

# **Club Rules 2021**

## **1.0 Name**

The Club shall be known as "Earlwood Lakes Sailing Club".

## **2.0 Object**

The object of the Club is to provide facilities to promote and encourage sailing and racing on Windmill Lake, Earlwood. The Club is non-profit making; any surplus income is reinvested in the Club. No surpluses or assets will be distributed to members or third parties.

## **3.0 Officers**

The Officers of the Club shall consist of Commodore, Vice-Commodore, Secretary, Treasurer, Sailing Secretary and Membership Secretary. The Committee may appoint up to eight additional Officers to undertake roles that the Committee identify as beneficial to the effective delivery of the Club's affairs. Any roles created in accordance with this clause will be confirmed at the next Annual General Meeting and continue until the Committee determines that the role is no longer required. The discontinuance of a role will be reported to the next Annual General Meeting.

The position of Honorary President may be awarded to a club member considered by the main Committee to have given outstanding and exceptional service in furthering the object of the Club.

## **4.0 Trustees**

4.1 There shall be four Trustees of the Club who shall be nominated from time to time as necessary at the Annual General Meeting of the Members of the Club from Full, Family or Honorary Members. The appointment will be confirmed by a Deed of Appointment. The appointed Trustees shall form a Board of Trustees.

4.2 The property of the Club (other than cash which must be under the control of the Treasurer) is held in the name of the trustees, but the trustees have no discretion over the assets held in trust. This is a 'Bare Trust' and the trustees are nominees, in whose name the property is held. The trustees have no active duties to perform. The trustees must simply follow the lawful instructions of the Committee of the Club in relation to the assets held in trust which must be minuted.

4.3 The Trustees will be indemnified by the Club against risk and expense.

4.4 A Trustee shall hold office for a maximum term of ten years, or until he/she ceases to be a member of the Club, or he/she shall resign by notice in writing given to the Committee. Trustees ceasing to hold office due to having served the maximum term of ten years shall be eligible for re-appointment as a Trustee. There is no limit to the number of times a Trustee can be re-appointed provided only that they have ceased to hold office due to having served the maximum term.

4.5 One or more Trustees may also be removed by a resolution of the Committee of the Club which may for any reason seem sufficient to a majority of Members of the Committee. When a new Trustee or Trustees need to be appointed due to the removal of a Trustee by resolution of the Committee the Committee of the Club will hold an Extraordinary General Meeting of the Members of the Club to nominate a new Trustee.

4.6. To give effect to a nomination:

4.6.1 the Commodore is nominated as the person to appoint new Trustee or Trustees of the Club within the meaning of the Trustee Act 1925 Section 36; and,

4.6.2 the Commodore must by deed appoint the person or persons nominated by the Members of the Club as the new Trustee or Trustees of the Club; and,

4.6.3 the provisions of the Trustee Act 1925 and Trustee Act 2000 (if applicable) apply to any appointment.

4.7. Any statement of fact in a Deed of Appointment of new Trustees in favour of a person dealing bona fide and for value with the Members of the Club or the Committee is conclusive evidence of the fact so stated.

## **5.0 The Committee**

The affairs of the Club shall be managed by the main Committee consisting of Officers and elected Committee members. The Committee shall have power to co-opt additional members, fill vacancies, establish and appoint to additional Officer roles and to form sub-committees.

The Chairmen of any sub-committees shall be responsible to the main Committee. Co-opted members shall hold office until the next Annual General Meeting.

A retiring Commodore shall have the right to sit on the Committee for one year.

Five Committee members, of whom three shall be Officers, shall constitute a quorum.

At the Annual General Meeting all Officers and Committee members shall resign and may offer themselves for re-election if they so desire.

## **6.0 Elections**

All members of the Club aged 18 years or over are eligible for nomination for election to the Committee or Office, except that:

- A member, having served two years as Commodore shall not be elected as Commodore or Vice-Commodore for the next two years.
- A member having served two years as Vice-Commodore shall not be elected as Vice-Commodore for the next two years.

Nominations for elections shall be given to the Secretary not less than seven days before the Annual General Meeting.

If only one nomination is received for an Office then the member nominated shall be declared elected without ballot.

Proxy voting shall be allowed only when supported by written authorisation and presented to the Secretary prior to the meeting.

Nominations and elections for the Committees shall be in two categories: Officers and Committee Members.

Elections for Officers shall be held in the following order:

- Commodore
- Vice-Commodore
- Secretary (may also serve as Vice-Commodore)

- Treasurer (may also serve as Vice-Commodore)
- Sailing Secretary
- Membership Secretary

## **7.0 Annual General Meeting**

The Annual General Meeting shall be held during the month of February to:

- Receive the accounts from the Treasurer for the financial year ending the last day of December.
- Elect Officers and Committee.
- Receive proposals from the Committee for Officer roles identified during the year
- Amend or make new rules.
- Deal with any other general business.

Not less than fourteen days' notice convening this meeting shall be given to all members.

