

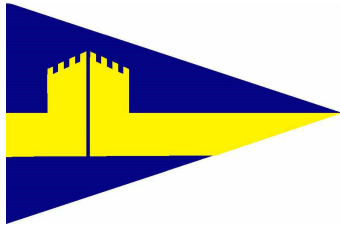
# Portchester Sailing Club

## Rules

VERSION 54 Including changes to 26<sup>th</sup> November 2017

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# Portchester Sailing Club

## Rules

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### 1. The Club

The name of the Club shall be 'The Portchester Sailing Club' (hereinafter referred to in these rules as the Club).

### 2. Club Burgee

The club burgee shall be an emblem of Portchester Castle in gold (yellow) on a royal blue background.

### 3. Objects

The purposes for which the Club is formed are to promote and facilitate members' participation in the sports of yachting, sailing, motor boating, angling and canoeing and to provide storage, mooring, social and other facilities, as far as available space will permit, for Members of the Club at their own risk.

The Club is a non-profit making organisation. All profits and surpluses shall be used to maintain or improve the Club's facilities. No profit or surplus shall be distributed.

### 4. Trustees and Officers

(a) There shall be three Trustees

(b) There shall be four Flag Officers: Commodore, Vice Commodore, Rear Commodore (Marine) and Rear Commodore (House).

(c) There shall be fifteen elected Executive Officers: Secretary, Treasurer, Membership Secretary, Angling Secretary, Maintenance Secretary, Sailing Secretary, Training Secretary, Social Secretary, Moorings Officer, Boatswain, Boat Handling Officer, Communications Officer, Major Projects Officer, Foreshore Officer and Club Boats Officer.

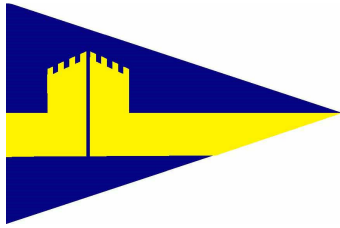
### 5. Membership

Membership of the Club shall be open to anyone interested in the sports of yachting, sailing, motor boating, angling and canoeing on application, regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. Membership may however be limited according to available facilities on a non-discriminatory basis. Membership subscriptions shall be kept at levels that will not pose a significant obstacle to people participating.

The General Committee may refuse membership or, subject to Rule 9, remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal of membership may be made to the members.

### 6. Management of the Affairs of the Club

(a) There shall be a General Committee and three Executive Committees, which shall control the affairs of the Club, and which shall make the final decision on all matters not reserved to a General Meeting of the Members.



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The General Committee shall be composed of the Flag Officers, Secretary, Treasurer, one Trustee and the past Commodore for the year following retirement, under the Chairmanship of the Commodore, or in his/her absence the Vice Commodore or a Rear Commodore.

The General Committee shall operate through three Executive Committees, i.e. Finance & Policy Committee ("F&P"), House Committee and Marine Committee. The terms of reference for each Executive Committee shall be defined by the General Committee.

The relevant Executive Committee is responsible for appointing members to positions such as Fire Responsible person, Security Officer, Health & Safety Responsible person, Bar Secretary or others as agreed with the General Committee

No business shall be transacted at a meeting of the General Committee or an Executive Committee unless a quorum of the Committee is present. One Flag Officer and three Committee members shall be a quorum for the General Committee and one Flag Officer and four Committee members shall be a quorum for all other purposes.

**(b)** The property of the Club shall be vested in the Trustees for the time being of the Club.

On the instructions of the General Committee or an Executive Committee, Trustees may enter into commitments, execute deeds and sign documents for and on behalf of the Club, but they shall be indemnified by the Members of the Club in respect of all and any such actions taken by them on the instructions of the General Committee or an Executive Committee

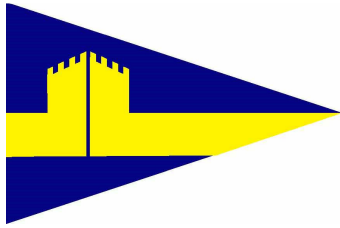
**(c)** There shall be Section Committees, as set out in the Byelaws, which shall administer matters relating to club activities.

