

EMSWORTH SAILING CLUB

RULES

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SECTION 1 CONSTITUTION OF THE CLUB

1. The name of the club shall be Emsworth Sailing Club; hereinafter referred to in these Rules as the Club.
2. The objects of the Club shall be to promote and facilitate the sport of yachting; to provide bathing and such facilities for members as may be from time to time determined.
3. The Club burgee shall be as designed, namely, party per pale indented white and blue, in the hoist white the Rose of Hampshire red, in the fly blue the Martlet of Sussex white.

SECTION 2 OFFICERS

4. The officers of the Club shall be Ordinary members. They shall consist of a Commodore, a Vice Commodore, a Rear Commodore (House) and a Rear Commodore (Sailing).
5. Flag Officers shall be elected at the Annual General Meeting (AGM) in each year and shall hold office for one year retiring at the termination of the AGM each year, but shall be eligible for re-election.
6. On the recommendation of the General Committee the Club in General Meeting may resolve to invite a distinguished person, or a member who has rendered outstanding service to the Club, to be Admiral of the Club. Upon acceptance of such invitation the Admiral shall remain in office until death, resignation or revocation of the appointment by a two-thirds majority of the Club in General Meeting.

SECTION 3 MEMBERSHIP

PART 1 Categories and Criteria of Membership

7. There shall be the following categories of membership with power to vote and serve as indicated: -

Ordinary member

Category: Over 25 years of age at election, may vote and may serve on the General Committee.

Criteria: Candidates for election as Ordinary members shall be voted for by the General Committee. A two thirds majority of those voting shall be necessary for election. Candidates shall be elected provisionally for a period of 12 months after which their membership shall be confirmed or terminated by the General Committee; in the latter case entrance fees shall be refunded.

A candidate for Ordinary membership shall be proposed and seconded by Ordinary members both of whom shall have been members for two years and be personally acquainted with the candidate. The name, address and occupation of the candidate shall be posted in the clubhouse at least 14 days before the date of election.

Former Ordinary members wishing to re-join the Club may be re-elected at the discretion of the General Committee, paying the current subscription and current entrance fee less the rate of fee at the time of resignation.

Absentee, Overseas and UK member

Category: An Ordinary member living away from home either overseas or in the and may not vote.

Criteria: Ordinary members proposing to be absent from the Club for one or more years, shall give notice in writing to the Membership Secretary. They will be charged an annual retention fee as agreed by the General Committee.

Any absent member can only use Club facilities for up to one week, after which they shall pay the relevant temporary membership fee or opt to pay their annual subscription.

Life member

Category: over 25 years of age at election, may vote and may serve on the General Committee.

Criteria: Life membership (paying no subscription) may be offered by the General Committee to any Ordinary member or non-member who merits the honour whether because of long service to the Club in either an honorary or employed capacity, or because of any particular achievement or action which has been of advantage to or enhanced the Club.

A member, who has served as Commodore, and his or her spouse, shall from the age of 65 years become Life members.

The Admiral of the Club shall be a Life member.

Student member

Category: Applicants for membership aged 18-24 years of age are eligible for Student membership.

Criteria: Junior members on reaching the age of 18 are eligible for election as Students members at a reduced subscription rate until reaching the age of 24 Student members may vote and may serve on sub-committees.

Honorary member

Category: Over 18 years of age at election and may not vote.

Criteria: The General Committee has discretion annually to elect as honorary members those whom it thinks desirable including employees of the Club for the duration of their employment.

Junior member

Category: Age 8 to inclusive, may not vote but may serve on a sub-committee.

Criteria: At the discretion of the General Committee, Ordinary members may nominate, annually, as junior members relatives ordinarily domiciled in their house as junior members.

Child member

Category: Age 2 to 7 years of age

Criteria: Children of a current member

Veteran member

Category: An Ordinary member aged 65 or over and having 25 years continuous membership shall pay half the rate of relevant subscription.

