

## **HORNING SAILING CLUB**

### **RULES and BYELAWS – OCTOBER 2006**

#### **Section 1 NAME AND OBJECTS**

1. The name of the Club shall be the "HORNING SAILING CLUB" (hereinafter referred to in these Rules as "the Club").
2. The object for which the Club is formed is to promote and facilitate the sport of Yachting and also to provide social and other facilities for members as may be from time to time determined. The Club is a non-profit making organisation. All profits and surpluses will be used to maintain and improve the Club's facilities. No profit or surplus will be distributed except under the provision of Paragraph 55 of these Rules.

#### **Section 2 OFFICERS**

3. The Officers of the Club shall be Full or adult Family members of the Club, and shall consist of a Commodore, a Vice-Commodore and up to three Rear-Commodores: an Honorary Secretary, an Honorary Treasurer and a Membership Secretary. Officers shall be elected at the Annual General Meeting in each year. All Officers of the Club shall be eligible for re-election, except that no person shall serve for more than three years as a Rear Commodore.
4. The Honorary Secretary shall:
  - (a) Keep a register of Club member's names, addresses and craft owned by them.
  - (b) Conduct the correspondence of the Club.
  - (c) Be responsible for safe 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.
5. 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) Prepare an Annual Balance Sheet as at 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.
  - (c) See to the maintenance of such insurance policy or policies as instructed by the Committee.
6. The Auditor shall:-
  - (a) Be appointed at the Annual General Meeting in each year.
  - (b) Audit the accounts of the Club annually and when called upon to do so and shall give such certificate 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 3 MEMBERSHIP**

##### **Categories of membership**

7. There shall be the following categories of membership with power to vote at all meetings of the Club as indicated hereunder.
  - A FULL MEMBER - being a person who, at the date of election is over the age of eighteen - shall have one vote.
  - A FAMILY MEMBER - which expression shall include a couple or one or two parents (as may be) and children of their family under twelve years of age. Each adult shall have one vote.
  - A JUNIOR MEMBER - being a person who, at the date of election, is between the age of twelve and eighteen shall have no vote.
  - AN HONORARY MEMBER - being a person who shall be nominated and elected in the manner described in Rule 43 - shall have one vote.
  - AN ASSOCIATE MEMBER including children under the age of 12- being a person who shall have no vote.

A FAMILY ASSOCIATE MEMBER - including children under the age of 12 being a person who shall have no vote.

A DAY MEMBER - being a person who shall have no vote.

### **Rights and privileges of membership**

8. The rights and privileges of each category of membership shall be as follows:-

A FULL MEMBER and their children under the age of 12 shall have the full use of all the Club facilities. ADULT FAMILY MEMBERS and their children under the age of twelve shall have full use of all the Club facilities.

A JUNIOR MEMBER shall have the full use of all the Club facilities.

AN HONORARY MEMBER shall have the full use of all Club facilities.

AN ASSOCIATE MEMBER and their children under the age of 12 shall have the full use of Clubhouse facilities but will not have the right to take part in Club races.

A DAY MEMBER (which expression may include members of another R.Y.A. recognised club) shall have the full use of the Club facilities BUT

(a) Shall pay the daily fee but will not be eligible to win Club trophies.

(b) Have no right to introduce visitors to the Club.

(c) Is deemed to have notice of and impliedly under-takes to comply with the Club rules and current byelaws.

(d) Shall be liable to expulsion from the Club premises or prohibited the use of Club facilities if in the opinion of the Honorary Secretary he or she shall not have reasonably complied with the above conditions. Members of the Club may apply to be elected Life Members of the Club on payment of ten times the appropriate Annual Subscription.

Every member being the owner of a boat is entitled to have such a boat entered on the Club register and to fly the Club flag. That the Club flag shall be a dark crimson burgee bearing the shield of arms of St. Benet-at-Holme Abbey.

### **Membership Entrance and Subscription Fees**

9. The rate of Entrance and Subscription fee for each category of membership shall be proposed by the committee to the members at the Annual General Meeting in each year. Any proposed changes shall be approved by a majority of those present and entitled to vote and shall become operative on the first day of January in the year following. The current rate of Entrance and Subscription fee shall be prominently displayed in the Club premises.

10a. Members requiring a mooring or berth shall be required to pay such mooring fees as the Committee, from time to time, shall prescribe, and always subject to a suitable mooring or berth being available.

