

Colne Yacht Club RULES

Section 1: Name and Objectives

1.1.1 The Club shall be the Colne Yacht Club.

1.2.1 The objectives of the Club shall be:

- (a) To encourage Yacht and Boat Cruising, Sailing and Racing.
- (b) To provide and maintain a Club House for the use of Members of the Club and to promote social intercourse amongst those interested in yachting.
- (c) To provide other facilities that may be considered necessary for or beneficial to a Yacht Club and its Members.

1.3.1 The Burgee of the Club shall be blue and with the arms of the Borough of Colchester (defaced) in the centre.

Section 2: Membership

2.1 VOTING MEMBERS

2.1.1 There shall be the following categories of membership who shall be over the age of 18, shall have full use of all the Colne Yacht Club facilities and shall have one vote:

FULL MEMBER

2.1.2 A member who pays the full annual subscription.

JOINT MEMBER

2.1.3 The spouse or partner resident at the same address of a full member. The General Committee can authorise the continuation of their membership after the death of a full member.

INTERMEDIATE MEMBER

2.1.4 Intermediate members who are over the age of 18 and under 21 and/or in full time education shall pay a reduced subscription, as determined by the General Committee. From 1st January next after they leave full time education they shall be eligible to become a full member.

HONORARY MEMBER

2.1.5 Honorary membership shall be conferred as a distinction by the General Committee. The number of honorary members shall not exceed 3% of full membership.

SENIOR MEMBER

2.1.6 Any member having been a member for 5 years upon reaching or exceeding the age of 65 or any member who has had 40 consecutive years of full membership/intermediate shall be entitled to become a senior member.

LIFE MEMBER

2.1.7 Life membership is available at the discretion of the General Committee. The total Life membership shall be limited to 10% of the ordinary Members of the Club from time to time.

COUNTRY MEMBER

2.1.8 Any voting member, who has been a full member for five or more years, living over 100 miles from the Colne Yacht Club, or living abroad, shall be entitled to become a country member.

2.2 NON-VOTING MEMBERS

2.2.1 There shall be the following categories of membership who shall have use of the club facilities, or such facilities as shall be determined by the General Committee from time to time, but shall not have a vote or a share in the property and assets of the Club:

CADET MEMBER

2.2.2 Cadet members between the ages of 9 and 18.

PRIMARY MEMBER

2.2.3 Primary members below the age of 9.

TEMPORARY MEMBER

2.2.4 The General Committee may authorise at their discretion, election of non-members to membership for such limited periods to be defined at the time of election.

2.3 AFFILIATED MEMBER

2.3.1 Another sailing club may affiliate to the Colne Yacht Club by means of bloc membership at fees determined by the General Committee. Individual members of an affiliated club shall be entitled to use such facilities as the General Committee may decide and shall obey the rules of the club.

2.4 DATA PROTECTION ACT

2.4.1 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 Act 1984.

2.4.2 Every member shall furnish the Secretary with an up-to-date address for the records of the club and any notice sent to such address shall be deemed to have been duly delivered.

2.5 SUBSCRIPTIONS

2.5.1 The annual subscription for the foregoing classes of membership and the amount of any entrance fee shall be fixed by the General Committee. The current rates of entrance and subscription fees shall be prominently displayed on club premises.

2.5.2 Annual subscriptions and entrance fee if applicable shall be due on election or on the 1st January each year. Members elected during a year

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shall pay an entrance fee plus pro-rata subscriptions for each remaining months or part months in the year.

2.5.3 A Member whose subscription is not paid by the last day of February in any year shall be deemed to be in arrear and the member's name shall, at the discretion of the General Committee, be posted on the Club notice board and he shall be notified of the fact by recorded delivery. Any Member who is in arrear shall not be eligible to serve on any committee nor shall the member be eligible to vote at any General Meeting and shall not be allowed the privileges of the Club until the subscription is paid. If the subscription is not paid by 1st April in the same year the General Committee may declare membership cancelled.

2.5.4 Any Member who is otherwise in debt to the Club shall be dealt with in such a manner as the General Committee may decide.

2.6 ELECTION OF MEMBERS

2.6.1 Every candidate for membership (except Honorary members) shall be proposed and seconded by a voting member of the club, both of whom must be personally acquainted with the candidate.

2.6.2 An application for membership shall be in the form from time to time prescribed by the General Committee, and shall include the name, address and occupation of the candidate, and the signatures of the Proposer and the Secunder.