Temporary Member

Criteria: At the discretion of the General Committee, an Ordinary member may introduce a house guest – a person staying with an Ordinary member – on notification to the Secretary for admission as a Temporary member, for a period of not less than one week. Exceptions can be made in conjunction with a training course.

PART 3 Subscription and Fees

16. The entrance fee and annual subscription for Ordinary members, Restricted members, Overseas members and Junior and Cadet members shall be determined by resolution at a General Meeting of the Club in the same manner as prescribed for amendments to the Rules. A list showing the entrance fees and rates of subscriptions shall be posted in the Club.
17. Where a category of membership is age-specific, it shall be determined by the age of the member on 1 January or, in the case of a newly elected member, on the date of election.
18. Children under ten years of age ordinarily domiciled with a member may use the facilities of the Club during the season when accompanied by their parent or another responsible adult member, on the payment of a fee to be determined by the General Committee.
19. The weekly fees for Temporary members over 18 and under 18 years of age shall be determined by the General Committee.
20. Fees for moorings, boat billets, boat parking and equipment storage shall be at the discretion of the General Committee.
21. New Ordinary members shall not participate in the privileges of the Club until the entrance fee and first annual subscription have been paid. Should these not be paid within one month of election, unless a satisfactory explanation is provided to the General Committee, the election shall be deemed null and void.
22. The Secretary shall issue a copy of the Rules and Byelaws to all newly elected members. Payment of the entrance fee and annual subscription signifies that the member accepts the duties and responsibility of membership. A Member may retire from membership at any time by giving notice in writing of his or her resignation to the Secretary but any resignation shall take effect without prejudice to such member's liability to pay his or her annual membership subscription in respect of the current period in which the resignation takes place. Members paying their annual membership subscription by monthly instalments are liable in full for payment of the balance of any unpaid annual membership subscription.
23. All annual subscriptions are due and payable on 1 January in each year or following election. The General Committee may allow annual membership subscriptions to be paid by 10 equal instalments by direct debit commencing on 1 January each year with the final payment on 1 October. Any default in the payment of annual membership subscriptions paid by direct debit shall render the balance of outstanding subscription to be immediately due and payable. Notwithstanding that annual membership

subscriptions may be paid in monthly instalments by direct debit, membership remains an annual commitment.

24. Any annual membership subscriptions not being paid by monthly direct debit that have not been paid by 1 February are regarded as overdue. Overdue annual membership subscriptions incur an additional charge which shall be determined from time to time by the General Committee. If overdue annual membership subscriptions including the surcharge are unpaid by 1 March the defaulters shall be deemed to have resigned and their names shall be removed from the list of members.
25. (a) Every member on election, and thereafter when there is any change, shall furnish the Secretary with an up to date mail address, telephone number and Email address (if having one), which shall be recorded in the Record of Members and any notice sent to such mail address shall be deemed to have been delivered.
(b) Every member will be deemed to consent to the holding of relevant personal data for the purposes of the Data Protection Acts.

PART 4 Conduct of Members

26. Every member, upon election and thereafter, is deemed to have notice of and to undertake to comply with the Rules and Byelaws. In the event of any refusal or neglect to do so or any conduct which, in the opinion of the General Committee or of any 16 members of the Club (who shall certify the same in writing to the General Committee) is injurious to the character, interest and good order of the Club the General Committee may request the member to explain his or her conduct in person or in writing to the General Committee.
27. Should an explanation of alleged improper conduct be unsatisfactory the General Committee may ask the member to resign. Should the member not resign within 28 days of the request date, then the member is liable to expulsion by the General Committee on a majority vote.
28. Notification of expulsion is to be forwarded to the member and posted on the Club notice board. Thereafter the expelled member may, under no circumstances, be introduced to the Club.
29. (a) No member shall carry on his or her business in the Club. No member shall make use of the Club for the purpose of advertising or put any notice in the Club without the permission of the Secretary.
(b) No member shall, except for professional or trade services rendered at the request of a Committee, on any pretence or in any manner, receive any profit, salary or emoluments from the funds or transactions of the Club.

