

Mount's Bay Sailing Club

CLUB RULES

SECTION 1 - NAME AND PURPOSES

1. The name of the Club shall be "Mount's Bay Sailing Club" (hereinafter referred to in these rules as the Club).

The address of the Club shall be: The Clubhouse, Godolphin Steps, Marazion, Cornwall, TR17 0EN.

2. The purposes for which the Club is formed are to promote and facilitate community participation in the sport of sailing, to further the interests of members in sailing and seamanship and to provide social and other facilities for members as may be from time to time determined.

The Club shall be an amateur non-profit making organisation consisting of the categories of membership defined in Rule 7.

SECTION 2 - OFFICERS

Flag Officers

3. The Club shall have a PRESIDENT, a VICE PRESIDENT, a COMMODORE, a VICE COMMODORE and such number of REAR COMMODORES as may be elected. FLAG OFFICERS, other than the COMMODORE and VICE COMMODORE shall hold office until such a time as they resign their flag, or cease to be Members of the Club.
4. The office of COMMODORE shall not be held by the same person for more than 3 consecutive years.
5. The duties of the OFFICERS shall be as decided by the MANAGEMENT COMMITTEE.
6. (Not used)

SECTION 3 - MEMBERSHIP

Categories and votes of Membership

7. There shall be the following categories of membership with power to vote at all meetings of the Club as indicated hereunder.

A FULL MEMBER – being a person who, at the date of election, shall have attained the age of eighteen years shall have one vote.

A FAMILY MEMBER - which expression shall include one or two co-habiting adults and all children within their guardianship under eighteen years of age. The family unit shall have one vote per adult.

A JUNIOR MEMBER - being a person who, at the date of election, is under the age of eighteen shall have no vote. Such a member shall be one who at the commencement of the subscription year joins the Club other than as a full member or a family member.

AN OUT OF PORT MEMBER – being a person who normally resides outside the County of Cornwall for more than 306 days in any year shall have no vote.

AN HONORARY MEMBER - who shall have no vote.

A TEMPORARY MEMBER - who shall have no vote.

No member may use the Club premises, or any of the facilities of the Club until forty-eight hours have elapsed from the date of posting of notice of election.

Rights and privileges of Members

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

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

A FAMILY MEMBER, his/her co-habitee (if any) and all the children within their guardianship under the age of eighteen shall have the full use of all Club facilities subject only to Rule 47.

A JUNIOR MEMBER shall have the full use of all Club facilities subject only to Rule 47.

AN OUT OF PORT MEMBER shall have the full use of all Club facilities.

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

A TEMPORARY MEMBER (which expression may include members of another RYA recognised Club or organisation) shall have the full use of Club facilities but:-

(a) Shall have no right to take any part in the management of the Club.

(b) Is deemed to have notice of and impliedly undertakes to comply with the Club Rules and any Byelaws or Regulations as if he or she were a member of the Club and so far as the said Rules, Byelaws and Regulations may be deemed to apply to such Temporary Member.

(c) Shall be liable to be expelled from the Club premises or to be prohibited from using the Club facilities if, in the opinion of the Hon. General Secretary, he or she shall not have reasonably complied with the above conditions.

Candidates for membership shall have no privileges whatsoever in relation to the use of the Club or premises.

Membership Entrance and Subscription Fee

9. The rate of Entrance and Subscription fee for each category of Membership shall be determined by the General Purposes Committee each year. Any changes shall become operative on the first day of January in the year following. The current rate of Entrance and Subscription fee shall be displayed in the Club premises.

(a) Membership of the Club shall be open to anyone interested in the sport of sailing on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. Membership may however be limited according to available facilities on a non-discriminatory basis.

(b) Membership subscriptions will be kept at levels that will not pose a significant obstacle to people participating.

(c) The General Purposes Committee may refuse membership or, subject to Rule 17, remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal of membership may be made to the members.

Members shall also make the following annual payments:-

(a) An annual boat permit fee of such a sum as the General Purposes Committee shall from time to time prescribe which shall entitle a member to a space in the Club's boat park.

(b) All members shall pay the Entrance fee (if any) and their first annual subscription upon election to the Club and thereafter on the first day of January in each year. Provided that a member elected after the first day of November in any year shall not be required to pay any subscription in respect of the year of election, but shall pay, on election, the Entrance fee and the annual subscription in respect of the year following election.

