

**DABCHICKS  
SAILING CLUB  
(WEST MERSEA)**



*General Rules  
January 2024*

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(These Rules incorporate all matters conducted at all General Meetings and all Special General Meetings up to and including the Annual General Meeting of January 2024.)

Copies of these rules may be available or viewed in the club premises.

## Section 1 NAME AND OBJECTS

1. The name of the Club shall be "The Dabchicks Sailing Club (West Mersea)", hereinafter referred to in these Rules as "the Club".
2. The Barge shall be a Golden 'D' on a dark blue background.
3. The Club is formed for the purpose of promoting sailing and racing sailing craft. Other types of craft may be accommodated, on application to the General Committee, as ancillary to the Club's purpose.

## Section 2 OFFICERS

4. **Officers of the Club**  
The Officers of the Club shall be Adult or Honorary Life members of the Club and shall consist of a President, a Commodore, a Vice-Commodore, a Rear-Commodore, an Honorary Secretary, an Honorary Treasurer, an Honorary Membership Secretary, an Honorary Sailing Secretary, and an Honorary Social Secretary.

Subject to paragraphs 34, Officers shall be elected at the Annual General Meeting in each year and, subject to termination of office by resignation or otherwise, shall hold office for one year, retiring at the Annual General Meeting in each year.

The President must have served a term (defined as one year) as a Flag Officer (defined as Commodore, Vice-Commodore, or Rear-Commodore).

Furthermore, the President and Flag Officers shall not be eligible for re-election to the same post after serving in that post for two consecutive years providing there is a candidate for the post. If this is not the case, the Officer may stand for re-election to that post for a third year only.

Should the Officer stand down then they will be eligible for re-election to that post after a further year has elapsed, or immediately eligible for re-election to another post.

5. **Duties of Honorary Secretaries**  
The duties of the Honorary Secretary shall be to:
  - (a) Keep a register of Club members' names and addresses.
  - (b) Conduct the correspondence of the Club.
  - (c) Keep custody of all Club documents.
  - (d) Summon and keep full minutes of all meetings of the Club and the Committee which shall be confirmed and signed by the appropriate Chair upon the agreement of the Club and the Committee at the next following meeting of the Club or the Committee.
  - (e) See to the maintenance of such insurance policy or policies as may be needed to fully protect the interests of the Club and its members.
  - (f) To comply with the duties of a "Club Secretary" as prescribed by the Licensing Act 2003.
  - (g) Maintain contact with the Club's Legal Adviser as required, to ensure that the Club's affairs are managed in accordance with current law.
6. **Duties of the Honorary Treasurer**  
The duties of the Honorary Treasurer shall be to:
  - (a) Cause such books of account to be kept as are necessary to give a true and fair view of the state of the finances of the Club.
  - (b) Cause all returns as may be required by law in relation to such accounts to be rendered at the due time.
  - (c) Prepare Annual Accounts as of 30th September in each year in accordance with current law and convention and shall cause such accounts to be independently examined.
7. **Other Officers**  
Other Officers shall perform such duties as the Committee shall from time to time assign to them.

### **Section 3 MEMBERSHIP** **Categories of membership**

8. *Categories and votes of membership*

There shall be the following categories of membership with power to vote at all meetings of the Club as indicated hereunder. The rights and privileges of and the restrictions upon each category of members are (as far as is consistent with these Rules) as defined in the latest edition of the Byelaws of the Club.

AN ADULT - being a person who, at the date of election, has attained the age of twenty-five but not sixty-five shall have one vote.

A JUNIOR ADULT – being a person who at the date of election or progression directly from Cadet to Adult membership, has attained the age of eighteen and who is under the age of twenty-five at the commencement of the subscription year shall have one vote.

A SENIOR ADULT - being a person who, at the date of election, has attained the age of sixty-five shall have one vote.

A CADET - being a person who, at the date of election, is under the age of eighteen but has attained the age of eight, shall have no vote.

AN HONORARY LIFE MEMBER - who shall be nominated and elected in the manner described in Rule 45 shall have one vote.

A TEMPORARY MEMBER - being a person defined by Rule 26 who shall have no vote.