PART 5 Club Liability and Safety

30. All members of the Club and their guests and visitors use the Club premises and any other facilities of the Club, entirely at their own risk on the basis that:
 - (a) The Club will not accept liability for damage to or loss of property belonging to members, their guests or visitors.
 - (b) The Club, its officers, committee members, race officers, patrol boats crews or other members, employees or persons involved in the organisation of a racing,

training, social or other event on behalf of the Club, will not accept liability for any personal injury arising out of the use of the Club premises or facilities or out of participation in any such activity or event either sustained by members, their guests or visitors or caused by the said members, guests or visitors, whether or not such injury could have been attributed to or was occasioned by the neglect, default or negligence of any of the said members or persons taking action on behalf of the Club.

- (c) Adults who bring children to the Club are entirely responsible for their safety.
- (d) Before inviting any guest or house guest who becomes a Temporary member on to the premises, or to participate in races or events organised by the Club, members are to draw their attention to this rule.

SECTION 4 MANAGEMENT OF THE CLUB

PART 1 General Committee

- 31. The management of the club shall be vested in a committee to be called the General Committee, consisting of the four Flag Officers and nine elected Ordinary or Life members and, in addition for a period of twelve months, the immediate past Commodore. Five persons shall form a quorum. A Committee member shall serve for three years. Three of the elected members shall retire annually by rotation but be eligible for re-election.
- 32. The Admiral, the three Trustees, the Sailing Secretary and the Secretary are ex-officio members of the General Committee but have no vote in any of its resolutions.
- 33. Any vacancy occurring among the Flag Officers or members of the General Committee may be filled at the discretion of the General Committee. Any person so co-opted shall retire at the next AGM but will be eligible for election. A member elected at an AGM to fill a vacancy caused by other than normal rotation shall do so for the remainder of the term of office of the member who is succeeded.
- 34. Three weeks before the AGM the names of the Flag Officers and the retiring three members of the General Committee shall be posted on the Club notice board and website. The names of members proposed for election to be Flag Officers and of members to fill vacancies arising on the General Committee through the possible election of a member to flag rank and through resignation as well as through rotation, together with those of their proposer and seconder shall be submitted to the Secretary in writing. Seven days before the AGM a list of these names shall be posted on the Club notice board and website. Names received after this date will not be accepted. The consent of eligible members to serve as Flag Officers or as General Committee members must be obtained before they are proposed.
- 35. The Commodore shall be the chairman of the General Committee and, in his absence this duty will devolve in sequence on the Vice Commodore, Rear Commodore (House), Rear Commodore (Sailing) or a General Committee member nominated by those present at the meeting.
- 36. The General Committee shall normally meet monthly. An additional meeting may be called by the chairman and shall also be called on the requisition of five voting members of the General Committee addressed to the Secretary. The General Committee may remove the name of any member who without acceptable reason has not attended four consecutive meetings of the General Committee.

PART 2 Powers of the General Committee

37. In pursuance of its authority to manage the affairs of the Club according to the Rules, the General Committee shall have the following powers:
- (a) The Committee shall cause the funds of the Club to be applied solely to the objects of the Club or for benevolent or charitable purpose nominated by a General Meeting.
 - (b) The Committee shall appoint the following standing Sub committees:
 - (i) Finance Committee
 - (ii) House Committee
 - (iii) Sailing Committee
 - (iv) Estates Committee

It may appoint from time to time additional ad-hoc Sub committees with specialist functions and duties. Each of these additional Sub committees shall consist of a Flag Officer and not less than three other members of the General Committee and such other members of the Club as the General Committee deems appropriate for the duties assigned to the Sub Committee. The decisions and actions of a Sub Committee are initially binding on the Club, but they may be reversed or modified on review by the General Committee.
 - (c) The Committee shall appoint a Secretary and/or Joint Secretaries, herein referred to as the Secretary, and determine their salaries and subject to Rule 38 assign and designate their duties.
 - (d) The Committee may appoint *from the membership in an honorary capacity a Treasurer and a Sailing Secretary.*
 - (e) The Committee shall make such Byelaws as it from time to time thinks fit and shall cause the same to be exhibited on the Club notice board and website for fourteen days before the date of implementation. Such Byelaws shall remain in force unless and until rescinded by a vote at a General Meeting.

