

WIGAN AND ST HELENS SAILING CLUB
Rules and Constitution with effect from 1 April 2020



The Constitution is divided into the following sections:

	History of changes.
1	Names and Purposes including Mission Statement
2	Officers
3	Management Committee
4	Membership
5	Conduct of members
6	Limitation of Club Liability
7	Trustees
8	Meetings of the Club
9	Dissolution of the Club
10	Safety
11	Miscellaneous
Appendix A	Club Byelaws
Appendix B	Club Policies

History of changes to this constitution.

<u>Rule(s)</u>	<u>Rule Changes and Additions</u>	<u>Date</u>	<u>Changes made by:</u>
All	Draft constitution produced to form a basis of discussion between Wigan and Pilkington Sailing Clubs. Produced from the RYA Model Constitution and rules/constitution of both Clubs.	09/02/19	Joe Hitchen
All	Several rules simplified. Duplicate rules/phrases removed. Renumbered. Byelaw numbers removed. Responsibilities added for flag officers and sailing / membership secretaries.	25/07/19	Joe Hitchen, Charlie Hitchen
Officers, Byelaw	Added responsibilities and dogs byelaw.	27/07/19	Joe Hitchen
Authorised boats	Added possible rules on authorised boats. (From WSC sailing discussions) To be looked at by Sailing Subgroup 30 th July.	28/07/19	Joe Hitchen, Sailing Com.
Lots	Adjustments made following Legal Subgroup Meeting 29 th July 2019. Some Byelaws have been moved to main rules document. Some rules removed, some reworded.	29/07/2019	Steve Bristow, Charlie Hitchen, Joe Hitchen, Bill Glover, Neil Hornby, Andrew Melding at meeting. Joe updated doc using notes.
Boat park byelaws, authorised boats, sailing instructions, insurance	Adjustments made following Sailing Subgroup meeting 30 th July. Boat park byelaws, authorised boats, sailing instructions, insurance. Purple highlight; still to be	31/07/2019	Joe Hitchen, Charlie Hitchen, Bill Glover, Neil Hornby, John Riley and Simon Hollinghead at meeting. Joe updated using notes.

	decided.		
Lots	Corrections and changes based on suggestions from Steve Bristow.	3/08/2019	Steve Bristow, Joe Hitchen.
A few corrections, Additions to authorised boats/boards	Corrections and changes based on suggestions from Steve Bristow, and Joint Legal Group Oct 2019.	25/10/2019	Joint Legal Group. Steve Bristow, Joe Hitchen.
Addition of authorised helms list into byelaws.	Addition of authorised helms list into byelaws to reflect current practice at PSC and to close loophole at WSC.	26/10/2019	Joint Legal Group. Joe Hitchen.
Byelaws	Using the water without supervision criteria.	05/11/2019	Joint Legal Group. Joe Hitchen
Lots	Minor corrections/wording temporary membership.	07/11/2019	Joint Legal Group Steve Bristow. Joe Hitchen
Section 3	Duties of Welfare officer added and subsequent renumbering. Additions/corrections from Legal Group meeting.	14/11/2019	Joint Legal Group Steve Bristow. Joe Hitchen
Lots of minor	Corrections and comments for JSG. - no discrimination clause. – back to CASC wording with change to “dinghy sailing, windsurfing and other related water activities” added reference to Equality Act 2010.	14/11/2019 – 20/11/2019	Steve Bristow and Paul Sheppard. Joe Hitchen.
24.2	24.2 Addition of: A member of the Committee, of a sub-Committee or any officer of the Club, shall declare any links to external organisations with which the club may do business to prevent a possible conflict of interest.	20/11/2019	Joe Hitchen
Byelaws on safety moved to rules section 10 and other minor changes	Byelaws on safety moved to rules section 10 and other minor changes	10/02/2020	Joe Hitchen, Steve Bristow, Charlie Hitchen, Ken Bright, Andrew Melding @Legal group meeting.
2 nd boat discount	Byelaw amended by MC	18/01/21	Management Committee
Code of Practice	Note of Byelaw in separate document approved by MC	18/01/21	Management Committee

	SECTION 1 - NAME AND PURPOSES (including mission statement)
Name	<p>1. NAME, LOGO AND BURGEE</p> <p>1.1. The name of the Club shall be 'Wigan and St Helens Sailing Club' (hereinafter referred to in these rules as the "Club").</p> <p>1.2. 3 variations of the club Logo shall be: (See brand style guide for details on approved use).</p> <div style="display: flex; justify-content: space-around; align-items: center;">  </div> <p>1.3. The Club Burgee/Flag shall be:</p> <div style="text-align: right; margin-right: 50px;">  </div>
Purposes and Mission Statement	<p>2. Purposes</p> <p>2.1. The purposes for which the Club is formed are to promote and facilitate community participation in the sports of sailing, windsurfing and other related water activities and to provide social and other facilities for members.</p> <p>2.2. <u>Mission Statement.</u></p> <ul style="list-style-type: none"> • The Club strives to: • Be a "friendly Club". • Promote the sport of sailing and related activities for all, in particular for the areas of Wigan and St Helens and other surrounding areas and encourage community participation in the same. • Encourage active, competitive dinghy racing within an atmosphere of mutual respect and friendship. • Provide dinghy training. • Provide other training as appropriate to facilitate Club activities. • Promote social activities which enhance the quality of life of the members and enrich the life of the Club. • Provide facilities which enable the sports to be enjoyed in safety and comfort by its members. • Encourage participants to find life-long pleasure in the sports. • Respect and conserve the environment of Scotman's Flash. • Provide facilities where possible to other organisations with similar aims and objectives. • Be not for profit.

