

**BURNHAM-ON-CROUCH SAILING CLUB**  
**FOUNDED 1930**  
**GENERAL RULES**

**NAMES AND OBJECTS**

1. The name of the club shall be “The Burnham-on-Crouch Sailing Club” hereinafter referred to in these rules as “the Club”.
2. The object for which the Club is formed is to promote and to facilitate the sport of yachting and also to provide social and other facilities for members as may be from time to time be determined.
3. Any person, whether or not the owner of a yacht or boat, who is keen and interested in sailing is eligible as a candidate for membership.
4. Every candidate for membership shall be nominated by one Ordinary Member or adult member and seconded by another such member. An application for membership shall be in such a form as the Committee may prescribe and shall contain the name and address of the candidate, and any other particulars that the General Committee shall require and be signed by the candidate’s Proposer and Secunder. Candidates for membership shall have no privileges whatsoever in relation to the use of the Club or its premises.

**Definitions of membership**

Categories of Members

**Sailing Member** – A member who joins with a view to sailing, as either helmsman or crew, and to using the Club’s sailing amenities.

**Social Member** - A member who joins solely with a view to participating in the Club’s social activities and using the Club’s social amenities.

**Family Member** – Sailing or Social: Parents and their children up to the age of 18.

**Family Junior Member** – Registered Sailing Juniors with non-sailing parents.

**Pensioner Member** – Any member in any of the above categories who is in receipt of a State Pension.

**Youth Member** – Aged 18 or 19 until the 31<sup>st</sup> December of the year in which their 20<sup>th</sup> birthday falls.

**Honorary Life Member** – A person so elected is entitled to all the privileges of a Sailing Member for the remainder of his or her life without any further payment of subscription.

Adult members (aged 18 or over) shall have one vote each at General Meetings

5. Members shall be elected at a meeting of the Committee duly convened for that purpose. Candidates may, and on the request of any one Member shall, be elected by ballot. A two-thirds majority of those present shall be necessary for such election.
6. Any member desirous of retiring from the Club shall notify his intention to the Honorary Secretary on or before the 1<sup>st</sup> day of January otherwise he shall be liable for the next year's subscription.
7. Every member on joining the Club impliedly under-takes to comply with these Rules and any byelaws and regulations appended hereto and 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; Providing that, before expelling a member, the Committee shall call upon him for an explanation of his conduct and shall give him an opportunity of defending himself or resigning his membership. The vote on a resolution for expulsion shall be by ballot and the resolution shall only be carried if not less than three-quarters of the members of the Committee present in favour of the resolution.

#### **BURGEE**

8. The burgee and other distinctive articles of dress shall be approved by the Committee.

#### **ENTRANCE FEE**

9. An entrance fee of such sum and in respect of such categories of members as the Committee may from time to time prescribe shall be payable upon election to the Club.

#### **SUBSCRIPTIONS AND OTHER FEES**

- 10(a) Members according to their categories, shall pay an annual subscription of such sum as the Committee may from time to time prescribe. All members shall pay their first annual subscription upon election to the Club and thereafter on the 1<sup>st</sup> day of January in each year; A member elected after the 1<sup>st</sup> day of July in each year shall pay half the annual subscription applicable. A member elected after the 29<sup>th</sup> day of September in any year shall not be required to pay any subscription in respect of his election, but shall pay on his election the entrance fee and his annual subscription in respect of the year following his election.
- 10(b) Temporary Members may from time to time be appointed to the committee at such subscription (with or without an entrance fee) as the Committee may prescribe.

11. Members shall also make the following annual payments:
  - (a) An annual boat permit fee of such sum as the Committee shall from time to time prescribe which shall entitle a member to a 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 R.Y.A. as a Fully Affiliated Club.
  - (c) A supplement shall be paid by members using the Club for activities other than those associated with sailing.
12. All annual subscriptions and boat permit fees are due on the 1<sup>st</sup> day of January each year. A member who has not paid his dues by the 30<sup>th</sup> day of June shall have his name removed from the list of members by order of the committee and no member shall in any year be entitled to exercise any rights or privileges of membership until his entrance fee (if any), subscription for that year, boat fee and all arrears (if any) have been paid.
13. Changes in the rate of entrance fee, subscription and boat permit fee shall be as the Committee from time to time determines.

#### **OFFICERS**

- 14(a) The officers of the Club shall consist of a Commodore, a Vice Commodore, a Rear Commodore, President, Vice-President, Honorary Secretary and Honorary Treasurer who shall be elected at the Annual General Meeting in each year to hold office until the conclusion of the next Annual General Meeting. The retiring officers shall be eligible for re-election.
- 14(b) The President and Vice-President are permanently elected as a mark of respect for services rendered to the Club, and are not subject to the re-election of officers as described above.
- 14(c) No candidate for election to any office (other than the retiring officers) shall be proposed unless the name of such candidate and his proposer shall have been sent to the Honorary Secretary at least 21 days before the date of the Annual General Meeting.
- 14(d) If the number of candidates, duly proposed and seconded, exceeds the number of vacancies to be filled the election shall be by ballot.

