

BRIGHTLINGSEA SAILING CLUB

RULES

NAME AND OBJECTS

1. The name of the Club shall be "The Brightlingsea Sailing Club" (hereinafter referred to as the Club).
2. The Burgee shall be Royal Blue with a Golden Bumblebee.
3. The objects for which the Club is formed is to promote and encourage the sport of sailing and also provide social and other facilities for members as may be from time to time determined.

4. MEMBERSHIP

Membership of the Club shall be open to all the community without discrimination. There shall be the following categories of membership with the rights and privileges as defined in the Appendix to these Rules. Each Member shall pay an entrance fee and subscription in accordance with Rule 5.

- a. **Honorary Life Member** Honorary Life Membership of the Club shall be conferred at the sole discretion of the Committee as a distinction for services rendered to the Club.
- b. **Life Member** An Ordinary Member with a minimum of 10 years continuous service as an Ordinary Member, whose subscription is paid to date, may at the sole discretion of the Committee, at any time compound all further subscriptions. A member who has so compounded shall be a Life Member.
- c. **Special Life Member** This category is no longer available.
- d. **Senior Member** An Ordinary or Family Member on reaching the age of 65 years, with a minimum of 10 years continuous service as an Ordinary or Family Member, whose subscription is paid to date, shall be a Senior Member. For Family Membership this option will apply as soon as one party reaches the age of 65 years of age.
- e. **Ordinary Member** A person over the age of 18 years, who is admitted to the Club at the discretion of the Committee, shall be an Ordinary Member. A person under the age of 22 years, who is admitted to the Club whilst in full time education, shall be admitted as a Cadet. An ordinary member may include all his/her children who qualify for Junior membership in his/her membership.
- f. **Family Members** A cohabiting couple admitted to the Club on an Ordinary Membership basis, may elect to become Family Members. Family members may include all their children who qualify for Junior membership in their membership.
- g. **Cadet Member** The Committee may at its discretion, elect any person up to the age of 18 years as a Cadet Member. Cadet Members may transfer to Ordinary Membership after reaching their 18th birthday, unless

in full time education, in which case after reaching their 22nd birthday.

- h. **Junior Member** The Committee may, at its discretion, elect any child up to the age of 10 years as a Junior Member. Junior Members may transfer to Cadet Membership after reaching their 10th birthday.
- i. **Visiting Yachtsmen** Members of other recognised Yacht and Sailing Clubs or Sailing Associations, or similar bodies, may be admitted to the Club premises at the discretion of the Committee, and intoxicating liquor sold to them. **A REGISTER SHALL BE KEPT OF ALL VISITING YACHTSMEN.** Such members shall not be admitted more than 20 times in any one year commencing 1st April.
- j. **Visiting Member** A person who is elected by a Flag Officer, and one other member of the Committee, may be admitted as a visiting member for a period not exceeding 7 days, providing application is made at least 48 hours prior to the membership becoming effective. Such membership may be extended for a maximum of a further 7 days.
- k. **President** A Member may be invited at the discretion of the Committee to become President of the Club. All past Presidents shall be invited to become Life Vice-Presidents. A Register shall be kept of all Presidents and Life Vice-Presidents.
- l. **Membership in Abeyance** Existing members, who, because of distance be unable to make use of the Club's facilities, may apply to the Committee to have their membership held in abeyance. The name of the member will remain in the Club Register for up to 3 years, and the member will be sent any literature or communication sent to other members. At any time the member whose membership is held in abeyance may re-apply for full membership, or for an extension of the membership held in abeyance. The granting or withdrawing of this privilege shall be at the sole discretion of the Committee.
- m. **Temporary Summer Member** Membership is for 4 months only (1st June to 30th September). They must be a fully paid up member of a RYA **affiliated Sailing Club outside of Brightlingsea** (proof may be requested). They have no rights to sit on a Committee or to vote on any issue concerning the Club. During their period of membership they might be asked to carry out a rescue boat duty. They must obey the Club Rules in line with full members. If they become a full member during the year, their summer membership fee would form part of their full membership fee. The fee to be reviewed annually in line with other Club fees. They are entitled to sail for and possibly win Club trophies during their membership. Their boat may occupy an unsold boat park space but if that space is sold to a new or existing member they must vacate the space.
- n. **Affiliate Member** A member over the age of 18 who does not make use of the sailing facilities offered by the Club, at the sole discretion of the Committee, shall be an Affiliate Member.