	SECTION 2 - OFFICERS
Officers	<p>3. OFFICERS</p> <p>3.1. The Officers of the Club shall be Full, Family, Young Adult, Honorary members of the Club over the age of 17 and shall consist of a Commodore, Vice-Commodore, Rear-Commodore, Hon. Secretary and Hon. Treasurer, Hon. Membership Secretary, Hon. Sailing Secretary and Welfare Officer.</p> <p>3.2. Officers shall be elected at the Annual General Meeting in each year and shall hold office for one year, retiring at the termination of the Annual General Meeting in each year.</p> <p>3.3. All Officers of the Club shall be eligible for re-election.</p> <p>3.4. A Commodore shall serve for no more than 3 consecutive years.</p>
Duties of the Commodore	<p>4. Duties of the Commodore</p> <p>4.1. The Commodore shall:</p> <p>4.2. Chair the management committee meetings.</p> <p>4.3. Represent the Club at official functions.</p> <p>4.4. Provide and encourage leadership at all Club activities.</p> <p>4.5. Ensure that the Club is run according to its Rules and Constitution.</p>
Duties of the Vice Commodore	<p>5. Duties of the Vice Commodore</p> <p>5.1. The Vice Commodore shall:</p> <p>5.2. Chair, in the absence of the Commodore, the management committee meetings.</p> <p>5.3. Represent the Club at official functions.</p> <p>5.4. Provide and encourage leadership at all Club activities.</p> <p>5.5. Ensure that the Club is run according to its Rules and Constitution.</p> <p>5.6. Assist the Sailing Secretary in their role to encourage sailing activities.</p>
Duties of the Rear Commodore	<p>6. Duties of the Rear Commodore</p> <p>6.1. The Rear Commodore shall:</p> <p>6.2. Chair, in the absence of the Commodore or Vice Commodore, the management committee meetings.</p> <p>6.3. Represent the Club at official functions in the absence of the Commodore or vice Commodore.</p> <p>6.4. Provide and encourage leadership at all Club activities.</p> <p>6.5. Ensure that the Club is run according to its Rules and Constitution.</p> <p>6.6. Assist the Chair of the social subcommittee in their role to encourage social activities.</p>
Duties of the Hon. Secretary	<p>7. Duties of the Secretary</p> <p>7.1. The Honorary Secretary and /or Assistant Secretary shall:</p> <p>7.2. Through the Membership Secretary, keep a register of Club Members' names and contact details.</p> <p>7.3. Conduct the correspondence of the Club.</p> <p>7.4. Keep custody of the Club documents.</p> <p>7.5. Record minutes of all meetings of the Club. Such minutes will be proposed and seconded at the next Club meeting.</p> <p>7.6. Administer such insurance policy or policies as may be needed fully to protect the interests of the Club, its Officers, and its members.</p> <p>7.7. Ensure that legal advice is obtained as necessary to ensure that the Club's affairs are managed in accordance with the current law.</p> <p>7.8. Display a copy of the Third-party Liability Insurance on the Club notice board.</p> <p>7.9. Maintain any such certificates or registrations, and complete any such non-financial returns, as may be required by law.</p> <p>7.10. The above duties may be delegated to an appropriately qualified/experienced member of the Committee.</p>
Duties of the Hon. Treasurer	<p>8. Duties of the Treasurer</p> <p>8.1. The Honorary Treasurer shall:</p> <p>8.2. Cause such books of account to be kept as are necessary to give a true and</p>

	<p>fair view of the state of the finances of the Club.</p> <p>8.3. Cause all returns as may be required by law in relation to such accounts to be rendered at the due time.</p> <p>8.4. Prepare an Annual Balance sheet as at the last day of December each year and cause such balance sheet and account as necessary to be audited or reviewed at least once annually and shall thereafter cause the audit or review report to be exhibited in the Club premises at least fourteen days before the date of the Annual General Meeting.</p> <p>8.5. Present the Annual Balance Sheet to the Club at its Annual General Meeting.</p>
Duties of the Honorary Sailing Secretary (and the Sailing Sub-Committee)	<p>9. Duties of the Honorary Sailing Secretary (and the Sailing Sub-Committee)</p> <p>9.1. The Honorary Sailing Secretary shall:</p> <p>9.2. Provide leadership in the Club's sailing activities and ensure all sailing is run according to the Sailing Rules, Sailing Instructions and Club/class rules.</p> <p>9.3. Organise and chair meetings of the Sailing Sub-Committee and ensure minutes are produced for the Hon. Secretary.</p> <p>9.4. Keep the Management Committee informed about all sailing activities.</p> <p>9.5. Publish the annual sailing events calendar in conjunction with the Sailing Duty Rota.</p> <p>9.6. Organise the production of the Sailing Duty Rota for Officer of the Day, Assistant Officer of the Day, Patrol Boat Driver and Assistant.</p> <p>9.7. Produce, review and edit Sailing Instructions as appropriate.</p> <p>9.8. Arrange advertisements for sailing events.</p> <p>9.9. Arrange Club entries for team events (12/24 hr. races etc.) and establish eligibility requirements for inclusion in Club teams (see current requirements).</p> <p>9.10. Publish and maintain a Club Portsmouth Yardstick list including all appropriate classes of dinghy sailed at the Club. This is also accompanied by a list of pursuit times calculated using the RYA PY list as a starting point.</p> <p>9.11. Inspect or arrange inspection by appropriately experienced/qualified person(s) all club sailing boats, powerboats and equipment (e.g. buoyancy aid checks, servicing powerboat engines). Maintain records of such checks. Make or arrange repairs as appropriate. (See expenditure authorisation rules).</p> <p>9.12. Maintain stocks of fuel, and spares to the recommended and necessary levels. This also includes printing forms for race results and consent forms etc.</p> <p>9.13. Arrange for Series, Trophy Day and Open Meeting results to be published and recorded for end of year presentations. (Sailwave or similar programme) - Arrange trophies for the Annual Prize-Giving.</p> <p>9.14. Arrange results returns to the RYA.</p> <p>9.15. Advertise and arrange trophies for Open Meetings.</p> <p>9.16. Act as the point of contact for other sailing clubs on sailing issues.</p> <p>9.17. Arrange and publicise training and events e.g. sail training, race management training, patrol boat training. (in conjunction with the RYA Training Principal)</p>
Duties of the Honorary Membership Secretary (and the Membership Sub-Committee)	<p>10. The Honorary Membership Secretary (and membership committee) shall:</p> <p>10.1. Organise and chair meetings of the Membership Sub-Committee and ensure minutes are produced for the Hon. Secretary.</p> <p>10.2. Receive membership subscriptions</p> <p>10.3. Distribute membership renewal notices (with secretary).</p> <p>10.4. Report to the Committee on membership issues.</p> <p>10.5. Promote events to increase membership.</p> <p>10.6. Keep records of boats and issues berths, stickers etc as appropriate.</p>
Duties of Reviewers	<p>11. Duties of Reviewers</p> <p>11.1. The Honorary Auditor(s) or Reviewers shall:</p> <p>11.2. Be appointed at the A.G.M. in each year. The Committee may propose either an auditor or 2 reviewers, which Reviewers shall be two appropriately experienced/qualified members of the Club other than the Treasurer or Committee members.</p> <p>11.3. Audit or review the accounts and Annual Balance Sheet of the Club when</p>

