

# Club Rules

## NAME AND OBJECT

1. The name of the club shall be 'The Newbiggin by the Sea Sailing Club' and the burgee of the club shall be a White Tern on a Royal Blue background, (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 to provide social and other facilities for members as may be from time to time determined. The Club is a non profit making organisation. All profits and surpluses will be used to maintain or improve the Club's facilities. No profit or surplus will be distributed.

## PRESIDENT

3. The committee may by resolution nominate for election a President who shall hold office for one year, retiring at the termination of the Annual General Meeting in each year, but shall be eligible for re-election. The method of election of a President shall be as described in Rule 44.

## OFFICERS

4.
  - a) The Officers of the Club shall consist of a Commodore, a Vice-Commodore, a Rear Commodore, an Honorary Secretary, an Honorary Treasurer, a Sailing Secretary, a Social Secretary, Boatswain and a Bar Secretary.
  - b) The Officers of the Club shall be Full, Family or Junior members of the Club.
  - c) The method of nomination of election of Officers of the Club shall be as described in Rules 27 to 31.
  - d) The Officers of the Club shall hold office for one year, retiring at the termination of the Annual General Meeting in each year, but shall be eligible for re-election.

## DUTIES OF HONORARY SECRETARIES ETC.

5. The Honorary Secretary shall:-
  - a) Keep a register of club members names and addresses at the club. The register to be available for inspection by the members at any time.
  - b) Conduct the correspondence of the club,

- c) Keep full minutes of all meetings of the club and the committee which shall be confirmed and signed by the appropriate Chairman upon the agreement of the club or the Committee at the next meeting of the club or the Committee.
  - d) Keep custody of all club documents.
  - 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.
  - f) Maintain contact with the club's Legal Adviser to ensure that the club's affairs are managed in accordance with current law.
  - g) Maintain contact with club members and inform them of club activities.
6. 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 31st October in each year and such Balance Sheet (and accounts as necessary) to be checked 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.
- 7 The Club Accountants shall:-
- a) Be appointed at the Annual General Meeting in each year.
  - b) They shall prepare the accounts of the club when called upon to do so and shall give such certificate of assurance as to the accuracy of the accounts as shall be required by law or by the Committee.
  - c) If they are 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.

## **MEMBERS**

8. There shall be the following categories of membership. The power to vote at all meetings of the Club shall be as defined in this rule and rights and privileges of each category of member shall be as defined in the Byelaws of the Club.

A FAMILY MEMBER - which expression shall include one or two adults (as may be) and all children under sixteen years of age at the time of election to or renewal of membership. Each adult shall have one vote.

A FULL MEMBER - being a person who, at the date of election to or renewal of membership, is aged 21 years or over and shall have one vote.

A JUNIOR MEMBER - being a person who, at the date of election to or renewal of membership is aged 18, 19 or 20 years and shall have one vote.

A CADET MEMBER - being a person who, at the date of election to or renewal of membership is aged under 18 years, and shall have no vote. Person applying for Cadet membership under the age of 16 years will be required to be sponsored by a full or family member who should be prepared to be responsible for the Cadet Member whilst at the club.

AN HONORARY MEMBER - being a person elected under Rule 43 and who shall have one vote.

AN OUT OF PORT MEMBER - shall be a member living over 100 miles from the Club, who is a member of another RYA recognised club, and who sails occasionally with Newbiggin by the Sea Sailing Club, and who shall have one vote.

A STUDENT MEMBER - shall be a person aged 18 or over and under the age of 23 at the date of election or renewal of membership who satisfies the committee that they are a bona fide student and provide adequate proof, i.e. letter from Head of College. A student member shall have one vote.

A SOCIAL MEMBER - shall be a person who supports the objects of the club but who does not intend to sail and shall have no vote. The number of Social Members shall at no time exceed 20% of the total membership of the Club.

A NON-SAILING MEMBER - being a person who has, in the past, been a Full, Family - Junior or Cadet Member of the Club and who shall have one vote.

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

## **MEMBERSHIP, ENTRANCE AND SUBSCRIPTION FEES**

9. The rate of entrance and subscription fee for each category of membership shall be set by the Management Committee and reviewed annually. The current rate of entrance and subscription fee shall be prominently displayed in the club premises.

10. Members shall also pay 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 upon election to the Club except that Junior, Cadet, Student, Out-of-Port, Social and Non Sailing members shall be exempt from paying the entrance fee. Subscriptions shall fall due on the first day of January each year.

11. Every member shall furnish the Honorary Secretary with an up to date address which 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**

12. Every candidate for membership shall be required to complete an application form which shall be in the form from time to time prescribed by the Committee, and shall include the name, address, and any other particulars that the Committee may require.

13. Upon receipt of an application for membership, the Honorary Secretary shall enter such application in a Register of Candidates and subject to the wishes of the applicant regarding publication of his full personal details, shall cause the application form to be prominently displayed in the Club premises in a part frequented by the members for at least fourteen days before the meeting of the committee at which such application for membership shall be considered. In the event that an applicant wishes to withhold publication of their full details, only their full name and town shall be displayed to the membership. The election of all classes of members is vested in the Management Committee 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. The Honorary Secretary 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. In default of payment of such fees as may be necessary, the election shall be void unless sufficient cause for delay be shown.