- o. **Affiliate Club or Association** The General Committee may elect to affiliate properly constituted clubs having objectives similar to and in sympathy with those of the Club. Members of an affiliated club shall have no rights to sit on a Committee or to vote on any issue concerning the Club, but may use the Club facilities in pursuit of the objectives of the affiliated club. They are NOT entitled to sail for and possibly win Club trophies during their membership. The prime objective of the affiliated club is to be noted at the time of election to membership.

5. ENTRANCE AND SUBSCRIPTION FEES

The General Committee may increase the subscriptions annually by up to the then current rate of inflation, plus 6% if necessary, the year being taken up to 31st December. Any further increases will be decided at the Annual General Meeting, or at an Extra Ordinary General Meeting.

Subscriptions become due on 1st January in each year. A member whose subscription is not paid by 1st February in each year is in arrears. Any member who is in arrears shall not be eligible to vote at any Committee, or shall he/she be eligible to vote at any General Meeting. He/she shall not be allowed the privileges of the Club until he/she has paid his/her subscription. If his/her subscription is not paid by 1st April in the same year, the Committee will declare that he/she has ceased to be a member, and his/her name will be removed from the Register.

Entrance fees shall be paid by all persons over 18 years of age elected as Ordinary or Family Members of the Club.

6. ELECTION AND RESIGNATION

- a. **Election** Every candidate or admission as a member shall complete the Club application form, which shall be signed by his/her proposer and seconder, who must be adult members of the Club, and the Candidate shall be considered by his/her proposer to be an acceptable member. The application must be sent to the Honorary Subscription Secretary, who shall post it on the Club noticeboard where it shall remain 7 clear days before election. The Candidate so proposed shall at the next Committee Meeting be put up for election and shall be duly elected if 75% of the Committee members present and voting agree to the election. The subscription of those members elected after 30th September in any year shall cover the following year.

Every member on joining the Club implicitly undertakes to comply with the Rules. In the event of the position or conduct of any member being in the opinion of a majority of two-thirds of the Committee present at the Meeting, to be injurious to the interests of the Club, the Committee may, after hearing all the member has to say, suspend such member from all or any of the privileges of membership during such time as the Committee may deem necessary, or request the resignation of the member within 21 days to protect the reputation and the welfare of the Club: a majority of 2/3rds shall decide the action to be taken. In the event of the member not stating his case either in writing, or in person, the Committee shall be free to take such action as is considered appropriate, and the

decision shall be final. Any member so expelled shall not be entitled to any refund or any interest in the Club.

- b. **Resignation** Any member desirous of leaving the Club shall give notice in writing to the Honorary General Secretary on or before the 15th December in any year, otherwise he/she shall be liable for the subscription for the year following.

7. OFFICERS

The Officer of the Club shall consist of:

- a. The President, Commodore, 4 Vice-Commodores, the Honorary General Secretary and the Honorary Treasurer, who shall all be ex-officio members of all Committees.
- b. The Honorary Subscription Secretary, the Honorary Social Secretary, the Honorary Sailing Secretary, the Honorary Purser, the Honorary Boson, and the Honorary Cadet Captain.

(The duties of the Honorary General Secretary shall not usurp the office of the Honorary Treasurer).

8. MANAGEMENT

The Management of the Club shall be vested in a General Committee consisting of not more than 12 members, and the Officers in Rule 7a.

The Officers and members of the General Committee shall be elected at the Annual General Meeting in each year, and shall hold office until the next succeeding Annual General Meeting. They shall then retire and be eligible for re-election.

Nominations of Officers and members of the General Committee, duly proposed and seconded, with the written consent of the nominee, must be sent to the Honorary General Secretary at least 28 days before the Annual General Meeting.

The General Committee, or whom seven shall form a quorum, shall manage the affairs of the Club according to the rules, and shall meet not less than eight times a year, or at such times as may be deemed necessary, and shall have the power to fill any vacancy which may occur in any Committee.

They shall cause the funds of the Club to be applied solely to the objects of the Club, or for a benevolent or charitable purpose nominated by General Meeting.