Each Section Committee shall operate under such powers as are delegated to it by the relevant Executive Committee.

**(d)** The dissolution of the Club may only be carried out at a General Meeting at which a majority vote of at least two thirds of those present and entitled to vote will be necessary for the dissolution to be accepted. If, upon winding up or dissolution of the Club, there remains after the satisfaction of all its liabilities any assets (excluding any grant funded assets where applicable), the same shall be sold and the proceeds distributed equally between the Full Members of the Club.

Grant funded assets, where applicable, will be disposed of to one or more of the following:

- (i) to another club with similar sports purposes which is a charity and/or
  - (ii) to another club with similar sports purposes which is a registered CASC (Community Amateur Sports Club) and / or
  - (iii) to the sport's national governing body for use by them for related community sports.
7. Election as Trustee, Officer, General Committee, Executive Committee or Section Committee Member



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### (a) Eligibility

Only a Full Member, Student or Cadet, may be an elected member of one of the Section Committees.

Only a Full Member who has been a Full Member for more than one year may be an Officer or a member of the General Committee or an Executive Committee. Only a Full Member who has been a member of an Executive Committee (or of the committee formerly known as the Management Committee) for at least two years, may be a Flag Officer or a Trustee.

The Commodore and Vice Commodore shall not be eligible to hold any of the Executive Officer positions.

**(b)** All these elected positions are honorary, except those specifically authorised at a General Meeting.

**(c)** Appointments and Vacancies.

All these positions shall be filled by election at a General Meeting; except that in the event of a vacancy in any position (other than Flag Officer) between General Meetings, the General Committee may appoint a Member to fill the vacancy until the next Annual General Meeting, or for a shorter period as may be necessary. Such an appointee shall be entitled to vote. Committees may co-opt additional members when appropriate but such members shall not be entitled to vote.

Should a Flag Officer position become vacant, then the vacancy shall not be filled until the next General Meeting.

Should the position of Commodore become vacant, the duties of Commodore shall be assumed, until the next General Meeting by the Vice-Commodore.

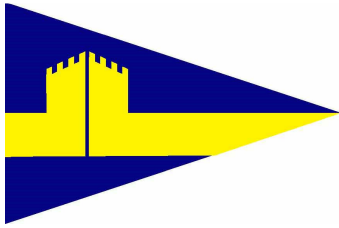
Should the position of Vice-Commodore become vacant, the duties of the Vice-Commodore shall be assumed, until the next General Meeting, either by the Rear-Commodore (Marine) or the Rear-Commodore (House). In this case the choice shall be made by ballot of the remaining members of the General Committee.

In the event that the positions of Commodore and Vice Commodore both become vacant at the same time the Trustees shall request the Secretary, (or if there be no Secretary, any other Officer of the Club) to call together the Club in General Meeting for the purpose of electing Flag Officers.

**(d)** Tenure

Trustees shall hold office for life or until resignation or until a resolution removing him/her from office shall be passed at a Members' General Meeting by a majority comprising two-thirds of the members present and entitled to vote.

The Commodore shall retire not later than three years after his/her election and shall then not be eligible for election to any Flag Officer position for another twelve months.



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The Vice Commodore and the Rear Commodores shall each retire not later than three years after election, and in any case immediately before the election of a Commodore. They shall be immediately eligible for re-election.

The Executive Officers and the Members of the General Committee, the Executive Committees and the Section Committees shall each retire not later than three years after election. In the case of the Social Committee, at least one third must be elected annually. They shall be immediately eligible for re-election.

With the exception of Trustees: for all General Committee Executive Committee and Section Committee positions including appointed members there shall be a maximum of six years in the same post. A member who has stood down after six years in the same post shall not be eligible for re-election to the same post for a minimum of one year. This restriction may be waived by the General Committee or, in exceptional circumstances, an Executive Committee.

