



Harlow (Blackwater)
Sailing Club
Rules

Amended November 2011

HARLOW BLACKWATER SAILING CLUB

RULES 2003

NOTE: HEADINGS AND SUB HEADINGS ARE PROVIDED FOR CONVENIENCE ONLY AND SHALL NOT AFFECT THE CONSTRUCTION OF THESE RULES.

SECTION 1: NAME AND OBJECTS

RULE NO.

1. Name:

The name of The Club shall be "THE HARLOW (BLACKWATER) SAILING CLUB" (hereinafter referred to in these Rules as "The Club.")

2. Objects:

The object for which The Club is formed is to promote and facilitate sailing, and also to provide such social and other facilities for members as may from time to time be determined necessary to achieve this object.

The Club is a non-profit making organisation. All profits and surpluses will be used to maintain or improve The Club's facilities. No profit or surplus will be distributed.

SECTION 2: MEMBERSHIP

3. Eligibility:

Any person who is interested in sailing is eligible as a candidate for membership

4. Categories of Membership:

There shall be the following categories of membership:

1 ORDINARY MEMBERS:

a. SINGLE: One person, being of age 18 or over.

b. FAMILY: One adult or two adults living together and any of their children under the age of 18 or as may be prescribed by The Committee from time to time.

c. STUDENT: One person age 18 or over in full time education.

d. YOUTH: One person age 7 to 17 years inclusive, other than one whose membership is covered by Rule 4 (1) b.

This category of membership will only be accepted if a parent or guardian is a member, or an adult member of the club with the consent of the parent(s)/guardian accepts responsibility for supervising the youth whilst on the club premises or whilst involved in club sponsored activities. The committee may also at its discretion specify other restrictions it feels appropriate to safeguard both the youth and other club member's wellbeing.

2 HONORARY MEMBERS

The Club may on the recommendation of The Committee elect up to six honorary members provided that the total of such honorary members at any time shall not exceed 5% of the total number of Club members at that time. Election of honorary members shall be by a two-thirds majority of those present and voting, on a motion put by The Committee at a general meeting. The Membership Secretary shall send to a person elected an honorary member written notice of election and a copy of these rules, and upon intimation of willingness to take up the membership, the person shall become an honorary member of The Club. Honorary members shall pay neither entrance fee nor subscription.

3 SENIOR MEMBERS

A current member who has been a continuously paid-up member for a minimum of 20 years and who has reached the age of 65, shall on the following 1st January, automatically become a Senior Member, paying a reduced subscription which shall be set at the discretion of The Committee. In the case of family membership, the reduced subscription will apply when either partner complies with the above conditions. A Senior Member shall have the rights and privileges of an ordinary member.

4 AFFILIATES

Organisations interested in sailing may be accepted as affiliates at the discretion of The Committee.

5. Election of Ordinary Members.

a. Proposal.

Every candidate for membership except honorary membership must be proposed by a Single or adult Family member of The Club and seconded by another Single or adult Family member of The Club, both of whom must be personally acquainted with the candidate and shall state their belief in the candidates fitness for membership.

b. Application.

Application for membership shall be in a form prescribed from time to time by The Committee, and shall include the name and address of the candidate, the signature of the proposer and seconder, and such information as The Committee may prescribe from time to time.

c. Display of Application.

Upon receipt by The Club of an application for membership, the Membership Secretary shall cause such application to be prominently displayed in the Club premises in a part frequented by members for a period of at least two days prior to election.

d. Admission.

Persons may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination or application for membership, and their admission.

e. Election.

The election of all categories of members is vested in The Committee and shall be by a vote of a simple majority of those Committee members present and voting in a meeting conducted as prescribed in Rule 19.

f. Notice of Election.

The Membership Secretary shall immediately inform each candidate in writing of the candidates election or non-election and shall furnish an elected candidate with a copy of these Rules and The Club Bye Laws, and providing payment of the entrance fee and first subscription has been made in accordance with Rule 11 the candidate shall become an Ordinary Member of The Club.

