to in secret ballot by two-thirds of the Members of the Management Committee present at a meeting specially summoned for the purpose; provided also that if at any such meeting the Members present be unanimously of the opinion that the offence of the Member is sufficient to warrant his or her immediate expulsion they shall be empowered to expel him or her forthwith and in either case notice of the decision of the Management Committee shall be forwarded to the Member by the Honorary Secretary. In the event that a Member so expelled is aggrieved by the decision of the Management Committee, then he or she shall have the right to demand that an Extraordinary General Meeting be called to consider his or her re-instatement. A majority vote of the Members present at such an Extraordinary General Meeting shall be final and binding.

### EXCLUSION OF LIABILITY

59. Neither the Club nor any Officer, Committee Member, nor servant thereof shall be liable to any Member or Visitor for any loss or damage to any property occurring from whatever cause in or about the Club premises, or in the Club Boats nor any injury sustained by any Member or Visitor whilst on entering or leaving the Club premises or the Club Boats.

### ABANDONED BOATS

- 59A. If at any time any mooring fees or facility fees payable to the Club by any member or former member shall be three months or more in arrears:
  - (i) The Committee shall be entitled to move the boat to any other part of the premises without being liable for any loss of or damage to the boat howsoever caused.
  - (ii) The Committee shall be entitled upon giving one month's notice in writing to the member or former member, at his last known address shown in the register of members, to sell the boat and to deduct any monies due to the Club (whether by way of arrears of subscription, mooring or facility fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.
  - (iii) Alternatively, any boat which, in the opinion of the Committee cannot be sold, may, upon such notice as aforesaid, be disposed of in any manner the Committee may think fit and the expenses recovered from the member or former member. Any arrears as aforesaid shall be deemed to be a debt owing to the Club

members and their guests, attending any social function held with prior approval of the Committee and intoxicating liquor may be sold to such persons by or on behalf of the Club for consumption on the premises only. Such social functions shall not exceed twelve in any one year and shall be restricted to functions by or in support of sporting, literary, social, philanthropic or charitable purposes.

## **MISCELLANEOUS**

### **CASUAL VACANCIES**

56. The Management Committee may elect any suitably qualified member to fill a casual vacancy among the Officers and members of the Management Committee. Any person elected to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of the person in whose place he or she is elected, but such portion shall not be counted as part of the maximum period for which that member may serve as an Officer or member of the Management Committee.

### **RESIGNATION**

57. Any Member intending to resign from the Club shall notify his or her intention in writing to the Honorary Secretary on or before the 31<sup>st</sup> December. Failure to do so shall render that Member liable for the following year's Annual Subscription.

### **EXPULSION**

58. In the case of any Member who wilfully infringes any of the Club Rules or Policies for the time being in force, or in the case of any Member whose conduct either in or out of the Clubhouse shall, in the opinion of the Management Committee, be injurious to the character or interests of the Club, the Management Committee may, through the Honorary Secretary, call upon such Member to furnish it with an explanation within a reasonable stated time. If he or she shall fail to submit such explanation within the stated time or if, after due consideration by the Management Committee any explanation which he or she may have offered is considered to be insufficient or unsatisfactory, the Management Committee may instruct the Honorary Secretary to write to the offending Member informing him or her of their decision and recommending him or her to resign, and if he or she does not resign within one month from the date of such recommendation the Management Committee may proceed forthwith to expel him or her and to remove his or her name from the list of Members. Such an offending Member shall thereupon cease for all purposes to be a Member of the Club and shall be disqualified from entering or being entertained as a guest in the Clubhouse, and from

