



BRIXHAM YACHT CLUB RULES

Amended March 2011

1 NAME

The name of the club shall be THE BRIXHAM YACHT CLUB.

2 OBJECTS

The objects for which the Club is formed are to encourage sailing, cruising and racing of sail and power craft and to promote social activities between Members and their guests at the Club House, maintained for this purpose.

3 CONSTITUTION

The Club shall consist of Members in the categories set out in Rule 9, with the rights and obligations as set out in the Rules and By-Laws

4 LIMITATION OF CLUB MEMBERSHIP

The Club shall consist of not more than 1,200 members or such other number as the Management Committee may from time to time determine and of total Membership there shall not be more than five Honorary Life Members.

5 OFFICERS

(a) The Officers of the Club shall be a Commodore, a Vice Commodore, a Rear Commodore Sailing, a Rear Commodore House, an Honorary Secretary, and an Honorary Treasurer. There may be a Club Admiral, proposed and elected by the Members at an Annual General Meeting. This Office shall be an Office of Honour and shall be without executive powers.

(b) The Officers shall, if necessary, be elected by ballot at the Annual General Meeting each year and shall hold Office until the next succeeding Annual General Meeting when they shall retire and be eligible for re-election.

(c) The Commodore, Vice Commodore, Rear Commodore House and Rear Commodore Sailing shall be designated as Flag Officers. To be eligible for election to Office as Flag Officers they shall have served as Committee Members for a minimum of one year.

(d) If a vacancy arises for an Officer of the Club during a year the Management Committee may appoint a Member of the Club satisfying the eligibility criteria of Rule 5 c) to serve until the next Annual General meeting.

6 DUTIES OF THE HONORARY SECRETARY

(a) The Honorary Secretary is responsible for the administration of the membership of the club ensuring that proper, complete and accurate records of member's details and payments are kept. He is also responsible for ensuring that new member applications and renewals of membership are handled in accordance with club rules.

(b) The Honorary Secretary shall ensure that the operation of the club and its officers are in accordance with the club rules. He will refer any dispute regarding club rules to the Management Committee after taking any necessary advice from the club legal advisor.

(c) The Honorary Secretary will act in the capacity of employer to club staff. He will ensure that any interaction between the club (and its members) and staff is conducted in a fair and reasonable manner and is consistent with the latest employment law.

(d) The Honorary Secretary shall ensure the club's compliance with its licenses, the law and with any contractual commitments that the club has entered. He will be the main signatory on any significant licenses, certificates and contracts.

(e) The Honorary Secretary shall ensure safe custody of Club deeds, documents and minutes and shall ensure the monitoring and continuance the Club's insurances

7 DUTIES OF THE HONORARY TREASURER

a) The Hon Treasurer is responsible for the proper financial administration of the Club which shall include the operation and maintenance of financial systems to allow for the timely completion of financial accounts and provision of appropriate management reports to the Executive Committee.

b) This duty also covers responsibility for the receipt and banking of income, the making of secure and authorised payments and the safe investment of surplus funds within an agreed "Treasury Management and Banking" policy.

c) The Hon. Treasurer shall produce and maintain a set of detailed financial regulations, to be approved by the executive committee from time to time, that will be available to all Members and Staff, to ensure due probity in all matters relating to financial management

8 DUTIES OF THE AUDITORS and ACCOUNTANTS

The Auditors and accountants shall:

(a) Be appointed at the Annual General Meeting in each year.

(b) Audit the account 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 the Management Committee.

(c) If either is unwilling or unable to act, they should inform the Management Committee who shall appoint a substitute to hold office until the termination of the next Annual General Meeting.

