

## BOUGH BEECH SAILING CLUB

### CLUB RULES 2023 with proposals for changes at AGM 2024

NOTE: proposed new wording in **bold** with deletions in ~~red~~

#### NAME AND OBJECT

1. The name of the Club is the "Bough Beech Sailing Club" and the Club's flag shall be a light green burgee bearing a leaf motif in red and purple.
2. The Club is formed to promote and facilitate the sport of sailing on the Bough Beech Reservoir in Kent.

#### MEMBERSHIP

3. (a) The Club shall consist of Honorary Members, Ordinary Members, Family Members, **18-25** ~~(19-25)~~ Members and Social Members.

(b) Membership of the Club shall be open to anyone interested in the sport of sailing 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.

(c) When considering applications for membership, the General Committee will so far as may be practicable give preference to residents in the Bough Beech locality.

(d) The Club has a Landlord imposed limit of, currently, 600 members, across all categories.

4. An applicant for membership shall **provide** ~~send~~ to the Membership Secretary a **membership application** form setting out their name and address and any other particulars which the General Committee shall require. A cooling off period of 14 days is allowed for the applicant to withdraw and receive a full refund of fees paid if their circumstances change or for the Club to rescind membership.

5. If any objection is raised against an applicant under Rule 4 the matter shall be considered at a meeting of the General Committee, or a subcommittee of the General Committee, duly convened for that purpose. A decision shall be taken by a simple majority of the Members present and shall be final.

6. The Club on the recommendation of the General Committee may in a General Meeting elect Honorary Members but the total number of such Honorary Members shall not at any one time exceed five per cent of the total number of all Members. The Membership Secretary shall **provide** ~~give~~ to a person elected an Honorary Member written notice of their election and shall therewith **provide** ~~send~~ them a copy of these Rules and upon their intimating their willingness to take up their membership they shall become an Honorary Member of the Club.

7. The Club, on the recommendation of the General Committee, may in a General Meeting introduce an Honorarium to reduce the fees of Members serving on the General Committee by the equivalent amount of the current annual membership fee of an Ordinary Member, in recognition of the service provided to the Club. This reduction will be applicable only after a Member has served one year on the General Committee and will require ratification annually at a General Meeting.

8. (a) Every Member on joining the Club implicitly undertakes to comply with these Rules and 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 prejudicial to the interests of the Club shall render a Member liable to suspension or expulsion by the General Committee provided that before suspending or expelling a Member the General Committee shall call upon them for an explanation of **their his** conduct and shall give them an opportunity of defending themselves or of resigning their membership as outlined in the Club's disciplinary procedure document. The vote on a resolution for suspension or expulsion shall be by ballot and the resolution shall only be carried if not less than two thirds of the Members of the General Committee vote in favour of the resolution.

**New Rule 8.(b)**

(b) A Member may appeal a decision to suspend or expel them as set out in the Club's disciplinary procedure document. Upon suspension/expulsion the Member/former Member shall not be entitled to have any part of their annual Membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. Upon expulsion of a Member, the General Committee may dispose of the former Member's boat and/or trailer/trolley in accordance with Rule 40.

9.(a) Ordinary membership. Is open to applicants **aged 25 and over** ~~over the age of 25~~ on 1<sup>st</sup> May in their joining or renewal year.

~~9.~~(b) Family membership. This extends ordinary membership to include two adults living at the same address and any children aged under **18 19** on 1<sup>st</sup> May in their joining or renewal year. Children under the age of 18 may not vote at any General Meeting **and** must be supervised on the Club premises **subject to Byelaw A2 regarding children aged 15 to 17. at all times by a responsible adult.**

~~9.~~(c) **18-25 19-25** membership is for ordinary members aged between **18 19** and 25 on 1<sup>st</sup> May of the joining or renewal year.

~~9.~~(cc) Social membership is available to non-sailing members without children. **Social Members may opt to perform duties.**

~~9.~~(d) Adult Members aged **18 19** and over are required to perform two duties per Club year (1<sup>st</sup> May to 30<sup>th</sup> April) as part of **their the** membership, with the exception of Social Members.

