

**HUNSTANTON SAILING CLUB**  
**RULES and BYELAWS**  
**2004 (June revision)**

**CONTENTS**

- Section 1: Name and Objects
- Section 2: Officers
- Section 3: Membership
- Section 4: Management Committee
- Section 5: Trustees
- Section 6: Meetings of the Club
- Section 7: Dissolution of the Club
- Section 8: Byelaws, etc.

**Section 1 - Name and Objects**

1. The name of the Club shall be “The HUNSTANTON SAILING CLUB” (hereinafter referred to in these rules as “the club”).
2. The object for which the club is formed is to promote and facilitate the sport of sailing and also to provide social and other facilities for members as may be from time to time determined.

**Section 2 - Officers**

- 3) The Officers of the club shall be Full or Family members of the club and shall consist of a Commodore, a Vice-Commodore, a Rear-Commodore, an Honorary Secretary, and an Honorary Treasurer. Officers shall be elected at the Annual General Meeting in each year and shall hold office for one year, retiring at the termination of the Annual General Meeting in each year. All Officers of the Club shall be eligible for re-election.

**Duties of Honorary Secretaries etc.**

- 4) The Honorary Secretary shall:
  - a) Keep a register of club members’ names and of addresses;
  - b) Conduct the correspondence of the club;
  - c) Keep full minutes of all meetings of the club, the Committee and sub-committee(s) which shall be confirmed and signed by the appropriate Chairman upon the agreement of the club, the Committee or sub-committee(s) at the next following meeting of the club, the Committee or sub-committee(s);
  - d) Maintain contact with the club’s Legal Adviser to ensure that the club’s affairs are managed in accordance with current law.
  - e) Maintain any such certificates or registrations, and complete any such non-financial returns, as may be required by law.
- 5) The Honorary Treasurer shall: -
  - a) Cause such books of account to be kept as are necessary to give a true and fair view of the state of the finances of the club.
  - b) Cause all returns as may be required by law in relation to such accounts to be rendered at the due time.
  - c) Prepare an Annual Balance Sheet as at 31 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.

- d) Keep custody of all club documents;
  - e) Administer such insurance policy or policies as may be needed fully to protect the interests of the club, its Officers and its members;
- 6) The Honorary Auditors shall:-
- a) be appointed at the Annual General Meeting in each year and shall be two appropriately qualified members of the club;
  - b) the auditors shall audit the accounts 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 by the Committee;
  - c) if either is unwilling or unable to act, inform the Committee who shall appoint a substitute to hold office until the termination of the next Annual General Meeting.

### **Section 3 - Membership**

- 7) There shall be the following categories of membership with power to vote at all meetings of the club as indicated hereunder. The rights and privileges of each category of members are as defined in the latest edition of the byelaws of the club.
- a) A FULL MEMBER – being a person who, at the date of election, is over the age of eighteen shall have one vote.
  - b) A FAMILY MEMBER – which expression shall include one or two parents/partners (as may be) and all children under eighteen years of age. The family unit shall have one vote, exercisable by either parent/partner.
  - c) A STUDENT MEMBER – being a member over eighteen years of age and still in full time education shall have one vote.
  - d) 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.
  - e) AN HONORARY MEMBER – who shall be nominated and elected in the manner described in Rule 47 shall have one vote.
  - f) A SOCIAL MEMBER – who shall have one vote.
  - g) A TEMPORARY MEMBER – who shall have no vote.

No member, except a Temporary 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. Candidates for membership shall have no privileges whatsoever in relation to the use of the club or premises.

- 8) The rate of Entrance and Subscription fee for each category of Membership shall be proposed by the Committee to the members at the Annual General Meeting in each year. Any proposed changes shall be approved by a majority of those present and entitled to vote and shall become operative immediately. The current rate of Entrance and Subscription fee shall be prominently displayed in the club premises.
- 9) Members shall also make the following annual payments:-
- a) An annual boat permit fee of such a sum as the Committee shall from time to time prescribe which shall entitle a member to one parking space in the club's boat park.
  - b) Such an annual sum as shall from time to time be demanded to defray the club's subscription to the RYA as a Fully Affiliated club.

