

MANOR PARK SAILING CLUB CONSTITUTION

[Please be aware that this is an amended version of the standard constitution recommended by the RYA]

1. Name, Objective and Status

- a) The name of the Club is “Manor Park Sailing Club”. (Hereinafter referred to as ‘the club’)
- b) The objective of the club is to promote and encourage the sport of amateur dinghy sailing for pleasure, racing, and training.
- c) The club is a non-incorporated Community Amateur Sports Club without limited liability
- d) The club is non profit-making and all surpluses will be used to improve club facilities and activities. No surplus can be distributed.

2 Officers

- a) The Officers of the club shall be members of the club and shall consist of a Commodore, Vice-Commodore, Rear Commodore, Secretary, Treasurer and Membership Secretary.
- b) Candidates for election as officers of the club must be full voting members of the club. Nominations must be received by the secretary up to two weeks before the advertised date of the Annual General Meeting.
- c) Officers shall be elected at the Annual General Meeting each year.
- d) All Officers of the club shall be eligible for re-election.
- e) If the number of candidates for election is greater than the number of vacancies to be filled there will be a ballot.
- f) 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.
- g) In the event of the ballot failing to determine who the officers of the club shall be due to an equality of votes, the candidate or candidates to be elected will be determined by lot.

3 Duties of the Commodore

- a) Be the lead representative of the club on any matter in which the club might be involved.
- b) Lead the club committee in the capacity of chair.
- c) With the exception of any election of club officers, the commodore will have the final/casting vote at any recognised meeting of voting members of the club, when voting shall take place.
- d) Have delegated powers to act on behalf of the club if and when an urgent decision needs to be made, or an action needs to be taken.

4 Duties of the Vice Commodore

- a) As those of the Commodore in his / her absence.
- b) Assist the Commodore in any way required in order to ensure the efficient management of the club. .
- c) If deemed appropriate to do so, report on sailing matters to the committee.
- d) To shadow the Commodore with the expectation of assuming the role of Commodore when his/her term of office ends.

5 Duties of the Rear Commodore

- a) Assist the Commodore and Vice-Commodore in order to ensure the efficient management of the club. .
- b) Take a lead role in organising social events, whether that be alone or within a sub-committee.

6 Duties of the Secretary

- a) Conduct the correspondence of the club.
- b) Keep custody of club records.
- c) Distribute an agenda prior to meetings.
- d) Take minutes of all meetings of the club and committee which shall be duly signed by the chair. Copies of such minutes that the committee shall deem necessary shall be sent to all trustees of the club.
- e) Administer such insurance policy or policies as may be needed to protect the interests of the club, its officers and its members: RYA recommended club Insurance, Public Liability; Employer's Liability and Officers' Indemnity Cover.
- f) Maintain contact with the club's landlord, trustees and legal advisor and any other bodies considered necessary, to ensure that the club's affairs are managed in accordance with current law.

7 Duties of the Treasurer

- a) To keep and maintain a set of accounts which give an accurate assessment of the finances of the club as of 30th June each year.
- b) Make available all returns as may be required by law in relation to club accounts at the due time.
- c) To arrange each year, with committee approval, the appointment of a competent person to examine the annual balance sheets and verify that they are a true and accurate account of the club's finances. The Treasurer shall arrange for such balance sheets to be displayed in the clubhouse at least fourteen days before the annual general meeting.

8 Duties of the Membership Secretary

- a) Keep a register of club members' names, addresses, boat details and any other information that the committee considers pertinent to club operation.
- b) Conduct all matters relating to membership applications and renewals.
- c) Make day-to-day decisions on the management of the boat park.

9 Membership: Those members entitled to vote are as follows:

- a) Individual (full) members over the age of eighteen shall have one vote each.
- b) A single representative, parent or guardian, from each family membership group, shall have one vote.
- c) A single representative of the Manor Park Model Yacht Club shall have one vote
- d) A single representative from each group membership shall have one vote. (NB group membership: may be granted, at the discretion of the committee, to schools, colleges, guides, scouting groups, venture groups etc.).
- a) Honorary Members (nominated and elected) having membership for life, shall have one vote each.

- e) Senior Citizen members having attained the state retirement age shall have one vote each.
- f) No other individual or class of membership, mentioned hereafter, shall be entitled to vote.

