

HAMPTON PIER YACHT CLUB

RULES

1. NAME:

The Club shall be called 'The Hampton Pier Yacht Club'.

2. OBJECTS:

2.1 The principal object of the Club shall be to provide facilities for and promote community participation in the sport of Amateur Yacht Racing and Cruising and the promotion of social activities among the members.

2.2 The Club will only provide racing for monohull dinghies.

3. FLAG:

The burgee of the Club shall consist of a white Canterbury Cross on a red background.

4. MEMBERSHIP:

4.1 There may be appointed **non-executive officers and honorary memberships** consisting of a President, four Vice-Presidents and six other Life Honorary members. The aforesaid eleven memberships shall be Life Honorary appointments granted only by the Club in General Meeting on the recommendations of the General Management Committee. Such appointments carry no executive authority but do not bar the holders thereof seeking election as Officers or General Management Committee Members in the normal way. The Life Honorary appointees shall be each entitled to vote at a General Meeting.

4.2 The General Management Committee may also grant annual **honorary membership** to Flag Officers of adjoining local sailing clubs.

4.3 Neither entry fee nor annual subscription is payable by either of the types of membership indicated in 4.1 and 4.2.

4.4 Fee paying membership will be available as follows:

4.4.1 **Family members**, which shall include one or two co-habiting adults and all children within their guardianship up to the age of twenty-one. Both adult partners are entitled to vote at a General Meeting.

4.4.2 **Partner members**, which shall include one or two co-habiting adults and all children within their guardianship of under eight years of age. Both adult partners are entitled to vote at a General Meeting.

4.4.3 **Single members**, paying the full membership fee, who at the age of election shall have attained the age of eighteen years. The member is entitled to vote at a General Meeting.

4.4.4 **Cadet members** are persons under the age of sixteen years who are not covered by family membership. A cadet member is not entitled to vote. Parents/guardians remain responsible at all times for the safety and actions of their children.

4.4.5 **Junior members** are persons between the ages of sixteen and twenty - one. A junior member is not entitled to vote.

4.4.6 **Social non-sailing members.** Non-sailing members are not entitled to vote.

4.5 **Temporary memberships,** for short periods of time, shall be arranged at the discretion of the General Management Committee.

4.6 The rates of Subscription payable by each class of membership as recommended by the General Management Committee shall be approved for next year at any general or Special General Meeting of the Club. Any proposed changes shall be approved by a majority of those present and entitled to vote and shall become effective on the first day of January in the following year. The current rate of entrance and subscription fee shall be prominently displayed in the Club premises.

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

4.8 Members' subscriptions will become due on first day of January each year. Any member who has not paid by 31st March will be deemed to have resigned and will only be readmitted after applying for membership in accordance with rule 4.11 and being so elected.

4.9 Where a person joins the Club after 30 June, the subscription for that year shall be one half the normal annual rate.

4.10 Social members are allowed access to the Club during periods when the Club is open for sailing and/or social activities. They are not entitled to a Club key but are informed of the door code to allow access when the Club is open. Social members are expected to support the Club's activities.

4.11 **Candidates for membership** are required to forward to the Honorary Secretary the specified form of application duly completed, together with one year's subscription and entrance fee. New members shall be elected by ballot in Committee if necessary.

4.11.1 No candidate shall be deemed to be elected unless supported by a simple majority of the Committee.

4.11.2 Membership of the Club shall be open to anyone interested in the sport of yachting 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.

4.11.3 The General Management Committee may refuse membership or, subject to Rule 12, 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.

4.11.4 No candidate for membership may enjoy the privilege of membership until after election as a member in accordance with this rule. Any persons who are able under these rules to become members without prior application may not be admitted to the privileges of membership without an interval of at least two days between their becoming a member and their admission.

4.11.5 The Honorary Secretary shall inform each candidate in writing of the candidates' election or non-election and shall furnish an elected candidate with a copy of the Rules and Bye-laws of the Club and make request for such payments as are necessary.

4.12 Any member wishing to withdraw from the Club shall give written notice of his or her desire to do so addressed to the Honorary Secretary. If no such notice is received after 7th January in any year, the member shall be liable to pay the subscription for the current year. Upon re-application by a past member the General Management Committee may, at its discretion, excuse payment of an entrance fee.