**(e)** Nomination for election:

**(i)** of a Flag Officer. This shall be valid only if it is:

either proposed by a Full Member, supported by at least five other Full Members, and in the possession of the Club Secretary a minimum of 14 days prior to the General Meeting.

or in the event that no nominations are forthcoming for that position, made at a meeting of the General or an Executive Committee. All nominations shall be displayed on the Club Notice Board and website for ten days prior to the General Meeting.

**(ii)** of a member of the General Committee or an Executive Committee. This shall be valid only if it is proposed and seconded by Full Members, and in the possession of the Club Secretary a minimum of 14 days prior to the General Meeting. All nominations shall be displayed on the Club Notice Board and website for ten days prior to the General Meeting.

**(iii)** of any member of a Section Committee. This shall be valid only if proposed and seconded by Full Members, at any time up to the time of election.

**(f)** Election

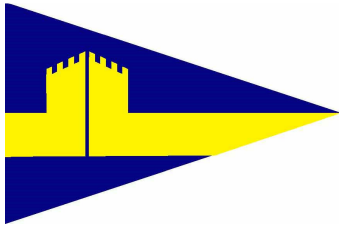
Election of Flag Officers shall be by the method of ballot; if necessary more than one ballot shall be held so that the Member elected gains more than half the votes cast in the final ballot.

Where there are, as there may be in the case of committee members, several vacancies to be filled, the vacancies to be filled in descending sequence of votes cast.

All other elections shall be by majority vote.

**(g)** Removal from Office (with the exception of Trustees)

**(i)** Any elected or appointed member of any committee may be removed immediately from office by a resolution passed by the General Committee on a 75% majority vote of those present



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and voting, ignoring any abstentions. An elected position may be revoked by a majority of Members in General Meeting to which proper notice of such resolution has been given. Or

(ii) Any elected or appointed member of any committee who fails to attend four consecutive meetings of any one committee is automatically deemed to have resigned from that committee (unless the other members of that committee give dispensation in exceptional circumstances).

### 8. Appointment of Auditor

An Auditor may be appointed by the Trustees should they deem the circumstances warrant that the annual accounts be subjected to a formal audit.

### 9. Resignation and Cancellation of Membership

(a) A Member may resign his/her membership by giving written notice to the Membership Secretary or by letting their renewal lapse.

(b) A Member may be disciplined, using the Disciplinary Procedure which has been approved by the General Committee.

In accordance with the Disciplinary Procedure, more serious matters may be heard by a Disciplinary Panel appointed by the General Committee and chaired by a Flag Officer, normally the Vice Commodore. In the event the Disciplinary Panel recommends sanctions against a member such as expulsion, non-renewal of membership or suspension of use of facilities for a significant period, the Member concerned shall have the further opportunity of attending before the General Committee and explaining his/her case before it makes such a decision.

(c) A General Committee decision, by simple majority, to expel a Member under this Rule shall take effect immediately, but it may be rescinded on appeal at the next General Meeting: such an appeal may only take place if, within ten days of his/her being notified of the decision, the appellant gives the Club Secretary formal notice of appeal.

(d) A Member whose membership has been terminated or suspended under subparagraphs 9(a) or 9(b) is responsible for any fees due to the Club up to the date of termination and shall not be entitled to have any part of the annual membership fee refunded. The member must return any Club or external body's equipment, trophy or trophies held forthwith.

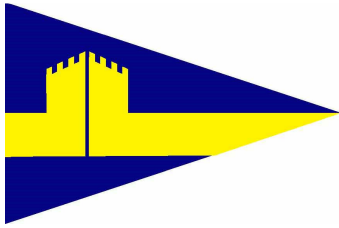
(e) Upon expulsion of a member, the General Committee may dispose of the former member's boat, mooring gear and/or trailer in accordance with the Byelaws.