Members' duty to provide an up to date address and email address

10. Every member shall furnish the Hon. Membership Secretary with an up-to-date address and email address (unless they do not have an email address) which shall be recorded in the Register of Members and any notice sent to such address or email address shall be deemed to have been duly delivered.

Application for membership

11. An application for membership shall be in the form from time to time prescribed by the General Purposes Committee, and shall include the name, address, and occupation of the applicant.

Election of Members

12. Upon receipt of an application for membership, the Hon. Membership Secretary shall enter such application in a Register of Applicants and there shall be an interval of at least two days before the meeting of the General Purposes Committee at which such application for membership shall be considered. The election of all classes of members is vested in the General Purposes Committee and shall be a simple majority vote of those of the Committee.

The General Purposes Committee may refuse applications only for good cause such as conduct or character likely to bring the Club into disrepute.

The Hon. Membership Secretary shall inform each applicant in writing (which may be by way of email) of the applicant's election or non-election. He shall furnish an elected applicant with a copy of the Rules and Byelaws of the Club and make request for such payments as are necessary.

Appeal against refusal to elect may be made to the members in General Meeting.

Payment of Fees upon Election

13. Upon election, an applicant shall pay, within one calendar month, such Entrance and other fees as shall be requested. In default of such payment, the election shall be void unless sufficient cause for delay be shown.

One year's temporary absence of member

14. A member who, for any reason, anticipates inability to use the Club or its facilities for the whole of any one year shall be excused payment of the annual subscription and other annual fees provided that notice in writing is given to the Hon. Membership Secretary before the last day of November in the previous year. A member wishing to be re-instated during the year in question shall pay such portion of the annual subscription as the General Purposes Committee shall require.

Retirement of a member

15. A member desirous of retiring from membership shall give notice in writing to the Hon. Membership Secretary before the last day of November and shall not then be liable to pay the subscription for the following year. Upon re-application by a past member the General Purposes Committee may, at its discretion, waive any Entrance Fee.

A member who retires in accordance with this Rule shall not be entitled to have any part of the annual membership fee or any other fees refunded.

Arrears of Subscription

16. The General Purposes Committee may cancel, without notice being given, the membership of any member whose annual subscription and other annual fees are more than three months in arrears provided that the Committee may, at its discretion, re-instate such member upon

payment of arrears. No member whose annual payment is in arrears may enter any Club event or regatta or vote at any meeting.

Conduct of Members

Under-taking by members to comply with rules

17. Every member, upon election and thereafter, is deemed to have notice of, and undertakes to comply with, the Club Rules and any Byelaws and Regulations of the Club.

Disciplinary action against members

18. Any breach of Rule 17 or any conduct which, in the opinion of the General Purposes Committee, is either unworthy of a member or otherwise injurious to the interests of the Club, shall render a member liable to disciplinary action by the General Purposes Committee, which may include suspension for a specified period of time or expulsion.

Before taking such disciplinary action against a member, the General Purposes Committee shall call upon such member for a written explanation of the member's conduct and shall give the member full opportunity of making explanation to the Committee, or of resigning.

A Resolution to apply any sanction shall be carried by a simple majority vote by those members of the General Purposes Committee present and voting on the Resolution.

Appeal against suspension/expulsion may be made to the members in General Meeting.

Upon suspension/expulsion the member/former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith.

Upon expulsion of a member, the General Purposes Committee may dispose of the former member's boat and/or trailer in accordance with Rule 68.

Guests in the Club

19. Members shall enter the names of all guests in the Visitor's Book. Not more than two guests may be introduced in any one day and the same guest may not be introduced more than six times in any calendar year.

Damage to Club property

20. A member shall not knowingly remove, injure, destroy or damage any property of the Club and shall make restitution for the same if called upon to do so by the General Purposes Committee or by the Hon. General Secretary upon the instructions of the General Purposes Committee.

Exhibiting of notices

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

Settlement of Accounts

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

Suggestions

23. All suggestions shall be entered in the Suggestion Book and signed by the Member.

Complaints

24. Complaints of any nature relating to the management of the Club premises shall be addressed in writing to the Hon. General Secretary.