	<p>called upon to do so and shall give such certificate of assurance as to the accuracy of the said accounts as shall be required by law or by the Committee.</p> <p>11.4. If either unwilling or unable to act, inform the Committee who shall appoint a substitute to hold office until the termination of the next Annual General Meeting.</p>
Duties of the Welfare Officer	<p>12. Duties of the Welfare Officer</p> <p>12.1. The Welfare Officer shall</p> <p>12.2. Maintain up-to-date policy and procedures, compatible with the RYA's.</p> <p>12.3. Ensuring that relevant staff and/or volunteers are aware of and follow the procedures, including implementing safe recruitment procedures.</p> <p>12.4. Advising the management committee on safeguarding and child protection issues.</p> <p>12.5. Maintaining contact details for local Children's Services and Police.</p> <p>If there is a concern, the Welfare Officer would:</p> <p>Be the first point of contact for any concerns or allegations, from children or adults, ensuring that confidentiality is maintained in all cases.</p> <p>Decide on the appropriate action to be taken, in line with the organisation's procedures and in conjunction with the person in charge (Commodore, Principal etc.).</p> <p>Keep the RYA informed as necessary.</p>
SECTION 3 – MANAGEMENT COMMITTEE	
Constitution of Committee	<p>13. Constitution of Committee</p> <p>13.1. The Management Committee (AKA "the Committee") shall consist of up to 16 Adult or family (over the age of 17), Young Adult, or Honorary members elected at the Annual General Meeting each year to hold office until the termination of the next following Annual General Meeting. The 16 shall include the Club officers.</p> <p>13.2. Additionally, up to 2 Junior members (including family members under the age of 18) shall be eligible for election as representatives of the Junior members. They shall be entitled to vote only on junior related issues.</p>
Retirement of members of the Committee	<p>14. Retirement of members of the Committee</p> <p>14.1. If there is a member of the Committee who shall fail to attend a meeting for four consecutive Committee meetings they shall be deemed to retire immediately unless the Committee resolve otherwise.</p>
Candidates for election to Committee	<p>15. Candidates for election to Committee</p> <p>15.1. Nominations, together with the names of the Proposer and Secunder shall be sent to the Hon. Secretary (by email or post) or candidates should fill in the appropriate form on the club notice board at least fourteen days prior to the date of the Annual General Meeting.</p>
Election of Committee by Ballot	<p>16. Election of Committee by Ballot</p> <p>16.1. If the number of candidates for election is greater than the number of vacancies to be filled, then there shall be a secret ballot.</p> <p>16.2. 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.</p>
No contest for Election	<p>17. No contest for Election</p> <p>17.1. 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 a majority of those present at the Annual General Meeting, and entitled to vote, vote in favour of such election.</p>
Co-opting	<p>18. Co-opting</p> <p>18.1. The Committee shall have the power to co-opt any member (including Junior</p>

	and Social members) to the Committee. Voting rights shall be as if elected (see 13.2 for junior members).
Committee Meetings	19. Committee Meetings 19.1. The Committee shall meet at least every 2 months (usually monthly).
Voting at Committee	20. Voting at Committee 20.1. Voting (except in the case of a resolution relating to the expulsion of a member) shall be by show of hands. In the case of equality of votes the Commodore or Chair (as the case may be) shall have a second and casting vote.
Quorum	21. Quorum 21.1. Five members shall form a quorum at a meeting of the Committee. 21.2. The five shall include at least two officers.
Management of Club by Committee	22. Powers of the Committee 22.1. The Committee shall manage the affairs of the Club according to the Rules and shall cause the funds of the Club to be applied solely to the purposes of the Club or for a benevolent or charitable purpose nominated by a General Meeting. 22.2. In particular the Committee shall ensure that the property and funds of the Club will not be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules and that all surplus income or profits are re-invested in the Club. No surpluses or assets will be distributed to members or third parties. 22.3. The Committee shall make such Byelaws and Policies as it from time to time thinks fit and shall cause the same to be exhibited in the Club premises for fourteen days before the date of the implementation. Such Byelaws and Policies shall remain in force until approved, amended, or set aside by a 2/3 majority vote at a General Meeting of the Club.
Appointment of sub-Committees	23. Appointment of sub-Committees 23.1. The Committee may appoint such sub-Committees as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as shall be deemed expedient and/or required by the law. Such sub-Committees shall consist of such members of the Committee or of the Club as the Committee may think fit.
Disclosure of interest (to third parties and to the club)	24. Disclosure of interest to third parties and to the club of external connections. 24.1. A member of the Committee, of a sub-Committee or any officer of the Club, in transacting business for the Club, shall disclose that they are so acting. 24.2. A member of the Committee, of a sub-Committee or any officer of the Club, shall declare any links to external organisations with which the club may do business to prevent a possible conflict of interest.
Limitation of Committee's Authority	25. Limitation of Committee's Authority 25.1. The Committee, or any person or sub-Committee delegated by the Committee to act as agent for the Club or its members, shall enter into contracts only as far as expressly authorised, or authorised by implication, by the members. No one shall, without the express authority of the membership in General Meeting, borrow money or incur debts on behalf of the Club or its membership.
Indemnification of Committee	26. Indemnification of Committee 26.1. The Hon. Secretary (or their delegated representative) shall take out appropriate insurance to indemnify the Committee as appropriate.
Nomination of Honorary Members by Committee	27. Nomination of Honorary Members by Committee 27.1. The Committee may nominate for election at an Annual General Meeting such Honorary Members as the Committee may think fit. The total of such Honorary Members shall not, however, at any time, exceed 10 per cent of the total number of members. 27.2. The election of Honorary Members shall be put to a vote at an Annual General Meeting and such Honorary Members shall be duly elected if two thirds of