#### **TRUSTEES**

- 15(a) There shall be at least four Trustees of the Club who shall be appointed from time to time as necessary by the Committee of the Club from among ordinary 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.

- 15(b) 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 appoint 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 the club property into the names of the Trustees as constituted after such appointment.
- 15(c) The Trustees shall in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the 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, but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.
- 15(d) The Trustees shall be effectually indemnified by the committee out of assets of the Club from and against any liability, costs, expenses and payments what-soever 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 related directly or indirectly to the performance of the functions of a Trustee of the Club.

#### **COMMITTEE**

16. The Committee shall consist of the Officers (ex-officio) and not more than ten members of the Club, elected by the Club in an Annual General Meeting. Each member of the Committee shall hold office until the conclusion of the Annual General Meeting next following that at which they were elected, or until they resign or are otherwise removed from office as provided for elsewhere in these Rules. Each member of the Committee shall be entitled to one vote.

The Committee may co-opt additional members during the year as they see fit, the number of such co-opted members to never exceed four less than the number of members elected by an Annual General Meeting. Co-opted members shall have voting rights as determined by the General Committee at the time of making the co-option, and shall be appointed for such period as the General Committee decides, save that all co-opted members shall be deemed to have retired at the conclusion of the AGM immediately following their co-option.

17. Candidates for election to the Committee shall be those members of the retiring committee who shall offer themselves for re-election and such other members of the Club whose nominations, duly proposed and seconded by members of the Club in writing, shall have been sent to the Honorary Secretary at least 21 days before the date of the Annual General Meeting.
18. The Committee shall form such sub-committees as deemed necessary and such sub-committees shall be responsible to the General Committee.
19. If the number of candidates, duly proposed and seconded, exceeds the number of vacancies to be filled the election shall be by ballot.
20. 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, and shall make such byelaws, rules and regulations as they think fit as to the management of the Club or its premises. The Committee, or Honorary Secretary as agent of the Club and its members, shall enter into contracts only so far as they are expressly authorised, or authorised by implication, from these rules. Neither the Committee nor the Honorary Secretary shall, without the express authority of the membership, pledge the credit of the membership beyond the subscription payable by such membership in accordance with Rule 22 hereof.
21. A member of the Committee and the Honorary Secretary or Honorary Treasurer, in transacting business for the Club, shall disclose to third parties that he is so acting.
22. In pursuance of the authority invested 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 by the Honorary Secretary on behalf of the Club wherever the contract is of a duly authorised nature or could reasonably be assumed to be of a duly authorised nature and entered into on behalf of the Club. The limit of a member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate unless the committee has been authorised otherwise by a meeting called under Rule 27 hereof.
23. It shall be the responsibility of the Honorary Treasurer to keep a complete and accurate account of the Club's finances.
- 23(a) All Officers, Trustees, and Committee Members shall at all times act solely in the best interests of the Club. Where any member finds that a Conflict of Interest arises, then that member shall declare such interest and retire from all discussion pertaining to that interest, and shall not vote on such matters. Members may, in the course of their dealings on behalf of the Club, obtain possession of privileged information. Member shall hold such information in confidence, and not rely upon it for any purpose other than the best interests of the Club

- 23(b) Any Member of any Committee or Sub-committee on the Club who fails to comply with rule 23.a, or who, without good reason, fails to attend at least three meetings of the Committee in any one year may, at the discretion of the General Committee, be required to resign from any relevant Committee.

### **HONORARY AUDITOR**

24. At the annual meeting in each year a member or other person shall be appointed as Honorary Auditor whose duty it shall be to audit the accounts of the Club for the current year. In the event that he is unwilling or unable to act the Committee shall appoint a substitute to hold office until the next Annual General Meeting.
25. An Annual General Meeting shall be held no later than the 14<sup>th</sup> February in any year, on a date to be fixed by the General Committee. The Honorary Secretary shall at least seven days before the date of such meeting or any General Meeting as hereinafter mentioned post or delivery to each member notice thereof and of the business to be brought forward thereat.
26. No business, except the passing of the Accounts and the election of the Officers, Committee, Trustees, and Honorary Auditor, and any business that the Committee may order to be inserted in the notice covering shall be discussed at such meeting unless notice thereof be given to the Honorary Secretary at least 21 days before the date of the Annual General Meeting.
27. The Committee may at any time, upon giving fourteen days notice, 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 on the notice sent to members.
28. The Committee shall also call a General Meeting on a written request addressed to the Honorary Secretary by at least 10 members, within 28 days of receipt of such request.
29. Those entitled to vote at a General Meeting of the Club shall vote by a show of hands. Twelve members to form a quorum and the majority necessary to carry a resolution in Special Meeting shall be at least two-thirds of those present and eligible to vote. Proxy and postal votes are not allowable.