9 QUALIFICATION FOR MEMBERSHIP

Members:

- (a) *Full Member*: Any person aged 18 years and above shall be eligible for full Membership of the Club, subject to complying with the conditions of Proposal (Rule 14) and Admission (Rule 15).
- (b) *Life Member*: The Management Committee shall be allowed to offer the position of Life Member from time to time to members of the Club.
- (c) *Cadet Member*: Young persons under 18 years of age may be admitted as Cadet members, subject to such conditions and regulations as are approved and promulgated in By-Laws
- (d) *Joint or Family Members*: Which expression shall include married couples or co-dwelling partners or single parents (as may be) and their children under the age of 18 years. Each parent or partner shall have a vote.
- (e) *Young Adult Member*: Any person aged 18 or over but not over 25 shall be eligible for young adult membership. Upon attaining the age of 26, or in the case of joint members the first member attaining the age of 26, full membership shall become a requirement at the next subscription renewal date. Young adult members shall pay a reduced subscription, , and they shall not be required to pay an entrance fee; they shall be entitled to vote at General Meetings, and may fly the Club Burgee.
- (f) *Corporate Member*: The Club may admit to membership a limited company, limited liability partnership, partnership, business or trust ("the Corporate Member") on the levels of subscription of their choice (within the structure set out at iv) below) which shall entitle the Corporate Member to the number of Membership cards set against the levels below but so that no more persons may use the Club facilities on any one occasion in excess of that number of Membership cards, unless present at a pre-booked private function. Conditions of corporate membership may be determined by the Management Committee, but shall include:
 - i) That no Corporate Member may be granted more than one level of subscription in any one year.
 - ii) That the Membership Cards issued under this Rule shall bear the name of the Corporate Member.
 - iii) That the Corporate Member shall provide a name and address for correspondence and the Club shall be under no obligation to ensure service at any other address for any purpose including Rule 13.
 - iv) Corporate membership levels shall include: Level one, 5 people; Level two, 10 people; Level three, 20 people. Other levels may be decided by the management committee.
 - v) Corporate members shall not be entitled to vote at General Meetings.
 - vi) Corporate Members shall not be entitled to bring guests into the Club.
- (g) No person, who is in the employment of Brixham Yacht Club, shall be eligible to apply for membership of the aforementioned Club, until such time that their employment with the Club has ceased. On cessation of employment with the Club, that person shall then be eligible to apply for membership.

10 HONORARY MEMBERS

There shall be two categories of Honorary Membership of the Club:

- (i) Honorary Life Members, whose election shall be approved at a General Meeting of Members, subject to the limitation of Rule 4.
- (ii) Honorary Members who shall be proposed by the Management Committee, elected for a period of 12 months at a General Meeting of the Members, and then re-elected annually at a General Meeting of the Members, subject to the limitations of Rule 4

11 TEMPORARY MEMBERS & VISITORS

(a) Persons other than Members and their guests may be admitted to the Club's premises on such occasions and subject to such conditions as the House Committee may from time to time decide and intoxicating liquor may be supplied to them by or on behalf of the club for consumption on the premises and not elsewhere and providing that such persons shall be:

- (i) Members of any club recognised by the Royal Yachting Association (a list whereof is published by the said Association).
- (ii) Members of clubs or societies whose objects are similar to those of the Club or whose main object is the promotion of sailing, boating, rowing, water skiing, aqua-lung diving, angling or other associated water sports.
- (iii) Any person who is a competitor or crew in any events organised or sponsored by or on behalf of the Club, provided that the use of the Club by such persons referred to in this sub-paragraph shall be within the period of the event in which they are taking part.
- (iv) Being persons visiting the Club by invitation for official purposes within the objects of the Club including members of and officials representing teams and their supporters officially invited in connection with a fixture involving a home Club and Members of bona fide recreation or entertainment groups visiting the Club for a particular function.
- (v) *Temporary Membership* may be granted in accordance with rules laid down by the Management Committee for a maximum period of 7 days.

(b) Friends of Members may be admitted as guests provided that:

- (i) Members introducing them enter the guests' names in the Visitors Book, remain in their company and be personally responsible for them and their conduct, and ensure that under no circumstances do such guests infringe the Rules of the Club.
- (ii) No member shall have more than four guests in the Club at any one time.
- (iii) Guests may be introduced for either one or two consecutive days but no one individual guest may be admitted on more than six days in any one calendar year.
- (iv) Junior Members may not introduce guests over the age of 17 years

(c) MEMBERS GUEST SPECIAL FUNCTIONS: A Member may, subject to the approval of the House Committee, be able to use the Club facilities for a private function where he or she may invite guests up to a limit set by the House Committee from time to time provided that the Member remains in attendance.