PART 3 Sub committees

38. The Finance Committee shall be appointed annually consisting of the Flag Officers and any Chairman of other Sub committees, if not a Flag Officer. The Commodore, or in his absence the Vice Commodore, shall be Chairman. The Admiral and Trustees may attend meetings. The Committee shall normally meet quarterly to review the year's to-date income and expenditure. It shall review the audited annual Statement of Accounts and submit these to the General Committee and the Financial General Meeting. It shall keep under review the adequacy of insurance provision to cover all the Club's property, effects and liabilities, including those of members acting in an official capacity on behalf of the Club. It shall prepare a budget for the ensuing year and recommend to the General Committee the rates of subscription and entrance fee for subsequent approval by a General Meeting and the rates of any fees. The Committee shall consider the financial implications of any major or long term acquisitions, developments or major arrangements which may be proposed by the General Committee or a Sub committee. The Committee shall keep under review the long term financial position of the Club and the need for funding other than through subscriptions and fees. The Committee shall consider and recommend to the General Committee the appointment, terms of employment and remuneration of the Secretary under Rule 37 (c) or any other appointments.
39. The House Committee shall be appointed annually consisting of the Rear Commodore (House) as Chairman and not less than three elected members of the General Committee and other members of the Club so that its total membership shall not exceed ten. In the absence of the Rear Commodore (House) the members shall elect one of its members to chair the meeting. The Committee shall normally meet monthly. The Committee shall be responsible for all matters relating to the bar and catering

services and the arrangement of the Club's social and entertainment activities. The Committee shall prepare for consideration by the Finance Committee an annual budget for items of income and expenditure, including any capital items, within its responsibilities. It may then incur expenditure during the course of the year according to the provision within the budget approved by the Finance Committee. Additional expenditure may only be incurred with the approval of the Finance Committee.

- 39(a) The Estates Committee shall be appointed annually and consisting of the Vice Commodore as Chairman and not less than two elected members of the General Committee and other members of the Club so that its total membership shall not exceed eight. In the absence of the Vice Commodore the members shall elect one of its members to chair the meeting. The Committee shall normally meet monthly. The Committee shall be responsible for all matters relating to the upkeep and maintenance of the Club house, other buildings, plant, machinery and equipment, the grounds and bathing facilities. The Committee shall prepare for consideration by the Finance Committee an annual budget for items of expenditure, including any capital items, within its responsibilities. It may then incur expenditure during the course of the year according to the provision within the budget approved by the Finance Committee. Additional expenditure may only be incurred with the approval of the Finance Committee.
40. The Sailing Committee shall be appointed annually, consisting of the Rear Commodore (Sailing) as Chairman, not less than three elected members of the General Committee and other members of the Club so that its total membership shall not exceed twelve. In the absence of the Rear Commodore (Sailing) the Committee shall elect one of its members to chair the meeting. The Committee shall normally meet monthly. The Committee shall be responsible for all matters relating to sailing and training, Club owned boats, moorings, racing marks, the dinghy park and provision and allocation of space for boat parking and storage, the flag staff, pontoons, slipways and sea defences. The Committee shall prepare for consideration by the Finance Committee an annual budget for items of income and expenditure, including any capital items, within its responsibility. It may then incur expenditure during the course of the year according to the provision within the budget approved by the Finance Committee. Additional expenditure may only be incurred with the approval of the Finance Committee.
41. A Subcommittee may appoint a working party for a specified limited function consisting of at least one of its members and such other members of the Club as are appropriate. Sub committees may appoint in an honorary capacity members of the Club to perform various duties for the Club.