### **SUPPLY OF INTOXICATING LIQUOR**

30. The purchase for the Club and the supply by the Club of intoxicating liquor shall be controlled exclusively by the Committee or a Sub-Committee set up for this purpose.
31. Intoxicating liquor may only be sold to or for the consumption on the premises by persons over the age of 18 who are entitled to use the premises of the Club in pursuance of these Rules.

32. Intoxicating liquor may be supplied in the Clubhouse to the following persons for consumption on the premises.
- a) Members, Honorary Members, Associate Members and their guests.
  - b) A member of any Club recognised by the Royal Yachting Association (a list whereof is published by the said association) may be authorised to use the premises of the Club by any member of the Committee of the Club. Such authorisation shall specify between which dates (not being more than fourteen days apart) the said person may so use the premises.
  - c) Any person who is a competitor or crew member in any race sponsored by or on behalf of the Club is entitled to use the Club premises within a period of 24 hours before and after the race in which they are competing.
  - e) Members of other Clubs or organisations participating in Social activities organised by the Club.
  - f) Other organisations and their guests using the Club for events approved by the Committee on not more than twelve occasions. On each occasion Burnham Police to be notified in writing.

#### **MISCELLANEOUS**

33. Any member may introduce as his or her guest any person provided provided that the member, so introducing, enters the name and address of the said person in a book kept for such purposes and at no time leaves the Club premises whilst the said guest is thereon. No member may introduce more than 6 guests in any year and may not introduce the same person as a guest more than 4 times in any year, except as hereinafter provided.
34. Any person who is a competitor or crew member in any race sponsored by or on behalf of the Club is entitled to use the Club premises within a period of 24 hours before and after the race in which they are competing.
35. 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 32(b) and 34.
36. No money or property of the Club or any gain arising from the carrying on of the Club shall be applied otherwise than for the benefit of the Club or for a benevolent or charitable purpose to be nominated by General Meeting.

## **NEW RULES, AMENDMENTS & ALTERATIONS**

37. Notice of any alteration or addition to the Rules intended to be proposed by a member of the Club or by the Committee shall be given to the Honorary Secretary in writing at least 28 days before the same is to be proposed at the Annual General Meeting, or at least one month before any special General Meeting at which the same is to be brought forward and full particulars of any such proposed alterations or additions shall be set out in the notice convening the meeting.
38. All such proposed alterations or additions and any amendments to them which may be proposed and seconded and put to the vote at the meeting and provided that on a show of hands a majority of two-thirds of the votes of the members present and entitled to vote shall be cast in favour of any proposed alterations, additions or amendments, then the same shall be deemed to be carried.

## **CLUB BYE-LAWS**

39. **Winding up**, replaced by Special Meeting 3<sup>rd</sup> May 2000.  
Should the Club be wound up as a result of a General Meeting any funds remaining to the credit of the Club, after all dues, shall be donated to a registered Charity.
40. **Appropriation of funds**  
The funds of the Club, after providing for all expenses and payments considered necessary or desirable by the Committee, may be used for prizes to such extent as the Committee shall approve.
41. **Disputes**  
In all disputed questions referred to the Committee in which a member may be personally interested, such member shall not vote nor shall he take part in the discussion, except by desire of the Committee.

## **Observance of the Rules**

It shall be the duty of every person on board a boat, to see that all rules and regulations, and the directions of the Officer of the Day, be strictly obeyed on such boat. The Committee shall have power to prohibit any person who has sailed on board a boat where the rules and regulations or the directions have been disobeyed or disregarded, from sailing in any race of the Club. Any boat having on board during a race a person so prohibited shall, together with the members on board, be disqualified from winning any prize in that particular race.

## **Voting**

Voting shall be by a simple majority and shall be by a show of hands of adult members, except where otherwise stated.

## **Financial Year**

The financial year of the Club shall run from the 1<sup>st</sup> November to 31<sup>st</sup> October

## **Abandoned Boats**

If after three months from the date fees payable to the Club by any member or former member are unpaid and a boat is left on Club property the Committee may take all reasonable steps to require the defaulting member to remove the boat. A final notice in writing to the last known address of the member or former member shall be sent giving one month's notice for the removal of the boat. At the end of this notice of one month the Committee may then:-

- a) Move the vessel to any other part of the Club premises without being liable for any loss or damage to the vessel. however caused.
- b) Sell the vessel and deduct any monies due to the Club (whether by way of arrears or subscriptions or annual payments of dinghy park fees) from the proceeds of the 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 so doing and any arrears as aforesaid to be a debt owed to the Club by the member or former member.

Provided that proper evidence is available to show that all reasonable steps have been taken to trace a member or former member and that when and if the vessel is sold the proceeds of the sale (less any indebtedness by the member or former member of the Club) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he/she be the said member or former member or otherwise) for a period of six years.