FAMILY MEMBERSHIP- being a family group comprising of one household of two ADULT members and two or more CADET members.

No member except a TEMPORARY MEMBER shall use the Club premises or any of the facilities of the Club until forty-eight hours have elapsed from the date of posting notice of election.

Candidates for membership (other than those who have previously been rejected or who have been expelled from membership) shall have the same rights and privileges and be subject to the same restrictions as temporary members except that they cannot have full use of the Club facilities, but they are entitled to enter Club races or regattas.

All Cadets shall have at least one parent or guardian who is a member of the club until the Cadet reaches the age of 16 years.

9. *Entrance and Subscription fees*

There shall be separate Entrance and Subscription fees for each category of membership.

Senior Adult members and adult members residing abroad for a period in excess of twelve months shall both be charged at the current rate for Cadets.

Reduced rates of Entrance and Subscription fees shall be available to Junior Adult Members.

Honorary Life Members shall be exempt from Subscription fees and Temporary members shall be exempt from Entrance and Subscription fees.

Cadets progressing to Adult and Junior Adult membership shall be exempt from Entrance fees.

Reduced rates of Entrance and Subscription fees shall be available to those applying for and maintaining Family Membership.

Any changes proposed by the Committee to the members at the Annual General Meeting shall be approved by a majority of at least two-thirds of those present and entitled to vote and shall become operative on the First day of March in the year of the AGM.

The current rate of Entrance and Subscription fee shall be prominently displayed on the Club premises.

Persons applying for Club membership after the end of Mersea Week in any year shall at the time of application be required to pay the appropriate Entrance fee for that year, but no annual subscription shall be payable until the time of membership renewal immediately following, whereupon they shall become liable to pay the appropriate level of Subscription current at that time.

Subscriptions are due and payable on the 1st of March each year. The Committee may offer a facility for payment of subscriptions by monthly instalments. Members taking advantage of any such facility shall strictly adhere to the rules and procedures of the facility in default of which the outstanding balance shall immediately be paid in full.

A person who applies for membership of the Club and who can prove to the satisfaction of the General Committee that they were formerly a member in good standing and whose membership at the time of cessation thereof was not under suspension or in arrears shall upon re-election be liable solely for the payment of Annual Subscription at such rate as may from time to time be determined and shall not be liable for payment of an Entrance fee.

Any person wishing to resume membership at a level which would involve the payment of an Annual Subscription in a different category to that originally paid shall be liable upon re-election to pay such rejoining fee as may from time to time be determined by the Club.

10. *Boat and locker permit.*

Members shall also make annual payment when required of such sums as the Committee shall from time to time prescribe for:

(a) A boat permit which shall entitle a member to a space (subject to availability) in the Club's boat park whether owned or leased by the Club.

(b) A locker permits which shall entitle a member (subject to availability) to the use of a locker in the Clubhouse.

N.B. The Club's Subscription to the RYA as a Fully Affiliated Club shall be borne by the Club.

11. *Members' duty to provide up to date email address.*

Every member shall furnish the Honorary Membership Secretary with a current up-to-date email address which shall be recorded in the Register of Members and any notice or letter sent by email to such email address shall be deemed to have

been duly delivered to the member. If a prospective member is unable to provide an email address the membership secretary will facilitate communications with said prospective member.

### **Election and retirement of members**

12. *Candidature for election*

Every candidate for membership (except (i) when progressing from one membership type to next by maturity (ii) Honorary Life members or (iii) Temporary members) shall be required to submit an application via the online form on the club website with details of two referees being Adult members of the Club, both of whom must be personally acquainted with the candidate. The form is downloadable. If a prospective member is unable to complete an online application this can be facilitated by the membership secretary.

13. *Application for membership*

An application for membership shall be in the form from time to time prescribed by the Committee, and shall include the name, address and occupation of the candidate, details of craft (if any).

14. *Election of members*

Applications for membership shall be online or in writing and shall be considered by the Honorary Membership Secretary (or such other person as shall be fulfilling that function) who shall be empowered either to admit a candidate to membership or to refer the application to the Executive Committee for determination (save for the case of a candidate who has previously been expelled from membership by a General Meeting in which case the application shall be subject to approval by a General Meeting).