6. Membership List.

The membership secretary shall keep a record of current members names and addresses in duplicate, one copy of which shall be kept in the bar, for general access, to members during bar opening times. Also members shall have the right to have their contact details omitted from the list kept in the bar.

7. Members Addresses.

Every member shall furnish an up to date address to the Membership Secretary who shall record this in the Membership List. Any notice sent to such address shall be deemed to have been delivered.

8. Members Conduct.

a. Conduct of Members.

Every member on joining The Club undertakes to comply with these Rules and the current Bye-laws and Regulations of The Club and any refusal or neglect to do so or any conduct which is in the opinion of The Committee either unworthy of a member or otherwise injurious to the interests of The Club shall render a member liable to suspension or expulsion by The Committee. Provided that before expelling or suspending a member The Committee shall give such member full opportunity of making explanation to The Committee or of resigning. If The Committee proceed to suspend or expel the member that member shall have a further right to have convened an Extraordinary General Meeting called for that purpose, and the resolution to expel that member shall only be carried if not less than three-quarters of the members present and eligible to vote, vote in favour of the resolution.

b. Child Protection

The Committee may at its discretion request police checks on any member.

9. Resignation of Members.

Any member resigning their membership shall notify the intention of doing so to the Membership Secretary in writing and shall be liable for the whole annual subscription for the year in which such resignation is notified, at the discretion of The Committee. All club keys must be returned.

10. Visitors.

- a. Members may introduce visitors to The Club as guests, subject to restrictions and regulations, which The Committee may make and limited to four guests of any one member not more than three times in one year. The member introducing a guest or guests shall enter the guest's name in the visitors book and sign as having introduced the guest(s), and shall be responsible for the conduct of the guest(s).
- b. Visitors taking part in any regatta or sailing competition authorised by The Committee shall, subject to restrictions and regulations which The Committee shall make, be admitted to the facilities of The Club for the period of the said function.
- c. Visitors wishing to sail and use The Club's facilities may purchase a Visitor Sailing Ticket at a price fixed by The Committee. A maximum of four visits is permitted, weekends and bank holiday weekends to count as one visit each.

11. Fees and Subscriptions.

- a. There shall be an Entrance Fee of a sum which shall be determined by The Committee from time to time and shall be payable on application for membership.
- b. An annual membership subscription of a sum, which shall be determined by The Committee from time to time shall be due and payable on application for membership and on the first day of January in each year thereafter. A late payment fee may be imposed.
- c. A member elected after the 31st of July in any one year shall pay a reduced subscription in that year, from the date of acceptance of the application by the committee. The reduced rates shall be determined by The Committee.
- d. The Committee has the power to reduce the subscriptions of individual existing members.
- e. Any member whose annual subscription and any other annual fees have not been paid by the first day of March shall be requested in the name of The Committee to pay the amount outstanding within fourteen days and if the said amount is not paid within sixty days, the members name(s) shall be removed from the Register of Members and the Membership Secretary shall advise the member in writing that their membership has ceased. Any such member may be re-elected at the discretion of The Committee after payment of all arrears.

a. If at any time any fee for parking, storing or mooring any yacht, dinghy or tender payable to The Club by any member or former member shall fall three months or more in arrears The Committee may:-

1. Cause such vessel to be moved without being liable for any loss or damage to the vessel however caused.

2. Give one month's notice in writing to the member or former member at their last address shown in the register of members and thereafter sell the vessel and deduct any money due to The Club (whether by way of arrears or subscriptions or any other payments) from the net proceeds of sale before accounting the balance (if any) to the member or former member. Alternatively any vessel which in the opinion of The Club cannot be sold may, upon such notice as aforesaid, be disposed of in any manner that The Committee may think fit and the costs of so doing and any arrears as aforesaid to be a debt owing to The Club by the member or former member PROVIDED ALWAYS THAT:-

Proper evidence is available to show that all reasonable steps have been taken to trace a member or former member and that when and if the vessel is sold the proceeds of sale (less any indebtedness by the member or former member to The Club) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he be the said member or former member or otherwise) for a period of six years.