### 10. General Rights and Duties of Members

(a) Only Full Members shall be entitled to vote in General Meeting.

(b) All Members may take part in all Club activities and attend meetings.

(c) The use of all Club facilities is subject to the Club's Byelaws.



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(d) No Member may use or permit to be used any mooring or Club Facility for hiring out or chartering of craft, or other commercial gain or for any purpose not associated with the Club.

### 11. Subscriptions, Fees and Dues

(a) All subscriptions shall be as recommended by the General Committee and approved by the Membership in General Meeting.

(b) All other fees and miscellaneous dues shall be decided by the General Committee, upon recommendation from the appropriate Executive Committee.

Appropriate Value Added Taxes shall be added.

(c) Members, other than Honorary Life Members, Corporate Honorary Members and Temporary Members, shall pay Annual Subscriptions according to their subscription classes, which shall be as follows:-

Full Member - Single

Full Member - Joint – Couples who are married; or have a civil partnership; or are living together as a couple.

Full Member - Family - one or two Full Members plus their children (the children being Junior Family Members as defined in the Byelaws)

Student Member

Cadet Member

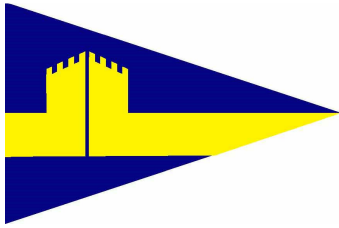
Duckling Member

Junior Member

Junior Non-Family Member

Absentee Member

In the case of joint or family memberships, one of the members shall be deemed to be the principal member of the group and shall be the member responsible for all annual subscriptions, fees and duties.



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The Annual Subscription of a member who has been a Full Member for a minimum of five years shall be reduced by half when the date of the subscription invoice falls in the calendar year following the year of his/her 65th birthday. For Joint members the 65th birthday of the elder member applies. For members who join the Club after the age of 60 this rule becomes applicable to the subscription for the sixth year of their membership.

**(d)** Temporary Members shall pay a Temporary Members Subscription when such membership exceeds 7 days.

**(e)** An Entrance Fee shall be paid by an applicant for membership if he/she joins the Club as a Full Member; but not if he/she joins by automatic transfer from Cadet or Student Member. When Single membership is converted to Joint or Family membership, no additional entrance fee shall be payable.

There may be different Entrance Fees for Full Member - Single, Full Member - Joint and Full Member - Family, as defined in (b) above or for special categories as determined from time to time by the General Committee.

**(f)** Other Fees shall be:

Mooring Fees

Foreshore Berth Fees

Boat Park Fees (Summer Season)

Boat Park Fees (Winter Season)

Duty Day Fees

Any other fees that may be determined from time to time by the General Committee

**(g)** A duty credit, earned in a calendar year (ending 31 December) shall be used as payment for a duty day fee payable on the following 1<sup>st</sup> February.

**(h)** All Subscriptions and Fees shall be payable on or before 1<sup>st</sup> February, except that:

Subscriptions and Entrance Fees payable by new Members joining after 1<sup>st</sup> February shall be payable immediately the Club gives notice that application is accepted, and

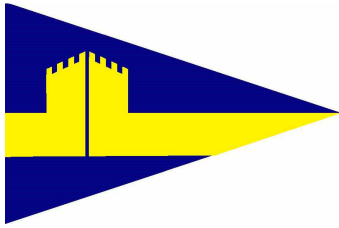
Fees in respect of facilities (such as mooring space) first allocated after 1<sup>st</sup> February shall be payable immediately the Club gives notice that the facility is allocated.

**(i)** Any Member in arrears to the Club for any monies cannot renew their membership until the arrears have been settled. Members shall receive a composite account before 1<sup>st</sup> February; any member who has failed to pay by 1<sup>st</sup> February or 15 days after the account was posted, whichever date is the later, shall be sent a reminder.