4.13 Any person ceasing to be a member of the Club shall forfeit all claim upon it and no part of the subscription shall be refunded.

4.14 The privilege of membership extends to all persons referred to in Rule 4. Only such members are entitled to use the Club premises and facilities, participate in Club races or other events, compete for Club Trophies, or represent themselves as members of the Club. Competitors at Club open meetings, Class Championships and Regattas will be accorded the privilege of membership for the duration of the event. A member of any Club recognised by the Royal Yachting Association (a list thereof is contained in the Year Book for the said Association) may be accorded the privilege of membership and authorised to use the premises of the club by any two members of the General Management Committee. Such authorisation shall specify between which dates, not being more than fourteen days apart, the said person may be accorded membership and use of the premises.

4.15 No other persons other than member defined in Rule 4, shall be allowed to use the Club unless as a visitor in accordance with Rule 16.

5. EXECUTIVE OFFICERS:

5.1 The Executive Officers of the Club shall consist of a Commodore, Vice Commodore and Rear Commodore (the Flag Officers), Honorary Treasurer, Honorary Secretary, Honorary Sailing Secretary and Honorary Bosun. The Executive Officers shall, *ex officio*, be members of all committees. The Office of Commodore, Vice Commodore and Rear Commodore shall not be held by any person for more than three years consecutive from the date of first election.

5.2 The duties of Executive Officers shall be

5.2.1 **Commodore:** The Commodore shall have general charge of the Club. He or she will take the Chair in precedence over any other Officer at all General

Meetings of members and at all General Management Committee Meetings. It will also be his or her duty to represent the Club when required to do so except where this duty is specific to any other Officer.

5.2.2 Vice Commodore: The Vice Commodore shall assume the duties of the Commodore in his or her absence. He or she will be responsible to the General Management Committee for matters relating to all buildings owned or leased by the Club and for the maintenance of permanent equipment therein including the kitchen and Club furniture. He or she will also be responsible for the orderliness of the Club's premises.

5.2.3 Rear Commodore: The Rear Commodore shall assume the duties of the Commodore in the absence of the Commodore and Vice Commodore. He or she will be directly responsible for the maintenance of a rota of Race Officers and Safety Boat crews.

5.2.4 Honorary Secretary: The Honorary Secretary shall keep Minute Books accurately recording all proceedings of the Club other than sailing matters or matters of the sub-committees and the same shall be produced at every meeting of the Committee. He or she will also ensure that other Committees keep adequate minutes. He or she shall also advise the Commodore and General Management Committee relating to the observance of the Club Rules and may report any breach thereof direct to the members if the Commodore and Committee refuse to do so. He or she shall attend to all correspondence of the Club (except that dealt with by other Secretaries), keep custody of all Club documents, maintain contact with the Club's legal adviser to ensure that the Club's affairs are managed in accordance with current law, maintain such certificates or registrations, and complete any such non-financial returns as may be required by law. He or she shall attend to matters relating to the Club's Trustees as required by the Trustees.

5.2.5 Honorary Treasurer: The Honorary Treasurer shall be responsible for all financial business of the Club and shall keep or cause to be kept books of account as are necessary to give a true and fair view of the state of finances of the Club; cause all returns as are required by law in relation to such accounts to be rendered at the due time; 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's premises at least fourteen days before the date of the Financial General Meeting; and administer such insurance policy or policies as may be needed fully to protect the interests of the Club, its Executive Officers and its members. He or she shall ensure that where monies are made available to the Committee or Sub-Committees, they are correctly accounted for.

5.2.6 Honorary Sailing Secretary: The Honorary Sailing Secretary shall attend to all matters and correspondence relating to sailing, races and fixtures and keep all records relating thereto and to Sailing Committee Meetings. He or she will have overall responsibility for the setting of courses, convening protest meetings, deciding on the fitness for racing if necessary, and for ensuring that the Race Tower equipment is in working order.

5.2.7 Honorary Bosun: The Honorary Bosun will be directly responsible for the maintenance of the Bosun's stores, safety boats, engines and equipment and the launching thereof as required by the Officers of the Club or officiating Race

Officer. He or she will also be responsible for the boat moorings and marks and the upkeep of the Club ramps and winches.