12. Damage to Club Property.

A member shall not knowingly remove injure, destroy or damage any property of The Club and shall make restitution for the same if called upon to do so by The Committee or by the Honorary Secretary upon the instructions of The Committee.

13. Access.

The Club's grounds, premises and facilities except the bar, galley and inner club house and such areas and facilities as may be proscribed in the Bye-laws shall be accessible to members at all times subject to provisions for security.

14. Limitation of Club Liability.

Members their guests and visitors are bound by the following Rule which shall also be exhibited in a prominent place within The Club premises:-

Members of The Club, their guests or visitors may use The Club premises, and any other facilities of The Club, entirely at their own risk and impliedly accept:

- a. The Club will not accept any liability for any damage to or loss of property belonging to members their guest or visitors to The Club.
- b. The Club will not accept any liability for personal injury arising out of the use of The Club premises, and any other facilities of The Club either sustained by members, their guests or visitors or caused by the said members, guests or visitors whether or not such damage or injury could have been attributed to or was occasioned by the neglect default or negligence of any of them, the Officers, Committee or servants of The Club.

SECTION 3: MANAGEMENT

15. Committee.

The affairs of The Club except those specifically dealt with in general meeting shall be managed by an elected executive committee referred to in these Rules as "The Committee".

16. Constitution of The Committee.

The Committee shall consist of fifteen members elected in accordance with Rule 17 and who shall be known collectively as Committee Members. Thirteen of these Committee Members shall be elected to

the following specific positions and shall also be known as Officers of The Club:-

Commodore
Vice Commodore
Rear Commodore
Honorary Secretary
Treasurer
Cruiser Secretary
Sailing Secretary
House Secretary
Membership Secretary
Publicity Officer
Bar Manager
Social Secretary

The Commodore, Vice Commodore and Rear Commodore shall also be known as Flag Officers.

Any Officer may temporarily take over the duties of another Officer at the discretion of The Committee

17. Election of Committee:

a. Election.

Elections of Committee Members shall be held at the Annual General Meeting.

b. Eligibility for Election.

All members who are entitled to vote at a general meeting and who have been members for one year or more, shall have equal rights to be nominated for election to The Committee, and shall have equal rights to nominate eligible members for election.

c. Nomination.

No candidate for election to The Committee other than the retiring Committee members shall be proposed unless the name of such candidate, their proposer and seconder shall have been sent to the Honorary Secretary at least thirteen days before the Annual General Meeting. In the event of insufficient candidates having been nominated, nominations may be accepted at the Annual General Meeting. Each nomination for an officer shall be one of the named positions on The Committee and shall state the title of the office for which the candidate is proposed.

d. Ballot.

- i. Election shall be by ballot if the number of nominations for any position of officer is two or greater, or if the number of candidates for Committee Members other than officers exceeds number of vacancies to be filled.
- ii. If the number of nominations for Committee Members other than officers is equal to or less than the number of vacancies to be filled or if there is a single nomination for any particular post of officer then all such candidates shall be deemed to be elected if a majority of those Club members present at the Annual General Meeting, and entitled to vote, vote in favour of such an election.

e. Terms of Office.

Election to a Committee shall be for a term of office of not less than one year or until conclusion of the next Annual General Meeting whichever is later.

f. Re-election.

Any Committee Member shall be eligible for re-election except that no Flag Officer shall serve more than three consecutive years in one office.

g. Casual Vacancy.

If for any reason a vacancy shall occur on The Committee during its term of office The Committee may co-opt an Ordinary Member to The Committee until the next Annual General Meeting. A member so appointed may stand for re-election on expiry of the term.

18. Retirement from Committee.

A Committee Member shall be deemed to have resigned their position upon The Committee's acceptance of their letter of resignation to the Honorary Secretary or their death or failing to attend three consecutive Committee Meetings without written explanation.