Any member not paying his/her account by 15<sup>th</sup> February or 10 days after the reminder was posted, whichever is the later, shall have forfeited his/her membership, and he/she will be sent formal notice to remove all his/her property from Club premises.

If he/she wishes to re-join, another Entrance Fee shall be payable.





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Any dispute arising from this procedure shall be determined by the General or the relevant Executive Committee and their decision shall be final.

The summer Boat Park fee and annual subscription (except Temporary Member's subscription), shall be reduced by half for members accepted after 31<sup>st</sup> July of any year.

### 12. General Meetings of Members

(a) An Annual General Meeting of Members shall be held on a Sunday in November in each year. A minimum of fourteen days' notice of such meetings shall be given. In addition the date of the Annual General Meeting shall be published to members by the end of February in each year in either written or electronic format.

(b) The General Committee may call a General Meeting at any time, and shall do so forthwith if thirty or more Full Members so request in writing. Fourteen days' notice of such a meeting shall be given.

(c) If two or more of the Trustees shall request the Club Secretary or, if there be no Club Secretary, any other Officer of the Club) to call a General Meeting, the Club Secretary (or other Officer) shall do so forthwith and the notice convening such meeting shall state that it has been requested by such Trustees.

(d) No business shall be transacted at a General Meeting unless a quorum of the Full Members is present. 50 Full Members shall be a quorum for all purposes.

(e) At each Annual General Meeting the Treasurer shall produce an income and expenditure account and balance sheet which have previously been approved by the General Committee or F&P Executive Committee.

The Treasurer shall also make a formal statement summarising significant changes in the Club's financial affairs since the date of the Accounts.

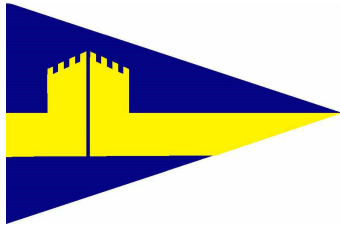
(f) The following special decisions may be made only in General Meeting:

(i) Approve any alteration or addition to these Rules as proposed by the General Committee

(ii) Revoke the election or appointment of a Trustee, Officer, or Committee member, other than in accordance with the provisions of Rule 7.

(iii) Decide an appeal against cancellation of a membership under Rule 9

(iv) The disposal of any asset of the Club, where its market value is in excess of 25% of all subscription and fee income for the current year.



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**(v)** Expenditure:

With the exception of normal running expenses of the Club, the General Committee's power of expenditure for each capital expenditure item shall be limited to 25% of all subscription and fee income for the current year.

A General Meeting shall be called to authorise capital expenditure items of any greater sum.

**(vi)** The election of Honorary Life Members, as proposed by the General Committee.

A Full Member may require any other resolution to be put to a General Meeting.

In all cases, a minimum of forty-two days' notice must be given to the Club Secretary. In all cases except (iii) above, this notice must be supported by the signatures of thirty Full Members. In all cases, Members must be given a minimum of fourteen days' notice of the appropriate resolution - as laid down in Rule 13 for formal communication with Club Members and by display on the Club notice board (including, in the case of alterations or additions to the Rules, the relevant precise words).

**(g)** On any resolution properly put to a meeting of the Club relating to the creation, repeal or amendment of any Rule or Byelaw of the Club, such Rule or Byelaw shall not be created, repealed or amended except by a majority vote of at least two-thirds of those present and voting at a General Meeting.

### 13. Formal Communication with Members

**(a)** Except as allowed by paragraph 13(b) below, any notice of meeting and enclosure, account, or other communication required to be sent under these Rules shall be deemed properly given and sent if dispatched by ordinary prepaid post to the address of the Member shown for the time being in the Club's Register of Members. The Member will be deemed to have received the communication three days after it has been posted.