6. GENERAL MANAGEMENT COMMITTEE:

6.1 The management of the Club shall be vested in a General Management Committee composed of the Executive Officers and five other members of the Club elected to serve thereon by the Club in General Meeting. Five members present shall form a quorum.

6.2 The General Management Committee will be responsible for the day to day administration of the Club and 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. In particular the Committee shall ensure that the property and funds of the Club will not be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules and that all surplus income or profits are reinvested in the Club.

6.3 The General Management Committee will be responsible for allocating boat parking space and the orderliness of the boat parking facilities.

6.4 The General Management Committee may appoint sub-committees (in addition to those mentioned specifically in the rules) to arrange or carry out specific functions. Such sub-committees shall consist of full voting members and up to 25% 'Other' members. In no case will any sub-committee member so appointed, who is not already a member of the General Management Committee, have a right to attend or vote at meetings of the General Management Committee. The General Management Committee may, however, invite a member of a sub-committee to attend the General Management Committee meetings for the purpose of reporting only, if it seems fit.

6.5 A member of the General 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/she is so acting.

7. ELECTION OF EXECUTIVE OFFICERS AND GENERAL MANAGEMENT COMMITTEE:

7.1 Not less than 28 clear days before the Annual General Meeting the Honorary Secretary shall call for nominations for all officers set out in Rule 5 and five Committee members per Rule 6. The notice calling for nominations shall include a specimen nomination form stating the address to which the nominations shall be sent and the date and time nominations will close.

7.2 In accordance with the above, the names of members willing to serve as Executive Officers or Committee members, duly proposed and seconded shall be sent to the Honorary Secretary. The last date for nominations shall not be earlier than 14 clear days after the Notice calling for nominations.

7.3 No person may be nominated or elected to the General Management Committee or as an Executive Officer unless his or her subscription for the year is

fully paid and he is entitled to vote as a single, partner or family member. This qualification must continue to be held so long as such an officer or Committee member remains in office, subject, however, to right of an Honorary Life Member to stand for election and vote at meetings per Rule 4.1.

7.4 The Honorary Secretary and at least one other member of the Committee shall inspect the nominations received and after certifying that they are in order, affix a list on the Club Notice Board at least seven clear days before the date fixed for the Annual General Meeting.

7.5 The election of Executive Officers and Committee members shall be by ballot. Both adult partners are entitled to a vote each in the case of family or partners memberships and single members are entitled to one vote. Only members present may cast a vote. Cadet members, Junior members and Social non sailing members (except Honorary Life Members) and temporary members will not be entitled to a vote.

7.6 Four scrutineers appointed at the Annual General Meeting shall collect the ballot papers, count the votes and certify the number of votes cast for each candidate.

7.7 In the event of no nominations being received for any office or Committee member, nominations may be handed in writing to the Secretary and scrutineers at the Annual General Meeting and if in order accepted.

7.8 Executive Officers and General Management Committee members shall automatically be considered to have resigned from office if they absent themselves without good cause from four consecutive meetings of the General Management Committee.

7.9 In the event of vacancies occurring during the year for any elected office or Committee member, the General Management Committee may co-opt to fill such vacancies.

8. GENERAL MEETINGS:

8.1 There shall be a General Meeting of members held not later than 31st May called the Financial General Meeting for the approval of the Balance Sheet and Income and Expenditure Account to 31st December preceding and other matters determined by the Committee. A copy of the Balance Sheet and Income and Expenditure Account shall be sent to every member with the notice convening the meeting.

8.2 There shall be a General Meeting of members held not later than 31st October called the Annual General Meeting for the election of Officers and Members of the Committee for the ensuing year until the next Annual General Meeting and such other matters as determined by the Committee. The Treasurer so elected will take office from 1st January next to the 31st December following.

8.3 Special General Meetings shall be convened at any time by the Honorary Secretary whenever required by the General Management Committee or upon receipt of a requisition signed by not less than 12 members of the Club. In all such cases the Honorary Secretary must require the purpose of the meeting to be

notified to him and he must advise members of such purpose in the Notice convening the meeting.

8.4 All General meetings of members must be convened by sending a Notice in writing to members at their last known address fourteen clear days before the date specified for holding the meeting.