10b. All intending members shall pay the entrance fee (if any) and their first annual subscription at the same time as their application for election to the Club, and thereafter on the First day of January each year.

Members elected after the Open Regatta shall pay the appropriate entrance fee (if any) but shall not be required to pay subscriptions until 1<sup>st</sup> January the following year.

10c. Discretion is granted to the Honorary Treasurer to waive (in whole or in part) or to accept the postponement of payment of subscriptions and mooring fees having regard to the personal circumstances of any member. The Honorary Treasurer shall report to the Officers and Committee whenever he exercises this discretion, but he shall not divulge the identity of the member concerned.

11a. Every member shall furnish the Honorary Secretary with an up-to-date address which shall be recorded in the Register of Members and any notice sent to such address shall be deemed to have been duly delivered.

11b. Each member shall furnish the Honorary Secretary with up-to-date details of craft of which he or she is owner or part owner, and which may be kept on Club moorings or participate in Club events. Election and retirement of members

12. Every candidate for membership (except Honorary Life Members) shall be proposed and seconded by a Full or adult Family member of the Club, both of whom should be personally acquainted with the candidate.

13. An application for membership shall be in the form from time to time prescribed by the Committee, and shall include the name and address of the candidate, and the signature of the Proposer and Secunder.

14. Upon receipt of an application for membership the Honorary Membership Secretary shall enter such application in a register of candidates. The election of all classes of members is vested in the Committee and shall be by a simple majority vote of those members present and voting at the relevant meeting of the Committee. The Honorary Membership Secretary shall inform such candidate in writing of the candidate's election or non-election. They shall furnish an elected candidate with a copy of the Rules and byelaws of the Club and make request for such payments as are necessary. It was further agreed that there be a minimum of seven days gap between application and election.

15. A member may make application for leave of absence to the Committee who shall determine the terms of such leave as to its period, conditions and amount payable if any.

16. A member desirous of retiring from membership shall give notice in writing to the Honorary Secretary before the last day of November and shall not then be liable to pay the subscription for the following year. Upon re-application by a past member the Committee may, at its discretion, excuse the payment of an Entrance Fee.

17. The Committee may cancel, without notice given, the membership of any member whose annual subscription and other annual fees are more than three months in arrears provided that the Committee may, at its discretion, reinstate such member upon payment of arrears. No member whose annual payments are in arrears may enter any Club event or regatta nor may vote at any meeting nor take part in any of the Club's business.

### **Conduct of members**

18a. Every member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with the Club Rules and the current Byelaws of the Club. Any refusal or neglect to do so, or any conduct which, in the opinion of the Committee is either unworthy of a member or otherwise injurious to the interests of the Club, shall render a member liable to expulsion by the Committee. PROVIDED THAT, before expelling a member, the Committee shall call upon such member for a written explanation of the member's conduct and shall give the member full opportunity of making explanation to the Committee, or of resigning. A Resolution to expel a member shall be carried by a single majority vote by those members of the Committee present and voting on the Resolution.

18b. It is a requirement of membership to carry out at least one race day duty per season, if required by the committee. This does include the galley.

19. Members shall enter the names of all guests in the Visitor's Book. A member shall not introduce more than three guests in any one day and the same guest may not be introduced more than four times in any one calendar year excluding social functions. No person may be introduced as a visitor who has been struck off or refused election as a member for any reason whatsoever. A member introducing a visitor shall pay all monies due to the Club in respect of such visitor.

20. 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.

21. A member shall not cause any communication in whatever form to be exhibited on Club notice boards or premises without permission of the Honorary Secretary.

22. A member shall settle any indebtedness for refreshment or otherwise before leaving the Club premises, or in accordance with any byelaw relating to the settlement of such indebtedness.

23. Complaints or suggestions of any nature relating to the management of the Club shall be addressed in writing to the Honorary Secretary. Under no circumstances shall a servant of the Club be personally reprimanded by a member.

24. A member of any club recognised by the Royal Yachting Association may be authorised to use the premises of the Club on prior application to the Honorary Secretary.

25. The Honorary Secretary or any other person who has received the authority of two members of the committee may expel any person who has the right to use those premises from the Club's premises. When such expulsion applies to a member it must be subject to ratification by the committee within fourteen days.