All members shall pay the Entrance fee 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 for Full or Family membership after the first day of April will be given a discount of 1/12th of the annual subscription for each complete month from the beginning of that year. A member re-joining before their current membership expires will be able to purchase the following years membership at the current fee.

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

#### **Election and retirement of members**

- 11) Every candidate for membership (except Honorary Members) shall be proposed and seconded by a Full or Family member of the club, both of whom must be personally acquainted with the candidate.
- 12) An application for membership shall be in the form from time to time prescribed by the Committee, and shall include the name, address, and occupation of the candidate, and the signatures of the Proposer and the Secunder.
- 13) Upon receipt of an application for membership, the Honorary Secretary shall enter such application in a Register of Candidates and shall cause the application form to be prominently displayed in the club premises for at least seven days before the meeting of the Committee at which such application for membership shall be considered. The election of all classes of members is vested in the Management Committee and shall be by a simple majority vote of those members present and voting at the relevant meeting of the Management Committee. The Honorary Secretary shall inform each candidate in writing of the candidate's election or non-election. He shall furnish an elected candidate with a copy of the Rules and Byelaws of the club and make request for such payments as are necessary.
- 14) Upon election, a candidate 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 is shown.
- 15) 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 Honorary 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 Committee shall require.
- 16) A member desirous of retiring from membership shall give notice in writing to the Honorary Secretary before the last day of November and shall not then be liable to pay the subscription for the following year. A past member re-joining within five years of previous membership will not be required to pay a joining fee.
- 17) The Committee may cancel, without notice given, the membership of any member whose annual subscription and other annual fees are more than three months in arrears provided that the Committee may, at its discretion, re-instate such member upon payment of arrears. No member whose annual payments are in arrears may enter any club event or regatta or vote at any meeting.

### **Conduct of Members**

- 18) Every member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with, the Club Rules and the current Byelaws and Regulations of the club. Any refusal or neglect to do so, or any conduct, which, in the opinion of the Committee, is either unworthy of a member or otherwise injurious to the interests of the club, shall render a member liable to expulsion by the Committee.
- PROVIDED THAT, before expelling a member, the Committee shall call upon such member for a written explanation of the member's conduct and shall give the member full opportunity of making explanation to the Committee, or of resigning. A Resolution to expel a member shall be carried by a simple majority vote by those members of the Management Committee present and voting on the Resolution.
- 19) Members shall enter the names of all guests in the Visitor's Book. Not more than three guests may be introduced in any one day and the same guest may not be introduced more than six times in any calendar year.
- 20) A member shall not knowingly remove, injure, destroy or damage any property of the club and shall make restitution for the same if called upon to do so by the Committee or by the Honorary Secretary upon the instructions of the Committee.
- 21) A Member shall not cause any communication in whatever form to be exhibited on club notice boards or premises without permission of the Honorary Secretary.
- 22) A member shall settle any indebtedness for refreshment or otherwise before leaving the club premises, or in accordance with any byelaw relating to the settlement of such indebtedness.
- 23) All suggestions shall be entered in the Suggestion Book and signed by the Member.
- 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 servant of the club be personally reprimanded by a member.
- 25) A member of any club affiliated to the Royal Yachting Association (a list whereof is published by the said Association) may be authorized to use the premises of the club by any member of the Committee of the club. Such authorization shall specify between which dates (not being more than fourteen days apart) the said person may so use the premises.
- 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.
- 27) The Honorary Secretary or any other person who has received the authority of two members of the Committee, may expel, temporarily or permanently, any person who has the right to the use of the club premises only under Rules 26 and 27.

### **Limitation of Club Liability**

- 28) Members, their guests and visitors are bound by the following Rule, which shall also be exhibited in a prominent place within the club premises:-
- Members of the club, their guests or visitors may use the club premises, and any other facilities of the club, entirely at their own risk and impliedly accept:-
- a) The club will not accept any liability for any damage to or loss of property belonging to members, their guests or visitors to the club.
  - b) The club will not accept any liability for personal injury arising out of the use of the club premises, and any other facilities of the club either sustained by

members, their guests or visitors or caused by the said members, guests or visitors whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the Officers, Committee or servants of the club.