10 Conditions of membership

- a) As a condition of membership it is expected that members will assist the club by doing duties, as requested, throughout the year.
- b) Membership of the club is determined by the payment of an annual membership fee relevant to a category of membership. This fee and (if required) a boat park (storage) fee should be paid on the first day of January and no later than the 31st of March in each year. The membership secretary shall reserve the right to impose a late fee, determined by the committee, upon those failing to pay subscription fees within this period. Any member choosing to leave the club, before the end of the season, will not be entitled to a refund.
- c) The committee will inform members of the latest rate of membership fees for each category of membership at the Annual General Meeting. The committee will also announce the latest boat park fees at this meeting.
- d) Any proposed changes to membership fees, boat park fees and any other fees that might be determined by the committee, that are above an increase of five percent, will need to be approved by a majority of those present at an Annual General Meeting, which is quorate, and who are entitled to vote and shall become operative on the first day of January in the following year.
- e) The current rate of membership fees, for each category of membership, shall be prominently displayed in the Clubhouse.
- f) Boat owners shall pay an annual boat park fee, determined by the committee, for each boat which the owner wishes to keep at the club. The position of his/her boat(s) on club premises will be determined by the membership secretary.
- g) Membership of the club shall be offered to anyone interested in the sport of sailing regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However, the committee reserves the right to refuse membership of the club for reasons other than those which might be regarded as discriminatory.
- h) Every member shall provide the membership secretary with an up-to-date address, telephone number and email address, if applicable. This will be recorded in the Register of Members and any correspondence sent to the address shall be deemed to have been duly delivered.
- i) It is recognised that the Register of Members is a confidential document which will be maintained by the membership secretary and used by officers of the club, solely for the purpose of the communication of club matters to individual members.
- j) A member wishing membership of the club to cease shall give notice in writing to the membership secretary before the last day of November.
- k) The committee may cancel, without notice the membership of any member whose annual subscription and other annual fees are more than three months in arrears provided that the committee may, at its discretion, re-instate such member upon payment of arrears. No member whose annual payments are in arrears shall be entitled to use the facilities of the club, or enter any event or vote at any meeting.

11 Conduct of and Obligations of Members

Expectation of good behaviour

- a) Every member is deemed to have notice of and undertakes to comply with the constitution and current byelaws.
- b) Any member with a grievance or complaint must, in the first instance, write to the Secretary so that this matter can be considered at the next committee meeting. Under no circumstances shall a servant of the club be personally reprimanded by a member.
- c) Members will at all times be aware, that they have personal responsibility for the health and safety of other members. Failure to do so could lead to censure or termination of membership.
- d) Members shall not knowingly remove, destroy or damage any property of the club and shall make restitution for the same if called upon to do so by the committee, or by the secretary upon the instructions of the committee.
- e) Members will at all times be aware, that they have personal responsibility for club premises and property and agree to treat such premises and property with care and respect. Failure to do so could lead to censure or termination of membership.
- f) Any conduct which, in the opinion of the committee, is unworthy of a member; is abusive or threatening or contrary to the interests of the club shall render that member liable to censure or termination of their membership by the committee.
- g) Before terminating a membership, the committee will call upon the member for a written explanation or if necessary, a verbal explanation of their conduct.

Guests

- h) Members shall enter the names of all guests in the Visitor's Book. Not more than three guests may be introduced by any one member in any one day and the same guest may not be introduced more than four times in any one calendar year. In this respect the term "guest" might be used loosely to cater for a family: parents, guardians, children who are considering membership.
- i) Similarly, those who have completed RYA sailing courses, provided by the club, may visit in the capacity of guests, with the permission of a committee member, and with the expectation that they will become members. Temporary (guest) membership will be afforded to competitors in open meetings for the duration of that meeting "or in other circumstances which might arise and which are agreed to by the committee." Amended Sept 2014.
- j) At recognised times, throughout the year, that have been agreed to by the committee; visitors will have full access to club facilities. Open days and social events, for example, are typical of such occasions. Individuals who are taking part in recognised events will be recognised as guests.

Boat Rental

- k) Boat rental is solely for club members. Members wishing to rent club boats must first have training and be considered competent by the club's lead sailing instructor(s). Boat rental must be accounted for in the rentals book to be found in the club house and the fee must be passed to a member of the committee.
- l) Guests, other than those taking part in recognised training, cannot hire or helm club boats.