Dated 18.10.16

Members of other RYA Clubs

25. A member of any Club affiliated to the Royal Yachting Association (a list of which is published by the said Association) may be authorised to use the premises of the Club by any member of the General Purposes Committee of the Club. Such authorisation shall specify between which dates the said person may so use the premises.

Competitors in Club races

26. Any person who is a competitor or crew member in any race sponsored by or on behalf of the Club is entitled to the use of the Club premises within a period of 24 hours before and after the race in which they are competing.

Power to expel those admitted under rules 25 and 26 hereof

27. The Hon. General Secretary or any other person who has received the authority of two members of the General Purposes Committee, may expel, temporarily or permanently, any person who has the right to the use of the Club premises only under Rules 25 and 26.

Limitation of Club liability

28. All references to the Club in this Rule shall mean each and every individual member of the Club from time to time.

Members are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises:-

Members of the Club may use the Club premises, and any other facilities of the Club, entirely at their own risk and impliedly accept:-

(a) The Club will not accept any liability for any damage to or loss of property belonging to members.

(b) The Club will not accept any liability for personal injury arising out of the use of the Club premises, any other facilities of the Club either sustained by members or caused by the said members whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the Officers, General Purposes Committee, Trustees or Servants of the Club.

Data Protection

29. Membership of the Club and acceptance of these Rules by the member will be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Acts.

SECTION 4 – MANAGEMENT COMMITTEES

Management Committee

30. The MANAGEMENT COMMITTEE shall consist of as many of the following as are elected at the AGM, COMMODORE, VICE-COMMODORE, HON. GENERAL SECRETARY, HON TREASURER, HON MEMBERSHIP SECRETARY, HON SAILING SECRETARY, HON CLUBHOUSE OFFICER, SEVEN COMMITTEE MEMBERS AND THE CLASS CAPTAINS the election of whom shall be at the AGM, and each such committee member as is so elected shall hold office until the next AGM and be eligible for re-election.

General Purposes Committee

31. The GENERAL PURPOSES COMMITTEE shall consist of all members of the MANAGEMENT COMMITTEE and the immediate past Commodore in accordance with Clause 36 and with the addition of such other officers or specialist members appointed by the MANAGEMENT COMMITTEE for the efficient administration of the Club, providing the number of additional

voting members appointed does not exceed one third of the number of members on the MANAGEMENT COMMITTEE.

32. (not used)

33. (not used)

34. (not used)

Casual vacancy

35. The MANAGEMENT COMMITTEE shall have the power to fill casual vacancies on the Committee. Any person so appointed shall hold office until the next Annual General Meeting, but shall not benefit from voting rights unless co-opted to the GENERAL PURPOSE COMMITTEE in accordance with Rule 31.

Ex officio members of the committee

36. The immediate Past Commodore shall be an ex officio member of the GENERAL PURPOSES COMMITTEE for the first twelve months following his or her term of office as Commodore and shall be entitled to a vote at the GENERAL PURPOSES COMMITTEE but not a MANAGEMENT vote. The President, Vice President and Rear Commodores shall be ex-officio members of the GENERAL PURPOSES COMMITTEE but may not exercise a vote unless otherwise qualified.

37. (not used)

Voting at Committee

38. Voting at the GENERAL PURPOSES COMMITTEE shall normally be by a show of hands except when a member of the MANAGEMENT COMMITTEE calls for a formal vote by secret ballot. In such cases only members of the MANAGEMENT COMMITTEE shall be entitled to vote and a decision shall be by a simple majority vote. These committees will normally be chaired by the COMMODORE but in his/her absence the chair is to be appointed by the meeting. In the case of equality of votes the Chairperson shall have a second and casting vote.

Quorum

39. The quorum for Management Committee and General Purposes Committee meetings shall be five members.

Management of Club by Committee

40. The GENERAL PURPOSES COMMITTEE shall direct the affairs of the Club according to the rules and shall cause the funds of the Club to be applied solely to the objects of the Club or for a benevolent or charitable purpose nominated by a General Meeting.

Appointment of sub committees

41. The General Purposes Committee may appoint the Sailing Committee, Clubhouse Committee, Championship Committee and any other such sub committees as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as shall be deemed expedient and/or required by law. Such sub committees shall consist of such members of the General Purposes Committee or of the Club as the Committees may think fit. Elected Officers of the Club shall be ex officio members of all such sub committees.