The Honorary Membership Secretary (or such other person as shall be fulfilling that function) shall inform each candidate in writing of the candidate's election or non-election. He shall furnish an elected candidate with a copy of the Rules and Byelaws of the Club. The deposit of a candidate not elected shall be returned.

15. *Arrears of Subscription*

The Executive Committee may cancel, without notice given, the membership of any member whose Annual Subscription is more than three months in arrears provided that the General Committee may, at its discretion, reinstate such member upon payment of arrears. No member whose Annual Subscription is in arrears may enter any Club event or regatta nor vote at any meeting.

16. *Resignation*

A member wishing to resign from the Club shall give notice in writing to the Honorary Membership Secretary (or such other person as shall be fulfilling that function) but shall be liable for all sums due by him to the Club at the date of such notice.

### **Conduct of members**

Members are expected to conduct themselves in a manner commensurate with membership of an established sailing club of good repute and to abide by the law and behave with honesty, integrity, and civility at all times.

17. *Expulsion and suspension*

17.1 Where an allegation relating to a member is brought to the attention of the Committee (either General or Executive) that Committee shall address the matter in good faith and in the best interests of the Club to determine what (if any) action is required.

17.2 If the Committee is of the view that some form of action may be required, the Committee shall proceed accordingly and may, at its discretion, follow the procedure in Annex 1

17.3 The General Committee shall have the following powers:

17.3.1 To appoint one or more of its members, or an external consultant, to investigate any matter.

17.3.2 To suspend a member's use of club facilities and access thereto pending the outcome of any procedure.

17.3.3 To appoint one or more of its members, or an external consultant, to determine the facts of any matter and having regard to those facts and the best interests of the club, to take no further action, to issue a written warning or a final written warning, to suspend membership for a period not exceeding twelve months or to expel a member.

17.4 To appoint one or more of its members, or an external consultant (insofar as practical with no previous involvement in the matter) to consider and determine any appeal.

17.5 Any member expelled shall forfeit all rights to claim upon the Club, its property, its members, or funds.

17.6 Any member expelled shall not be re-elected a member until his re-election has been confirmed by a General Meeting.

17.7 Expulsion or suspension shall not entitle a member to a refund in part or in full for any Subscription fees, Entrance fees or annual payments for boat or locker permits.

**18 Undertaking by members to comply with Rules.**

Every member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with the Club Rules and the current Byelaws of the Club.

**19 Guests in the Club**

Adult, Junior Adult and Honorary Life members only (not being Temporary members) may introduce a maximum of four guests (not being persons who have been rejected as candidates or expelled or are currently suspended from membership of the Club) on any one occasion within twenty-four hours except where the General Committee shall decide otherwise and subject to such restrictions as they may make, but no guest shall be introduced to the Club on more than seven days in one year. The member introducing a guest shall be responsible for all liabilities to the Club incurred by or on behalf of such guest and in addition shall be responsible for the conduct of each guest. Before admission to the Club guests' names must be entered in the Visitor's Book, together with the name of the introducing member. Guests may not purchase intoxicating liquor.

The Committee (including the Executive Committee) shall have the power to let the Club premises for periods not in excess of twenty-four hours on no more than ten occasions per annum for any private functions approved by the Committee (including the Executive Committee) to persons who need not be members who may in turn invite for that function only any number of other persons to the Club premises within the bounds of statutory safety requirements. Those persons will become Temporary members as defined in Rule 8 except that the period of membership will be restricted to the duration of the private function. Members not invited cannot be permitted to use for the duration of the function that part of the Club premises left for the function.

**20 Damage to Club property**

A member shall not knowingly remove, injure, destroy, or damage any property of the Club.

**21 Settlement of accounts**

A member shall settle any indebtedness for refreshment goods or otherwise before leaving the club premises, or in accordance with any Byelaw relating to the settlement of such indebtedness.

**22 Suggestions**

A book shall be kept at the Clubhouse for recording suggestions and complaints to be countersigned by two members.