(e) Members may be admitted to membership of the Club upon payment of the appropriate subscription as may be determined by the Members in a General Meeting. Persons admitted to membership under the provisions of this Rule will be entitled to all the rights and privileges appropriate to their category of membership.

10. Any Member may introduce a visitor as a guest provided they record the name **of the guest and the name of the member introducing them** ~~and address of the guest~~ in the book provided for that purpose. No Member shall introduce more than two guests in any one day (a family to be regarded for this purpose only as one guest). No person so introduced may use the sailing facilities more than four times in any one season **being 1<sup>st</sup> May to 30<sup>th</sup> April in any year. Prospective members may, at the discretion of a Flag Officer, use their own boat or sailboard or SUP one weekend in a season and such use shall be recorded in the log of the Officer of the Day before launching.**

11. Affiliate Membership. The General Committee shall be authorised to permit educational and youth organisations to use the Club property and premises, including access to the water, under the supervision of a **nominated full** Member of the Club and upon such terms and conditions as the

General Committee shall think fit. Such members will be termed Affiliate Members and a single **nominated adult** member representing them will be allowed to vote at a General Meeting.

12. (Spare)

#### FEES AND SUBSCRIPTIONS

13. The financial year shall commence on 1st January and the membership year on the 1st May in each year.

~~14. (a) The General Committee, by a simple majority vote, may propose to impose or suspend an entrance fee payable on election to membership. Such entrance fee or suspension thereof to be determined by the Members in General Meeting.~~

**14.(a)** An annual subscription will be payable on election and on each subsequent 1st May of such amount as shall have been determined by the Members in General Meeting. General Committee members may be subject to a reduction as specified in Rule 7.

(b) Any Member who has not paid the required subscription by the first day of May, or such date as the General Committee may determine, shall be requested by letter or by electronic communication sent to **their his** address shown in the Club **records books**, or to contact details **provided supplied** on joining, to pay the same. If the subscription, which after April 30th may be liable to a surcharge, is not paid within one month of the required date, their name **will may** be removed from the list of Members. A member's name may be restored at the discretion of the General Committee.

15. (a) No boat may be **stored or** launched without the authority of the General Committee. In the case of boats other than Club boats or approved visiting boats, the General Committee reserves the right to impose an appropriate **boat parking/**registration fee, such fee to be determined by Members in General Meeting.

~~(b) Registration fees, which are payable immediately upon registration of a boat, shall be such sums as may be determined by the Members in General Meeting.~~

16. (spare)

#### OFFICERS

17. (a) The Officers of the Club shall consist of a Commodore, a Vice-Commodore and Rear-Commodore (who shall be Flag Officers), an Honorary Secretary and an 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 when they shall retire but, subject to Rule 17(aa), shall be eligible for re-election.

~~17. (aa)~~ No **Officer officer** may serve as a Flag Officer for more than six consecutive years, nor in any one Flag Officer post for more than three years.

(b) No candidate for election to any office (other than the retiring Officers) shall be proposed unless the name of such candidate and of their proposer shall have been sent to the Honorary Secretary who shall display the names of the candidates in the Club House at least three weeks before the date of the Annual General Meeting.

(c) An Officer may, with the consent of the General Committee. delegate part of his duties.

## MANAGEMENT OF THE CLUB

18. (a) The affairs of the Club shall be managed by the General Committee according to these Rules. Such Committee shall apply the funds of the Club in such manner as complies with ~~Rule 37~~ **Rule 18, Rule 29 and Rule 36 and** shall make, vary and revoke bye-laws **consistent** ~~not inconsistent~~ with these Rules for the regulation of the affairs of the Club. Such bye-laws shall be binding on all Members and be construed as part of the Rules of the Club.

(b) It shall be the responsibility of the Honorary Secretary (or their nominated Officer) to keep a register of Members, a register of boats and Minutes of the proceedings of the General Committee and of General Meetings.