- 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 Committee**

- 30) The Management Committee (herein referred to as 'the Committee') shall consist of the Officers, ex officio, and five Full or Family members (to include at least one Windsurfing member and one Dingy sailing member), one Social member, one Female member and one Disabled member of the club elected at the Annual General Meeting each year to hold office until the termination of the next following Annual General Meeting.
- 31) At the Annual General Meeting each year two of the ordinary members shall retire in order of election or seniority. In the case of equal seniority the order of retirement shall, failing agreement between the members concerned, be determined by lot. Members retiring under this rule shall be eligible for re-election to the Committee.
- 32) Candidates for election to the Committee (not being Officers of the Club) shall be those members of the retiring Committee eligible to offer themselves for re-election and such other members whose nominations (duly proposed and seconded in writing by Full or Family members of the Club) with their consent shall have been received by the Honorary Secretary at least twenty eight days before the date of the Annual General Meeting in each year. Such nominations, together with the names of the Proposer and Secunder shall be posted in the club premises at least fourteen days prior to the date of the Annual General Meeting.
- 33) If the number of candidates for election is greater than the number of vacancies to be filled then there shall be a ballot.
- 34) If the number of candidates for election is equal to or less than the number of vacancies to be filled then all candidates shall be deemed to be elected if two thirds of those present at the Annual General Meeting, and entitled to vote, vote in favour of such election.
- 35) In the event of the ballot failing to determine the members of the Committee because of an equality of votes the candidate, or candidates, to be elected from those having an equal number of votes shall be determined by lot.
- 36) The Committee may co-opt an appropriate member to fill any vacancy that may occur until the next following Annual General Meeting.
- 37) A retiring Commodore shall serve as an ex officio member of the Committee in the year immediately following his retirement.
- 38) The Committee shall meet at least every two months making such arrangements as to the conduct, place of assembly and holding of such meetings as it may wish. The Commodore, Vice Commodore, Rear Commodore or in their absence a Chairman elected by those present shall preside.
- 39) 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 equality of votes the Commodore or Chairman (as the case may be) shall have a second and casting vote.

- 40) Five members personally present shall form a quorum at a meeting of the Committee.

#### **Powers of the Committee**

- 41) The Committee shall manage the affairs of the club according to the Rules and shall cause the funds of the club to be applied solely to the objects of the club or for a benevolent or charitable purpose nominated by General Meeting.
- 42) The Committee shall make such Byelaws and Regulations as it shall from time to time think fit and shall cause the same to be exhibited in the club premises for fourteen days before the date of implementation. Such Byelaws and Regulations shall remain in force until approved or set aside by a vote at a General Meeting of the club.
- 43) The Committee may appoint such sub-committees as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as shall be deemed expedient and/or required by the law. Such sub-committees shall consist of such members of the Committee or of the club as the Committee may think fit. Officers of the club shall be ex officio members of all such sub-committees.
- 44) A member of the 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.
- 45) The Committee, or any person or sub-committee delegated by the Committee to act as agent for the club or its members, shall enter into contracts only so far as expressly authorized, or authorized by implication, by the members. No one shall, without the express authority of the membership in General Meeting, pledge the credit of the membership.
- 46) In pursuance of the authority vested in the Committee by members of the club, members of the Committee are entitled to be indemnified by the members of the club against any liabilities properly incurred by them or any one of them on behalf of the club wherever the contract is of a duly authorized nature or could be assumed to be of a duly authorized nature and entered into on behalf of the club. The limit of an individual member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate for that category of membership unless the Committee has been authorized to exceed such limit by a General Meeting of the club.
- 47) The Committee may nominate for election at an Annual General Meeting such Honorary Members as Nomination the Committee may think fit. The total of such of Honorary members shall not, however, at any time, exceed five per cent of the total number of Committee members nor shall the number of Honorary Members exceed at any one time six in number. The election of Honorary Members shall be put to the vote at the Annual General Meeting each year and such Honorary Members shall be duly elected if two thirds of those present, and entitled to vote, vote in favour of election.