8. Every application for Membership, other than for Junior Membership, shall be made in writing on the prescribed form, proposed by one Full or Cadet Member and seconded by another Full or Cadet Member, both of whom shall have been either a Full or a Cadet Member for not less than two years. Applicants will be interviewed by a Member of the Management Committee as to their suitability for membership. The names and addresses of all applicants together with the names of the proposer and seconder shall be posted on the Club Notice Board for not less than seven days before the Management Committee meeting at which the application will be considered. Subject to a successful interview the applicant may assume temporary membership two clear days after the application is made.
9. Full and Cadet Members shall have voting rights and be eligible to stand for election as Officers and members of the Management Committee. Junior Members will have no voting rights, nor will they be eligible to stand for election as Officers or as members of the Management Committee.
10. Applicants for Temporary Membership will be interviewed by two members of the Management Committee. Two clear days shall elapse between their application and their admission to Membership, during which time their application will be posted on the Notice Board. Temporary Members may remain Members of the Club for not more than one month.
11. Names of persons suitable for election as Honorary Members will be considered by the Management Committee and placed before the next Annual General Meeting for approval.
12. The Management Committee shall not permit the number of Temporary and Honorary Members at any one time to be a number significant in proportion to the total number of Members.
13. No person shall be admitted to Membership until, having been duly accepted in accordance with these Rules, he or she shall have paid the amount of any Entrance Fee and Subscription due on his or her acceptance. Such payment shall be taken as distinct acknowledgement of, and acquiescence in, the Rules of the Club, a copy of which shall be supplied to him or her.

## **MEETINGS OF MEMBERS**

14. There shall be held, during the months of March or April each year, an Annual General Meeting of the Club.

15. The Management Committee shall determine the date, time and place of each Annual General Meeting. The Honorary Secretary shall post on the Club Notice Board notices of such determination and the business to be transacted at the Meeting, not less than fourteen days before the Meeting. The Honorary Secretary shall distribute to every Member, other than Junior and Temporary Members, not less than fourteen days before the Meeting, copies of the notice convening the Annual General Meeting; the Minutes, as approved by the Management Committee, of the previous Annual General Meeting and of each Extraordinary General Meeting held since the previous Annual General Meeting; the Management Committee's Report; the Annual Accounts of the Club; a list of nominations of Officers; and of all motions and amendments thereto to be brought before the Meeting.
16. Subject to Rule 16A, all motions for debate at the next Annual General Meeting shall be submitted in writing or by e-mail with the name of the proposer before 1<sup>st</sup> January. The Honorary Secretary shall post on the Club Notice Board not less than seven days after receipt thereof a copy of all such motions. Any amendment to such motions shall be similarly submitted before 1<sup>st</sup> February and similarly posted.
- 16A. The Management Committee may authorise, for reasons considered to be sufficient, the addition of a motion or amendment for debate at the next Annual General Meeting. The Honorary Secretary shall post on the Club Notice Board, not less than three days after such authorisation, a copy of the motion or amendment. The chairman of the Annual General Meeting may, at his discretion, allow an amendment to be moved without prior notice.
17. The Commodore, Vice-Commodore and Rear Commodore shall hold office until the election of their successors. They shall retire at each Annual General Meeting, but shall be eligible for re-election, provided that no Member shall serve as Commodore for more than three years consecutively.
18. All candidates to be an Officer of the Club or for membership of the Management Committee shall be proposed and seconded by Full or Cadet Members and shall be submitted in writing. The names of candidates, together with a signed statement of acceptance of their nomination, shall be given to the Honorary Secretary not later than the first day of February before the Annual General Meeting. After the Honorary Secretary has received nominations the names of the candidates shall be displayed on the Club Notice Board for not less than seven days prior to the election.
48. No person whose Membership of the Club has been terminated under Rules 43 or 58, or whose application for Membership has been refused, shall be introduced as a guest, nor shall any person be introduced as a guest more than five times in any one year and shall sign the Visitors' Book.
49. Members of other recognised Sailing and Yacht Clubs may from time to time be authorised by the Management Committee to avail themselves of the facilities of the Club.
- 49a The Management Committee may, at their discretion, affiliate local Sailing Clubs belonging to other organisations, including Schools, Youth Clubs and Sports Clubs. The Management Committee shall have the power to determine the terms of such affiliation and to terminate such affiliation
50. Any person who is a competitor in any Race or Regatta sponsored or organised by or on behalf of the Club, and any person who is a member of the crew of such competitor for the purpose of the Race or the Regatta, may be invited by the Management Committee to use the Club premises and shall sign the Visitors' Book.