(c) It shall be the responsibility of the Treasurer to keep a complete and accurate account of the Club's finances.

(d) The General Committee shall decide where bank accounts should be opened and determine who shall operate the accounts and **authorise and make payments on behalf of the Club** ~~sign cheques~~. A minimum of two ~~signatories or~~ authorisations shall be required on all financial documents dispersing Club funds.

(e) No member of the General Committee or a sub-committee shall commit the Club to expenditure without the prior sanction of the General Committee, either expressly or pursuant to bye-laws made by the General Committee.

## GENERAL COMMITTEE

19. (a) The General Committee shall consist of the Officers, ex-officio, and not more than fifteen Members of the Club elected by the Club in General Meeting to hold office until the conclusion of the next Annual General Meeting.

(b) Candidates for election to the General Committee shall be those Members of the retiring General Committee who shall offer themselves for re-election and such other Members whose nominations duly proposed and seconded by Members of the Club in writing have been **provided** ~~sent~~, by whatever media, to the Honorary Secretary at least three weeks before the date of the Annual General Meeting.

(c) If the number of candidates duly proposed and seconded exceeds the number of vacancies to be filled, the election shall be by ballot.

(d) If a casual vacancy occurs by death or resignation the General Committee may co-opt a Member to fill the vacancy.

(e) Six Members of the General Committee shall constitute a quorum providing one of those present, or securely linked online, is an Officer of the Club.

(f) Except where mentioned specifically elsewhere in these Rules, proposals and motions put to the General Committee to be voted on, will be approved by simple majority. In the event of an equality of votes, the chairman presiding shall have a second or casting vote. The chair shall be taken by the senior Flag Officer present, or if none be present, by some Member chosen by the meeting. In the case of an equality of votes, the chairman presiding shall have a second or casting vote.

## SUB-COMMITTEES

### 20. SUB COMMITTEE FOR SUPPLY OF INTOXICATING LIQUOR

(a) The purchase and supply of intoxicating liquor shall be managed by a Committee of **three** ~~four~~ members who shall (notwithstanding any other provision of these Rules) be elected by Members of the Club at a General Meeting. The election shall take place initially within 30 days of the adoption of this Rule and then at a General Meeting of the Club in each year. The period of office of members shall be for one year, from the expiry of their predecessors' term of office.

(b) For purposes other than the purchase of intoxicating liquor the General Committee may appoint sub-committees of not less than three Members of whom at least one shall be a Member of the General Committee.

## SAILING COMMITTEE

21. The General Committee may depute all or any of their duties relating to sailing to a Sailing Committee consisting of the Flag Officers of the Club and such other Members of the Club being not less than four in number as the General Committee shall appoint thereto. The role of the Sailing Committee is to advise the General Committee on general sailing and racing matters.

## SUPPLY OF INTOXICATING LIQUOR

22. (a) The permitted hours for the supply of intoxicating liquor during the sailing season, including the Summer licence period, shall be within those permitted by law at the time.

(b) No person under the age of 18 years shall purchase or attempt to purchase or have supplied or attempt to have supplied to them intoxicating liquor within the Club premises.

(c) No person shall at any time be entitled to receive at the expense of the Club or of any Member thereof any commission percentage or similar payment on or with reference to purchases of intoxicating liquor by the Club, nor shall any person directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to Members or guests apart from any benefit accruing to the Club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise to or contributing to a general gain from the carrying on of the Club.

## HONORARY AUDITOR

23. At the Annual General Meeting in each year there shall be appointed an Auditor whose duty it shall be to audit the accounts of the Club for the current year. A **summary** of the audited accounts shall be made available **to Members** at the Annual General Meeting. In the event of the person appointed as Auditor being unwilling or unable to act the General Committee shall appoint a substitute.

## TRUSTEES AND COMMITTEE MEMBERS

24. (a) The property of the Club shall be vested in three Trustees appointed by the General Committee and shall be dealt with by them as the General Committee may from time to time direct by resolution of which an entry in the Minute Book shall be conclusive evidence.