	those present, and entitled to vote, vote in favour of election.
RYA Appointments	<p>28. RYA Appointments</p> <p>28.1. The Committee shall appoint a Training Centre Principal in accordance with RYA requirements.</p> <p>28.2. The Committee shall appoint a Training Centre Chief Instructor (Sailing) in accordance with RYA requirements.</p> <p>28.3. The Committee shall appoint a Training Centre Chief Instructor (Power boat) in accordance with RYA requirements.</p>
	SECTION 4 – MEMBERSHIP
Open Membership	<p>29. OPEN MEMBERSHIP</p> <p>29.1. Membership of the Club shall be open to anyone interested in the sports of dinghy sailing, windsurfing and other related water activities on application irrespective of sex, age, disability, race, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnership, gender reassignment or social status.</p> <p>29.2. Membership may however be limited according to available facilities on a non-discriminatory basis.</p> <p>29.3. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating.</p>
Categories of membership	<p>30. The categories of membership are as follows:</p> <p>30.1. ADULT MEMBER: a person over the age of 25.</p> <p>30.2. A FAMILY MEMBER: one adult or two co-habiting adults (at least 18) and all children within their guardianships under 18. Grandchildren under 18 may be accepted, even if not living at the same address, if no children under 18.</p> <p>30.3. A YOUNG ADULT MEMBER: a person 18 and over and not over 25.</p> <p>30.4. A JUNIOR MEMBER: a person under the age of 18.</p> <p>30.5. Such a member shall be one who at the commencement of the subscription year joins the Club other than as a family member. Non-sailing GUARDIAN membership shall be included with each Junior member who is not part of a family membership.</p> <p>30.6. AN HONORARY LIFE MEMBER (or Honorary Member): See Rule 27.</p> <p>30.7. A SOCIAL MEMBER: a person 18 or over who does not sail.</p> <p>30.8. A COUNTRY MEMBER: a person living beyond a 50-mile radius of the Club and having previously been a member.</p> <p>30.9. A TEMPORARY MEMBER – The Committee may grant temporary membership as appropriate e.g. members of other clubs who cannot sail at their club e.g. water level, temporary restrictions.</p> <p>30.10. AN AFFILIATED GROUP MEMBER - shall be a recognised group, association, society or club approved by the Committee and shall be subject to any additional conditions set by the Committee.</p> <p>30.11. NON-SAILING GUARDIAN MEMBER – non sailing guardian of a Junior member.</p>
Rights and privileges of Members	<p>31. The rights and privileges of members are:</p> <p>31.1. Adult, Young Adult, Honorary, Family (see 30.2), and Country members shall have the full use of all the Club facilities.</p> <p>31.2. A Junior member (including children in family memberships) must be under the supervision of a parent or guardian and has full use of Club facilities whilst so supervised.</p> <p>31.3. A Non-Sailing Guardian member will have no sailing rights and shall have membership rights only when accompanying the Junior member for who they are responsible.</p> <p>31.4. A Social member shall have the full use of the Club-house facilities. But no right to sail/take part in sailing activities.</p> <p>31.5. A Temporary member shall have the full use of Club facilities but: shall have no right to enter Club races or regattas unless specifically authorised by the Secretary or Committee.</p>

	<p>shall have no right to take any part in the management of the Club. shall have no right to introduce visitors to the Club or the facilities thereof; Is deemed to have notice of and impliedly undertakes to comply with the Club Rules and any Byelaws, Policies or Regulations as if they were a member of the Club and so far as the said Rules, Byelaws, Policies and Regulations may be deemed to apply to such Temporary Member.</p> <p>31.6. AN AFFILIATED GROUP MEMBER: shall have such use of the Club facilities as decided by the management committee. Members of affiliated groups shall have no rights to use Club facilities except during the official activities of the affiliated group to which they belong. Access to the lake is only permitted during official activities of the affiliated group.</p>
Members' Duties	<p>32. Members' Duties</p> <p>32.1. The Sailing secretary, as they see fit, shall form duty rotas and have the right to co-opt any member of the Club to carry out any of the following duties or part thereof: Officer of the Day (O.O.D.) Assistant(s) to O.O.D. Support Boat Crew Galley</p> <p>32.2. Temporary members, Junior members and affiliated group members may be exempted from rule 32.1</p> <p>32.3. Any member so co-opted upon their own responsibility may arrange a suitable substitute to carry out all or part of the duties.</p>
Membership Entrance and Subscription Fee	<p>33. Membership Entrance and Subscription Fee</p> <p>33.1. The rate of Entrance and Subscription fee for each category of Membership shall be decided by the Management Committee.</p> <p>33.2. All members shall pay the Entrance fee (if any) and their first annual subscription upon election to the Club.</p> <p>33.3. Members shall pay a Sailing licence fee of such a sum as the Committee shall from time to time prescribe which shall entitle a member to use Scotman's Flash.</p> <p>33.4. Members may pay a boat park fee of such a sum as the Committee shall from time to time prescribe which shall entitle a member to use a space in the Club's boat park to store 1 boat, provided that conditions set out in the Club byelaws are met. Boat park space will be assigned by the Hon. Membership Secretary or their appointed boat park officer on an annual basis.</p> <p>33.5. Subscriptions shall become due on the day after the AGM each year. New members shall pay their annual subscription upon joining the Club: Their age on 1st March being determinate for their membership class. The Committee may propose discounted fees for prompt payment of subscriptions received within one month of date of election. Similarly, the Committee may propose and apply pro rata fee reductions for new members joining during a subscription year.</p>
Other fees	<p>34. Members shall also make the following payments (if appropriate):</p> <p>34.1. Charges for the use of Club boats on the current scale determined by the Committee.</p> <p>34.2. Competition Fees required by the Sailing Instructions.</p> <p>34.3. The Committee may also propose and apply late fees for members whose fees are overdue by more than 1 month.</p>
Members' duty to provide up to date contact details and details of boat	<p>35. Members' duty to provide up to date contact details and details of boat</p> <p>35.1. Every member shall furnish the Membership Secretary with an up-to-date address, and contact details including email address, which shall be recorded in the Register of Members and any notice sent to such address shall be deemed to have been duly delivered.</p> <p>35.2. Every member with a boat and/or trailer and/or other property in the boat compound and/or boat house shall also furnish the Membership Secretary or</p>