All sub committees shall report to the General Purposes Committee in a format and at a frequency both deemed appropriate by the General Purposes Committee.

The quorum for the Sailing Committee and other sub-committee meetings shall be three members.

42. (not used)

Dated 18.10.16

43. (not used)
44. (not used)
45. (not used)
46. (not used)

Purchase and Supply of Excisable Goods

47. The purchase and supply of Excisable Goods and the supply of the same upon Club premises shall be exclusively and solely under the control of the MANAGEMENT COMMITTEE, or of a special Sub Committee appointed by, and consisting exclusively of, Members of the MANAGEMENT COMMITTEE. Intoxicating liquor may only be sold for consumption on the Club premises to persons over the age of eighteen who are entitled to the use of the Club premises in pursuance of the Rules, Bye-laws and Regulations for the time being in force. No MEMBER (including JUNIOR MEMBER) under the age of eighteen may purchase or attempt to purchase intoxicating liquor within the Club premises.

Hours of Sale of Excisable Goods

48. The hours during which the Club may be open for the sale of excisable goods shall fall within the hours permitted by the local licensing authority. The days and hours of opening shall be decided by the MANAGEMENT COMMITTEE at the time in their absolute discretion and said MANAGEMENT COMMITTEE shall have such power to vary such days and hours of opening without providing notice to the MEMBERS provided that they shall comply with those hours as permitted by the local licensing authority.

Profits from Sale of Excisable Goods

49. 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 for the sale of such goods shall (after deduction of the costs and VAT of providing such goods) be applied to the provision of additional amenities or the purchase of property to be held in trust for the benefit of the Club.

Accounts relating to excisable goods

50. 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 and Honorary Treasurer 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.

SECTION 5 – TRUSTEES

Number of and terms of reference

51. There shall be at least three Trustees of the club who shall be appointed from time to time as necessary by the Management Committee of the Club from among the members or Honorary Members who are willing to be so appointed.

A Trustee shall hold office during his lifetime or until he shall resign, by notice in writing given to the 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.

Property of Club vested in Trustees

52. 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 it is 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 nominate 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 such nomination. For the purpose of giving effect to any such nomination, the Hon General Secretary for the time being is hereby nominated as the person to appoint new Trustees of the Club within the meaning of Section 36 of the Trustee Act 1925 and he/she shall by Deed duly appoint the person or persons so nominated by the Management Committee.

Power of Trustees

53. 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 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 Management Committee) but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.

Indemnity of Trustees from Club

54. The Trustees shall be effectually indemnified by the 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 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 of the Club.

(To be incorporated in every contract, lease, licence or other agreement entered into by the Trustees of the Club.) 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 – MEETINGS OF THE CLUB

Annual General Meeting

55. An Annual General Meeting (AGM) shall be held each year during October, November or December.

Special General Meeting

56. A Special General Meeting (SGM) may be called by the GENERAL PURPOSES COMMITTEE at any time, and must be called within 28 days upon the requisition in writing of any 12 members.

Notice for General Meetings

57. A general meeting must be called by notice of at least 14 days.
58. Notice of a general meeting must be sent to every member entitled to vote at the meeting.
59. Notice of a general meeting must state:
- (a) the time and date of the meeting;
 - (b) the place of the meeting; and
 - (c) the nature of the business to be dealt with at the meeting,
- and a notice of an AGM must be accompanied by a copy of the club's accounts.

Chairman at General Meetings

60. The chairman of a general meeting shall be the PRESIDENT, COMMODORE, VICE PRESIDENT or VICE COMMODORE, unless none of them is present in which case the chairman shall be a REAR COMMODORE chosen by the members present.

Quorum at General Meetings

61. The quorum for a general meeting shall be 40 members with voting rights.

Business at General Meetings

62. Discussions at a general meeting shall be confined to the business stated in the notice sent to members.

Voting at General Meetings

63. Voting at a general meeting shall be by a show of hands unless a ballot is demanded by two members with voting rights. Voting shall be by simple majority and the Chairman shall have a second and casting vote.

Alterations to the Club rules

64. Club Rules may be added to, repealed or amended by resolutions at any Annual General Meeting or Special General Meeting providing no such resolution shall be deemed to have been passed unless it is carried by a majority of at least two thirds of the Members voting thereon.