2.6.3 Upon receipt of an application for membership, the Secretary shall ensure the application form is prominently displayed in the club premises for at least fourteen days before the meeting of the General Committee at which such application for membership shall be considered. The election of all classes of members is vested in the General Committee. A secret ballot may be used if requested by a member of the committee and one vote in five against entry shall exclude. Candidates may be invited to meet the membership sub-committee.

2.6.4 The Secretary shall inform each candidate in writing of the candidate's election or non-election. The 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.

2.6.5 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 be shown.

2.7 – Rule deleted - deliberately blank

2.8 CONDUCT OF MEMBERS AND VISITORS

2.8.1 Every member, upon election and thereafter is deemed to have notice of, and impliedly undertakes to comply with, the Club Rules and current Byelaws of the club. Any refusal or neglect to do so, or any conduct which, in the opinion of the General 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 General Committee shall call upon such member for a written explanation of the member's conduct and shall give the member full opportunity to make a explanation to the committee or to resign.

2.8.2 A resolution to expel a member shall be carried by a simple majority vote by those members of the General Committee present and voting on the resolution.

2.8.3 The Steward, a Flag Officer or any other person who has received the authority of two members of the General Committee may temporarily expel any person who breeches these rules or bye-laws or who behaves in an abusive or offensive manner.

Section 3: Use of Club Facilities

3.1 VISITORS

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

3.1.2 Visiting yachtsmen who are members of any Club Recognised by the Royal Yachting Association or a similar Yacht or Sailing Association may be authorised to use the premises of the club, by any member of the General Committee or the steward, for a period not exceeding 14 days. Such visitors shall sign the Visitors Book.

3.1.3 Any person who is a competitor or participant in any race or other event organised 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 or event and shall enter their name in the Visitors Book.

3.1.4 Persons who are not members, Guests or Visiting Yachtsmen are eligible to use the Club premises when attending social functions, which have been approved by the General Committee. The number of such functions outside the Club's social programme for members and visiting yachtsmen at which intoxicating liquor is available shall not exceed 12 per annum.

3.1.5 Members, their guests and visitors are bound by the following Rule which shall also be exhibited in a prominent place within the club premises:

3.1.6 All users of the club and its facilities do so 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;

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- b) The club will not accept any liability for personal injury arising out of the use of the club premises, any other facilities of the club either sustained by members, their 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, General Committee or servants of the club.

3.2 INTOXICATING LIQUOR

3.2.1 Intoxicating liquor may be sold to or for consumption on the premises by those persons over the age of 18 years who are entitled to use the premises of the Club premises in pursuance of the Rules and Byelaws for the time being in force. Only intoxicating liquor purchased from the club shall be consumed on the premises.

3.2.2 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 General Committee.

3.2.3 No person under the age of 16 may purchase or attempt to purchase tobacco or cigarettes within the club premises.

3.2.4 Subject to the requirements of the licensing authorities the General 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 in pursuant of these rules.

3.2.5 No person shall take a commission, percentage or other such payment in connection with the purchase of excisable goods in the club. Any profit deriving from the sale of such goods shall be used for the benefit of the club.

3.2.6 Proper accounts of all purchases and receipts shall be kept and presented to the Annual General Meeting in each year and shall be furnished to enable any statutory return or statement and the payment of excise of other duty or tax to be made.

3.3 SMOKING

For the protection of the health of Club Members, Staff and visitors, or smoking is prohibited within the clubhouse premises as from January 1, 2006. This includes all bars, restaurants, meeting rooms, changing rooms, toilets, kitchens, offices, storerooms, stairways and corridors of the clubhouse. Smoking will be permitted on the outside balcony.

Section 4: Officers and General Committee

4.1 MANAGEMENT

4.1.1 The Management of the club shall be vested in the General Committee and shall consist of the flag officers, president, not more than three other ex-

officio vice-presidents, not more than eight elected members and not more than two co-opted members. A quorum shall consist of five including one flag officer.

4.2 OFFICERS

4.2.1 The Flag Officers of the Club shall consist of a Commodore, Vice-Commodore, up to two Rear Commodores and Hon. Treasurer.

4.3 ADMIRAL

4.3.1 The Admiral of the Club shall be appointed as an Honorary Officer by the General Committee.

4.4 PRESIDENT

4.4.1 The President shall be an ex-officio member of the General Committee.

4.5 VICE PRESIDENT

4.5.1 Not more than three vice presidents shall be ex officio members of the General Committee.

4.6 POWERS AND DUTIES OF THE GENERAL COMMITTEE

4.6.1 The General Committee shall make such Byelaws 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.

4.6.2 The General Committee may appoint such sub-committees or working parties as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as it shall deem expedient and/or required by law. Such sub committees or working parties shall consist of such members of the General Committee or of the club as the committee may think fit. Officers of the club shall be ex officio members of such sub-committees.