In the event that an application for membership is refused by the Management Committee, the applicant will have the right to request the reason for refusal and be given the opportunity to appeal to the Management Committee.

14. A member who, for any reason, anticipates inability to use the club or its facilities for the whole of any 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.

15. 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.

16. 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, reinstate such member upon payment of arrears. No member whose annual payments are in arrears may enter any club event or regatta nor vote at any meeting.

17. Every member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with the Club Rules and 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 interest 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 members conduct and shall give the member full opportunity of making explanation to the Committee, or of resigning. The vote on a Resolution to expel a member shall be by ballot and shall be carried by a simple majority vote by those members of the Management Committee present and voting on the Resolution.

18. Members other than Cadet Members shall be entitled to introduce guests into the Club. No member shall introduce more than three guests on any one day and the same guest may not be introduced more than six times in any calendar year and may, at the discretion of the Committee, be requested to join the Club as a member.

Guests shall enter their name and full address in the Visitors Book kept on the premises specifically for that purpose and the entry shall be countersigned by the member introducing the guest. No guest shall be permitted to purchase intoxicating liquor for consumption on or off the premises. Any guests intending to sail with the club shall be liable to pay a fee to be determined from time to time by the Committee.

19. No member or guest under the age of 18 shall be permitted within the vicinity of the bar.

20. Any 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 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.

22. Complaints or suggestions 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.

23. 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.

Any sailing member of an RYA Affiliated Club is welcome to sail at Newbiggin without payment of a visitor's fee provided that the majority of his/her sailing is done at his/her home club.

24. 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 admitted to the Club premises under Rule 18, 45(b) and 45(c).

### **LIMITATION OF CLUB LIABILITY**

25. 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 and visitors may use the club premises and any other facilities of the club, entirely at their own risk and impliedly accept that:-

- i) 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.
- ii) 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, or out of participation in any race organised by the club, whether 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 the officers, committee or servants of the club.
- iii) Before inviting any guests or visitors onto the premises or to participate in events organised by the club, members will draw their attention to this rule.
- iv) Parents and guardians are warned that the club is only able to provide rescue facilities during the hours of club racing. Outside these hours, parents and guardians have sole responsibility for their children and wards and must appreciate that the club cannot be expected to exercise supervision or control. Even during club racing the club cannot accept responsibility for children, or any other persons, not engaged in racing.

### **MANAGEMENT COMMITTEE - Constitution and Procedure**

26. The Management Committee (referred to as "the Committee) shall consist of the officers, ex-officio and not more than four Full, Family or Junior

Members of the club. They shall be elected by the club in General Meeting, to hold office for one year retiring at the termination of the Annual General Meeting in each year, but shall be eligible to be nominated for re-election.

27.

- a) Candidates for election as an Officer of the club or as a member of the Committee shall be persons eligible under Rules 4 or 26.
- b) All nominations for a position as an Officer or member of the Committee shall be made in writing to be received by the Honorary Secretary at least 21 days before the date of the Annual General Meeting. Nominations shall show the position nominated, name of candidate, proposer and seconder and shall be made with the consent of the candidate.
- c) All nominations complying with Rule 27 shall be posted in the club premises in a place frequented by the members at least fourteen days prior to the date of the Annual General Meeting.

28. In the event that vacancies still exist following the ballot for candidates nominated under Rule 27, then candidates may be nominated at the General Meeting by a proposer and seconder, such nominations must be with the consent of the candidate.

29. Where only one candidate is nominated for the post of officer of the club or when four or less candidates are nominated for ordinary Committee Member, then election shall be by two thirds of those present and entitled to vote, voting in favour by secret ballot.

30. Where the number of candidates nominated for election under Rule 27 or 28 exceeds the number of vacancies to be filled, then election shall be by simple majority in a secret ballot.

31. In the event of the ballot failing to determine the result because of an equality of votes, the candidate(s) to be elected from those having an equal number of votes shall be determined by a further ballot.

32. Where a candidate having been nominated for the post of officer of the club under Rule 27 fails to be elected to that post and indicates a willingness to stand as a Committee Member, then the candidate shall be deemed to have also been nominated for the post of Committee Member.

33. If for any reason a casual vacancy shall occur, the Committee may co-opt an eligible member to fill the vacancy.

34. The Committee shall meet at least 10 times per year making such arrangements as to the conduct, place of assembly and holding of such meeting as it may wish. The Commodore or in the absence of the Commodore, the Vice Commodore, Rear Commodore or a Chairman elected by those present shall preside.

35. 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 Vice Commodore or Chairman (as the case may be) shall have a second and casting vote.

36. Seven members personally present shall form a quorum at a meeting of the Committee.

## **POWERS OF THE COMMITTEE**

37. The Committee shall manage the affairs of the club according to the rules, and shall apply the funds of the club to the objects of the Club. If it is necessary to finance capital projects, the Committee are empowered to borrow or raise money in such a manner as they think fit. The borrowing powers of the Committee shall be limited to £10,000.