8.5 At any General Meeting, voting shall be by show of hands and the declaration by the Chairman that a proposition has been carried or lost or carried or not carried by a particular majority shall be conclusive evidence of the fact. A ballot may however, be demanded by at least 5 members present.

8.6 No votes will be accepted or recorded at any General Meeting unless registered in person by the member.

8.7 The quorum for any General meeting shall be fifteen.

8.8 The Commodore or, in his/her absence, other Flag Officer shall take the Chair at all General meetings. In the absence of a Flag Officer, the members present shall elect a Chairman. The Chairman shall in all cases, in the event of any equality of votes on a division, have a casting vote in addition to his or her vote as a member.

9. SELECTION OF AUDITOR:

The members shall elect in Financial General Meeting an independent person to act as auditor until the next Financial General meeting. The Auditor so elected shall audit the accounts and the Annual Balance Sheet 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 the law or by the General Management Committee. If either unable or unwilling to act the Auditor shall inform the General Management Committee who shall appoint a substitute to hold office until the termination of the next Financial General Meeting.

10. SAILING COMMITTEE:

The General Management Committee shall, after its election each year, select not less than five members of the Club, two of whom may be non voting members, who with the Executive Officers shall form a Sailing Committee. Five members present shall form a quorum. This committee shall have the responsibility for the setting and management of yacht races and shall formulate the rules connected therewith.

11. SALE OF INTOXICATING LIQUOR:

11.1 There shall be a sub-committee known as the **Bar Committee**, comprising not less than three members and all members of the Bar Committee must be members of the General Management Committee.

11.2 The purchase for the Club and the supply to the Club of intoxicating liquor shall be exclusively controlled by the Bar Committee. 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. Proper accounts of all purchases and receipts shall be kept and presented at the Financial General Meeting in each year and such information as the Honorary Secretary or auditor 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.

11.3 Intoxicating Liquor may be supplied to or for the consumption on the premises by those persons over the age of 18 who are entitled to the use of the Club premises and for consumption off the premises by Club members.

11.4 The permitted hours for the supply of intoxicating liquor in the Club shall be such as are fixed from time to time by the General Management Committee (subject to the terms of the Club Premises Certificate) and details of which shall be posted on the Club Notice Board.

12 CLUB DISCIPLINE:

12.1 All Members of the Club are expected to abide by the spirit and detail of the Club Rules and Bye-laws, Sailing Instructions and where appropriate, instructions given by Club Executive Officers. Where rules or instructions are disregarded or disobeyed, or where the conduct of any member is considered to be injurious to the character or interests of the Club, the General Management Committee will have the power to invoke sanctions against that member. Possible sanctions include:

- Disqualification from receiving prizes.
- Barring from participation in Club events (including races).
- Barring from the Club for a limited period.
- Expulsion.

12.2 Expulsion from the Club requires a unanimous decision by the General Management Committee; other sanctions shall be carried by a simple majority of the General Management Committee

12.3 The power of expulsion is in addition to expulsion for non payment of subscriptions.

12.4. Before the General Management Committee imposes any sanctions the Secretary will invite the member to provide a written explanation of the member's conduct and shall give the member full opportunity of making explanation to the General Management Committee, or of resigning. Appeal against expulsion or other sanction may be made to the members in General Meeting.

13. MEMBERS' INTERESTS:

In all questions referred to the General Management Committee or other Committee, in which members of the Committee may be personally interested, such members shall not vote, nor shall they take part in the discussion except by desire of the Committee.

14. LIMITATION OF CLUB LIABILITY:

14.1 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 of personal injury arising out of the use of the club premises, 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.

14.2 Members shall communicate to the Honorary Secretary any change of their addresses or in the names or particulars of yachts. Any notice posted to them under the last given address shall be considered to have been duly delivered.

14.3 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.

15. BYE-LAWS:

15.1 Bye-Laws necessary for the management and good order of the Club, not inconsistent to the Rules may, from time to time, be made by the Committee. Any infringement of the Bye-laws shall be equivalent to an infringement of the Rules.

15.2 New Bye-laws made by the Committee shall be read at the next General Meeting of the Club and formally approved. No Bye-laws rejected by the Club in General Meeting shall be re-introduced by the General Management Committee without subsequent reference to the Club in General Meeting.

