

# BENFLEET YACHT CLUB

## GENERAL RULES

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1. The Club shall be called the '**Benfleet Yacht Club**'.
2. The headquarters are the '**Benfleet Yacht Club**'.
3. The objects of the Club are to promote Amateur Boat Sailing and Racing, to arrange cruises for Members in company and to assist in providing for the insurance of Members' boats.
4. The Officers of the Club shall consist of a Commodore, Vice-Commodore, Rear-Commodore (Sailing), Rear-Commodore (House), Treasurer, Assistant Treasurer, Secretary, Assistant Secretary Sailing Secretary, Assistant Sailing Secretary, Bosun and Race Officer. Flag Officers, Treasurer and Secretary shall be ex-officio members of all Committees and Sub-Committees. The Race Officer shall sit with the Sailing Committee.
5. The Club shall be governed by a Committee, which shall consist of the Officers and seven other members; five to form a quorum. The Sailing Committee shall have the sole management of the Races and formulate the Rules connected therewith, which shall be in accordance with the Royal Yachting Association rules.
6. The Officers and Members of the Committee shall be elected at the Annual General Meeting of the Club, to be held at such time as may be appointed by the Committee, (nominations for any position shall not be valid unless the consent of the nominee has been first obtained by the proposer and seconder), and they shall hold Office until the General Meeting held in the year following.

All nominations for Officers and Members of the Committee, in order to be valid, must be in the hands of the Secretary not later than the 31<sup>st</sup> October and shall be posted on the notice board of the Clubhouse immediately where they shall remain until the date of the Annual General Meeting. Twenty Full Members to form a quorum at an Annual General Meeting. Each person shall be entitled to one vote on each resolution. In the event of vacancies occurring after any such annual election, the remaining Members of the Committee shall have the powers to fill such vacancies, but Flag Officers can only be elected at a Special General Meeting called for the purpose. The Committee shall have the power to co-opt at their discretion, not more than three Members to serve on the General or any Sub-Committee. No Member shall be nominated to any office of the Club or Committee unless he and his sponsors have been Full Members for at least twelve months, and no Member shall hold any one Flag rank for more than three consecutive years.

No Sub-Committee shall consist of less than three Members of the Executive or ordinary Members, in addition to the ex-officio Members.

**7.** The Committee, constituted as aforesaid, shall generally manage the affairs of the Club and shall be entitled to spend the moneys of the Club, and administer its assets in the ordinary course of management. If any Member be absent from six consecutive meetings of the Committee, he shall vacate his place on the Committee automatically unless in the opinion of the Committee his explanation is satisfactory.

**8.** The Committee may appoint not less than three Full Members to be Trustees in whom, at the discretion of the Committee, any assets of the Club other than cash at the bank on current account may be vested. A vacancy arising from retirement or death of a Trustee shall be filled at the discretion of the Committee for the time being. The principal function of the Trustees is to hold the assets of the Club committed to them in their names for the convenience and on behalf of the members of the Club and subject to the directions of the Committee. The Trustees shall have full power to mortgage or charge such assets if directed to do so by the Committee. The Trustees are not to be deemed in any way to be the governing body of the Club or to be liable for any acts or defaults of the Club but shall be liable only to account to the Committee for the assets from time to time committed to or vested in them and, without prejudice to the right of indemnity by law given to trustees, the Trustees shall be indemnified by the Club and its members against all liabilities, expenses, actions, proceedings, costs claims and demands whatsoever.

**9.** The accounts of the Club are to be made up by the 30th September in each year and certified by the Auditor. The Secretary shall send to each Full Member at least fourteen days before the date fixed for the Annual General Meeting, a notice of that meeting together with a copy of the Agenda. Notice of any business to be brought forward at the Annual General Meeting must be received by the Secretary not later than the 31<sup>st</sup> October. Only such business shall be dealt with.