(d) ADDITIONAL LICENSING ACT CLUB FUNCTIONS : The Club may apply for Temporary Event Certificates from time to time for the purpose of inviting the general public onto Club premises including for the consumption of intoxicating liquor

12 ENTRANCE FEE & ANNUAL SUBSCRIPTION

(a) The Entrance Fee is payable on first application for Membership and on any renewal or re-application when a previous Member has not paid the annual fee for the year prior to the renewal or re-application. It may be waived by the Management Committee in appropriate cases. The Annual or Life subscription for Members shall be such as the Management Committee may from time to time decide. The Management Committee shall have power to set subscriptions on a regular payment basis, such as Direct Debit

(b) The management committee shall have the power to set reduced subscription levels, on not lower than a pro-rata basis, for members elected for a period of less than a full year.

(c) Annual subscriptions shall become payable on election, and thereafter on 1st January in every year.

(d) The Membership of any Member will terminate where their annual subscription remains wholly or partly unpaid on 1st March except that this shall not apply to any subscription permitted and arranged to have been paid by a regular payment system such as Direct Debit and in such cases membership shall cease immediately upon cancellation or non payment of any element of the same but the Member shall remain liable for the payment of the balance to make up the subscription for the full year..

(e) Honorary Members shall be exempt from entrance fee and subscription. Young Adult Members shall be exempt from entrance fee.

(f) A member absent from the United Kingdom for the whole of any year shall not be liable for any annual subscription for that year, provided the Member shall have given to the Hon. Secretary previous notice in writing of intention to be so absent.

(g) A list of current subscription rates and other fees will be supplied with the Application Form and annual renewal form

(h) The Joint Membership subscription rate shall be available to Club Members who are married couples and partners who are co-dwelling. Each Joint Member shall have the rights of a full member.

13 MEMBERS ADDRESS

Every Member shall furnish the Honorary Secretary with a current address, and email address if available, which shall be recorded in the Register of Members. Any notice sent to such address by post or email, including notices for convening General Meetings, shall be deemed to have been duly delivered to the member.

14 PROPOSAL OF CANDIDATES

Every candidate for admission to Membership of the Club (except in the case of Honorary, Corporate or Temporary Membership) must be proposed and seconded by two full Members of the Club, each of at least one year's standing, both vouching for the candidates fitness for Membership. Such proposal shall be in writing on a form provided by the Secretary of the Club. Any candidate for Membership who is a bona fide member of a Yacht or Boat Club affiliated to the Royal Yachting Association then a letter of recommendation signed by or on behalf of that Club shall suffice in the stead of the Proposer and Secunder. Any Brixham berth holder may be considered for membership by the Committee upon the recommendation of a member of the Management Committee.

15 ADMISSION OF MEMBERS

(a) The name, address, nationality, profession or occupation of any candidate for election as a Member of the Club, and the name of Proposer and Secunder shall be stated on the proposal form and returned to the Honorary Secretary.

(b) The Secretary shall post a list of applicants for Membership on the Club notice board for at least seven consecutive days before the meeting of the Executive Committee at which the proposal is to be considered.

(c) Candidates shall be elected on a simple majority of the Executive Committee present and voting.

(d) On election a candidate shall be notified in writing and a copy of these Rules sent to him/her but no Member shall be exempt from the Rules of the Club, if he/she has not received a copy of these Rules.

(e) The Executive Committee at their absolute discretion shall be at liberty to request the attendance of the candidate and the candidate's sponsors to attend an interview.

(f) The Executive Committee shall be under no obligation to notify unsuccessful candidates of the reasons (if any) why their application has been rejected.

(g) No candidate shall be admitted to the Club as a member until the notification referred to in paragraph (d) had been dispatched and the relevant entrance fee (if any) and subscription paid in full.

16 RESIGNATION

Any Members desirous of leaving the Club shall give notice in writing to the Honorary Secretary on or before 31st day of December in each year. Where a member resigns then they will not be eligible to recover any or all of the subscription paid by them.