(b) Each of the Trustees and Members of the General Committee shall be fully indemnified out of the assets of the Club from and against all liabilities, costs, expenses, and payments whatsoever which may be properly incurred or made by them (whether alone or jointly with others) in the exercise of their duties or performance of their functions (including, without limitation, legal costs and expenses

incurred in defending any proceedings brought against them in relation to the proper performance of their functions as Trustee or Member of the General Committee as the case may be).

(bb) Should the assets of the Club be insufficient to satisfy such liability, costs and expenses or payments the Trustees shall be entitled to personal indemnity from the individual Members of the Club. The limit of any individual's 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 Trustees have been authorised to exceed such limit by a General Meeting of the Club.

(c) Where Trustees or Committee Members are instructed by the General Committee to enter into contracts with significant liabilities the following clause (or one with a similar effect as advised by the Club's honorary legal adviser at the time) shall be included:- "The (parties to this contract) act as Trustees (or Agents) for the BBSC and it is hereby agreed that the liability of the Trustees (or Agents) in respect of this contract is limited to the sum by which they are entitled to be indemnified out of the assets of the Club".

(d) The Trustees shall hold office for a period of five years or until death or resignation or until removal from office by the General Committee. Where by reason of such death, resignation or removal it is necessary that a new Trustee or Trustees be appointed the General Committee shall nominate the person or persons to be appointed the new Trustee or Trustees. For the purpose of giving effect to such a nomination, the Secretary of the Club 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 they shall by deed duly appoint the person or persons so nominated by the General Committee.

#### MEETINGS

25. (a) An Annual General Meeting shall be held each year between 1st February and 31st March inclusive on a date to be fixed by the Commodore.

(b) The business of the meeting shall be the election of Officers, the General Committee and the Auditor, the approval of the annual accounts and any other business contained in the notice of the meeting.

(c) Members wishing to raise a matter for discussion at the Annual General Meeting shall give written notice thereof to the Secretary at least five weeks prior to the meeting.

26. (a) The General Committee may at any time call an extraordinary General Meeting of the Club for any specific business, and shall do so forthwith upon the requisition in writing of any 30 Members (or, if the total membership of the Club is less than 150, one-fifth of the said total) stating the purpose for which the meeting is required. The discussion at such meeting shall be confined to the business stated in the notice sent to Members.

(b) No business shall be transacted at any General Meeting unless at least 30 Members (or, if the total membership of the Club is less than 150, one-fifth of the said total) are present in person.

27. (a) The Honorary Secretary shall at least 14 days clear before the date of any General Meeting of the Club post, deliver, or transmit by electronic mail to each Member **the agenda of such meeting notice** of such meeting and of the business to be brought before it.

(b) At a General Meeting all Members over the age of 18 shall have one vote, with the exception of a Family Membership wherein the maximum shall be two Members over 18 who shall have one vote

each. All other Members, including Social Members, shall be entitled to attend such meetings but may not vote.

28. A General Meeting may on a simple majority at any time without reason given remove any Member from any position which they may hold within the Club or its committees.

#### 29. DISSOLUTION OF THE CLUB (previously Rule 37)

In the event of the winding up of the Club the assets of the Club will not be divided between the Members. They will be passed on to any successor organisation or club whose objective conforms with Rule 2 (promoting and facilitating sailing on the Bough Beech Reservoir in Kent) or given to a benevolent or charitable organisation nominated by the Members in General Meeting.

#### SAFETY POLICY

30. Members sail at the Club at all times at their own individual risk. It shall be the sole responsibility of individuals to decide whether their personal competence is sufficient to go afloat and sail (to race or cruise or SUP) under the prevailing conditions. **Children of family members or visitors must have the express permission of a parent or guardian to go afloat.**

31. The General Committee will formally review safety both ashore and afloat as an agenda item not less than once per year, and report accordingly to members.