#### **Purchase and supply of excisable goods**

- 48) The purchase for the club of excisable goods and the supply of the same upon club premises shall be exclusively and solely under the control of the Committee, or of a special sub-committee appointed by the 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, Byelaws

and Regulations for the time being in force. No Junior Member under the age of eighteen may purchase or attempt to purchase intoxicating liquor within the club premises nor may a Junior Member under the age of sixteen purchase or attempt to purchase tobacco or cigarettes within the club premises.

- 49) Subject to the requirements of the licensing authorities, the Committee shall cause the club bar to be opened at convenient times (and such times shall be prominently 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 these rules (except Junior members as aforesaid). PROVIDED THAT visitors' names and addresses and the name of their introducer shall have been entered in the Visitor's Book upon entry to club premises.
- 50) 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 (after deduction of the costs of providing such goods for the benefit of the club) be applied to the provision of additional amenities or the purchase of property to be held in trust for the benefit of the club.
- 51) 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 Honorary Auditors 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.
- 52) Supply of alcohol to Non Members. Persons other than members or their guests may be admitted to the registered premises of the Club on such occasions and at such times as the Committee at its discretion shall permit and provided that such persons are either:
- a) A bona fide member or supporter of a visiting club or organisation who are using the facilities of the Club in connection with sailing activities. OR
  - b) Attending a private function organised by a Member of the Club, who is present at that function, provided that the function is in connection with any special celebration in which the Member has a personal interest, for example a wedding anniversary, birthday, retirement party etc. OR
  - c) Attending a function organised by the Club, or a bona fide organisation as a result of a hiring of the premises, provided that no more than twelve such functions shall be held in any one calendar year.

Intoxicating liquor may be sold to such persons by or on behalf of the Club for consumption on the premises only and not elsewhere.

### **Section 5 – Trustees**

- 53) There shall be at least three Trustees of the club who shall be appointed from time to time as necessary by the Committee of the club from among Full, Family 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 Committee by a majority comprising two-thirds of the Members present and entitled to vote.
- 54) 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 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 Honorary] 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 shall by Deed duly appoint the person or persons so nominated by the Committee.

- 55) 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 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 Committee's directions (which shall be duly recorded in the Minutes of the proceedings of the Committee) but no purchaser, lessee or mortgage shall be concerned to enquire whether any such direction has been given.
- 56)
- a) 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.
  - (b) (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**

- 57) An Annual General Meeting of the club shall be held each year in the month of February on a date to be fixed by the Committee. The Honorary Secretary shall at least fourteen days before the date of such meeting or of any General Meeting as hereinafter mentioned post or deliver to each member notice thereof and of the business to be brought forward thereat.
- 58) No business, except the passing of the Accounts and the election of the Officers, Committee, Trustees and Honorary Auditors, and any business that the 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 forty two days before the date of the Annual General Meeting.
- 59) The Committee may at any time, upon giving twenty one days notice in writing, call a General Meeting of the club for any special business, the nature of which shall be stated in the summons convening the meeting, and the discussion at such meeting shall be confined to the business stated in the notice sent to members.
- 60) The Committee shall similarly call a General Meeting upon a written request addressed to the Honorary Secretary by at least 15 members. The discussion at such meeting shall be confined to the business stated in the notice sent to members.
- 61) At every meeting of the club the Commodore, Vice Commodore, Rear Commodore or, in their absence, a Chairman elected by those present shall preside.
- 62) Fifteen members entitled to vote and personally present shall form a quorum at any meeting of the club.

- 63) All, except Junior and Temporary, Members shall vote at any meeting of the club. Other members may attend but are not entitled to vote.
- 64) Voting, except upon the election of members of the Committee, shall be by show of hands.
- 65) In the case of an equality of votes the Chairman shall have a second or casting vote, on any matter other than the election of members of the Committee.
- 66) On any resolution properly put to a meeting of the club relating to the creation, repeal or amendment of any Rule, Byelaw or Regulation of the club such Rule, Byelaw or Regulation shall not be created, repealed or amended except by a majority vote of at least two-thirds of those present and entitled to vote.