17 UNPAID SUBSCRIPTIONS

No Member shall be entitled to vote at any meeting nor to enter or use the Club or any of its facilities unless their subscription shall have been paid in accordance with Rule 12.

18 EXPULSION & SANCTIONS

(a) The Management Committee shall have the power to expel, or impose such lesser sanction on, any Member whose conduct in the opinion of that Committee falls short of conduct expected of a Member of the Club. Before such Member is expelled or sanctioned the Hon. Secretary shall give him fourteen days' notice in writing to attend a meeting of the Management Committee and shall inform the Member of the complaints made against the Member. No Member shall be expelled without first having the opportunity of appearing represented or un-represented before the Committee, or answering in writing, the complaints made against the Member. An expulsion will need at least two thirds of the Committee then present to vote in favour thereof. The Management Committee shall from time to time set down a Code of Conduct for disciplinary meetings. These are to be in written form and are to be made available to any Members on request from the Secretary.

(b) No Member whose membership has been terminated, or suspended under the Rules shall be introduced by any other Member as a visitor to any part of the Club premises.

(c) Any person upon ceasing to be a Member of the Club forfeits all right to claim upon the Club, its property and its funds, including any

portion of the current years' subscription.

(d) Every Member, upon election and thereafter, is deemed to have notice of, and undertaken to comply with the Club Rules and the current By-Laws and regulations of the Club. Any refusal, or neglect to do so, or any conduct, which, in the opinion of the Management Committee, is either unworthy of a member or otherwise injurious to the interests of the Club, shall render the Member liable to sanction by the Management Committee.

(e) In exceptional circumstances, any two Flag Officers may suspend a member for gross misconduct subject to a subsequent disciplinary procedure being carried out in accordance with Rule 18(a) above.

(f) Rule 18 shall apply to a Corporate Member in the event of conduct under 18(a) by the Corporate Member or its Officers (whether present on Club premises or not) or any person present on Club premises holding a Corporate Membership card or purporting to be present under the membership of the Corporate Member.

(g) Any committee member who is suspended or expelled from the Club may be removed from their position on the Committee.

19 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 Executive Committee or by the Honorary Secretary upon the instructions of the Executive Committee.

20 EXHIBITING OF NOTICES

No member, nor his delegate, shall cause any communication in whatever form to be exhibited on Club notice boards or premises without permission of the Honorary Secretary.

21 SETTLEMENT OF ACCOUNTS

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.

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24 COMPLAINTS

Complaints of any nature relating to the management of the Club premises shall be addressed in writing to the Honorary Secretary. Under no circumstances shall a Member (other than an Officer of the Club) personally reprimand a servant of the Club.

25 EXCLUSION OF LIABILITY

Neither the Club, nor any Officer thereof shall be liable to any Member for any loss of or damage to any property occurring, from whatever cause, in or about the Club premises, nor any injury sustained by any Member or guest whilst on or entering or leaving the Club premises and a notice to this effect shall at all times be displayed in a prominent position on the Club premises.

26 MANAGEMENT

The management of the Club shall be vested in the Officers and a Committee of twelve Members, who shall be elected by ballot if necessary and shall be called the Management Committee. The Management Committee may delegate all or any of their responsibilities in accordance with Rule 28

27 ELECTION and PROCEEDINGS OF COMMITTEES

(a) One third of the Management Committee shall retire by seniority each year, the Members so retiring being eligible for re-election after retirement.

(b) The names of all candidates for election to the Management Committee, together with their signed consent to stand, shall be submitted to the Honorary Secretary in writing, together with the names and signatures of the Proposer and Seconder. Such nominations shall be posted in the Club premises at least fourteen days prior to the date of the Annual General Meeting.

(c) If the number of candidates for election to the Management Committee 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 an election.

(d) In the event of the ballot failing to determine the Officers, or the Members of the Management 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.

(e) If for any reason, a casual vacancy shall occur, the Management Committee shall co-opt a Full Member, a Joint Member, a Young Adult Member or a Family, Joint Member aged 18 or above of the Club to fill such a vacancy until the next following Annual General Meeting.