**23 Visiting yachtsmen and members of other RYA clubs**

Yachtsmen being crews of yachts visiting West Mersea and being members of any club affiliated to the Royal Yachting Association (a list of whereof is published by the said Association) or any other corresponding national yachting authority may use the premises of the Club and (if they have attained the age of eighteen years) purchase intoxicating liquors providing the duration of the visit is not more than seven days and provided they shall so soon as practicable introduce themselves to the Club Manager or Bar Manager or an Officer or Committee member or if none is present an Adult, Junior Adult or Honorary Life member and enter their name, address and club in the Visitor's Book. No person who has been rejected as a candidate for membership or expelled or is currently suspended from membership of the Club shall be admitted.

**24 Competitors in Club races**

Any person who is a competitor, crew member or organiser of any race or sailing event sponsored by or on behalf of the Club (not being a person who has been rejected as a candidate or expelled or is currently suspended from membership of the Club) is entitled to the use of the Club premises including the purchase of intoxicating liquors, within a period of 24 hours before and after the race in which they are competing.

**25 Members of other clubs**

Officers and members of any Club or association to whom an official invitation has been extended by the Committee (including the Executive Committee) may on the day of their visit purchase intoxicating liquors.

**26 Temporary Members**

A Flag Officer and one other Officer or the Honorary Secretary may grant temporary membership to any person who has not been rejected as a candidate for membership or expelled or is currently suspended from membership of the Club for a period or periods not exceeding forty-eight hours.

**27 Power to expel those admitted under Rules 23, 24, 25 and 26 hereof.**

A Flag Officer or the Club Manager (where appointed) 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 use the Club's premises only under Rules 23, 24, 25 and 26.

**Limitation of Club liability**

28 Members, their guests, and visitors are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises: 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 and impliedly accept:

(a) 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.

(b) The Club will not accept any liability for personal injury arising out of the use of the Club premises, and any other facilities of the Club either sustained by members, their guests or visitors or 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, Committees or servants of the Club.

## **Section 4 GENERAL COMMITTEE**

### **Constitution and procedure**

#### *29 Constitution of Committee*

The General Committee shall consist of the Officers and (if appointed) the Dinghy Captain and Cruiser Captain and not more than four Past Presidents, and not more than seven others who must be Senior Adult, Adult, Junior Adult or Honorary Life Members of the Club and elected at the Annual General Meeting each year (or Co-opted under Rule 34) to hold office until the next following Annual General Meeting.

#### *30 Candidates for election to the General Committee*

Candidates for election to the General Committee (including Officers of the Club and if proposed and elected: Dinghy Captain, Cruiser Captain and Past Presidents) shall be those members of the retiring Committee eligible to offer themselves for re-election and such other Senior Adult, Adult, Junior Adult or Honorary Life Members whose nominations (duly proposed and seconded in writing by Senior Adult, Adult, Junior Adult or Honorary Life Members of the Club) with their written consent shall have been received by the Honorary Secretary at least ten days before the date of the Annual General Meeting in each year. Such nominations, together with the names and signatures of the Proposer, Seconder and Nominee shall be posted in the Club premises as soon as possible.

#### *31 Election of General Committee by ballot*

If the number of candidates, duly proposed and seconded, shall:

- (i) Exceed one for each of the vacancies for Officers, Dinghy Captain, and Cruiser Captain.
  - (ii) Exceed four for the vacancies for Past Presidents.
- Or
- (iii) Exceed seven for the other vacancies.

Then in each case there shall be an election at the Annual General Meeting by ballot in which members who are entitled to vote shall cast any number of votes up to the number of vacancies that exist but not exceeding one vote per candidate.

#### *32 No contest for election*

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.

#### *33 Equality of votes*

In the event of the ballot failing to determine the Officers or 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 a subsequent ballot or ballots until determination is achieved.

#### *34 Casual vacancy*

If for any reason a vacancy cannot be filled or a casual vacancy shall occur, the Committee may co-opt a Senior Adult, Adult, Junior Adult or Honorary Life Member to fill such a vacancy until the next following Annual General Meeting. Nothing in these Rules shall prevent any one person from filling more than one office at any one time.