The General Committee shall make such by laws and Regulations as it shall from time to time think fit, and shall cause the same to be exhibited in the Club premises for 14 days before the date of implementation. Such by laws and Regulations shall remain in force until approved or set aside by a vote at a General Meeting of the Club.

a. Trustees

- i) The number of Trustees shall not be more than 4 and not less than 2, and the property of the Club, other than monies in the control of the Honorary Treasurer, shall be vested in them. They shall hold office until death or resignation unless removed from office by resolution in General

Meeting. They shall deal with the property of the Club as directed by resolution of Committee, of which an entry in the Minute Book shall be conclusive evidence. If it shall be necessary to appoint a new or additional Trustee for any reason, the Club in General Meeting shall by resolution nominate such a person.

- ii) The Trustees shall be effectually indemnified by the General Committee out of the assets of the Club from and against any liability, costs, expenses and payments whatsoever, which may be properly incurred or made by them in exercise of the duties, or in relation to any property of the Club vested in them, or in relation to any legal proceedings which otherwise relate directly or indirectly to the performance of the functions of a Trustee of the Club.
- iii) The liability of the Trustees for the performance of any contractual or other obligation undertaken by them on behalf of the Club shall be limited to the assets of the Club.

b. The General Committee shall annually appoint:

- i) A House and Entertainment's Committee who shall be responsible to the General Committee for the satisfactory running of the Clubhouse, and for the running of social events. This Committee may be chaired by the Vice Commodore (H&E). The Honorary Social Secretary shall be the Secretary to this sub-committee.
- ii) A Bar Committee consisting of two members plus the Honorary Treasurer, Honorary Purser and one other Officer shall be responsible to the General Committee for the running of the Bar. The Committee may be chaired by the Rear Commodore.
- iii) A Sailing Committee of not less than four and not more than eight members, who shall be responsible to the General Committee for all sailing matters, and who shall settle all disputes appertaining to sailing matters. This Committee may be chaired by the Vice Commodore.

The Honorary Boson shall be a member of this Committee and the Honorary Sailing Secretary shall be the Committee's Secretary.

- iv) A Building Committee of not less than four and not more than eight members shall be responsible to the General Committee for the maintenance, extension and alteration of the Club buildings. This Committee may be chaired by the Commodore.
 - v) A Pyefleet Week Committee consisting of at least four and not more than eight members shall be responsible to the General Committee for organising the annual Pyefleet Week sailing a social programme.
- c. The General Committee shall be empowered to appoint sub-committees for special purposes.
 - d. Except as stated above, each Committee shall elect a chairman, or in the absence of a designated or elected

chairman, appoint a deputy chairman. Where possible the chairman or deputy should be an Officer. The chairman for the time being shall in all cases in the event of an equality of votes on a division, have a casting vote in addition to his vote as a member.

9. GENERAL MEETING

- a. **Annual General Meeting.** A General Meeting of members shall be held once a year, and 15 months must not elapse without a meeting.

The Honorary General Secretary shall send all members fourteen days clear notice of the date of the Annual General Meeting, the date of which shall be determined and posted on the Club noticeboard at least two months in advance. Details shall also be given of the business to be transacted. A copy of the audited accounts of the Club taken at 31st December preceding the date of the meeting will be made available to members upon request prior to the meeting. Notice of any motion a member wishes to bring forward shall be given to the Honorary General Secretary in writing at least 28 days before the Annual General Meeting.

- b. **Extra Ordinary General Meeting.** The Committee may at any time, and shall on the requisition of any 25 members, stating the business for which it is required, convene an Extra-Ordinary General Meeting for any specific purpose. The Honorary General Secretary shall give fourteen clear days notice to members of such a meeting, giving details of business to be transacted.

A quorum at any General Meeting shall be 50 members.

10. HONORARY AUDITORS

Two members of the Club shall be appointed at the Annual General Meeting to audit the accounts of the Club for the then current year. In the event of their being unable to act, the General Committee shall appoint substitutes.

11. PURCHASE AND SUPPLY OF EXCISABLE GOODS

The purpose and supply of excisable goods on the Club's premises shall be exclusively and solely under the control of the General Committee, or duly appointed sub-committee.

Intoxicating liquor may only be sold for consumption on the Club premises to members over the age of 18. No person under the age of 18 may purchase or attempt to consume intoxicating liquor on or within the Club premises; nor may a person under the age of 16 purchase, or cause to be purchased, tobacco or cigarettes within the Club premises. The Club Bar shall be open during licensing hours approved by the Licensing Authorities, and permitted by the Committee. Such hours to be permanently displayed.