(f) The senior Flag Officer present shall preside over all meetings of the Management Committee. If no Flag Officer is present the meeting shall be deemed void.

(g) 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.

(h) Six Members of the Management Committee personally present exclusive of the Honorary Secretary and/or Honorary Treasurer shall form a quorum, save that to alter Entrance Fees or Annual Subscriptions when a minimum of six Committee Members and two Flag Officers shall form a quorum.

28 OPERATION OF COMMITTEES

- (a) The Management 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 on behalf of the Members of the Club, or for any benevolent or charitable purpose approved by the Executive Committee.
- (b) All matters relating to the management of the Club, including the buildings, land and equipment belonging to the Club shall be the responsibility of the Management Committee. The Management Committee shall form three Standing Committees; an Executive Committee chaired by the Commodore, or in his absence the Vice Commodore, a Sailing Committee chaired by the Rear Commodore Sailing, and a House Committee chaired by the Rear Commodore House. In the absence of the relevant Flag Officer a member of the committee shall be elected to chair the meeting. The Management Committee and Standing Committees may form sub-committees and working groups to better perform their responsibilities.
- (c) The Officers shall have power to execute documents in such manner and form as they think fit and in accordance with these Rules and the objects of the Club.
- (d) The Management Committee shall have power to borrow money with or without security.
- (e) The Management Committee within the Rules of the Club shall decide the terms of reference, responsibilities and constitution of the Standing Committees.
- (f) Any four members of the Management Committee can refer any decision of a Standing Committee for review to the full Management Committee. Notice in writing is to be given to the Hon. Secretary within seven days of the Standing Committee meeting and the meeting of the Management Committee shall be held within fourteen days of a demand for reference.
- (g) The Club Standing Committees shall meet at least 10 times in each calendar year. They shall produce minutes within fourteen days of any meeting and these shall be available to any Club Member on request to the Hon. Secretary.
- (h) All Committees of the Club shall have power to delegate specific functions but shall remain responsible for those functions. All Club Officers shall have power to delegate all or any of their functions with the specific consent of the Executive Committee or the Management Committee

29 CREATION OF BY-LAWS

The Management Committee may from time to time make, vary or revoke By-Laws (not inconsistent with these Rules) for the regulation of the internal affairs of the Club and the conduct of Members, and the By-Laws, for the time being in force, shall be binding on all Members. The Management Committee when making such By-Laws and regulations shall cause the same to be exhibited in the Club premises for fourteen days before the date of implementation. By-Laws shall remain in force, and shall be brought up at each Annual General Meeting for approval or for setting aside

30 SUBCOMMITTEES & CO-OPTED MEMBERS

Any Committee formed under these Rules may co-opt any Member of the Club to serve on that Committee.

31 DISCLOSURE

A member of the Management Committee, 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.

32 AUTHORITY TO CONTRACT

The Club shall enter into contracts or authorise expenditure only as authorised by the Management Committee, or by the Executive Committee. The Executive Committee shall refer major expenditure plans to the Management Committee. The Executive Committee may authorise from time to time a specific person or persons to contract on behalf of the club

33 INDEMNITIES

In pursuance of the authority vested in the Management Committee, by Members of the Club, members of the Management 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 authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the Club. The limit of the individual Member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate for the category of membership unless the Management Committee has been authorised to exceed such limit by a General meeting of the Club.

34 ABSENT COMMITTEE MEMBERS

Any member of the Committee who shall be absent without reasonable excuse from all meetings for a period of six months shall be deemed to have resigned. Casual vacancies, by resignation or otherwise, shall be filled by another Member, appointed by the Committee, such Member to hold office until the next Annual General Meeting.