## **THE BAR**

51. Opening hours shall be at the discretion of the Management Committee subject at all times to the provisions of Statute.
52. The purchase and supply of intoxicating liquor for the Club shall be controlled exclusively by the elected Members of the Management Committee.
53. Intoxicating liquor may be supplied only to Full Members of the Club and to their guests, but may in addition be sold to those other persons admitted to the Club's premises in accordance with Rules 49 and 50. No intoxicating liquor shall be supplied or be sold to any person under the age of eighteen years.
54. No gain arising from the supply of intoxicating liquor shall be applied otherwise than for the benefit of the Club or for a Benevolent or Charitable purpose to be nominated by a General Meeting of the Members of the Club.
55. There may be admitted to the Club premises persons, other than

41. Subscriptions are paid annually without demand on 1<sup>st</sup> January. Members elected between 1<sup>st</sup> October and 31<sup>st</sup> December shall not pay the annual subscription for the following year. If the subscription of any Member is not paid by the due date, the Member will be required to pay such late payment surcharges as are determined by the Management Committee.
42. The rates payable for Entrance Fee, Annual Subscription and any late payment surcharges shall be determined from time to time by the Management Committee.
43. The Honorary Treasurer shall inform Members whose subscription remains unpaid on 1<sup>st</sup> February that payment is overdue. If the Subscription and any late payment surcharges still remain unpaid by 1<sup>st</sup> March, the Management Committee may order the Membership be terminated. A member whose membership is terminated in terms of this Rule may be readmitted to membership on such terms as are determined by the Management Committee.
44. The Honorary Treasurer shall at all times cause proper books of accounts to be maintained. A statement of accounts shall be made up annually to 31<sup>st</sup> December and laid before Members at the next Annual General Meeting.
45. The Club's books and accounts shall be reviewed annually by an Independent Examiner appointed at the Annual General Meeting. If the appointed Independent Examiner is not able to undertake the review, the Management Committee shall appoint a new Independent Examiner.

## **POLICIES**

46. The Management Committee shall have power to make, amend and delete Policies for the well being of the Club.

## **VISITORS**

47. A Full Member may introduce and entertain guests at the Club and there shall be kept on the premises a Visitors' Book that both the Member and his or her guest shall sign. The Member introducing a guest shall be responsible for his or her guest and shall not leave the Club premises before him or her. Such guests are not permitted to purchase intoxicants.

Before any contested election, members, other than Junior or Temporary Members, shall have the right to request any candidate to address the Annual General Meeting, giving details of experience and ability to further the interests, activities and objects of the Club. Members nominated for election to the Committee must declare any commercial interest that may conflict with the Club Constitution or activities.

19. Where the number of candidates is equal to or less than the number of vacancies, they shall be declared elected. Where there are more candidates than the number of vacancies, election shall be by ballot.
20. Only Full and Cadet Members may vote at elections or be nominated to any office or to the Management Committee or propose or second Candidates for election to any Office or Committee.
21. Members of the Management Committee elected under Rule 18 are appointed for a term of three years and at the end of that period are not eligible for re-election for one year.
22. Any General Meeting other than the Annual General Meeting shall be called an Extraordinary General Meeting. All notices, whether on the Club Notice Board or as specified in Rule 15, shall specify whether the meeting is an Annual or an Extraordinary General Meeting.
23. The Management Committee may, whenever it thinks fit, call an Extraordinary General Meeting, and shall do so within twenty-eight days from the receipt by the Honorary Secretary of a requisition in writing stating the object of the proposed meeting. A meeting may be called in the following ways:
  - a) at the request of the Commodore, Vice-Commodore or Rear Commodore and two other members of the Management Committee;
  - b) at the request of five members of the Management Committee;
  - c) at the request of twenty Full or Cadet members of the Club or of one-fifth of the Full and Cadet Membership, whichever is the lesser.
24. A quorum at a General Meeting shall be thirty. If a quorum is not reached within fifteen minutes after the time of the Meeting, the Meeting shall be dissolved and adjourned until the same time and place the following week. If, fifteen minutes after the time of the adjourned Meeting a quorum is not reached, then those who are present shall be deemed a quorum. Notice of an adjourned Meeting need not be given to individual Members, but shall be posted on the Club Notice Board on the day of adjournment.

