



BRIXHAM YACHT CLUB

Rules and Bye Laws

As amended March 2008

NAME

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

OBJECTS

2. 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.

CONSTITUTION

3. The Club shall consist of Members, Young Adult, Corporate, Honorary Members, Temporary Members, Junior Members and Cadet members. A candidate for admission need not be the owner of a sail or power yacht, but shall be subject to the qualifications hereinafter set out. Membership means acceptance of all the Club Rules.

LIMITATION OF CLUB MEMBERSHIP

4. 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.

OFFICERS

5. (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 a Vice or Rear Commodore during a year the Management Committee shall appoint or elect one of their number to serve until the next Annual General meeting.

DUTIES OF THE HONORARY SECRETARY

6. The Honorary Secretary shall:
 - (a) Keep a register of the Club Members' names and addresses.
 - (b) Conduct the correspondence of the Club.
 - (c) Keep custody of all Club documents.
 - (d) Keep full Minutes of all meetings of the Club, the Committee and sub-committees which shall be confirmed and signed by the appropriate Chairman upon agreement of the Club, the Committee or sub-committee at the next following meeting of the Club, Committee or subcommittee.
 - (e) See to the maintenance of such Insurance Policy or Policies as may be needed fully to protect the interests of the Club and its Members as may be deemed necessary by the Management Committee.
 - (f) Maintain contact with the Club's Legal Adviser to ensure that the Club's affairs are managed in accordance with current law.
 - (g) To expend on account of the Club at his or her own discretion any sum or sums up to an amount agreed by the Management Committee.
 - (h) Subject to any direction given by the Executive Committee, to be responsible for the employment of all staff, for establishing their terms of employment and for meeting the requirements of Current Employment Legislation.

DUTIES OF THE HONORARY TREASURER

7. The Honorary treasurer shall:
 - (a) Keep such proper book of account as will enable him or her to present at every Annual General meeting of the Club, or at any other time if required (on reasonable notice) by the Management Committee, an accurate report and statement concerning the finances of the Club, including a separate statement with regard to the purchase and supply of tobacco and intoxicating liquor, for the preceding year, or the current year as the case may be, and shall present such report and statement accordingly. He or she shall cause all returns as may be required by law in relation to such accounts to be rendered at the due time.
 - (b) Arrange for the preparation of the Account and 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) Ensure that all monies collected by the Honorary Treasurer or Honorary Secretary shall be paid forthwith into the Bank Accounts of the Club.
 - (d) Ensure that all disbursements and payments on behalf of the Club shall be made by the Management Committee, by cheque drawn on the Club bank account or by the Club credit card. The Honorary Treasurer or the Honorary Secretary, plus a Flag Officer shall sign cheques; the Hon. Treasurer and the Hon. Secretary shall be the authorised users of the Club credit card.
 - (e) Ensure that regular stock takes and cash checks are conducted in respect of the bar and restaurant as directed by the Rear Commodore House.

DUTIES OF THE AUDITORS and ACCOUNTANTS

8. 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.

QUALIFICATION FOR MEMBERSHIP

9. Members:

- (a) 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) The Management Committee shall be allowed to offer the position of Life Member from time to time to members of the Club.
- (c) *Cadet Members*: 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 Bye Laws, by the Management Committee.
- (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 Members*: 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, to be determined by the Management Committee, 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 Members*: 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.

HONORARY MEMBERS

10. 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

TEMPORARY MEMBERS AND VISITORS

11 (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 Committee may 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* shall 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) 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.

(d) Intoxicating liquor may be sold, **in accordance with the current Licensing Laws**, by or on behalf of the Club, for the consumption on the premises by persons admitted in accordance with this rule.

ENTRANCE FEE AND ANNUAL SUBSCRIPTION

12 (a) The Entrance Fee, which may be waived by the Management Committee in appropriate cases, and the annual or life subscription for Members, shall be such as the Management Committee may from time to time decide. A quorum for this purpose shall consist of a minimum

of six Committee members plus two Flag Officers. 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.

Annual subscriptions shall become payable on election, and thereafter without demand on 1st January in every year.

The Membership of any Member will terminate where their annual subscription remains wholly or partly unpaid on 1st March.

- (b) Honorary Members shall be exempt from entrance fee and subscription. Young Adult Members shall be exempt from entrance fee.
- (c) 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.
- (d) A list of current subscription rates and other fees will be supplied with the Application Form.
- (e) The Joint Membership subscription rate shall be available to Club Members who are married couples and partners who are co-dwelling. Joint Members shall have the rights of a full member.

MEMBERS ADDRESS

13. 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.

PROPOSAL OF CANDIDATES

14. 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 Seconder. Any Brixham berth holder may be considered for membership by the Committee upon the recommendation of a member of the Management Committee.

ADMISSION OF MEMBERS

- 15 (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 Seconder 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.

RESIGNATION

16. 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, otherwise they shall be liable for the subscription of the year following. Where a member resigns then they will not be eligible to recover any or all of the subscription paid by them.

UNPAID SUBSCRIPTION

17. 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.

EXPULSION AND SANCTIONS

18 (a) The Management Committee shall have the power to expel, or impose such lesser sanction, to 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 him of the complaints made against him. 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 him. 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) In addition to the sanction of expulsion the Honorary Secretary may upon the direction of the Management Committee administer such other penalty which the Management Committee feel just in all of the circumstances.
- (e) Every Member, upon election and thereafter, is deemed to have notice of, and undertaken to comply with the Club Rules and the current Bye 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.