	an appointed boat park officer with details e.g. the type of boat and its identification number and sail number, if different. Photographic evidence will be acceptable.
Application for Membership	36. Application for membership 36.1. Application for membership shall be in the form prescribed by the Committee and shall include accurate contact details of the applicant, in the case of a Junior, the approval of a parent or guardian is required.
Refusal of membership	37. Refusal of membership 37.1. The Committee may refuse applications only for good cause such as misconduct, putting the safety or welfare of members, particularly vulnerable members and children at risk, or actions likely to bring the Club or sport into disrepute. 37.2. Appeal against refusal of membership may be made to the Committee in writing.
Payment of Fees upon Election	38. Payment of fees upon Election 38.1. New members or members transferring to a different category of membership shall pay the appropriate fees within 1 month or their membership shall be liable to be void.
One year's temporary absence of member	39. One year's temporary absence of member 39.1. A member who, for any reason, anticipates inability to use the Club or its facilities for the whole of any one year shall be excused payment of the annual subscription and other annual fees provided that notice in writing is given to the Secretary before the last day of November in the previous year. A member wishing to be re-instated during the year in question shall pay such portion of the annual subscription as the Committee shall require.
Retirement of a member	40. Retirement of a member 40.1. A member wishing to retire should inform the Membership Secretary before renewals (2 months before the AGM).
Arrears of Subscription	41. Arrears of Subscription 41.1. The Committee may cancel, without notice being given, the membership of any member whose annual subscription and other annual fees are more than three months in arrears.
SECTION 5 – CONDUCT OF MEMBERS	
Undertaking by members to comply with rules	42. Undertaking by members to comply with rules 42.1. Every member, is deemed to have notice of, and agree to comply with, the Club Rules and Byelaws, Policies and Regulations of the Club.
Disciplinary action against members	43. Disciplinary action against members 43.1. Any breach of Rule 42 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 disciplinary action by the Committee, which may include suspension for a specified period of time or expulsion. 43.2. Before taking such disciplinary action against a member, the Committee shall call upon such member for a written explanation of the member's conduct and shall give the member full opportunity of making explanation to the Committee, or of resigning. 43.3. A Resolution to apply any sanction shall be carried by a simple majority vote by those members of the Committee present and voting on the Resolution. 43.4. Appeal against suspension/expulsion may be made to the members in a General Meeting. 43.5. Upon suspension/expulsion the member/former member shall not be entitled to have any part of their fees refunded and must return any Club or external body's trophy, or trophies held along with any keys. 43.6. Upon expulsion of a member, the Committee may dispose of the former member's boat and/or trailer in accordance with Rule 70.
Guests in the Club	44. Guests in the Club 44.1. Guests participation shall be at the discretion of the Committee

	<p>44.2. Members shall enter the names of all guests in the Visitor Book.</p> <p>44.3. Not more than three sailing guests may be introduced in any one day and the same guest may not be introduced more than 4 times in any subscription year.</p>
Damage to Club Property	<p>45. Damage to Club Property</p> <p>45.1. A member shall not knowingly remove, injure, destroy or damage any property of the Club and shall make restitution for the same if called upon to do so by the Committee.</p>
Exhibiting of Notices	<p>46. Exhibiting of Notices</p> <p>46.1. A member shall not cause any communication in whatever form to be exhibited on Club notice boards or premises without permission of a Committee member.</p>
Settlement of Accounts	<p>47. Settlement of Accounts</p> <p>47.1. A member shall settle any indebtedness for refreshment or otherwise before leaving the Club premises.</p>
Suggestions	<p>48. Suggestions</p> <p>48.1. All suggestions shall be entered in the Suggestion Box and signed by the Member.</p>
Complaints	<p>49. Complaints</p> <p>49.1. Complaints of any nature relating to the management of the Club premises shall be addressed in writing to the Hon. Secretary.</p>
Members of other RYA Clubs	<p>50. Members of other RYA Clubs</p> <p>50.1. A member of any club affiliated to the Royal Yachting 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 the said person may so use the premises.</p>
Competitors in Club races	<p>51. Competitors in Club races</p> <p>51.1. Any person who is a competitor or crew member in any race sponsored by or on behalf of the Club is entitled to the use of the Club premises on the days of the race(s) in which they are competing.</p>
Power to expel those admitted under rules 25 and 26	<p>52. Power to expel those admitted under Rules 50 and 51</p> <p>52.1. The 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 50 and 51.</p>
	SECTION 6 – Limitation of Club Liability
Limitation of Club Liability	<p>53. Limitation of Club Liability</p> <p>53.1. All references to the Club in this Rule shall mean each and every individual member of the Club from time to time.</p> <p>53.2. Members are bound by the following Rule 53.3 which shall also be exhibited in a prominent place within the Club premises:</p> <p>53.3. Members of the Club may use the Club premises, and any other facilities of the Club, entirely at their own risk and impliedly accept: The Club will not accept any liability for any damage to or loss of property belonging to members. 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 or caused by the said members whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the Officers, Committee, Trustees or Servants of the Club.</p>
	SECTION 7 – TRUSTEES
Number of and terms of reference	<p>54. Number of and terms of reference</p> <p>54.1. There shall be at least three Trustees of the Club who shall be appointed from time to time as necessary by the Committee of the Club from among Adult, Young Adult, Family (over 17 years of age) or Honorary Members who are</p>