No person shall take a commission, percentage, or other such payment in connection with the purchase of excisable goods for the Club. Any profit deriving from the sale of such goods, shall, after deduction of the costs

of providing such goods for the benefit of the Club, be applied to the provision of additional amenities, or the purchase of property to be held in trust for the benefit of the Club.

Proper accounts of all purchases and receipts shall be kept and presented at the Annual General Meeting in each year, and such information as the Honorary General Secretary, the Honorary Treasurer, or Honorary Auditor^s may require, shall be furnished to enable any statutory return of statement, and the payment of excise or other duty or tax to be made.

12. VISITORS

Members may introduce Guests to the Club, subject to such restrictions and regulations as the Committee may make, but no guest shall be introduced to the Club on more than 6 days in any one year. The member introducing such Guest shall be responsible for all liabilities incurred by or on behalf of such Guest. THE MEMBER INTRODUCING A GUEST MUST ON ENTRY ENTER THE GUEST'S NAME IN THE VISITORS' BOOK.

Competitors at open meetings may use the Club as Visiting Yachtsmen for the duration of the meeting.

13. SUGGESTIONS AND COMPLAINTS

Suggestions and complaints may be submitted to a Committee member in writing.

14. MEMBERS' REGISTER

A Register of name and addresses of members of the Club shall be available at all times for reference to members.

15. BANKING ACCOUNT

The Club shall keep its accounts at Barclays Bank plc, or such other banks as the Committee may decide. All monies of the Club shall be paid into such accounts, and all payments made on account of the Club (except petty disbursements) shall be made by cheque on the Club's banker. All cheques shall be signed by two of the following: Commodore, Honorary General Secretary, Honorary Treasurer, or any other member duly authorised by the Committee.

16. ABANDONED BOATS

In addition to the powers given to the Committee under Rule 6 and Rule 8 hereof, if at any time any fees payable to the Club by any member, or former member, shall be three months or more in arrears, and a vessel the property of a member or former member remains upon the Club premises, the Committee may:

- i) Move the vessel to any other part of the Club premises without being liable for any loss or damage to the vessel howsoever caused.
- ii) Give one month's notice in writing to the member or former member at his last known address, as shown in the Club Register, and thereafter sell the vessel and deduct any monies due to the Club, whether by way of arrears of subscription or annual payments, mooring, dinghy park

fees or otherwise, from the net proceeds of sale before accounting for the balance if any, to the member or former member.

iii) Alternatively, if the vessel is unsaleable, after giving notice in writing as aforesaid, dispose of the vessel in any manner the Committee may think fit, and deem the cost of so doing and any arrears 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.

17. DISSOLUTION OF THE CLUB

If, upon the winding up or dissolution of the Club, there remains after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to, or distributed amongst the members of the Club, but shall be given or transferred to another Community Aided Sports Club (CASC) or registered charity or the Sports Governing Body.

18. INCOME/ PROFITS

All surplus income or profits are to be reinvested in the Club. No surplus or assets will be distributed to members or third parties.

BYE LAWS

1. The Clubhouse shall be open for such hours as the Committee may resolve. Members under the age of 14 are not allowed in the Club bar area during licensed hours.

The hours which the Club may be open for supply of intoxicating liquor shall be agreed by the Flag Officers and Bar Committee and displayed in the Clubhouse.
2. Members shall pay for every expense they incur before leaving the Club premises. The Club may not grant credit to any member.
3. No gratuities to a Club servant are allowed. No personal reprimand is to be given by a member to a Club servant. Any inattention or improper conduct of a Club servant is to be reported in writing to the Committee.
4. A member shall not introduce into the Club a friend who has been rejected as a member of the Club, or who has been expelled or having resigned voluntarily, has not paid monies due by him/her to the Club.
5. Members whose subscriptions are in arrears cannot receive the privileges of the Club premises.
6. The Club and/or Committee shall not hold themselves responsible for the loss or damage or articles or property by members and/or their guests in the Clubhouse premises or grounds.
7. Any damage or loss caused to the Club property by a member or guest accompanying him/her must forthwith be remedied or replaced at the expense of such member to the satisfaction of the Club.
8. Gambling or betting is not permitted.
9. No dogs shall be allowed in the Clubhouse. Members are requested to keep their dogs under control whilst in or on the Club grounds/premises.