25. At all General Meetings the Commodore, Vice-Commodore or Rear Commodore shall be chairman of the Meeting. If all are absent then the Members present shall elect a Member of the Management Committee to be chairman of the Meeting.
26. At a General Meeting, except as provided by Rule 19, voting shall be by show of hands. Except as hereinafter specified, resolutions shall be decided by a simple majority of the votes cast. In the event of a tie, the Chairman of the Meeting shall have the right to exercise a second or casting vote.
27. Proper minutes shall be recorded of the proceedings of Annual and Extraordinary General Meetings of the Club. Minutes of an Annual General Meeting and of an Extraordinary General Meeting shall be read and confirmed at a meeting of the Management Committee, provided that a draft copy of the said minutes shall have been displayed on the Club Notice Board for not less than twenty-one days before the meeting of the Management Committee together with an invitation for any member to submit proposals for amendment of the Minutes to the Secretary or any other member of the Management Committee.
28. All notices to be given or sent to a Member shall be sent by post or by e-mail or delivered to him or her, and every Member to whom a notice has been sent or delivered shall be deemed to have received such notice. Accidental omission to give notice of a Meeting to any person entitled to receive such a notice shall not invalidate the proceedings of that Meeting.

#### **THE OFFICERS**

29. The Officers of the Club shall consist of: Commodore, Vice-Commodore, Rear Commodore, Honorary Secretary and Honorary Treasurer, who shall be elected at the Annual General Meeting and who shall be ex-officio members of all Committees.

#### **THE MANAGEMENT, SAILING AND OTHER COMMITTEES**

30. There shall be a Management Committee that shall administer the affairs of the Club.
31. The Management Committee shall consist of the Officers, nine Full or

Cadet Members who shall have been elected at the Annual General Meeting and members co-opted under Rule 34.

32. The Commodore, or in his or her absence the Vice-Commodore or Rear Commodore, or in their absence by agreement a Member of the Committee will take the Chair at the Committee Meetings. The Chairman shall have a second or casting vote in the event of an equality of votes. Voting shall be by show of hands.
33. The Management Committee shall meet normally not less than once a month.
34. The Management Committee may co-opt not more than three members who shall serve until the conclusion of the following Annual General Meeting.
35. The Management Committee shall appoint the members of the Sailing Committee and may appoint members to serve on other Committees as required.
36. The Sailing Committee shall consist of two members of the Management Committee and not less than three other members, together with the ex-officio members. The Sailing Committee shall organise all Club Regattas, Races and Sailing activities.
37. The quorum at all Committee Meetings shall be one-third of the total membership of the Committee.
38. Proper Minutes shall be kept of all Committee Meetings and normally shall be read, confirmed and signed at the following Meeting.

#### **THE TRUSTEES**

39. The Property of the Club shall be vested in three Trustees who shall be appointed and discharged from time to time by the Management Committee. Each Trustee shall normally serve for five years.

#### **FINANCIAL MATTERS**

40. The Entrance Fee for every applicant for Full Membership aged twenty-one years and over shall be the same as the current Annual Subscription. Junior Members, Cadet Members and Full Members under twenty-one years of age shall pay no Entrance Fee.