**10.** A Special General Meeting shall be called by the Secretary at any time if required to do so by a resolution of the Committee, or by a signed requisition of any twelve Full Members, such requisition to state definitely in writing, the purpose for which such meeting is to be called. Notice of any such meeting shall be sent to every Full Member of the Club fourteen days at least before the date fixed for it to be held. Twenty Full Members to form a quorum at a Special General Meeting. A resolution of such meeting shall be final if carried by a majority of two-thirds of those present and voting. Any resolution so passed shall be binding upon the other Members of the Club (although not present or voting) to whom notice has been sent. Rules of the Club shall not be altered, except at an Annual General Meeting or Special General Meeting of the Members.

## 11. Membership

Candidates for Membership must be amateurs and must forward their names, addresses and occupations, together with the names of the proposer and seconder; to the Secretary, which proposal form shall be posted on the Club Notice Board for a period of not less than ten days. Members shall be elected by the Committee by ballot, but one black ball in three shall exclude the Candidate.

Applications for membership of the Club can only be considered provided the proposer and seconder themselves have been Full Members of the Club for over one year and must both have been personally acquainted with the applicant for a like period.

The Committee may however in their own discretion, disregard this particular requirement where an applicant is a Member of a Yacht Club recognised by the Royal Yachting Association.

The Committee may in their own discretion elect an applicant unable to comply with the foregoing, to Temporary Membership, provided his application is accompanied by two satisfactory references. Temporary Membership may be withdrawn by the Committee, giving the Member seven days' notice. In this latter event the entrance and subscription fees may be returned.

On the expiration of twelve months, a Temporary Member shall be eligible for Full Membership, and if in the opinion of the Committee he be regarded as suitable, he may be so elected. A Temporary Member may not vote or take part in the management of the Club. Any Member who objects to a candidate shall do so in writing to the Secretary who shall communicate the same in confidence to the Committee.

**Retired Members.** Members over 65 years of age who have been Members for at least 10 years and Members who had the status of Retired Member under the old Rule at 31st December 1995, shall pay a subscription as decided from time to time by Annual General Meeting or Special General Meeting and displayed on the list of current rates on the Club Notice Board. *As from the 23<sup>rd</sup> January 2005, new Members shall not be eligible for Retired Status.*

**Country Members.** Members or prospective new members not keeping a boat locally visiting the Club infrequently and residing outside a distance of 20 miles by reasonable road access to the Club, may at the discretion of the Committee, be elected Country members.

**Life Members.** The Committee shall have the power at its discretion to elect Life Members upon payment of a lump sum equal to 10 times the Full Member's subscription payable at the time of election.

**Cadet Members.** Cadet Members will be admitted between the ages of 7-17 years inclusive. On attaining the age of 18 cadets who have served a minimum of one year will be eligible for election to Full Membership with the reduced entry fee.

Cadet members may be subject to annual review and re-election by the Committee and will not confer the right of voting at General Meetings or to hold any office in the Club. The Committee shall otherwise have absolute discretion concerning the privileges of membership granted to Cadets.

**Honorary Members.** Honorary Members may be elected by the Committee at any meeting after one weeks notice in writing from the proposer to the Secretary. Such Members shall be admitted without payment to all privileges of the Club for any period not exceeding three months, unless the Committee shall by special resolution elect them for a longer period, but shall not be entitled to vote at General Meetings or to introduce strangers into the Club.

**Associate Members.** Prospective members over the age of 18 who are closely related / associated with a Full Member and do not keep a boat locally may at the discretion of the General Committee, be elected to Associate membership. Associate members shall be subject to annual review by the Committee.

Associate members will have neither the power of administration, nor of voting, nor hold any office. They may be denied the right of attending any meeting and shall not have access to the Club on those occasions specified by the Committee.

Associate members who have been members for a minimum of five years may apply for Full membership with the reduced entry fee.