10. A member may not exhibit or cause to be exhibited any notice or communication in the Club premises without the consent of the Honorary General Secretary.
11. Dinghies may be parked on the Club dinghy park or such other spaces as may be made available, subject to prior payment of the required fee. These fees shall be determined by the Committee from time to time. Any dinghies shall be removed from the dinghy park fronting the Promenade by 31st December in each year, and should not be returned until two days prior to the commencement of the Club racing season. Dinghies not removed by the date required may be moved to any other part of the Club premises without the Club being liable for any loss however caused. At the Committee's discretion, members who fail to remove their dinghies as requested may be refused the allocation of a dinghy parking space in the next or future years.

Boats parked on spaces within the area fronting Oyster Tank Road, may remain on such spaces, subject to prior payment of the required fee, for the period 1st January to 31st March in each year.
12. The Club launching ramp may only be used by sailing/rowing dinghies owned or crewed by members, sailing dinghies owned or crewed by competitors at Open Meetings, and Rescue Boards.

APPENDIX

1. RIGHTS AND PRIVILEGES

The rights and privileges of each category of member shall be as follows:

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|----|----------------------|---------------------|
| a. | Honorary Life Member | Ordinary Member |
| | Life Member | President |
| | Senior Member | Life Vice President |

They shall have full use of the Club and its facilities, be able to attend and vote at meetings, be eligible to serve on Committees, be eligible for election as an Officer, and be able to take part in all Club events.

- b. Family Member. A cohabiting couple shall jointly and severally have full use of the Club as in a. and shall each be entitled to a vote.
- c. Cadet Member Honorary Member
Junior Member Member in Abeyance
Affiliate Member Visiting Member
Temporary Summer Member

They shall have the rights and privileges as in a. except they:
may not vote at meetings
may not serve as an Officer or on a Committee
may not introduce a visitor
may not propose or second an application for membership
may not have any share in the property or assets of the Club

- d. Affiliate members shall have the additional exception to their rights:
They may not take part in Club events or benefit from sailing facilities.
- e. Members of affiliate clubs or associations shall have the right to use the facilities of the Club only in pursuit of the agreed objective of the affiliated club. Specifically they may NOT: Vote at meetings, serve as an Officer or on a Committee, introduce a visitor, propose or second an application for membership, have any share in the property or assets of the Club or race for or win any Club trophies.

2. ENTRANCE FEE AND SUBSCRIPTIONS

- a. The Entrance fee, payable at the discretion of the General Committee, shall be 50% of the annual subscription then in force appropriate to the category of membership.
- b. **Annual Subscription** There shall be an annual subscription fee payable for each category of membership as follows:
- i) Honorary Life Member - no annual subscription.
 - ii) Life Member - the once only subscription to compound further annual subscriptions shall be an amount equal to 'n' times the annual subscription for an Ordinary Member, then in

force. 'n' shall be determined by subtracting the member's age from 65, but shall not exceed 20.

- iii) Special Life Member - this category is no longer available.
- iv) Senior Member - the subscription shall be 50% of the category of membership otherwise applicable, as determined by the General Meeting or General Committee under Rule 5.
- v) Ordinary Member - the subscription shall be as determined by the General Meeting or the General Committee under Rule 5.
- vi) Family Member - the subscription shall be as determined by the General Meeting or the General Committee under Rule 5.
- vii) Cadet Member - the subscription shall be as determined by the General Meeting or the General Committee under Rule 5.
- viii) Junior Member - as determined by the General Meeting or the General Committee under Rule 5. Juniors whose parent(s) are members shall not pay a subscription.
- ix) Visiting Member - the subscription shall be as determined by the General Meeting or the General Committee under Rule 5.
- x) President and Life Vice Presidents - the annual subscription shall be that of the category of membership otherwise applicable.
- xi) Membership in Abeyance - no annual subscription but a triennial donation will be made of 20% of the subscription for an Ordinary Member then in force.
- xii) Dinghy Parking - the annual fee for the use of the dinghy parking areas shall be determined by the General Meeting or the General Committee as under Rule 5.
- xiii) The subscription and dinghy parking fees for the current year shall be displayed on the Club noticeboard.
- xiv) Temporary Summer Membership.
For a 2 person boat the fee will be one third of the fee of a family membership and one third of the fee for a 16ft boat parking space.
For a 1 person boat the fee is one third of an ordinary membership plus one third of the fee for a 14ft boat parking space.
- xv) Affiliate Member - the subscription shall be as determined by the General Meeting or the General Committee under Rule 5.

15th March 2010