### **Section 7 - Dissolution of the Club**

#### 67 Winding up the Club

- a) The members may vote to wind up the Club if not less than three fourths of those present and voting support that proposal at a properly convened general meeting.
- b) The Committee will then be responsible for the orderly winding up of the Club's affairs.
- c) After settling all liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:
  - i) to another Club with similar sports purposes which is a charity and/or
  - ii) to another Club with similar purposes which is a registered Community Amateur Sports Club and/or
  - iii) to the Club's national governing body for use by them for related community sports.

### **Section 8 - Byelaws**

- 68) The present rights and privileges of each category of membership shall be as follows:-
  - a) A FULL MEMBER shall have the full use of all the club facilities.
  - b) A FAMILY MEMBER, his/her spouse/partner and all children under the age of eighteen shall have the full use of all the club facilities subject only to Rule 49.
  - c) A STUDENT MEMBER shall have the full use of all club facilities.
  - d) A JUNIOR MEMBER shall have the full use of all the club facilities subject only to Rule 49.
  - e) AN HONORARY MEMBER shall have the full use of all the club facilities.
  - f) A SOCIAL MEMBER shall have the full use of the clubhouse facilities.
  - g) A TEMPORARY MEMBER shall have the full use of the club facilities but:-
    - i) To comply with the Club Liquor License may not purchase alcoholic beverages.
    - ii) Shall have no right to enter club races or regattas unless specifically authorised by the Honorary Secretary or Committee.
    - iii) Shall have no right to introduce visitors to the club or the facilities thereof.
    - iv) Shall have no right to take any part in the management of the club.
    - v) Is deemed to have notice of and impliedly undertakes to comply with the club Rules, current Byelaws and 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.

- vi) 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 Honorary Secretary, he or she shall not have reasonably complied with the above conditions.
- 69) No dogs or other domestic pets may be brought onto club premises.
- 70) (blank)
- 71) Cars may only be parked in areas designated for such parking so as not to cause an obstruction to other cars or to the approaches to the club premises.
- 72) The club premises shall be open to members at such times as the Committee shall direct.
- 73) The permitted hours for the sale of intoxicating liquor are displayed in the club house and the bar will be open at these hours or at such other hours as may be decided by the Committee subject to any restrictions imposed from time to time by the Licensing Justices.

#### **Abandoned Boats**

- 74) In addition to the powers given to the Committee under Rule 17, and Rule 41 hereof if, at any time, any fees payable to the club by any member or former member shall be three months or more in arrears and a vessel the property of a member or former member remains upon the club premises, the Committee may:-
- a) Move the vessel to any other part of the club premises without being liable for any loss or damage to the vessel howsoever caused.
  - b) Give one month's notice in writing to the member or former member at his last known address as shown in the Club Register and thereafter sell the vessel and deduct any monies due to the club (whether by way of arrears of subscription or annual payments, 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 Committee may think fit and deem the cost of doing and any arrears as aforesaid to be a debt owing to the club by the member or former member.
  - d) Further the club shall at all times have a lien over members' or former members' boats parked on the club's premises in respect of all monies due to the club, whether in respect of arrears of parking fees or subscriptions or otherwise.
- PROVIDED ALWAYS THAT:-** Proper evidence is available to show that all reasonable steps have been taken to trace a member or former member and that when and if the vessel is sold the proceeds of sale (less any indebtedness by the member or former member to the club) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he be the said member or former member or otherwise) for a period of six years.
- 75) Club members intending to participate in Club Racing will be expected to carry out such duties pertaining to race management and/or safety boat as requested of them by the Committee. Failure to do so will make them ineligible to win club trophies or take part in club racing. Duties to be on a rota basis displayed in the clubhouse.

**INSURANCE:**

- 76) All Club Members must ensure that any equipment that they use (boat, board or kite) is covered by a current certificate of insurance, which provides for a minimum of £2,000,000 Third Party Cover. They are strongly advised to consult their insurance broker annually to ensure that this amount remains adequate for their purposes.
- 77) All members are reminded that the club accepts no responsibility for any personal items so all members are advised to ensure all their equipment and belongings are covered by adequate insurance.