## **12. Entrance Fee's and Subscriptions**

- a) Entrance Fees and Subscriptions, due on the 1st January each year shall be decided from time to time by Annual General Meeting or Special General Meeting, and a list of current rates will be displayed on the Club Notice Board. All subscriptions and entrance fees are subject to current VAT legislation.
- b) Members with 20 years service not keeping a boat locally may at the discretion of the Committee, pay half the normal subscription. Members' loans will be repaid upon the member attaining the age of 65 years, upon his/her membership ceasing or at such other time as may be decided by the General Committee.
- c) A Member elected between 1st July and the end of the year shall pay full entrance fee (where applicable) but half the annual subscription.
- d) A Member who is in arrears for his subscription or for any other payment due to the Club (unless for some reason considered satisfactory by the General Committee), shall not be entitled to use the Club nor to enjoy any of the privileges of the Club so long as he shall remain in arrears. No Member shall be allowed to take part in any race or vote at any meeting of the Club until his dues be paid. Any subscription or any other payment due to the Club shall be increased by 10% if not paid within two calendar

months of the date of the issue by the Club of a demand thereof. A Member whose subscriptions or any other payment due to the Club is in arrears after two calendar months of issue by the Club of a demand thereof shall be so notified by letter through the post and if not paid within one month of such notice his name may be posted on the notice board of the Club as a defaulter and he shall if the Committee so resolve, cease to be a Member.

**13.** If at any time any mooring fee or laying-up fee payable to the Club by any Member or former Member shall be three months or more in arrears,

- a) The Club shall be entitled to move the boat to any other part of its premises without being liable for any loss or damage to the boat howsoever caused;
- b) The Club shall be entitled upon giving three months notice in writing by registered post to the Member or former Member at his or her last known address as shown in the register of members, to sell the boat and to deduct any monies due to the Club (whether by way of mooring or laying-up fees, subscriptions or otherwise), from the proceeds of the sale before accounting for the balance, (if any), to the Member or former Member. Alternatively any boat which in the opinion of the Club cannot be sold may upon such notice as aforesaid, be broken up and the expenses recovered from the Member or former Member. Further, the Club shall at all times have a lien over the boat in respect of all monies due to the Club whether in respect of mooring, laying-up fees subscriptions or otherwise.

**14.** In case the conduct of any member either within or without the Clubhouse shall in the opinion of the Committee or any ten Full Members of the Club (who shall certify the same in writing), be injurious to the character and interests of the Club, the Committee shall invite the Member to explain their conduct and be empowered to request such a Member to resign. If such a Member fails to resign the Committee shall take either or both of the following actions:

- a) Suspension of the Member from the Club and premises for such a time as decided by the Committee up to a maximum of two years.
- b) Call a Special General Meeting to consider the matter, and on a resolution passed by a two-thirds majority of those present and voting, that Member shall be expelled from the Club.

**15.** A Member whose conviction by a Court of Law or Equity is brought to the attention of an Officer of the Club or Member of the Committee shall be invited to explain their conduct at a meeting specially convened for the purpose. The Committee shall after due enquiry at that meeting take any or some of the following actions:

- a) No further action.
- b) Suspension of such a Member from the Club and premises for such a time as decided by the Committee up to a maximum of two years.
- c) Request that such a Member to resign. If such a Member fails to resign the Committee shall take either or both the following actions:
  - i) Suspension of that Member from the Club and premise: for such a time as decided by the Committee.
  - ii) Call a Special General Meeting to consider the matter, and on a resolution passed by a two-thirds majority of those present and voting, that Member shall be expelled from the Club.
- d) Expulsion of the Member from the Club, thus forfeiting all rights in respect thereof without prejudice to any claims, which may exist for non-payment of monies due by him to the Club. This would include the removal of all boats and items of equipment from the Club premises within a reasonable time decided by the Committee, with no claim or redress for any fees paid for the current or subsequent year(s).

**16.** No Member shall use the Club premises for business purposes or advertisements, except at the discretion of the Committee.