4.6.3 In exceptional circumstances the General Committee may co-opt not more than two members.

4.6.4 The General Committee shall cause to be posted before 14th January each year a list of existing sub-committees and invite members with voting rights to volunteer to serve on such sub-committees.

4.6.5 A member of the General Committee, of a sub-committee or working party or any officer, in transacting business for the club shall disclose to third parties that he or she is so acting.

4.6.6 The General Committee, or any person or sub-committee delegated by the General Committee to act as agent for the club or its members, shall enter into contract only as far as expressly authorised, or authorised by implication, by the members. No one shall, without the express authority of the General Committee, as recorded in the minutes, pledge the credit of the club or its membership.

4.6.7 In pursuance of the authority vested in the General Committee by members of the club, members of

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the General 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 authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the club.

4.6.8 The limit to any individual member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate of that category of membership unless the General Committee has been authorised to exceed such limit by a General Meeting of the club.

4.6.9 The General Committee may at its discretion take out such insurance or insurances or indemnities as it deems necessary to protect the interests of the club and its members and/or to limit the liabilities of the club, the General Committee and members of the club.

4.6.10 The General Committee shall cause a Minute Book to be kept recording all its transactions. It shall also see that proper records of Accounts are kept of all financial transactions of the Club and use budgets for financial management.

4.6.11 The Club shall keep its accounts at a UK bank or building society. All moneys of the Club shall be paid into such accounts and all payments made on account of the Club (except petty disbursements) shall be made by cheque on the Club's Bankers. All cheques, above a sum agreed by the General Committee, shall be signed by two of the following: Hon. Treasurer, the Secretary, or any other Member duly authorised by the Committee.

4.7 ELECTION OF OFFICERS AND GENERAL COMMITTEE MEMBERS

4.7.1 Officers and General Committee members shall be elected at the Annual General Meeting and shall be eligible for re-election.

4.7.2 The General Committee shall cause to be posted before 14th January each year a notice inviting members to make nominations for Officers and General Committee members.

4.7.3 A form of nomination signed by a Proposer and Secunder, who shall both be voting members, with the written consent of the nominee, shall be sent to the Secretary twenty-eight days before the Annual General Meeting.

4.7.4 Only members with voting rights of twelve months standing shall be eligible for nomination as a member of the General Committee or as an Officer of the Club.

4.7.5 In the event of there being more than one candidate for any office, the election shall be by ballot.

4.7.6 If the number of candidates for election to the General Committee is greater than the number of vacancies to be filled then there shall be a ballot at the Annual General Meeting.

4.7.7 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.

4.7.8 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.

4.7.9 The Club, at the Annual General Meeting, shall, on the recommendation of the General Committee, appoint a former commodore as President.

4.7.10 Former commodores shall be automatically appointed Vice Presidents for life.

4.7.11 Vice Presidents may appoint before the AGM up to three Vice Presidents to be ex officio members of the General Committee. Vice Presidents who are not serving or ex officio members of the General Committee shall have the right to receive minutes of the General Committee and shall excise that right by informing the secretary in writing.

4.7.12 An officer or member of the General Committee who does not attend 75% of the meetings during the year, without providing good reason for absence acceptable to the General Committee, shall not be eligible for election, re-election or appointment to any office at the next Annual General Meeting.

4.7.13 If a Committee vacancy shall occur, the General Committee may co-opt a full voting member to fill such a vacancy until the next following Annual General Meeting.

4.7.14 In the event of a Flag Officer resigning or being unable to continue in office the General Committee shall have the authority to nominate, on a majority vote, a replacement to serve until the next Annual General meeting.

Section 5: Honorary Auditors

5.1.1 At the Annual General Meeting in each year there shall be appointed two Auditors whose duty it shall be to audit the Accounts of the Club for the then current year. A copy of the Audited Accounts shall be prominently displayed in the Club premises for at least 14 days immediately prior to the Annual General Meeting. In the

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event of the persons appointed as Auditors being unwilling or unable to act, the General Committee shall appoint substitutions.

Section 6: General Meetings

6.1.1 The Annual General Meeting shall be held in March. The Secretary shall send all Members fourteen days clear notice of the date of the meeting. The Secretary shall also send them at the same time details of the business to be transacted and a copy of the audited accounts of the Club taken to the 31st December preceding the date of the meeting.