19. Committee Procedure.

a. Meetings.

The Committee shall meet at least every two months, making such arrangements as to place of assembly as it may wish.

b. Chairman.

The Commodore shall preside as chairperson at each meeting or in their absence the highest ranking flag officer present will preside. In the absence of all flag officers, a chairman for a meeting shall be elected by those present.

c. Quorum.

Eight Committee Members present shall constitute a quorum for a Committee Meeting.

d. Voting.

Voting at a Committee Meeting (except in the case of a resolution relating to the expulsion of a member) shall be by a show of hands. A motion shall be carried by a simple majority.

20. Committee Powers, Duties and Limitations.

a. The Committee shall manage the affairs of The Club according to these Rules and shall cause the funds of The Club to be applied solely to the objects of The Club.

b. The Committee shall make such Bye-laws and Regulations as it shall from time to time consider to be necessary and shall cause the same to be exhibited in the Clubhouse for fourteen days before the date of implementation. Such Bye-laws and regulations shall remain in force until set aside by The Committee.

c. Sub-Committees.

The Committee shall appoint a Bar Sub-committee of three persons and may appoint such other sub-committees as it may deem necessary, and may delegate to a sub-committee such of its powers as it may think fit upon such terms and conditions as shall be deemed necessary and/or required by the law. Such sub-committees shall consist of not less than three persons who shall be members of The Committee and co-opted Club members. Not less than one Committee member shall be on each sub-committee, except in the case of the Bar sub-committee, which shall consist only of elected Committee members. Resignation of office on The Committee shall also involve resignation of office on any sub-committee. Flag Officers shall be ex-officio members of all sub-committees. Minutes of meetings shall be taken by the Chairman of each sub-committee.

d. Contracts.

The Committee or any person authorized to transact business for The Club shall disclose to third parties that he is so acting, and shall enter into contracts only so far as expressly authorized (or authorized by implication) by The Committee. No one shall, without the express authority of the membership in General Meeting, pledge the credit of the membership.

e. Members Indemnification of Committee.

In pursuance of the authority vested in The Committee by members of The Club, members of The Committee are entitled to be indemnified by the members of The Club against any liabilities properly incurred by them or any one of them on behalf of The Club wherever the contract is of a duly authorized nature or could be assumed to be of a duly authorized nature and entered into on behalf of The Club. The limit of an individual member's indemnity in this respect shall be a sum equal to one years subscription at the current rate for that category of membership unless The Committee has been authorized to exceed.

SECTION 4: DUTIES OF SECRETARY Etc.

21. The Honorary Secretary shall:-

- a. Ensure that a register is kept of Club members' names and addresses.
- b. Conduct the correspondence of The Club.
- c. Keep custody of all Club documents.
- d. Keep full minutes of all meetings of The Club and The Committee, which shall be confirmed and signed by the appropriate Chairman upon the agreement of The Club or The Committee at the next following meeting of The Club or The Committee.
- e. See to the maintenance of such insurance policy or policies as may be needed fully to protect the interests of The Club and its members.
- f. Maintain contact with The Club's Legal Advisers to ensure that The Club's affairs are managed in accordance with current law

22. The Honorary Treasurer shall:-

- a. Cause such books of account to be kept as are necessary to give a true and fair view of the state of the finances of The Club.
- b. Cause all returns as may be required by law in relation to such accounts to be rendered at the due time.
- c. Prepare an Annual Balance Sheet as at the 31st December in each year and cause such Balance Sheet (and accounts as necessary) to be audited at least once annually and shall thereafter cause the same to be exhibited in The Club premises at least fourteen days before the date of the Annual General Meeting.

23. The Honorary Auditor shall:-

- a. Be appointed at the Annual General Meeting in each year.
- b. Audit the accounts of The Club when called upon to do so and shall give such certificate of assurance as to the accuracy of the said accounts as shall be required by law or by The Committee.
- c. If unwilling or unable to act, inform The Committee who shall appoint a substitute to hold office until the termination of the next Annual General Meeting.