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

DAMAGE TO CLUB PROPERTY

19. 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.

EXHIBITING OF NOTICES

20. 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.

SETTLEMENT OF ACCOUNTS

21. 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.

SUGGESTIONS

22. All suggestions shall be entered in the Suggestions Book and signed by the Member, or submitted in writing to the Honorary Secretary or via the Honorary Secretary's email on the Club website.

SPECIAL OCCASIONS

23 (a) On no more than 12 occasions per year commencing from 1st of January in each year admission to the Club premises shall be permitted to persons other than members and guests providing that such persons shall be admitted to attend functions promoted by and the responsibility of a Member who shall be required to be present on the club premises during the duration of the function and such function shall be held only with the approval of the House Committee and shall be organised for the purpose of raising money for the funds or to discharge liabilities of the Club and persons attending such functions shall be members, their bona fide guests or members of the public who have purchased a ticket prior to the date of the function and persons who do not have a ticket shall be refused admission and there shall be no sale of tickets at the door on the day of the function.

- (b) A Member may, subject to the approval of the Rear Commodore House, 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 Management Committee from time to time provided that the Member remains in attendance.

COMPLAINTS

24. 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 personally reprimand a servant of the Club.

EXCLUSION OF LIABILITY

25. 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.

MANAGEMENT

26. 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 and such Committee shall be empowered to delegate matters relating to the good running of the Club premises, bars and restaurant to a Club manager, who shall be appointed and dismissed and disciplined by the Management Committee.

COMMITTEES AND PROCEEDINGS OF COMMITTEES

- 27 (a) One third of the 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 of the Club to fill such a vacancy until the next following Annual General Meeting.
- (f) The senior Executive 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.

OPERATION OF COMMITTEES

- 28 (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 nominated Flag Officer a member of the committee shall be elected to chair the meeting. The Management Committee and Standing Committees may form sub-committees 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 monthly. They shall produce minutes within fourteen days of any meeting these shall be available to any Club Member on request to the Hon. Secretary.

BYE LAWS

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

SUBCOMMITTEES AND CO-OPTED MEMBERS

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

DISCLOSURE

31. 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.

AUTHORITY TO CONTRACT

32. The Management Committee, or any person or sub-committee delegated by the Management Committee to act as agent for the Club or its Members, shall enter into contracts only so far as expressly authorised, or authorised by implication, by the Members. No one shall without the express authority of the Membership in General meeting, pledge the credit of the Membership.

INDEMNITIES

33. 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.

ABSENT COMMITTEE MEMBERS

34. 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 other wise, shall be filled by another Member, appointed by the Committee, such Member to hold office until the next Annual General Meeting.

PURCHASE AND SUPPLY OF EXCISABLE GOODS

- 35. (a) The purchase for the Club of excisable goods and the supply of the same shall be under the control of the Management Committee or a Standing Committee or sub-committee so delegated, with the assistance of either the Club Manager or Bar Manager if so decided
- (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) Subject to the requirements of the Licensing Authorities, the Management Committee or a delegated Standing Committee shall cause the Club Bar to be opened at any convenient time within the hours set by statute and such times to be exhibited in the Club premises for the sale of excisable goods to persons who are entitled to the use of the premises of the Club in pursuance of the Rules (except under 18's as aforesaid). Visitor's names and addresses and the name of the introducing Member, or the associated Club, (Rule 11a) shall be entered in the Visitors Book upon entry to Club premises.
 - (d) 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.
 - (e) 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.

TRUSTEES

- 36. (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.

ANNUAL GENERAL MEETINGS

- 37 (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.

GENERAL MEETINGS

- 38 (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) At every General meeting of the Club, the Commodore shall preside, or in his absence, the Senior Flag Officer present.
- (d) Fifteen Members entitled to vote, and personally present shall form a quorum at any General Meeting of the Club.
- (e) Only Full Members shall vote at any Meeting of the Club. Other Members may attend but are not entitled to vote.
- (f) Voting, except upon the election of Members of the Management Committee, shall be by show of hands.
- (g) 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.

REVISION OF RULES

- 39. (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) or 37(b) specifying the intention to propose the revocation, addition or alteration together with the full particulars thereof.
- (b) The Rules and Bye Laws shall be revised as necessary and recommendations shall be considered at the next Annual General Meeting.
- (c) The latest version of the Club's Rules and Bye 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.

ENSIGN AND BURGEE

40. 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.

RACING

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

CLUB HOURS

42. The Club hours shall be May to September, from 0800 until 30 minutes after the bar closing time in the evening; October to April, normally 1000 until 30 minutes after the bar closing time in the evening, but subject to variation by the Committee.

BAR HOURS

43. 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. The supply of intoxicating liquor shall be under the absolute control of the Management Committee and Club Manager who shall have power at any time in their discretion to refuse to supply any person and to close the Bar.

WINDING UP or DISSOLUTION

44. 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.

BYE LAWS

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.

DRESS: The minimum standard of dress for all persons using the Club Lounge shall be shoes, slacks or shorts and shirts and be of clean appearance. Men shall remove their hats when in the Club Lounge.

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

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.

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

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.

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.