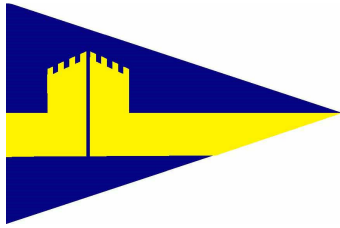
**(b)** The club shall use email as a means of formal communication with members unless a member has notified the Hon Secretary that he/she has chosen to opt out. Members receiving emails shall have agreed that communications sent this way shall not be sent by post.

Additionally, club members accept that the club's liability for the email communication ceases once the email has been sent to the email address registered to them in the Club's Register of Members.

### 14. Members' Bar Rules

**(a)** The purchase for the Club of excisable goods and the supply of the same upon Club premises shall be exclusively and solely under the control of the General and House committees.

**(b)** No person shall take a commission, percentage or other such payment in connection with the purchase of excisable goods for the Club. Any profit deriving from the supply of such goods shall (after deduction of the costs of providing such goods for the benefit of the Club) be applied to the provision of additional amenities or the purchase of property to be held in trust for the benefit of the Club.



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**(c)** No credit may be allowed to any person whatsoever, at any time. All purchases must be paid for in full at the time of purchase.

**(d)** Intoxicating liquor may only be sold to persons over the age of eighteen who are entitled to the use of the Club premises in pursuance of the Rules and Byelaws for the time being in force. No Member under the age of eighteen may purchase or attempt to purchase intoxicating liquor within the Club premises nor may a Member under the legal age purchase or attempt to purchase tobacco or cigarettes within the Club premises.

**(e)** The General or House committee shall cause the Club bar to be opened (subject to terms of the Club premises certificate) at convenient times (and such times shall be prominently exhibited in the Club premises) for the sale of excisable goods to persons who are entitled to the use of the premises of the Club in pursuance of these Rules (except Members under the legal age) PROVIDED THAT visitors' names and addresses and the name of their introducer shall have been entered in the Visitors Book upon entry to Club premises.

**(f)** Proper accounts of all purchases and receipts shall be kept and presented at the Annual General Meeting in each year and such information as the Secretary or Trustees may require shall be furnished to enable any statutory return or statement and the payment of excise or other duty or tax to be made.

### **15. Sponsorship**

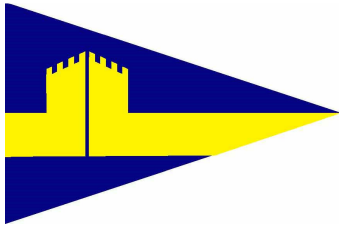
Any sponsorship of Club affairs is to be strictly controlled by the relevant Section Committee. Minor amounts (i.e. of less than £1,000 without any ongoing liability) may be approved by the Flag Officer responsible for the appropriate Committee. Major amounts of sponsorship must have the approval of the General Committee.

### **16. Data Protection Act**

In accordance with the Data Protection Act 1998, the Officers of the Club and others authorised by the General Committee or an Executive Committee shall use Members' personal data only in pursuance of the legitimate interests of the Club. Members' contact details shall be available on the Members' website but members may request, in writing, to have their details removed.

### **17. Lien**

In addition to the provisions of the Byelaws, the Club shall at all times have a lien over members' or former members' boats and/or trailers parked 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.



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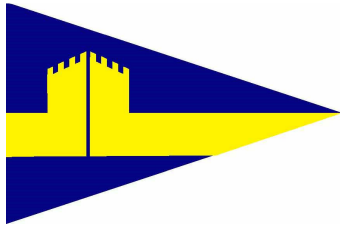
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### **18. Byelaws**

The General Committee shall pass, amend or repeal Byelaws as it considers appropriate for the good day to day management of the Club and its facilities. The General Committee shall consult with and take into account all recommendations and comments made by the three Executive Committees before passing such Byelaws.

### **19. Acknowledgement of the Rules and Byelaws**

The Members acknowledge that the Rules and Byelaws constitute a legally binding contract to regulate the relationship of the members with each other and the Club.