35 PURCHASE & SUPPLY OF EXCISABLE GOODS

- (a) The purchase for the Club of excisable goods and the supply of the same shall be under the control of Management Committee but will normally be delegated to the Rear Commodore House, with the assistance of a specified Member or a specified member of staff if so decided, who shall have power at any time in their discretion (including by bar staff acting in the name of the Rear Commodore House) to refuse to supply any person and to close the Bar.
- (b) No person under the age of 18 years shall be sold or supplied with intoxicating liquor, nor shall any person under that age be permitted to consume intoxicating liquor on the Club premises, nor may a Cadet Member under the age of 18, purchase, or attempt to purchase tobacco or cigarettes within the Club premises.
- (c) 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 be applied for the benefit of the Club, after deduction of the costs of providing such goods for the benefit of the Club.
- (d) 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 Secretary or Auditors and Accountants may require shall be furnished to enable any statutory return or

statement and the payment of excise or other duty or tax to be made.

(e) Intoxicating liquor may only be supplied for consumption on or off the premises while the Club premises are open provided that the supply is carried out only in strict accordance with the General Licensing Law including permitted hours prevailing in accordance with licensed premises.

(f) Bar opening times will be determined by the House Standing Committee and published from time to time, in accordance with the Law

36 TRUSTEES

(a) There shall be three Trustees of the Club who shall be appointed from time to time as necessary by the Club in General Meeting from among Ordinary or Honorary Members who are willing to be appointed. A Trustee shall hold Office during his life, or until he shall resign by notice in writing given to the Management Committee, or until a resolution removing him from Office shall be passed at a meeting of the Management Committee by a majority comprising two thirds of the members present and entitled to vote.

(b) All property of the Club, including land and investments, shall be held by the Trustees for the time being in their own names as far as necessary and practicable, on trust for the use and benefit of the Club. On the death, resignation or removal from Office of a Trustee, the Management Committee shall take steps to procure the appointment by the Club in General meeting of a new Trustee in his place, 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 the said appointment. For the purpose of giving effect to any such nomination, the Honorary Secretary for the time being is hereby nominated as the person to appoint new Trustees of the Club within the meaning of Sec. 36 of the Trustee Act 1925 and shall arrange for the transfer of the Club property to the duly appointed person or persons so nominated by the Management Committee. Furthermore the transfer of the Club's real property to the duly appointed person(s) shall include all other personal property owned for the benefit of the Club.

(c) 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 Management Committee; and shall have the 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 Management Committee's directions (which shall be duly recorded in the minutes of the proceedings of the Committee) but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.

(d) The Trustees shall be effectually indemnified by the Management 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 to the performance of the functions of a Trustee of the Club.

37 GENERAL MEETINGS

A. ANNUAL GENERAL MEETING

(a) An Annual General Meeting of the Club shall be held each year during the months of March or April on a date to be fixed by the Executive 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 and posting of such shall be deemed to be good service of the Notices.

(b) No business, except the passing of the Accounts and the election of Officers, Committee, Trustees, Auditors and Accountants, and any business that the Management Committee may order to be inserted in the notice convening the Meeting shall be discussed at such Meeting unless notice thereof be given in writing by a Member entitled to vote to the Honorary Secretary at least by the last day of January preceding the Annual General Meeting.

B. OTHER GENERAL MEETINGS

(a) The Management Committee may at any time, upon giving fourteen 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 discussion at such Meeting shall be confined to the business stated in the notice sent to Members.

(b) The Management Committee shall similarly call a General Meeting upon written requests addressed to the Honorary Secretary by at least 30 Members, stating the object of the Meeting. The discussion at such a Meeting shall be confined to the business stated in the notice sent to Members.

C. PROCEEDINGS, VOTING & QUORUM AT GENERAL MEETINGS

(a) At every General meeting of the Club, the Commodore shall preside, or in his absence, the Senior Flag Officer present.

(b) Fifteen Members entitled to vote, and personally present shall form a quorum at any General Meeting of the Club.

(c) Only Full Members, Life Members, Joint Members, Family Members and Young Adult Members aged 18 years and above shall vote (unless excluded from voting by any other Rule) at any Meeting of the Club. Other Members may attend but are not entitled to vote.

(d) Voting, except upon the election of Members of the Management Committee, shall be by show of hands.

(e) 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 Management Committee.

(f) An Honorary Member, Cadet Member, Corporate Member or Temporary Member shall not be entitled to the privilege of Membership in voting, passing resolutions, balloting or any other business in connection with the Club.