The Wording of any proposed Rule Change that has not been ratified by the General Purposes Committee must be submitted to the Honorary General Secretary in writing, signed by the proposer and seconder, not later than 30th June prior to the AGM. The Wording of any proposed Rule Change that has been ratified by the General Purposed Committee must be submitted to the Honorary General Secretary in writing, signed by the proposer and seconder not later than six weeks prior to the date of the AGM.

SECTION 7 – DISSOLUTION OF THE CLUB

65. If, upon the winding up or dissolution of the Club, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the members of the Club but shall be given or transferred to one of more of the following:

- a) To another club having objects similar to that of Mounts Bay Sailing Club and which is a registered charity.
- b) To another Club having objects similar to that of Mounts Bay Sailing Club and which is a registered Community Amateur Sports Club.
- c) To the Club's governing body for use by them for related community sports.

Such institution or institutions to be determined by the members of the Club by Resolution passed at a General Meeting at or before the time of the dissolution and if and so far as, effect cannot be given to such provision, then to some charitable object.

SECTION 7 – MISCELLANEOUS

Notices to Members

66. A notice to members (including notice of a general meeting) must be given:
- (a) in hard copy form, or
 - (b) in electronic form,

or partly by one such means and partly by another.

A notice to be sent to a member in hard copy form may be addressed to him/her at his/her last known address.

A notice to be sent to a member in electronic form may be addressed to him/her at his/her last known electronic address.

A notice given to one family member residing at an address is deemed to be notice to all family members residing at that address.

In this section "electronic address" means any address or number used for the purposes of sending or receiving documents or information by electronic means.

Election of Rear Commodores

67. Election of a Rear Commodore can be made only at the Annual General Meeting. Members can propose another Member for Rear Commodore by applying in writing to the GENERAL PURPOSES COMMITTEE. The Proposal, which must be signed by at least four supporting Members, must be received before 30th June next before the Annual General Meeting.

Nominations for election shall be put forward at the Annual General Meeting by a resolution proposed and approved by the GENERAL PURPOSES COMMITTEE. All such nominations shall be prominently posted on the Club notice board for at least TEN DAYS prior to the Annual General Meeting.

Abandoned boats and/or trailers

68. If at any time any pen fees payable to the club by any member or former member shall be three months or more in arrears:

(a) The Committee shall be entitled to move the boat to any other part of the premises without being liable for any loss of or damage to the boat howsoever caused.

(b) The Committee shall be entitled upon giving one month's notice in writing to the member or former member, at his last known address shown in the register of members, to sell the boat and to deduct any monies due to the club (whether by way of arrears of subscriptions or pen fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.

(c) Alternatively any boat which in the opinion of the Committee cannot be sold, may upon such notice as aforesaid, be disposed of in any manner the Committee may think fit and the expenses recovered from the member or former member. Any arrears as aforesaid shall be deemed to be a debt owing to the club by the member or former member.

Further the club shall, at all times, have a lien over members' or former members' boats parked or moored on the club's premises in respect of all monies due to the club, whether in respect of arrears of pen fees or subscriptions or otherwise.

Profits from club assets

69. No asset of the Club may be used for individual personal gain.

Guests

70. Members shall be entitled to introduce guests to the Club except that no person who has been suspended or expelled from the Club shall be introduced as a guest. The member introducing the guest shall enter the guest's name and address in the book kept at the Club called the "Visitors Book". The Member introducing a guest shall be responsible for his/her guest strictly observing these Rules and the Club bye-laws, and shall not leave the Club premises before his/her guest. No Member shall introduce more than two guests into the club at any one time, except on special occasions.

Dated 18.10.16

71. The GENERAL PURPOSES COMMITTEE shall have the power to decide that on special occasions Members shall not be permitted to introduce guests, other than their spouses, to the Club, provided that a notice of this intention is displayed in the Club at least seven days prior to the date of the special occasion

Byelaws and Regulations

72. The GENERAL PURPOSES COMMITTEE may make, repeal and amend all such bye-laws and regulations (not inconsistent with Club Rules) for the proper management of the Club and these shall include regulations governing the admission of guests of Members. Such bye-laws and Regulations shall be binding on all Members, and are printed in the General Information Leaflet.

Definition of the Rules

73. In the event of a dispute over the definition of the CLUB RULES, the MANAGEMENT COMMITTEE shall be the sole arbiter.