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### REVISION CONTROL NOTES

05/01/02 Version control changed so that there is only 1 version and date for the whole document instead of different versions/dates between the Rules and the Conditions. Revision Control notes added.

25/09/02 Management By-Laws added

03/11/02 Changes from AGM 27/10/02 added

06/12/02 Insurance value changed from £1M to £2M

04/11/03 Changes from AGM 26/10/03 added

31/01/04 Corrections applied to layout and punctuation and new bylaw added.

17/12/04 Some Bylaws changed to Rules and Conditions as per AGM changes 7/11/04. Some Bylaws removed without becoming Rules or Conditions per Management Committee decision. New bylaws added.

16/05/05 New bylaw added

06/11/05 Changes from AGM 6/11/05 added

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16 Issue 50

21/02/06 Existing Bylaw on boat movements changed

05/11/06 Condition 5 of SPECIAL CONDITIONS FOR MOORINGS, FORESHORE BERTHS, AND BOAT PARKS amended to cover partnerships. Condition 16 of GENERAL CONDITIONS FOR THE USE OF CLUB FACILITIES added

04/11/07 Changes from AGM of 4/11/07 made

03/11/08 Changes from AGM of 2/11/08 made

04/11/08 Bulleted paragraphs reinstated on rule 9- omitted during changes of 3/11/08

28/06/09 Changes from EGM held 19th April 2009 made

Index added and Section numbering corrected.

9/11/09 Changes from AGM held 8th November 2009

19/04/10 Changes from EGM held 18th April 2010

23/05/10 Bylaw concerning RYA Onboard membership added

15/11/10 Changes from AGM held 14th November 2010

29/11/11 Changes from AGM 13th November 2011

06/07/12 'Duckling' bylaw added

18/11/12 OnBoard and Duckling Bylaw incorporated into main body of rules.

04/12/12 Other changes from AGM 18th November 2012 added

4(d) Duckling added

5(c) Angling / Training committees increased to nine

5(j) Dissolution clause updated

8(a) amended NUS ref removed/ Duckling added

8(f) onboard added

11(h) seasonal dates definition changed

13(g) amended

Special Conditions 14 & 20 amended

20/11/13 Changes made at AGM 17th November 2013

GENERAL CONDITIONS FOR THE USE OF CLUB FACILITIES – 14. Last sentence deleted

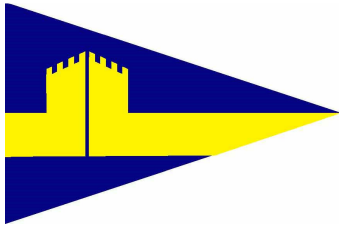
8(a) grandparents added

12(f) Wording changed

12(h) 5th para deleted

16(d) "by cash" deleted

16(g) Deleted



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16 (h) Renumbered (g) and changed  
18 last sentence added

ADDITIONAL CONDITIONS, APPLYING ONLY TO BOAT PARKS – last sentence changed

SPECIAL CONDITIONS FOR MOORINGS, FORESHORE BERTHS, AND BOAT PARKS 8. Changed

16/01/2014 Management Committee ByLaws added

16/11/14 Changes made at AGM 16th November 2014

11. GENERAL RIGHTS AND DUTIES OF MEMBERS.

11 (i) Replaced

SUBSCRIPTIONS, FEES AND DUES

Para added - In the case of joint or family memberships, one of the members will be deemed to be the principal member of the group and will be the member responsible for all annual subscriptions, fees and duties

13/09/15 Rules updated and Byelaws extracted into separate document

15/11/15 Rule 18 words “amend or repeal” added

20/11/16 Rule 11 (g) words added “Members over the age of 65 are exempt from Duty Day.”

26/11/17 Rule 6(a) Fire & H&S changed to responsible person

26/11/17 Rule 6(d) changed to dissolution - sold and the proceeds distributed equally between the Full Members of the Club

26/11/17 Rule 11(g) changed to clarify Duty day year