PART 4 Finance

42. (a) The Financial Year of the Club shall end on the 31 December of each year and the accounts of the Club for that past year be closed on that date.
- (b) The General Committee shall ensure that the Secretary maintains accounting records to give a true and fair view of the state of the Club finances. He is to submit all financial records to the Club auditors as may be requested.
43. All cheques shall be signed, or electronic transfers authorised, by any two Flag Officers or Secretaries, whose names shall appear on the Bank Mandate approved by the General Committee.

44. Only if the Club in General Meeting pass a resolution authorising the General Committee to borrow money, shall the General Committee be empowered to borrow for the purpose of the Club such amounts of money either at one time or from time to time and in such form and manner and upon such security as shall be specified in the General Meeting resolution.
45. Application of Surplus. The Club is a non-profit making organisation. Any surplus and profits shall be used in the furtherance of the objects of the Club and maintenance or improvement of the Club's facilities, at the discretion of the General Committee. No surpluses or profits shall be distributed among its members.
46. Dissolution of the Club. If upon the winding up or dissolution of the Club, there remain any property, funds or other assets after settlement of any liabilities and debts, they shall be transferred to some other non-profit making organisation having similar objects to those of the Club as determined by resolution at a General Meeting of the Club at such time.
47. Transaction of Business. A Flag Officer, employee or member of the General Committee or of a Sub Committee in transacting business for the Club shall disclose to third parties that he is so acting.
48. Indemnity. In pursuance of the authority vested in the General Committee and Sub committees by the Ordinary members of the Club, Committee members, Secretary and members acting in an official capacity are entitled to be indemnified by 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 authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the Club.
49. Limit of Indemnity. The limit of any individual member's liability in this respect shall be a sum equal to an Ordinary member's subscription at the current rate unless the General Committee has been authorised to exceed such a limit at a General Meeting.
50. Limits of Authorisation. A Flag Officer, the Secretary and any member of the General Committee or a Sub Committee or a Trustee delegated to act as an agent for the Club shall enter into contract only as far as expressly authorised, or authorised by implication.

PART 5 Excisable Goods

51. The purchase for the Club of excisable goods and the supply of the same upon Club premises shall be exclusively and solely under the control of the General Committee. Intoxicating liquor may only be sold for consumption on the Club premises to persons over the age of eighteen. No tobacco products are to be available for purchase in the Club. *The Club Bar is reserved for persons of 14 years and over during Bar opening hours. The Wet Bar is available to all members.*
52. Subject to the requirements of the Licensing Authorities the General Committee shall cause the Club bar to be opened at convenient times as promulgated in the Byelaws.
53. If the bar trade in excisable goods has not been franchised, any profit after deduction of the costs and wages of providing such goods and service shall be applied to the operation and amenities of the Club.

54. If the bar trade in excisable goods has been franchised then the contract shall include a requirement for a monthly audit of accounts with a copy of those accounts to be provided to the Secretary.

SECTION 5 TRUSTEES

55. There shall be three Trustees of the Club who shall be appointed from time to time as necessary by the General Committee from Ordinary or Life members who are willing to be so appointed. A Trustee shall hold office during his/her lifetime or until resignation by notice in writing given to the General Committee, or until a resolution removing the incumbent from office be passed at a meeting of the General Committee by a two thirds majority.
56. All the property of the Club including land and investments shall be held by the Trustees for the time being in their own names, so far as is necessary and practicable, on trust for the use and benefit of the Club. In the event of death, resignation or removal from office of a Trustee the General Committee shall nominate a replacement Trustee and shall, as soon as possible thereafter, take all lawful and practicable steps to procure the vesting of all Club property into the names of the Trustees as constituted after such nomination. For the purpose of giving effect to any such nomination the Secretary for the time being is hereby nominated as the person to appoint new Trustees within the meaning of Section 36 of the Trustees Act 1925 and he shall by deed duly appoint the person or persons so nominated by the General Committee.
57. The Trustees shall in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the General Committee and shall have power to sell, lease, mortgage or pledge any Club property so held for the purpose of raising or borrowing money for the benefit of the Club in compliance with the General Committee's direction as stated in the resolution of the General Meeting. The General Committee's directions are to be recorded in the minutes of the proceedings of that committee and duly agreed and signed by the Chairman before such action is taken.
58. 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 the exercise of their duties or in relation to any property of the Club vested in them or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a Trustee.
59. 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.