#### *35 General Committee meetings*

The Committee shall meet at least once in every quarter making such arrangements as to the conduct (save as provided below), place of assembly and holding of such meetings as it may wish. The Commodore, or in his absence the Vice-Commodore or Rear-Commodore or a Chair elected by those present, shall preside.

#### *36 Voting at Committee*

Voting shall be by show of hands and in the case of an equality of votes the matter under vote shall be deemed not to have been carried.

#### *37 Quorum*

Seven members personally present shall form a quorum at a meeting of the General Committee.

### **Powers of the Committee.**

#### *38 Management of Club by Committee*

The General 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 objects of the Club or for a benevolent or charitable purpose nominated by the General Committee.

#### *39 Power to make Byelaws.*

The General Committee shall make such Byelaws as it shall from time to time think fit and shall cause the same to be exhibited on the Club premises. Such Byelaws shall remain in force until set aside by a vote at a General Meeting of the Club or by the Committee.

#### *40 Appointment of sub-committees*

The General Committee shall appoint an Executive Committee (as defined in paragraph 40.1.1) and may appoint such other sub-committees as it may deem necessary and (subject to paragraphs 40.1.2 – 40.1.7) 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 General Committee or of the Club as the General Committee may think fit. Officers of the Club shall be ex officio members of all such sub-committees.

40.1.1 The Executive Committee shall be comprised of the Officers of the Club as defined in paragraph 4 and such other Officers of the Club and Members as shall be appointed to it by the General Committee PROVIDING ALWAYS that the membership of the Executive Committee shall not exceed twelve.

40.1.2 The Executive Committee shall meet once every month with a quorum of four and shall report to the General Committee.

40.1.3 The Executive Committee shall be seized of and discharge the duties and functions of the Honorary Secretary, the Honorary Treasurer, the Honorary Membership Secretary, and the Honorary Social Secretary.

40.1.4 The Executive Committee shall be vested with the powers and authorities of those Officers whose duties and functions it is charged with undertaking,

40.1.5 The Executive Committee shall represent the General Committee in the day-to-day management of the Club and shall be empowered to act on behalf of the General Committee in all routine matters. Where the term "Committee" is used in these Rules, the reference includes Executive Committee in matters of routine. The Executive Committee shall provide the General Committee with copies of its minutes within 7 days of each meeting and shall report on all matters of significance as appropriate. At each General Committee meeting the Executive Committee shall report on all relevant matters from the previous General Committee meeting and seek authority for any proposals that are out of the ordinary. The Executive Committee shall prepare and present an annual budget to the General Committee for approval prior to the Club's AGM.

40.1.6 The Executive Committee shall receive the report of, oversee and be responsible for any Club Manager appointed by the Club and may delegate to a Club Manager such of its duties and functions as it considers appropriate for the efficient management of the Club, in the best interests of the Club. The Executive Committee may require any Club Manager so appointed to attend its meetings, deliver a report, and participate in discussions.

40.1.7 In the case of dispute between the Executive Committee and the General Committee, the General Committee shall prevail.

#### *41 Power to employ staff.*

The General Committee shall have the power to employ staff to serve the Club on such terms and conditions as it thinks fit and expedient having regard to the needs of the Club and sensible budgetary considerations.

#### *42 Disclosure of interest to third parties*

A member of the Committee, of a sub-committee or any Officer of the Club, in transacting business for the Club, shall disclose to third parties that he is acting.

#### *43 Limitation of members' liability*

The General Committee, or any person or sub-committee delegated by the General Committee to function as agent for the club or its members, shall enter into contracts only so far as expressly authorised, or authorised by implication, by the members. No one shall, except in the normal course of conducting the affairs of the Club, without the express authority of the membership in a General Meeting, pledge the credit of the membership. The power of the Committee to dispose of the funds of the Club shall be limited to the assets of the Club, after deducting all known liabilities, for the time being in their hands and the Committee shall not dispose of by way of sale or otherwise or raise any mortgage, loan, security, debenture or the like on the security of the Club's freehold or leasehold land or buildings without the express consent of the members in General Meeting.

#### *44 Member's indemnification of Committee*

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 the 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.