38. 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.

39. 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.

40. 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 they are so acting.

41. 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 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.

42. In pursuance of the authority vested in the Committee by members of the club, members of the Committee are entitled to be indemnified by 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.

43. The Committee may nominate for election at an Annual General Meeting such Honorary Members as the Committee may think fit. The method of election of such members shall be as defined in Rule 44.

44. Where the Committee have made nominations for President or Honorary Member(s) then each such nomination shall be put to the vote by

secret ballot at an Annual General Meeting and the nominees shall be duly elected if two thirds of those present, and entitled to vote, vote in favour of election.

45. The purchase for the Club of excisable goods and the supply of same upon club premises shall be exclusively and solely under the control of the Committee or of a Sub-Committee consisting entirely of members of the Committee. Intoxicating liquor may be supplied by or on behalf of the club to any of the following persons, who shall in each case have attained the age of 18 years:-

a) Any person holding membership of the Newbiggin by the Sea Sailing Club and the bona fide guests of any such person.

b) Competitors, Members, Players, Officials and their respective spouses of any team or group visiting the club in connection with a bona fide pre-arranged race or other sporting or social fixture between the team or group and a team or group from Newbiggin by the Sea Sailing Club on the day or days of such fixture or event.

Before any such person as listed at b) above may be admitted to the Club they shall sign their name and that of their Club in a book kept on the premises for that purpose which shall then be countersigned by an official of the Newbiggin by the Sea Sailing Club: Any person admitted under paragraph (b) above may only be sold intoxicating liquor for consumption on the premises.

c) Provided always that there may be admitted to the Club premises persons other than those mentioned at (a) and (b) above and intoxicating liquor may be sold to such persons, who have attained the age of 18 years, by or on behalf of the club for consumption on the premises only. This proviso shall apply only to a function organised by the club committee, which shall be under the responsibility of a committee member of the club who shall be present at the function and there shall be not more than 12 such functions in any one year commencing on 1st January each year. Prior to any such function being held the Secretary of the Club shall give the Superintendent of Police, Police Office, Ashington, at least 14 clear days notice in writing as to the intention of holding such function.

d) No person under the age of 16 years shall purchase or attempt to purchase tobacco or cigarettes on the Club premises

46. Subject to the permitted licensing hours for the district 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 and supply of intoxicating liquor).

47. 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 objects of the club for the benefit of the club and club members.

48. 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 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**

49. 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 majority comprising two thirds of the Members present and entitled to vote.

50. All property of the club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as is necessary and practicable, on trust for the use and benefit of the club. On the death, resignation, or removal from office of a Trustee, the Committee shall nominate a new Trustee in their 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.

51. 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 mortgagee shall be concerned to enquire whether any such direction has been given.

52. 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 in relation to any property of the club vested in them, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a trustee of the club.

## **MEETINGS OF THE CLUB**

53. An Annual General Meeting of the club shall be held each year before the 31<sup>st</sup> March 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.

54. At an Annual General Meeting of the club no business, except the passing of the Accounts and the election of the Officers, Committee, Trustees and Club Accountants, and any other 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 on or before the 15th day of December.

55. The Committee may at any time, upon giving fourteen days notice in writing call a General Meeting of the club for any specific 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.

56. The Committee shall similarly call a General Meeting upon a written request addressed to the Honorary Secretary by at least twelve (12) members. The discussion at such meeting shall be confined to the business stated in the notice sent to members.

57. At every meeting of the club the Commodore, the Vice Commodore or the Rear Commodore, and in their absence, a Chairman elected by those present shall preside.

58. Fifteen members entitled to vote and personally present shall form a quorum at any meeting of the club.

59. The categories of members entitled to vote are specified in Rule 8. Other members may attend but are not entitled to vote.

60. Voting, except upon the election of members of the Committee, shall be by show of hands.

61. In the event of an equality of votes the matter shall again be put to the vote.

62. On any resolution properly put to a meeting of the club relating to the creation, repeal or amendment of any Rule, Byelaw or Regulations of the Club such rule, Byelaw or Regulations shall only be duly repealed or amended if two thirds of those present and entitled to vote, vote in favour of that resolution.

Where any addition, alteration or repeal is made to any Rule, Byelaw or Regulation of the Club, the Secretary shall give written notice of the alteration, addition or repeal to the Chief Officer of Police for the area, and to the Clerk of the Local Authority. If such addition, alteration repeal embodies a decision fixing the Club's permitted hours, or change of Secretary, or concerns the objects of the Club, then notice shall also be given to the Clerk to the Justices for the area. Such notice shall be given within 28 days of the alteration, addition or repeal.

## **DISSOLUTION OF THE CLUB**

63. 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 some other charitable or non-profit making institution or institutions having objects similar to 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 charitable objects.

Signed:

\_\_\_\_\_ Commodore

\_\_\_\_\_ Secretary

Master 221102
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