	<p>willing to be so appointed.</p> <p>54.2. A Trustee shall hold office until they shall resign by notice in writing given to the Committee or until a resolution removing them 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.</p>
Property of Club vested in Trustees	<p>55. Property of Club vested in Trustees</p> <p>55.1. All the property of the Club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as it is necessary and practicable, on trust for the use and benefit of the Club. In the event of the death, resignation, or removal from office of a Trustee, the Committee shall nominate a new Trustee in their place, and shall as soon as possible thereafter take all lawful and practicable steps to procure the vesting of all Club property into the names of the Trustees as constituted after such nomination. For the purpose of giving effect to any such nomination, the Secretary for the time being is hereby nominated as the person to appoint new Trustees of the Club within the meaning of Section 36 of the Trustee Act 1925 and they shall by Deed duly appoint the person or persons so nominated by the Committee.</p>
Powers of Trustees	<p>56. Powers of Trustees</p> <p>56.1. The Trustees shall in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the Committee and shall have power to sell, lease, mortgage or pledge any Club property so held for the purpose of raising or borrowing money for the benefit of the Club in compliance with the Committee's directions (which shall be duly recorded in the Minutes of the proceedings of the Committee) but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.</p>
Indemnity of Trustees	<p>57. Indemnity of Trustees</p> <p>57.1. In pursuance of the authority vested in the Trustees by the members of the Club, the Trustees shall be indemnified by the members of the Club out of the assets of the Club from and against any liability, costs, expenses or payments whatsoever which may be properly incurred or made by them or any one of them in the exercise of their duties or relation to any property of the Club vested in them, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a Trustee of the Club.</p> <p>57.2. Should the assets of the Club be insufficient to satisfy such liability, costs, expenses or payments the Trustees shall be entitled to a personal indemnity from the individual members of the Club. The limit of 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 Trustees have been authorised to exceed such limit by a General Meeting of the Club.</p>
SECTION 8 - MEETINGS OF THE CLUB	
Annual General Meetings	<p>58. Annual General Meetings</p> <p>58.1. An Annual General Meeting of the Club shall be held each year in the month of March on a date to be fixed by the Committee but usually the first Monday in the month.</p> <p>58.2. The Secretary shall, at least fourteen days before the date of such meeting, post or deliver to each member notice thereof. The notice may be sent to the recorded e-mail address of the voting member and may additionally be posted on the Club notice board.</p> <p>58.3. Adult, Young Adult, Honorary and Country members present shall have 1 vote each at club AGMs.</p> <p>58.4. Family members will have 1 vote per adult (18 or over) member present.</p> <p>58.5. Junior, Social, Temporary and Affiliated Group members shall have no votes at club AGMs.</p>

Business at Annual General Meeting	<p>59. Business at Annual General Meeting</p> <p>59.1. No business, except the passing of the Accounts and the election of the Officers, Committee and Reviewers, and any business that the Committee may order to be inserted in the notice convening the meeting shall be discussed at such meeting unless notice be given in writing by a member entitled to vote to the Secretary at least 14 days before the date of the Annual General Meeting.</p>
Special/ Extraordinary General Meeting	<p>60. Special/ Extraordinary General Meeting</p> <p>60.1. The Committee may at any time, upon giving at least fourteen days' notice in writing, call a Special/ Extraordinary 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 in the notice sent to members and a record kept of the meeting by the Hon. Secretary.</p> <p>60.2. Adult, Young Adult, Honorary and Country members present shall have 1 vote each at club SGMs or EGMs.</p> <p>60.3. Family members will have 1 vote per adult member present.</p> <p>60.4. Junior, Social, Temporary and Affiliated Group members shall have no votes at club SGMs or EGMs.</p>
Special General Meeting upon request of members	<p>61. Special/Extraordinary General Meeting upon request of members</p> <p>61.1. The Committee shall call a Special/ Extraordinary General Meeting upon a written request addressed to the Secretary by at least one third or 15 members entitled to vote whichever is the lesser. The Committee shall give 14 days' notice in writing of any such Special/ Extraordinary General Meeting. The discussion at such meeting shall be confined to the business stated in the notice sent to members.</p>
Chair at Meetings	<p>62. Chair at Meetings</p> <p>62.1. At every meeting of the Club the Commodore, Vice Commodore, Rear Commodore or, in their absence, a Chair elected by those present shall preside.</p>
Quorum at Meetings	<p>63. Quorum at Meetings</p> <p>63.1. 25 percent of voting members with a minimum of 15 members entitled to vote and personally present shall form a quorum at any meeting of the Club.</p>
Entitlement to vote at Meetings	<p>64. Entitlement to vote at Meetings</p> <p>64.1. Only eligible members shall vote at any meeting of the Club.</p> <p>64.2. Other members may attend but are not entitled to vote.</p>
Voting at Meetings	<p>65. Voting at Meetings</p> <p>65.1. Voting, except upon the election of members of the Committee, shall be by show of hands.</p>
Equality of Votes	<p>66. Equality of Votes</p> <p>66.1. In the case of an equality of votes the Chair shall have a second or casting vote, on any matter other than the election of members of the Committee.</p>
Voting on Rule Change	<p>67. Voting on Rule Change</p> <p>67.1. On any resolution properly put to a meeting of the Club relating to the creation, repeal or amendment of any Rule, Byelaw, Policy or Regulation of the Club such Rule, Byelaw, Policy or Regulation shall not be created, repealed or amended except by a 2/3 majority of votes by those present and entitled to vote.</p>
SECTION 9 - DISSOLUTION OF THE CLUB	
Dissolution of the Club	<p>68. Dissolution of the Club</p> <p>68.1. Upon dissolution of the Club, any net assets remaining shall be donated to one or more of the following: to a charity and/or to another club with similar sports purposes and/or. to the sport's national governing body for use by it for related community sports.</p>