Voting on sailing matters will be restricted to:

- Paid up Boat Owning members (one vote per boat)
- Fully paid up crew members (one vote each)

On all other matters, Social and Honorary members are eligible to vote. All persons voting must be 18 years of age or over.

## **8.0 Accounts**

Two auditors shall be elected from the members at the Annual General Meeting to serve for the ensuing year. Election of auditors can be a firm of accountants or any two persons from either the club or persons with an accounting background for the ensuing year.

The Committee shall approve payments from Club funds and cheques shall be signed by any two of the following: Treasurer and three other Committee members nominated by the Committee.

The club will allow electronic banking up to £250 per day. Transactions over £250 will be paid by cheque with two signatures.

## **9.0 Extraordinary General Meeting**

Any member entitled to attend and vote at a General Meeting is capable of summoning an Extraordinary General Meeting if more twenty or one fifth of the total number of members, whichever is the fewer, support the request.

## **10.0 Membership**

Membership of the Club is open to the whole community without discrimination. New members shall be elected by a majority vote of the Committee.

Membership shall, for the purpose of subscriptions, be in the following categories:

- Boat Owning (to include the owner's partner and all sons and daughters satisfying the requirements for Youth membership only)
- Single Boat owner
- Youths
- Crew, Youth Crew and Family Crew

- Social
- If approved by an Officer or Committee member, a visitor may join the Club as a Temporary Member for a period of less than 6 months on payment of a nominal subscription agreed by the Committee.
- Honorary Members may be elected at the discretion of the Committee

A Youth shall be deemed to be any person who sails with the Club and who is under the age of 18 prior to 31<sup>st</sup> December of any season or any youth member on reaching the age of 18 is continuing in full-time education until they reach the age of 21.

All sailing members of ELSC shall undertake rostered duty sessions each year (Officer of the Day, Assistant OD, safety boat or onshore duties) and appropriate training will be provided. It is the individual's responsibility to organise a replacement or swap if needed. The committee may waive the duty requirement in exceptional circumstances.

### **11.0 Permitted Classes**

The permitted Classes for racing shall be any boats with the following criteria:

- Have a Portsmouth Yardstick of between 948 and either 1300 or the current Topper Portsmouth Yardstick if higher than 1300 inclusive.
- Be monohull.
- Have either centreboard or dagger board.

At the discretion of the Sailing Secretary, and with the subsequent approval of the Committee, other classes of boat may be allowed to race for a trial period.

Dinghies with Portsmouth Yardsticks greater than that of the Topper are permitted to race but will be treated as Toppers for handicap purposes in both personal and boat handicap events and series, unless otherwise determined by the Sailing Secretary.

### **12.0 Subscriptions**

The Committee has the authority of the Membership to raise the figure for subscriptions in each category in any year up to a maximum of 10 percent of the current subscription without holding an Extraordinary General Meeting.

Subscriptions shall be payable on 1<sup>st</sup> January each year. Subscriptions paid during February shall be increased by £3; those paid in March by £6; and those paid in April by £10.

A member whose subscription is not paid by 30<sup>th</sup> April shall cease to be a member of the Club and an Entrance Fee shall be payable to rejoin.

Persons satisfying the definition of a Youth member in clause 10.0 shall be charged reduced fees.

Any ex-member leaving their boat on Club premises may be charged 4 percent of the annual subscription per week and, after 2 years, the boat and any accessories, including trailer and trolley, may be sold by the Committee to recover the charge.

### **13.0 Joining Fee**

A joining fee determined by the Committee shall be paid by all new Boat Owners except Youths and Temporary Members.

#### **14.0 Expulsion of Members**

The election of a member to the Club shall be held to imply his acceptance of the Rules and By-Laws of the Club and any refusal or neglect to do so or any conduct prejudicial to the prestige of the Club shall render such member liable to suspension by the Committee.

The member shall be notified of the reason for such action and shall be invited to offer orally or in writing an explanation or defence.

If a member is subsequently expelled under this rule, he or she shall forfeit all rights in, and claims on, the Club and its property and current subscriptions shall not be refunded.

#### **15.0 Liabilities**

Members of the Club, their guests and visitors, may use the Club premises and any other facilities of the Club entirely at their own risk and accept that:

- The Club will not accept any liability for any damage to, or loss of, property belonging to members, their guests or visitors to the Club.
- The Club will not accept any liability for personal injury arising out of the use of the Club premises, facilities of the Club, or events whether sustained by members, their guests or visitors.

#### **16.0 Sailing Rules**

The Sailing Rules shall be those of the Royal Yachting Association unless otherwise ordered by the Committee.

#### **17.0 Personal Buoyancy**

Approved and appropriate personal buoyancy must be worn at all times by the crews of boats sailing on the Club's waters. Children under the age of 12 must also wear personal buoyancy while on Club premises.

#### **18.0 Clubhouse and Bar**

The Clubhouse is for the convenience and enjoyment of all members and their families and friends. It is the duty of every member to help keep the premises clean and tidy.

No person under 18 years of age shall enter or remain in the Clubhouse unless an adult is present.