**17. Visitors:**

Each member may introduce two visitors at any time, provided that no such visitors have been rejected as candidates for election as members of the club, or that their names have not been struck off of the register of members for non-payment of dues or breach of rules. The names of visitors to the Clubhouse must be entered by their introducer in a book which shall be kept for the purpose.

A visitor shall not remain in the Clubhouse or its grounds longer than the member who has introduced him / her. No non-UK resident visitor shall be introduced into the club-house or its grounds more than six times during the period of three months and no UK resident visitor more than three times during the period of one year.

The Committee shall, however, have the power to limit or regulate the introduction of visitors: both to the Clubhouse and / or its grounds.

- 18.** Intoxicating liquor may be supplied to any non-member admitted to the Club premises who is:-
- a) A member of any Club recognised by the Royal Yachting Association and authorised by a member of the General Committee of the Club, or
  - b) A competitor in any race sponsored or organised by or on behalf of the Club, or a member of the crew of such competitor, for the purpose of the race provided that he shall not be so supplied more than 24 hours before or after the said race, or
  - c) Attending a function held on the Club premises with the approval of the Committee in connection with yachting or similar allied activities, or
  - d) A member of any other club registered in respect of premises within a radius of ten miles from South Benfleet which are temporarily closed, or
  - e) Attending a private function in respect of which the Club premises have been let by the General Committee subject to there being no more than twelve such lettings in any one year.
- 19.** Any Member wishing to withdraw from the Club shall give notice to that effect in writing, to the Secretary and shall pay all arrears due up to the date of such notice. A Member not giving notice on or before the 31<sup>st</sup> December shall be liable for the next year's subscription.
- 20.** The bar shall be open for such periods of time as the General Committee shall lawfully decide and a notice showing such hours shall be kept displayed in the bar. In respect of special occasions the General Committee shall have the power to apply through the Secretary to the Justices for such extension of these hours as the Justices may permit.
- 21.** Unless the Committee shall have excused a Member in writing from the operation of this rule, every Member owning or using a sailing or motor craft shall have in force a policy of insurance for third party risks for at least £250,000. This shall also apply to yacht's tenders and dinghies. A Member must produce proof of such insurance to an Officer of the Club if required to do so.
- 22.** A House Committee shall be appointed annually from Members of the General Committee, which shall be responsible for the management of the Club Headquarters and which shall be answerable to the General Committee on all matters concerning the same. A Wine Committee shall be elected in the same manner and answer to the General Committee on all matters concerning the management of the Bar.  
These Committees may, but need not be made up of the same Members.
- 23.** This House Committee shall have power to post up on the notice board in the Club-house such house rules as have received the sanction of the General Committee.

**24.** Members are required to communicate to the Secretary any change in their addresses, or in name, or particulars of their yachts. Any notice posted to them at the last given address shall be considered to have been duly delivered.

**25.** The Club does not hold itself responsible for the loss or damage whatsoever nature to Member's or Visitors' property howsoever or whatsoever arising and howsoever caused, and whether or not such loss or damage be caused or contributed to by negligence of the Club, its Officers or servants.

**26.** A copy of the Rules shall be supplied to every Member with intimation that he will be held to have assented to such rules by becoming a Member.

**27.** 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 purpose of the Data Protection Act 1984.

**28.** Increased charges for hauling-out laying-up, moorings, trolley use, building charges, Dinghy Park etc., shall be submitted to the Annual General Meeting or a Special General Meeting for confirmation by the Members.

**29.** Dissolution of Club

a) Voting on dissolution:

"The Club" may be dissolved by the consent of 75% of the voting members of "The Club", voting personally, at a Special General Meeting called for the purpose.

b) Treatment of residue of estate on 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 amongst the members of the Club. The Committee shall dispose of the net assets remaining to one or more of the following:

(i) to a charity and/or

(ii) to another Club with similar sports purposes and/or

(iii) to the sport's national governing body for use by it for related community sports.

No alteration to this rule shall be made unless three quarters of those present and voting at an Annual General Meeting agree to such an alteration.