	The Club land shall only be sold with a covenant in the bill of sale requiring it to be used for recreation/similar purpose so as not to affect the Local Nature Reserve.
	Section 11 Safety
Sail or not to sail?	69. It shall be the sole responsibility of the members/guests and their crew to decide at all times whether or not to sail, whether the Club provides a patrol/safety/support boat or not.
Appropriate Clothing	70. Appropriate clothing should be worn for all activities all year round: The Club strongly recommend that all water users wear appropriate wet suits or dry suits whilst sailing or paddling between November 1st and March 31st.
Under 18s Wetsuit/Drysuit Nov-March	71. Those under 18 and those not on the list of approved helms (see Byelaw: sailing/ windsurfing /paddling at other times) must wear an appropriate wet or dry suit whilst sailing between November 1st and March 31st.
Personal buoyancy	72. Personal buoyancy aids or lifejackets (if appropriate) must be worn by all personnel afloat. For windsurfers beyond level 2 harnesses may be deemed to have appropriate buoyancy. Additionally, buoyancy should be worn on the jetties.
Approved helms (Sailing/ windsurfing)	73. Sailing is only permitted by competent helms/crews unless under instruction by an appropriately qualified person acting as part of the training centre. 73.1. Members wishing to sail outside normal club hours/sessions must be on the club's published approved helm list. In order to be placed on the list members must fill in the form and return with the appropriate certificate/proof of experience. The management committee will review and either approve/reject/defer (and request more info) a member at its sole discretion. The same system is in place for windsurfing. (see below for minimum requirements and guidelines). 73.2. <u>Qualifications and/or experience to Sail unsupervised</u> Hold RYA Dinghy Sailing Level 2 or equivalent qualification / experience. 73.3. <u>Qualifications and/or experience to Windsurf unsupervised</u> Hold RYA Windsurfing Level 2 or equivalent qualification / experience.
Approved helms (Paddling)	74. Membership will not be granted to those wishing to paddle only. A similar system to rule 73 is in place for paddling with further limitations. (see below for minimum requirements and guidelines). The management committee will review and either approve/reject/defer (and request more info) a member at its sole discretion. In addition to providing evidence of competency the member must also justify why: specifically, they should be allowed to go paddling unsupervised rather than joining canoe group sessions/ going next door. 74.1. <u>Qualifications to Canoe/Kayak unsupervised</u> Hold BCU 3 Star or equivalent qualification/ experience. 74.2. <u>Qualifications to Paddleboard unsupervised</u> Hold British Stand Up Paddle Association Level 2 or equivalent qualification / experience.
Safe sailing	75. <u>Stay Safe!</u> Regardless of activity: Members must make provision for their own safety e.g. someone keeping an eye from shore or other boats (buddy system) on water who could raise the alarm. Members must make a decision on if to go out depending on conditions, condition of their boat and their own ability. <u>If in doubt don't go out!</u>
Authorised Boats	76. Authorised Boats/boards

	<p>76.1. Only boats/boards authorised by the Management Committee are allowed to be used on Scotman’s Flash by club members, visitors, guests.</p> <p>76.2. Sailing and berthing are restricted to centerboard/dagger board, monohull dinghies from amongst the recognized RYA classes. Boat berths are currently up to 16ft in length. Those buying boats should seek to obtain one which can be accommodated comfortably in such berths with bowsprits, etc. retracted. Other monohull boats with a hull length of up to a maximum of 17ft will be considered at the discretion of the Committee and dependent on the availability of berthing space. Use of RYA Sailability boats with a retractable keel will be considered as appropriate by the Committee.</p> <p>76.3. Those wishing to race, should obtain a boat with a PY number of no less than 940. This number will be reviewed annually as appropriate to match an RS400 PY. Please seek the advice of the Sailing Secretary before buying a boat.</p> <p>These regulations are included to:</p> <ul style="list-style-type: none"> • Provide safe sailing and minimize the risk of high-speed collisions. particularly with other Flash user groups and slower boats. • Continue to protect the fragile biodiversity of the Flash. • Provide competitive class/handicap racing. • Make the best use of limited boatpark space. <p>76.4. Use of trapezes or foiling craft shall not be allowed at the Club without prior consent from the management committee. The management committee should take into account competency (and training) of the helm and crew but more importantly the ability and training of the support boat to deal with entrapment scenarios. (Each case will be reviewed on an individual basis based on a risk assessment of all factors)</p> <p>76.5. Affiliated groups may use other craft as negotiated with the Management Committee.</p> <p>76.6. Only powered craft used for official purposes may be used at the club. And only with prior written permission from the management committee. (See Code of Practice)</p>
	<p>77. SECTION 10 – MISCELLANEOUS</p>
<p>Affiliate Groups</p>	<p>78. Affiliate Groups</p> <p>78.1. The Committee may admit and remove affiliate clubs. An affiliate club shall pay the Club such fees as the affiliate club and the Committee agree.</p> <p>78.2. A member of the affiliate club/ group shall have such use of the Club facilities only as described in the agreement between the Committee and the affiliated club/ group. (See membership section)</p>
<p>Abandoned Property e.g. boats and/or Trailers</p>	<p>79. Abandoned Property e.g. boats and/or Trailers</p> <p>79.1. If, at any time, any fees payable to the Club by any member or former member (whether by way of arrears of subscription or facilities fees, dinghy park fees or otherwise) shall be one month or more in arrears, and a boat and/or trailer and/or other property of a member or former member remains upon the Club premises one month or more after the Club has given the member or former member notice to remove the property, then the member or former member shall remove the boat and/or trailer and/or other property from the Club immediately.</p> <p>79.2. If the member or former member fails to remove the property, then the Committee may: -</p> <p>79.3. Move the property to any part of the Club premises without being liable for</p>