A Club key will be issued on payment of £20 to members who are over 18 years of age. On cessation of membership, the key must be returned to the Membership Secretary and the deposit will be repaid.

The bar will be opened only at the discretion of the main Committee and then only during permitted licensing hours for the sale of intoxicating liquor on the Club premises.

Club boats may only be hired and sailed while there is safety boat cover provided.

#### **19.0 Boat Parking Spaces**

Members are entitled to park their boats in the club boat park (space permitting) but spaces will

be allocated according to the previous season's sailing frequency. The Committee reserve the right to reallocate boat parking spaces as necessary to maintain fairness of access for all members.

#### **20.0 Visitors**

A member may introduce guests for whose conduct they shall be responsible to the Committee. Guests are only able to helm Club boats if crewed by a full adult member or assistant instructor.

#### **21.0 Open Events**

Visiting members from sailing clubs competing at open events with at Earlswood Lakes Sailing Club shall be regarded as Temporary Members during the period of their visit.

#### **22.0 Care for our Neighbours**

As a courtesy to our neighbours, members and visitors shall ensure that they do not make undue noise or disturbance.

Cars must not be parked in front of houses 32-36 and 40-58 Malthouse Lane.

#### **23.0 Emergency contact telephone numbers**

A list of emergency contact telephone numbers of members shall be kept in the Clubhouse.

#### **24.0 Rules and By-Laws**

No alteration shall be made in these rules except at a General Meeting, the notice convening which must contain a statement of the proposed alteration and be sent to every member.

The Committee may from time to time make, alter and repeal By-Laws.

Such By-Laws shall, provided that they are not inconsistent with the rules and objectives of the Club, will be binding on all members and be construed as part of the rules of the Club until they are rescinded or varied by the Club in a General Meeting.

#### **25.0 Dissolution of the Club**

On dissolution of the Club, any surplus assets, after all liabilities have been satisfied, shall be donated to the Seafarers UK (King George's Fund for Sailors) (Registered No: 226446) and the RNLI (Registered No: 209603) in equal proportions.

## 25.0 Change history

October 2008

Para 4 changed from:

*'Four volunteer members shall form a Board of Trustees, who will be empowered to undertake leases and agreements on the Club's behalf. The Club shall indemnify the Trustees against liabilities under any such leases or agreements by means of an investment in an Investment Fund.'*

To:

*'The Commodore, Vice-Commodore, Hon. Secretary and Hon. Treasurer shall form a Board of Trustees empowered to undertake leases and agreements on the Club's behalf.'*

February 2010

Rules re-issued:

- Deleted the 'Hon.' Prefix from the officer's roles.
- Deleted the list of 4 standing sub-committees
- Deleted the requirement to use ballot papers for the election of officers and committee members. Switch to voting by hand.
- Deleted the requirement that officers must be committee members first.
- Deleted the requirement to keep a list of all member names and addresses in the clubhouse
- Deleted the requirement that all visitors must sign the visitors book
- Expanded our general duty of care to our neighbours
- Added boat buoyancy testing requirements.
- By-laws incorporated into the main body of the rules.
- Deleted the requirement to elect the bar committee at the AGM.
- General improvement to the wording and subject sequence.

February 2011

Paragraph 4 - Changed to improve the arrangements for Trustees  
Paragraph 19- Sentence added; 'Guest may not helm club boats'.  
Paragraph 10- Wording deleted that duplicates wording in paragraph 12.

February 2013

Paragraph 3 Changed to allow additional Officer roles to assist the effective running of the club.  
Paragraph 5 Expanded to allow the Committee to implement additional Officer roles.  
Paragraph 7 Enable oversight of the additional Officer roles by the members through the AGM.  
Paragraph 10 Amended "Youth" definition to include those continuing in full-time education until 21.  
Amended to allow temporary membership up to 6 months rather than 1 month  
Paragraph 11 Requirement for buoyancy tests in accordance with class rules removed.  
Places higher limit at Topper PY if greater than 1300

Paragraph 12	Amended restriction on Mirrors and Optimists to allow dinghies with PYs higher than Topper PY to race with a Topper PY Amended reduced fees requirement to make it clear that “Youths” are the beneficiaries
Paragraph 24	Reflects King George Fund for sailors name change and allows for future name changes by using the Charity Commission Registration Number for the two charities.
February 2014	
Paragraph 4	Amended so that the appointed Trustees are persons nominated by Members at the AGM and not the holders of designated officer roles.
Feb 2017	Acceptance of electronic Payments
Feb 2018	Modified Membership rule to add OD duty reqs Added Boat Parking stipulation as rule 19
Sept 2018 (EGM)	Club boats can only be hired when safety boat is manned.
Feb 2019	AGM adjustment to Auditors (8.0) to allow non-members to be auditors
Feb 2021	Rule 3.0 modified to allow up to eight additional committee members; Rule 4.0 modified to clarify the role and accountabilities of Trustees; Rule 10.0 modified to say that members ‘shall’ undertake rostered duties rather than ‘expected to’;