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39 REVISION OF RULES

(a) These Rules, which shall be considered for revision at least once in every ten year period, may be revoked, added to or altered by a majority comprising two thirds or more of the Members present and entitled to vote at any General meeting of the Club of which notice has been duly given under Rule 37 A (a) or (b), or 37 B (a) or (b), specifying the intention to propose the revocation, addition or alteration together with the full particulars thereof.

(b) Amendments passed under Rule 39 (a) shall come into effect at the termination of the General Meeting at which they are passed

(c) The latest version of the Club's Rules and By-Laws shall be posted on the Club's website and all members shall be deemed to have full knowledge thereof. Copies of the rules are supplied to all new Members, with additional copies available on request.

40 ENSIGN & BURGEE

The Flags of the Club shall be as follows:

- (a) The Club Ensign shall be the Red Ensign defaced in the fly by a medieval crown with an orange below. This Ensign shall only be worn if the owner holds a Warrant from the Ministry of Defence for a yacht registered under the Merchant Shipping Act 1894 or a permit issued by the Club for a yacht entered on the Small Ships Register of not less than 7m overall length.
- (b) The Burgee of the Club shall have a white triangle in the hoist with red and blue triangles at the tail and a medieval crown with an orange below, in the white triangle. It shall conform to the pattern kept in the Club House.
- (c) When a yacht is wearing the Club Ensign, it shall also wear the Club Burgee. Other burgees may be worn in an inferior position. Yachts with no Warrant or Permit shall fly the un-defaced Red Ensign in conjunction with the Burgee.
- (d) The Burgee shall not be worn by any yacht or vessel in use for professional business or commercial purposes.
- (e) Yachts wearing the Flags of the Club shall meet the normal requirements of flag etiquette, and be handled in a seamanlike manner.

41 RACING

Racing shall be governed by the Racing Rules of Sailing as published from time to time by ISAF and the RYA.

42 CLUB HOURS

The Club opening hours shall be as published from time to time

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44 WINDING UP or DISSOLUTION

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 be paid to, or distributed amongst the Members of the Club, provided that the same may 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 Members of the Club by resolution passed at a General meeting at or before the time of the dissolution and if so far as effect cannot be given to such provision then to some charitable object.

BY-LAWS

1 YOUNG PERSONS: It is the inescapable responsibility of parents or guardians to ensure that their children do not approach the bar during licensed hours, do not play the gaming machines and behave at all times in a manner that does not cause inconvenience or embarrassment to other Members.

2 DRESS: The minimum standard of dress for all persons using the Club Bar, Restaurant & Decking shall be shoes, slacks or shorts and shirts and be of clean appearance. Men should not wear singlet or vest style garments and shall remove their hats when in the Club Bar or Restaurant

3 DOGS: Dogs are **NOT** allowed in the Clubroom, with the exception of a guide or assistant dog accompanying a blind or otherwise disabled person.

4 CAR PARKS: No Member of the Club, nor invitee, is to leave a vehicle in the Clubs car parks unless they are using other facilities of the Club, nor is a vehicle to be parked if it can reasonably be foreseen that it will be parked for more than twelve hours.

5 GAMES: No game of pool is to be commenced after the Bar closing time at night.

6 ABANDONED BOATS: The Management Committee may, at their discretion, rule that if any fees payable to the Club by any Member or former Member shall be three months or so in arrears and a vessel the property of a Member or former Member remains upon the Club premises, the Management 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 the Member's last known address, 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.
- (c) Alternatively, if the vessel is unsaleable, after giving notice in writing as aforesaid, dispose of the vessel in any manner the Management 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 the sale (less any indebtedness by the Member or former Member of the Club) shall be placed upon Bank Deposit Account and retained against the eventuality of a claim by the owner, for a period of six years.

7 SMOKING: The internal premises of the Club and the main entrance are designated as a Non-Smoking Area. Smoking is permitted outside on the rear balcony.

8 MOBILE PHONES : No member or their guests or any other visitor to Brixham Yacht Club shall speak on a mobile telephone in the Bar or Restaurant area of the Club. Members wishing to answer an incoming call shall do so in the Club foyer, or other external area.