## **Limitation of Club Liability**

26. 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 guests 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 4 MANAGEMENT COMMITTEE**

### **Constitution and procedure**

27. The Management Committee (herein referred to as "the Committee") shall consist of the Officers, ex officio, and not less than eight nor more than twelve Full or adult Family members of the Club elected at the Annual General Meeting each year to hold office until the termination of the next following Annual General Meeting.

28. Candidates for election to the Committee (not being Officers of the Club) shall be those members of the retiring Committee eligible to offer themselves for re-election and such other Full or adult Family members whose nominations (duly proposed and seconded in writing by Full or adult Family members of the Club) with their consent shall have been entered on the nomination list at least twenty eight days before the date of the Annual General Meeting in each year., Lists for nominations shall be posted in the Clubhouse three weeks before the closing date for nominations. No member of the Committee shall be eligible for re-election who has not attended at least half the summoned meetings, unless in the opinion of the meeting there appears to have been reasonable cause for such member's non-attendance.

29. If the number of candidates, duly proposed and seconded, shall exceed the number of vacancies to be filled, the election at the Annual General Meeting shall be by ballot. An optional postal ballot shall be provided for members unable to be present at the Annual General Meeting.

30. If the number of candidates for election is equal to or less than the number of vacancies to be filled then all candidates shall be deemed to be elected if two thirds of those present at the Annual General Meeting, and entitled to vote, vote in favour of such election. In the event of there not being the required majority the candidates shall be individually elected by a majority of those present at the Annual General Meeting, and entitled to vote. The election shall be by ballot.

31. In the event of the ballot failing to determine the members of the Committee because of an equality of votes the candidate or candidates to be elected from those having an equal number of votes shall be determined by lot.

32. If, for any reason, a casual vacancy shall occur, the Committee may co-opt a Full or adult Family member to fill such a vacancy until the next following Annual; General Meeting. Not more than two co-options shall be allowed in any one year.

33. A retiring Commodore shall serve as an ex officio member of the Committee in the year following his or her retirement.

34. The Committee shall meet at least every two months making such arrangements as to the conduct, place of assembly and holding of such meetings as it may wish. The Commodore, or in his absence a Chairman elected by those present shall preside.

35. Voting (except in the case of a resolution relating to the expulsion of a member) shall be by show of hands. In the case of an equality of votes the Commodore or Chairman (as the case may be) shall have a second and casting vote.

36. Eight members personally present shall form a quorum at a meeting of the Committee.  
Powers of the Committee.

37. The Committee shall manage the affairs of the Club according to the Rules and shall cause the funds of the Club to be applied solely to the objects of the Club or for a benevolent or charitable purpose.

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

39. The Committee may appoint such sub-committees as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as shall be deemed expedient and/or required by law. Such sub-committees shall consist of such members of the Committee or of the Club as the Committee may think fit. Officers of the Club shall be ex officio members of all such sub-committees.

40. A member of the Committee, or of a sub-committee or any Officer of the Club, in transacting business for the Club, shall disclose to third parties that he is so acting.

41. No member shall, without the express authority of the membership in General Meeting, pledge the credit of the membership.

42. 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.

The limit of an individual member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate for that category of membership unless the Committee has been authorised to exceed such limit by a General Meeting of the Club.

43. The Committee may nominate for election at an Annual General Meeting such Honorary Members as the Committee may think fit. The election of Honorary Members shall be put to the vote at the Annual General Meeting and such Honorary Members shall be duly elected if two thirds of those present, and entitled to vote, vote in favour of election.

44. The Committee may as it thinks fit nominate for appointment at an Annual General Meeting a Full, adult Family or Honorary member as President and Full, adult Family or Honorary members as Vice Presidents. The appointment of the President or Vice Presidents shall be put to the vote at the Annual General Meeting and such President or Vice Presidents shall be duly appointed if two thirds of those present, and entitled to vote, vote in favour of appointment.

The President and Vice Presidents shall remain appointed during their lifetime unless a resolution to withdraw the appointment is duly proposed at a General Meeting of the Club and approved by at least two thirds of those present and entitled to vote.

## **Section 5 MEETINGS OF THE CLUB**

45. An Annual General Meeting of the Club shall be held each year within one month from the date of the end of the sailing season on a date to be fixed by the Committee. The Honorary Secretary shall at least fourteen days before the date of such meeting or any General Meeting as hereinafter mentioned post or deliver to each member notice thereof and of the business to be brought forward thereat.