32. The General Committee will make specific rules and guidelines relevant to the safety of the Club members' activities in the byelaws of the Club.

#### MISCELLANEOUS

33. A Member of any club recognised by the Royal Yachting Association may be authorised to use the premises of the Club by any Member of the General Committee. Such authorisation shall specify between which dates not being more than 14 days apart the said person may use the premises.

34. Any person not being a Member of the Club who is a competitor in any race sponsored or organised by or on behalf of the Club and any person who is the crew of such competitor for the purposes of the race is entitled to the use of the Club premises within a period of twenty-four hours before and after the race in which they are competing.

35. The Secretary or any other person who has received the authority of two Members of the General Committee may expel temporarily or permanently any person who has the right to the use of the Club premises only under Rules 34 and 35.

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.

37. (spare)

38. (a) Members are expected to carry out duties as Officer of the Day, Race Officer, Assistant Race Officer and Safety Boat Crews or any other rostered duty as may be detailed by the General Committee. Failure to carry out these duties will render the person concerned liable to expulsion from the Club under the provisions of Rule 8.

**(b) The General Committee may from time to time determine the frequency of duties that Members are required to carry out and may grant waivers on number of duties where reasonable.**

~~Members currently serving on the Safety Boat Squad are expected to undertake their duties more frequently than those specified in Rule 38, which may be 6 or more per year. Members who are also Dinghy or Powerboat Instructors and undertake training may be granted a waiver on duties as set out in Rule 38 as agreed from time to time by the General Committee.~~

39. (spare)

#### ABANDONED BOATS

40. (a) If at any time any subscription or boat parking fee payable by any Member or former Member shall be three months or more in arrears:

(i) The General Committee shall be entitled to move the Member's or former Member's boat **and associated equipment** without being liable for any loss of or damage to the boat **or its associated equipment** howsoever caused.

(ii) The General Committee shall be entitled, upon giving one month's notice in writing to the Member or former Member, at their last known address or by electronic communication to the address or contact details provided on joining or shown in the register of Members, to sell the boat **with or without its associated equipment** and to deduct any moneys due to the Club (whether by way of arrears of subscriptions or registration fees or otherwise) from the proceeds of sale before accounting for the balance (if any) to the Member or former Member PROVIDED ALWAYS THAT proper evidence is available to show that all available steps have been taken to trace a Member or former Member and that when, and if, the boat and trailer/trolley is sold, if the Club is unable to account to the Member or former Member, for the balance of the proceeds of sale, then the balance of the proceeds of sale shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether they be the said Member or former Member or otherwise) for a period of six years .

(iii) Alternatively, any boat which in the opinion of the General Committee cannot be sold may, upon such notice aforesaid be disposed of in any manner the General Committee may think fit and make best endeavours to recover the expenses from the Member or former Member.

(b) Further the Club shall have at all times a lien over Members or former Members boats parked on the Club's premises in respect of all moneys due to the Club whether in respect of boat parking fees or subscriptions or otherwise.

#### NEW RULES, AMENDMENTS AND ALTERATIONS

41. (a) Notice of any alteration or addition to the Rules intended to be proposed by a Member of the Club shall be given to the Secretary in writing at least five weeks before any 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 meeting**.

(b) All such proposed alterations or additions and any amendments to them which may be proposed and seconded shall be put to the vote of the General Meeting, and provided that on a show of hands or, if demanded, on a poll, a majority of two-thirds of the votes of those Members present and entitled to vote shall be cast in favour of any proposed alterations or additions or amendments then the same shall be deemed to be carried.

42. (spare)

43. Any dispute or difference which may arise as to the meaning or interpretation of the Rules and bye-laws or as to the powers of the **Officers** ~~officers~~ or the validity of any election or proceedings of the General Committee or sub-committees shall be determined by the General Committee whose decision shall be binding upon all the Members of the Club.

END

Notes:

- Review January 2024 Note: Additions in **bold** and ~~Deletions~~
- Based on the the Rules as at AGM 13<sup>th</sup> March 2022.