Premises: Club Grounds, Club House and Boat Park

- m) It is the responsibility of members who have a boat space to keep it weed free and tidy. If the committee has no choice other than to employ a third party to keep the boat park tidy those members who have failed to obey this rule will be charged a proportionate share of the cost. It is the responsibility of each member to ensure that the clubhouse is kept clean and tidy and in a state that is fit for purpose.
- n) A member shall settle any debts for galley purchases before leaving the club premises or, if an account holder, at the end of any agreed term that has previously been decided by the committee.

12 Limitation of Club Liability

- a) Members of the club, their guests or visitors may use the club premises, and any other facilities of the club, entirely at their own risk.
- b) 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.
- c) The club will not accept any liability for personal injury arising out of the use of club premises, and any other facilities of the club either sustained by members, their guests or visitors caused by the said members, guests or visitors whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the officers and committee members of the club.
- d) Membership of the club and acceptance of these rules by the member will be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Act 1998.
- e) The club is bound by a lease with the landlord and all members are governed by the terms of this lease.

13 The Operation of the Committee

- a) The Committee shall consist of the elected **FIVE** officers and other members, co-opted by the committee, who have agreed to carry out specific functions which assist with the efficient running of the club.
- b) If, for any reason, a vacancy shall occur, the committee may co-opt a member to fill such a vacancy until the next annual general meeting.
- c) The committee shall meet at least every two months and will make its own arrangements as to the conduct, place of assembly and business to be considered.
- d) The commodore, or in his/her absence a chair elected by those present, shall preside.
- e) Officers of the club and co-opted members of the committee shall be allowed to vote on matters discussed by the committee. Voting, except in the case of a resolution relating to the conduct of an individual member, shall be by a show of hands. In the case of equality of votes the commodore shall have a second and casting vote.
- f) MPMYC shall have one representative on the committee
- g) A minimum of **one** officer of the club and **five** co-opted members who are entitled to vote shall form a quorum at a meeting of the committee.

AMENDED AT AGM SEPTEMBER 2016

14 The Roles and Responsibilities of the Committee

- a) Committee members shall declare, at the first opportunity, any pecuniary interest which might otherwise become apparent when conducting the affairs of the club.
- b) The committee shall manage the affairs of the club according to the rules and shall cause the funds of the club to be applied to the objectives of the club or for any charitable purpose nominated by a general meeting.
- c) The commodore, secretary and treasurer shall be signatories of all club cheques with a minimum of two signing.
- d) The committee shall make such byelaws and regulations as it shall from time to time think fit and shall cause the same to be exhibited in the club premises for fourteen days before implementation. Such byelaws and regulations shall remain in force until approved or set aside by a vote at a general meeting of the club.
- e) The committee undertakes, at all times, to give support to interested and qualified club members to provide training to both juniors and adults with the objective of achieving high levels of sailing ability. It is likely that this will be carried out according to guidelines and regulations offered by the RYA.
- f) The committee has formally adopted the RYA child protection policy and has a designated person and deputy designated person for child protection.
- g) The committee may appoint such sub-committees as it may deem necessary and may delegate such of its powers as it may think fit.
- h) Sub-committees shall consist of such members of the committee or of the club as the committee may think fit. Officers of the club shall be ex-officio members of all such sub-committees.
- i) The committee, or any person or sub-committee delegated by the committee to act on behalf of the club or its members, shall not enter into contracts without the express prior permission of the officers of the club in agreement or in exceptional circumstances, the commodore using delegated power to act.
- j) In pursuance of the authority vested in the committee by members of the club, members of the committee are entitled to be indemnified by the members of the club against any liabilities properly incurred by them or any one of them on behalf of the club wherever a contract is of a duly authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the club. The limit of an individual member's indemnity in this respect shall be sum equal to two year's subscription at the current rate for that full category of membership unless the committee has been authorised to exceed such a limit by a general meeting of the club.
- k) The committee may nominate for election at an annual general meeting such Honorary Members as the committee shall think fit. The total of such Honorary Members shall not exceed four in number at any one time.
- l) The committee shall, out of the assets of the club, indemnify the committee from and against any liability, costs, payments and expenses whatsoever, which may be properly incurred or made by the committee in the exercise of their duties, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the carrying out of the duties of a committee member of the club.