SECTION 6 GENERAL MEETINGS

60. An Annual General Meeting shall be held each *autumn of each year* for the election of Flag Officers and General Committee members, the appointment of auditors and other general business. A Financial General Meeting shall be held in *the spring of each year* to present and pass the Financial Accounts for the previous year and conduct any other business. Notice of the date, time and venue of such a meeting, together with the agenda and related papers to be discussed shall be displayed in the Club house, *posted on the Club's website and emailed to all members* eligible to vote at a General Meeting, not less than 21 days before the date of the meeting.

- 60a *The methods of communication with members are via the Club website and by email to members' email addresses. Any member wishing to receive a printed copy of any communication from the Club relating to General Meetings should advise the secretaries accordingly.*
61. Any member who wishes to move a motion at an Annual General Meeting or Financial General Meeting shall give not less than 28 days' notice in writing to the Secretary naming the seconder. Each such motion will then be included in the agenda for and notice calling the meeting.
62. A Special General Meeting may be called at any time by the General Committee. A Special General Meeting shall be called on the written request of 24 members eligible to vote to the Secretary not less than 42 days before the requested date of such a meeting. The request shall state the nature of the business to be discussed and the names of the proposer and seconder of any motion to be moved. Notice of any Special General Meeting shall then be given to the membership in like manner as for the Annual or Financial General Meeting. Only the matter requiring the Special General Meeting shall be discussed at it.
63. At all general meetings the chair shall be taken by the senior Flag Officer present. No business decided at a general meeting shall be considered again within 6 months of the date of such meeting. The quorum for a general meeting shall be 24.
64. (a) After a motion on the agenda has been proposed and seconded, amendments may be proposed during the debate. The agenda motion shall be the substantive motion and succeeding propositions on the same subject shall be taken as amendments, which must be disposed of before the substantive motion is put to the vote.
- (b) Voting on any motion, other than an amendment to the Rules, shall be simple majority on a show of hands. In the event of an equality of votes, the Chairman shall have a second casting vote.
- (c) In advance of any general meeting, the General Committee may authorise that a motion should be decided by a postal ballot instead of a show of hands.

SECTION 7 AMENDMENT TO THE RULES

65. The Rules may be altered, added to, or rescinded by resolution in General Meeting. The agenda for the General Meeting shall include an item noting amendment to the Rules. The notice of the meeting is to be promulgated as prescribed in Rule 60. Adoption of such resolution, whether by show of hands or by a postal ballot as prescribed in Rule 64 (c) shall require a majority of at least two thirds of those voting.

SECTION 8 VISITORS AND GUESTS

- 66 (a) Visitors from other clubs. The privileges of Honorary membership may be extended to members of RYA recognised and foreign yacht and sailing clubs, or who are participating in specified sailing or training events organised by the Club, for the duration of their stay or the day of the event. Such privileges shall not include use of the swimming pool.

- (b) All visitors shall either record their name and address or club in the Guest Book provided for that purpose or on the entry form for the sailing or training event.
67. Members may introduce guests into the Club but such guests must at all times be accompanied by the member introducing them. A guest may not use the swimming pool. The same person may not be introduced as a guest on more than six occasions in any one year, nor on more than two occasions in any seven days. Where a guest attends a Club function at the invitation of the Commodore, or a private function under Rule 69, it shall not count towards these six occasions.
68. The names and addresses of all personal guests shall be entered in the Guest Book by the introducing member.
69. A member may with the approval of the House Committee reserve part of the Club premises for a personal private function. A member wishing to sponsor a bona fide private function for a society or organisation of which he is a member shall first seek the approval of the House Committee and then through the Secretary obtain any necessary permit and pay any requisite fee.