16. VISITORS:

16.1 Members may bring visitors to the Club. A member bringing a visitor shall, on entering the Club, insert the visitor's name in the Visitors' Book and sign the entry. The member shall be responsible for the conduct of his or her guest whilst on the Club premises.

16.2 This privilege does not extend to boat parking without the consent of Club Executive Officers.

16.3 Executive Officers have the right to refuse a visitor admission to the Club, or request a visitor to leave the Club, if in their opinion this is in the best interests of the Club and its members.

16.4 Should visitors be allowed to enter races as helmsmen, the result will be ignored for the purpose of the event.

16.5 If, in the opinion of the General Management Committee, a member is abusing this rule by inviting a visitor or visitors too frequently to the Club, the General Management Committee, may at their discretion remove the members' right to invite visitors if the member continues to abuse the privilege after the General Management Committee's concern has been brought to his/her attention.

17 TRUSTEES:

17.1 There shall be at least three Trustees of the club who shall be appointed from time to time as necessary by the General Management Committee of the Club from among Single, Family, Partner or Honorary Members who are willing to be so appointed. A Trustee shall hold office during his/her lifetime or until he/she shall resign, by notice in writing given to the Committee, or until a resolution removing him/her 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.

17.2 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. In the event of the death, resignation, or removal from office of a Trustee, the Committee shall nominate a new Trustee in his/her 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/she shall by Deed duly appoint the person or persons so nominated by the Committee.

17.3 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.

17.4 The Trustees shall be effectually indemnified by the General 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 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.

17.5 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.

18. DISSOLUTION:

If, upon the winding up or dissolution of the Club, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the Members of the Club, but shall be given or transferred to some other institution or institutions which is another club with similar sports purposes which is a charity and/or to another club with similar sports purposes which is a registered Community Amateur Sports Club and/or to the sport's national 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, by a majority of two thirds of those present and entitled to vote, at a General Meeting at or before the time of dissolution.

19. ALTERATION TO THESE RULES:

These rules shall not be added to, altered or rescinded without the sanction of at least two-thirds of the voting members present and voting at a General Meeting called for the purpose. No such change shall be made which shall jeopardise the Club's status as a Community Amateur Sports Club within the meaning of the Finance Acts, or in any event alter its primary object or winding-up provisions. The notice calling such a meeting shall state the proposed alteration or addition.

HAMPTON PIER YACHT CLUB

BYE-LAWS

1. The purpose of these bye-laws is to ensure:
 - a) that the conditions of the lease of the Club premises are not infringed;
 - b) that the law is not contravened;
 - c) that the Clubhouse is kept in a good state of repair and cleanliness.
2. Where a member opens the premises, he/she is responsible for its safety and should close the premises after he/she has used it unless he/she has passed the responsibility to another member.
3. The last member using the Club MUST ensure that all windows are secured, all outside doors locked, all alarms are set and all lights off.
4. Dogs or other animals will not be allowed in ANY PART of the premises, except for assistance dogs.
5. Members may not leave clothing in the Club. Members' property, including boats and equipment that has been left in or on any part of the Club premises for a period of six months without payment of any fees that are due may be disposed of by the Club; such property will be listed on the Club notice board for a period of not less than three months prior to disposal. Clothing may be destroyed at the discretion of an Officer.
6. No inflammable materials (e.g. petrol, oil or gas) or outboard motors may be stored other than those owned by the Club or on loan to the Club.
7. The Clubhouse will be closed at 11.00pm subject to permission being granted by the General Management Committee on special occasions.
8. Members may not use the Club premises for repairing or painting boats without the permission of an Officer.
- 9.1. Members of the Club who own sailing dinghies may, upon on payment of the parking fee, place them in the space allocated in the Club dinghy parks and on no other part of the Club premises. The Club, however, does not accept responsibility for damage, theft or any other mishap, which may occur as a result of such parking. The Club also reserves the right to reallocate parking or move boats as it deems necessary in the best interests of the Club and to comply with the terms of its Lease from the Canterbury City Council.
- 9.2 Members are reminded that boats should only be parked on the beach in such a manner that they do not cause inconvenience to the public or other members.