46. No business, except the passing of the Accounts and the election of the Officers, Committee and Auditors, and any business that the Committee may order to be inserted in the notice convening the meeting shall be voted on at such meeting unless notice thereof be given in writing by a member entitled to vote to the Honorary Secretary at least twenty eight days before the date of the Annual General Meeting.

47. The Committee may at any time, upon giving twenty one days notice in writing call a General Meeting of the Club for any special business, the nature of which shall be stated in the summons convening the meeting, and the voting at such meeting shall be confined to the business stated in the notice sent to members.

48. The Committee shall similarly call a General Meeting upon a written request addressed to the Honorary Secretary by at least twenty members entitled to vote. The voting at such meeting shall be confined to the business stated in the notice sent to members.

49. At every meeting of the Club the Commodore or, in his/her absence, a Chairman elected by those present shall preside.

50. Forty members entitled to vote and personally present shall form a quorum at any meeting of the Club.

51. Only Full, adult Family and Honorary Members shall vote at any meeting of the Club. Other members may attend and speak but are not entitled to vote.

52. Voting shall be by show of hands except upon the election of members of the Committee.

53. In the case of an equality of votes the Chairman shall have a second or casting vote, on any matter other than the election of members of the Committee.

54. On any resolution properly put to a meeting of the Club relating to the creation, repeal or amendment of any Rule, Byelaw or Regulation of the Club such Rule, Byelaw or Regulation shall not be created, repealed or amended except by a majority vote of at least two-thirds of those present and entitled to vote.

### **Section 6 DISSOLUTION OF THE CLUB**

55. If, upon the winding up or dissolution of the Club, there remains after the satisfaction of all its 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 some other institution or institutions having objects similar to the objects of the Club. Such institution or institutions to be determined by the members of the Club by Resolution passed at a General Meeting at or before the time of the dissolution.

### **Section 7 BYELAWS**

I. All dogs brought onto the island must be kept on a hand held lead and all animals shall be kept under proper control at all times. Any owner who, in the opinion of the senior Club officer present, is failing to comply with these conditions will be required to remove the animal from the Club's premises forthwith.

II. Cars must display a current year permit and may be parked only in areas designated for such parking so as not to cause an obstruction to other cars. Parking is not permitted in the approach road and its extension to the footbridge, nor in the immediate area of the slipway.

III. The Club premises will normally be kept locked except during racing and social events. Keys to the Club premises can be obtained from the Honorary Secretary on payment of a returnable fee.

IV. No mooring shall take place on the quay heading fronting the Clubhouse without the prior direct consent of the Commodore. No mooring shall take place on the East or West sides as far as the slipway other than for a maximum period of twenty four hours on non-racing days. On the West side as far as the slipway there shall be one mooring for the boat of the Commodore and one courtesy mooring for use at his discretion. On the East side as far as the slipway only dinghies may moor on days of racing. Dinghies shall refrain as far as possible from mooring on the front.

V. In addition to the powers given to the Committee under Rule 18, and Rule 42 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:-

(a) Move the vessel to any other part of the Club premises without being liable for any loss or damage to the vessel howsoever caused.

(b) 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 proceeds of sale before accounting for the balance (if any) to the member or former member.

(c) 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 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.

VI. No footwear that will cause damage to the floor may be worn in the Clubhouse. Stiletto-heeled shoes must not be worn in the Clubhouse.

VII. No radios may be used to cause annoyance to other Club members.

VI. No fishing is allowed from the following club premises nor from any vessel moored thereto: the island (excluding the club frontage), the car park, the bank of Swan Dyke, the bridge or pontoon. Fishing on the Club frontage is restricted to members who should show courteous discretion and must cease before 8.00am on race days. Fishing in daylight hours only. Boats wishing to moor must not be hindered.

IX. The conditions of use of the Club launch will be published as a separate notice.

X. The race fees in accordance with Sailing Rule No. 1, will be published as a separate notice.

XI. Members should strike all burgees at the end of the day's sailing.

XII. Club moorings on the island and in the river pens will be allocated to Full, Family, Junior and Honorary Members. Any member (other than a day member) may apply for a mooring plot.