SECTION 5; PURCHASE AND SUPPLY OF EXCISABLE GOODS.

24.

- a. The purchase for The Club and the supply on Club premises of excisable goods shall be exclusively and solely under the control of The Committee or of a sub-committee appointed solely for this purpose by The Committee.
- b. Intoxicating liquor may only be sold on Club premises to persons who are entitled to use The Club premises in accordance with Rules, Bye Laws and regulations for the time, being in force, with the exception that no intoxicating liquor shall be supplied to a person under the age of eighteen, neither may any person under the age of eighteen purchase, attempt to purchase or consume intoxicating

liquor on the premises, Cigarettes, tobacco or other products containing tobacco, will not be sold on the club premises.

c. No intoxicating liquor shall be supplied by or on behalf of The Club for consumption off the premises except to a member in person.

d. Club Bar. The opening times of The Club bar for the sale of intoxicating liquor shall be decided by The Committee in accordance with the requirements of the Licensing Authorities and by law. Such opening times shall be stated in The Club Bye Laws and shall be prominently displayed in The Club premises. Any alteration to the opening times shall not be effective until such times as notification has been given to the Court.

e. No arrangement is to be made which restricts The Club's freedom of purchase of intoxicating liquor.

SECTION 6; GENERAL MEETINGS

25.

a. A.G.M.

An Annual General Meeting of The Club shall be held each year on a date to be fixed by The Committee, and no more than fifteen months shall elapse between such meetings. The Honorary Secretary shall at least twenty-one days before an Annual General Meeting post or deliver to each Member of The Club notice thereof and of the business to be put to the meeting.

b. Business at A.G.M.

The business of the Annual General Meeting shall be:-

i. To pass the Treasurer's report and Accounts for the previous year.

ii. To pass the Annual Report of The Committee on the state of The Club's property and activities.

iii. To transact any business stated in the notice of the meeting.

iv. To elect Committee members, Trustees, Auditors and Honorary members.

c. General Meetings called by The Committee.

The Committee may on giving fourteen days notice, call a General Meeting of The Club for any specific business, the nature of which shall state in the summons convening the meeting and the discussion at such meetings shall be confined to that business only.

d. General Meetings called by Members.

The Committee shall also call a General Meeting on the written request of at least six members within twenty-eight days of the receipt of such request.

e. Chairman.

At each General Meeting of The Club the Chairman shall be the Commodore or in his or her absence a Chairman elected by those present.

f. Voting Rights.

At any General Meeting including the Annual General Meeting all members entitled to use The Club's premises and facilities shall be entitled to vote and each member including two partners in a family membership shall have equal voting rights, but no voting rights shall be given to Honorary members and members under eighteen years of age. Voting shall be confined to members.

g. Voting.

Except where otherwise prescribed by these Rules voting at any General Meeting shall be by a simple majority vote on a show of hands.

h. Chairman's Vote.

The Chairman may cast his or her vote after a ballot has been counted provided he or she has not already voted in that ballot.

i. Quorum.

Twenty-five members entitled to vote and present shall form a quorum at any General Meeting of The Club.

j. Rule Change.

The creation, repeal or amendment of a Rule shall only be passed by a majority vote of at least two-thirds of those present and entitled to vote on a resolution properly put to a General Meeting of The Club.

SECTION 7: DISSOLUTION.

26. If, upon winding up or dissolution of The Club, there remains after the satisfaction of all its debts and liabilities any assets whatsoever, the same shall not be paid to or distributed amongst the members on The Club, but shall be given or transferred to some other Community Amateur Sports Clubs having objects similar to the objects of The Club. Such clubs to be determined by the members of The Club by resolution passed at a General Meeting at or before the time of dissolution. If effect cannot be given to such provision then transfer shall be to some registered charity.