15 Trustees

- a) There shall be a minimum of four trustees and a maximum of eight, who shall be full members of the club and be elected at general meetings by a majority of three-quarters of members present and entitled to vote.

- b) A trustee shall hold office until he/she resigns in writing to the Secretary giving one month's notice, stating any reasons, or until he/she is asked to resign by members voting in general meeting.
- c) All property of the club, including land and investments, shall be held by the Trustees in their own names so far as is reasonable and practicable, in trust, for the use and benefit of members of Manor Park Sailing Club. Maintenance of the property in a safe condition shall be the responsibility of the club.
- d) Trustees upon resigning from the club will automatically end their trusteeship. On the resignation, death or removal from office of a trustee, the committee shall nominate a replacement for election at the next general or extra-ordinary general meeting according to this constitution. After such nomination, the committee shall take the necessary steps to place all club property into the name of the trustees as constituted.
- e) 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 the 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, but no purchaser, lessee or mortgagee shall be informed from where such direction has been given.
- f) The committee shall, out of the assets of the club, indemnify the trustees from and against any liability, costs, payments and expenses whatsoever, which may be properly incurred or made by the trustees in the exercise of their duties, or in 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 carrying out of the duties of a trustee of the club.

16 Meetings of the Club

- a) An annual general meeting of the club shall be held each year in the month of September on a date to be fixed by the committee. The secretary shall, at least fourteen days before such meeting, or any other general meeting as hereinafter mentioned, display in the club premises the business to be discussed at the meeting.
- b) No business, except the passing of accounts and the election of officers, committee, trustees and any other business that the committee may order to be inserted in the notice convening the meeting shall be discussed at such meetings unless notice thereof be given by a member entitled to vote, to the Secretary, at least fourteen days before the date of the annual general meeting.
- c) The committee may at any time, upon giving twenty-one days' notice, call an 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 discussions at such meeting shall be confined to the business stated in the notice sent to members.
- d) The committee shall similarly call a general meeting upon a written request, stating the business of such meeting, addressed to the secretary, from at least three trustees or at least fifteen members entitled to vote. The discussion at such a meeting shall be confined to the business stated in the notice of such meeting.
- e) At every general meeting of the club the commodore or, in his absence, a chair elected by those present and entitled to vote, shall preside
- f) Fifteen members entitled to vote and personally present shall form a quorum at annual and extra-ordinary general meetings.

- g) Members of the club who are not entitled to vote may attend and speak at such meetings.
- h) Voting, except when deemed otherwise, shall be by a show of hands.
- i) In the question of equality of votes the chairman/commodore shall have a casting vote on any matter other than the election of club officers.
- j) Any resolution properly put to a meeting of the club relating to the creation, repeal or amendment to any rule, byelaw or regulation of the club shall not be created, repealed or amended except by a majority vote, at a quorate meeting, of at least two thirds of those present and entitled to vote.

17 Dissolution of the Club

- a) If at an Annual General Meeting or an Extraordinary General Meeting, which is quorate, a resolution is passed for the dissolution of the club, of which proper notice has been given, by a majority of three-quarters of members present who are entitled to vote and after the discharge of all liabilities, the committee shall thereupon, or at a future date as may be specified, determine how the property of the club might be disposed. Only after this has been done shall the club be wound up.
- b) Nothing contained in this rule shall affect a claim or charge which a member or former member may have on the assets of the club in respect of any loan made by him/her to the club.
- c) The Committee will then be responsible for the orderly winding up of the Club's affairs.
- d) After settling all liabilities of the club, the Committee shall dispose of the net assets remaining to one or more of the following: i) to another club with similar sports objectives and/or ii) to the club's national governing body (the RYA) for use by them for related community sports.

18 Addendum: Changes made to the constitution at the request of the committee and agreed to by a two thirds majority vote at a quorate general meeting.

- a) Date: January 28th, 2014 Change/Addition: to 11i

Temporary (guest) membership will be afforded to competitors in open meetings for the duration of that meeting, "or in other circumstances which might arise and are agreed to by the committee."

Manor Park Sailing Club Byelaws

19 It is recognised that these byelaws may be amended or added to at any time, at the discretion of the committee and subject to the wishes of a two thirds majority vote at a quorate general meeting.