	<p>any loss or damage to the property howsoever caused.</p> <p>79.4. Give ONE months' notice in writing by registered post to the member or former member at their last known address as shown in the Club Register and thereafter sell the property and deduct any monies due to the Club from the net proceeds of sale before accounting for the balance (if any) to the member or former member.</p> <p>79.5. Alternatively, if the property is unsaleable, after giving notice in writing as aforesaid, dispose of the property in any manner the Committee may think fit and deem the cost of doing and any arrears as aforesaid to be a debt owing to the Club by the member or former member.</p> <p>79.6. The Club reserves the right to charge storage for the property until such time as the owner collects the property or until notice has been served under Rule 70.4 above.</p> <p>79.7. PROVIDED ALWAYS 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 property is sold, if the Club is unable to account to the member or former member for the balance of the proceeds of sale pursuant to Rule (b) above 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.</p>
Lien	<p>80. Lien</p> <p>80.1. In addition to Rule 70 the Club shall at all times have a lien over members' or former members' property left on the Club's premises in respect of all monies due to the Club, whether in respect of arrears of facilities fees or subscriptions or otherwise and shall be entitled to retain possession of the property until such time as all monies due to the Club have been paid in full.</p>
Insurance of boats	<p>81. Insurance of boats</p> <p>81.1. Members wishing to put a boat on any water controlled be the Club must first obtain permission from the Committee and must produce evidence that their boat is insured against third party claims of up to £5 million. This amount may be changed at any time by the Committee without consulting members at an AGM/EGM to keep in line with current accepted standards. Reasonable notice will be given and Notices shall be displayed in the clubhouse if this is changed.</p> <p>81.2. While on the club site all boats must be insured as above.</p>
Speed limit	<p>82. A speed limit of 5mph shall be in place on the Club access track. Care should be taken when entering/leaving the Club site.</p>
Car parking	<p>83. Cars may only be parked in areas designated for such parking so as not to cause an obstruction to other cars or to the approaches and fire exits to the Club premises.</p>
Smoking	<p>84. Smoking is not allowed in the Club buildings and in the immediate vicinity of fuel storage and refueling areas and in the immediate vicinity of outdoor eating areas when in use.</p>
Dogs	<p>85. Dogs are welcome at the Club if they are under control and owners clean up after them. Dogs are allowed in the clubhouse but must be under control.</p> <p>85.1. Poorly behaved dogs are not welcome.</p> <p>85.2. No dogs are allowed in the galley.</p>
Byelaws	<p>86. Byelaws</p> <p>86.1. The Club may adopt such Byelaws, Policies or Regulations as it considers appropriate for the good management of the Club and its facilities.</p>
Acknowledgement	<p>87. Acknowledgement</p> <p>87.1. The Members acknowledge that these Rules, Byelaws and Policies constitute a legally binding contract to regulate the relationship of the members with each other and the Club.</p>

Club Byelaws (updated Feb 2021)

	BYELAWS
Boat park Byelaws	<p>Boat park Byelaws</p> <ol style="list-style-type: none"> 1. A member (including family member) may be granted a maximum of 3 compound spaces by the membership secretary. 2. Rental of spaces in the boat compound is exclusively for club members with the right to sail (i.e. not social members). 3. Members must ensure that accurate up to date details of their boats parked in the compound are provided to the membership secretary. 4. Trailers may be left in the compound, if they are stored in the same space as the boat. Trailers, trolleys and boats must be adequately labelled to enable their owner to be identified. Unidentified separate trolleys, trailers, masts etc will become club property and may be used or disposed of as the club see fit. If a trailer extends into another compound space it is potentially liable for an additional compound space fee. 5. Boats and trailers should be parked to allow them to be moved for compound maintenance. 6. The Club may move a boat that is not being sailed that season to elsewhere within the compound. 7. The Compound fee applies in full both for full and part years. The space is transferable to another boat owned by the same member but is not transferable to another member. 8. If a boat loses its right to be parked in the compound for whatever reason a fee determined by the management committee is due for each partial or complete 3-month period the boat then remains in the compound. 9. All boats must be securely tied down when stored and any missing tiedown points should be reported. 10. All boat berths must be kept clean tidy. 11. No boats may be brought onto the Club dinghy park without permission of the boat park officer. 12. Boats must be sailed regularly amount (defined by the Committee) to be eligible for a boat park space in the following year. 13. All boats wishing to berth must in a seaworthy condition and shall be intended to sail at the club.
Sailing Instructions	<p>The Sailing Instructions shall have the status of Byelaws.</p> <p>In particular the discharge by members of duties listed therein is deemed to be part of the obligations of a member to comply with the Rules, Byelaws, Policies and Regulations of the Club.</p> <p>Notwithstanding their status as Byelaws the Committee may revise the Sailing Instructions at any time without any need for approval or consent of the members.</p>
2 nd berth discount	<p>Subject to at least 15 boat park spaces being available at the time of application and to a policy of fair use; A second boat berth discount may be given by the Membership secretary/Committee provided that the following conditions are met: All the boats berthed are used frequently and regularly at the Club by the member, or someone who falls under their family membership. The discount will be permanently removed from the following year if this fair use requirement is not met.</p>
Code of Practice for use of Scotman's Flash	<p>Please refer to the latest version of the Code of Practice Byelaw (Feb 2021 or later), which is a separate document. See also Club document P100 for further information.</p>