6.1.2 The General Committee on giving due notice to Members shall have power to postpone the date of such meeting for a period not exceeding twenty-one days. Such postponement shall not alter the date on which nominations or motions shall be sent to the Secretary.

6.1.3 The Annual General Meeting shall be held for the following purposes:

- (1) To consider and approve the audited accounts.
- (2) To receive annual reports from the General Committee and other committees.
- (3) To elect Officers, President and Members to serve on the General Committee.
- (4) To note the appointment of ex-officio vice-presidents to serve on the General Committee.
- (5) To elect Honorary Auditors for the ensuing year.
- (6) To alter and amend the Rules.
- (7) To consider motions submitted by the Members.
- (8) To transact any other business.

6.1.4 Notice of any motion a Member wishes to bring forward to the AGM shall be given in writing to the Secretary by 31st January.

6.1.5 The General Committee may at any time and shall, on the requisition of any seven Members stating the business for which it is required, convene an Extraordinary General Meeting for any specific purpose. The Secretary shall give twenty one days clear notice to Members of such meeting giving details of the business to be transacted. In the case of a requisition the meeting shall be held within two calendar months of the receipt of such requisition

6.1.6 A quorum at any Annual General Meeting or Extraordinary General Meeting of the Club shall be thirty present voting members including the number of absent voting members who are voting by proxy.

6.1.7 At any Annual General or Extraordinary General Meeting of the Club any absent Member may depute any other Member to vote for him by proxy provided such proxy is lodged with the Secretary by the day previous to the day appointed for the Meeting.

Section 7: Alteration of Rules

7.1.1 These Rules may be altered or amended at any Annual or Extraordinary General Meeting. The Secretary shall give Members twenty one days clear notice of the exact proposed alteration before the date of such Meeting. No alterations or amendments to the Rules shall be declared carried unless at least a two-thirds of Members present vote in favour.

Section 8: Trustees and Club Property

8.1 Property

8.1.1 The Fixed Assets of the Club, comprising the buildings and sites, of the Clubhouse and Boat Yard is vested in a Limited Liability Company known as The Colne Yacht Club Ltd.

8.1.2 All other property of the Colne Yacht Club, including the furnishings of these assets, equipment, stock and the Jetty side and structure are vested in the Colne Yacht Club.

8.2 Directors

8.2.1 The directors of the Colne Yacht Club Limited shall be selected from the former Commodores of the Colne Yacht Club by the General Committee. The election and retirement of these directors shall be in accordance with the Articles of Association of the Colne Yacht Club Limited and the Companies Act.

8.3 Share Capital and Trustees

8.3.1 All the shares of the Colne Yacht Club Limited shall be held in trust for and on behalf of the Colne Yacht Club by Trustees nominated and elected by the General Committee. Trustees shall be selected from former Commodores of the Colne Yacht Club. A Trustee may hold office as a Director of the Colne Yacht Club Limited.

8.3.2 Each Trustee shall hold office for his or her lifetime or until he or she shall resign, by notice in writing to the General Committee or until a resolution to remove a Trustee from office shall be passed by the General Committee.

8.3.3 The Trustees shall be effectually indemnified by the General 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 legal proceedings, or which otherwise related directly or indirectly to the performance of the functions of the Trustee of the club.

Section 9: Complaints

9.1.1 Complaints or suggestions should be made in writing to the General Committee.

9.1.2 Any inattention or improper conduct of an employee of the Club is to be reported in writing to the Chairman of the appropriate committee.

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9.1.3 NO PERSONAL REPRIMAND IS TO BE GIVEN BY A MEMBER TO A CLUB EMPLOYEE OTHER THAN BY A FLAG OFFICER OR BY AN OFFICER, MEMBER OR EMPLOYEE OF THE CLUB WHO HAS BEEN GIVEN SPECIFIC WRITTEN AUTHORITY TO ACT ON BEHALF OF THE CLUB

9.1.4 A copy of these Rules and any amendments thereto shall be available for inspection by Members at the Club premises during Club hours.

Section 10: Dissolution of the Club

10.1.1 If, upon the winding up or dissolution of the club, there remains after the satisfaction of 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 institution or constitutions having objects similar to the objects of the club, such institutions to be determined by the members of the club by Resolution passed at a General Meeting at or before the time of dissolution and if and so far as, effect cannot be given to such provision then to some charitable object.

Section 11: Use Of Club Funds

The income and property of the Club howsoever derived shall be applied solely towards the promotion of the objects of the club as set forth in these rules and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or other distribution by way of profit to the members of the Club.