- a) The rights and privileges of each category of membership shall be as follows:
 - i. A Full Member shall have full use of all club facilities.
 - ii. A Junior Member shall be under the age of eighteen at the time of application for membership and must submit written consent from a parent or guardian. He/she shall have full use of the club facilities subject to adequate supervision by parent or guardian.
 - iii. A Student Member shall be under the age of twenty five at the time of membership acceptance or renewal and must be in full time education. He/she shall have full use of the club facilities.
 - iv. A Crew Member shall be non-boat owning and may crew at any time but may not helm in. He/she shall have full use of the club facilities.
 - v. A Senior Citizen Member shall have attained the state retirement age at the time of application for membership and shall have full use of the club facilities.
 - vi. An Honorary Member shall have the full use of all the club facilities.
 - vii. Manor Park Model Yacht Club members shall have full use of the club facilities.
 - viii. Group Membership can be granted to Schools, Colleges, Scouting organisations etc. and shall be governed according to their own rules and yet in all matters shall observe the rules and other byelaws determined by the committee as the same as for all individual members. The group spokesperson shall be accountable to the committee for the entire group. The committee shall decide on what restrictions shall apply to each Group Membership and shall post these restrictions in the club premises.
 - ix. Family members shall have full use of club facilities.
 - x. Wind Surf Members shall have full use of the club facilities, but the committee shall retain the right to decide on what restrictions shall apply to such membership, if any.
- b) Dogs –, all dogs must be kept on a lead and under close control, at all times, when on the club premises. Dogs are not allowed in the clubhouse.
Assistance dogs are an exception to this rule. Amended September 2014.
- c) Cars – may only be parked in areas designated for parking and should not cause an obstruction to other cars or to the approaches to the club premises. Car drivers must obey club speed limits at all times.
- d) The club premises shall be open to its members at such times to be decided by the committee.
- e) In addition to the powers given to the committee, if at any time, any fees payable to the club by any member shall be three months or more in arrears and a vessel which is the property of that member or former member remains upon the club premises, the committee may move the vessel to any other part of the club premises without being liable for any loss or damage to the vessel howsoever caused.
- f) In such circumstances the committee shall give one month's notice in writing to the member or former member at his/her last known address as shown in the club register and thereafter sell the vessel and deduct any monies due to the club (whether by way of arrears of subscription or boat registration fees or

otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member. Providing 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 vessel is sold the proceeds of the sale (less any indebtedness by the member or former member to the club) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he/she be the said member or former member or otherwise) for a period of six years. Please note that the means adopted by the committee to deal with abandoned boats fully conforms to the regulations of the RYA.

- g) Alternatively, if the vessel is unsaleable, after giving notice in writing as aforesaid, the committee may dispose of the vessel in any manner the committee may think fit and deem the cost of doing and any arrears as aforesaid to be debt owing to the club by a member or former member.
- h) Swimming is not allowed at any time in the areas of water the club is permitted to sail.
- i) It is recognised that powerboats will only be used, on the water, by trained and recognised members solely for the purpose of safety cover during racing or training or activities deemed appropriate by the committee.
- j) It is compulsory for all racing members to wear a wet suit or dry suit from the beginning of November until the end of March. It is strongly recommended that anyone sailing also wears a wet or dry suit during this period.
- k) Boats kept on the club premises must be tied down to the satisfaction of the committee; marked with a name plate, which will include – name, type of boat, number of boat and number of berth.
- l) Members are reminded that the club is bound by a the terms of a lease held from the site owners, and therefore all members shall be governed individually by the terms of this lease where applicable
- m) All boat owning members will have a valid Third Party Insurance (min £1,000,000) whilst on the club premises.
- n) No members or visitors are allowed on the water, beach, walls and jetties without wearing a buoyancy aid.
- o) Property - the property and funds of the club cannot be used for the direct or indirect private benefit of members other than as reasonably allowed by the rules or agreed to by the committee.

20 Addendum: Change/Addition to the by-laws requested by the committee. and agreed to by a two thirds majority vote at a quorate general meeting?

a) Date: 29th January, 2014 Change/Addition 19 b add:

“Assistance dogs are an exception to this rule.”

This document and the amendments contained within it was received and accepted by the Annual General meeting of Wednesday, 25th September 2013.

M D Newman, Secretary MPSC, September, 2013

Amendments in red have been made since that meeting.

M D Newman, Secretary MPSC, January 2014