#### *45 Nomination of Honorary Members by General Committee*

The General Committee may nominate for election at an Annual General Meeting such Honorary Life Members as the Committee may think fit. The election of Honorary Life members shall be put to the vote at the Annual General Meeting each year and such Honorary Life Members shall be duly elected if a majority of those present, and entitled to vote, vote in favour of election.

### **Purchase and Supply of excisable goods**

#### *46 Purchase and Supply of excisable goods*

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 Executive Committee (subject to delegation to the Club Manager).

Intoxicating liquors may only be sold for consumption on the Club premises to persons over the age of eighteen who are entitled to the use of the Club premises in pursuance of the Club Rules and Byelaws for the time being in force. No person under the age of eighteen may purchase or attempt to purchase intoxicating liquors within the Club premises.

#### *47 Hours of Sale of excisable goods*

Subject to the requirements of the licensing authorities the Committee shall cause the Club bar to be opened at times that the Committee see fit (and such times shall be prominently exhibited in the Club premises) for the sale of excisable goods to persons who are entitled to their purchase and the use of the premises of the Club in pursuance of these Rules. PROVIDED THAT non-member' names and addresses and the name of their introducer shall have been entered in the Visitors' Book upon entry to Club premises.

#### *48 Profits from Sale of excisable goods*

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 sale of such goods shall (after deduction of the costs of providing such goods for the benefit of the Club) be applied to the benefit of the Club.



*49 Accounts relating to excisable goods.*

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 Honorary Treasurer or Honorary Independent Examiner 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.

## **Section 5 TRUSTEES**

*50 Number of and terms of Trustees*

There shall be four Trustees of the Club who shall be appointed from among Adult or Honorary Life Members who are willing to be so appointed.

*51 The property of the Club is vested in Trustees.*

All property of the Club, including land and investments, but excluding cash which shall be under the control of the Honorary Treasurer, shall be held by the Trustees for the time being, in their own names as far as is necessary and practicable, on trust for the use and benefit of the Club. On the death or resignation of a Trustee, the remaining Trustees shall nominate a new Trustee in his place and the Honorary Secretary 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 giving effect to any such nomination the Honorary 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 Trustees Act 1925 and he shall by Deed duly appoint the person or persons so nominated as the new Trustee or Trustees of the Club and the provisions of the Trustees Act 1925 shall apply to any such appointments. Any statement of fact in any such Deed of appointment shall in favour of a person dealing bona fide and for value with the Club or the Committee be conclusive evidence of the facts so stated. The Honorary Secretary shall record all appointments, deaths, and resignations in the minute book.

*52 Powers of Trustees*

The Trustees shall in all respects act in regard to any property of the Club held by them and shall have power to sell, lease, mortgage or pledge any Club property so held for the purposes of raising or borrowing money for the benefit of the Club.

*53 Indemnity of Trustees from Club funds*

The Trustees shall be effectually indemnified out of the assets of the Club from and against any liability, costs, expenses and payments whatsoever which may be properly incurred or made by them 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 performance of the functions of a Trustee of the Club.

## **Section 6 HONORARY INDEPENDENT EXAMINER**

*54 An Honorary Independent Examiner shall:*

- (a) Be appointed at the Annual General Meeting each year and need not necessarily be a member of the Club.
- (b) To the best of his or her ability independently examine the accounts of the Club for the then current year and shall be required to certify that they show a true and fair view and, where necessary, to conform to current law.
- (c) If unwilling or unable to act, inform the Committee which shall appoint a substitute to hold office until the termination of the next Annual General Meeting.

## **Section 7 MEETINGS OF THE CLUB**

*55 Annual General Meeting*

An Annual General Meeting of the Club shall be held each year in the month of January on a date to be fixed by the Committee. The Committee shall at least fourteen days before the date of such meeting, or any General Meeting as hereinafter mentioned post to the address shown in the Club records or deliver to each member notice thereof and of the business to be brought forward thereat. Email notification is sufficient.

*56 Business at Annual General Meeting*

Save as provided in Rule 62, no business shall be discussed at such meeting, except the passing of the Accounts and the election of the Officers, Committee, and Honorary Independent Examiners, and any business that the Committee may order to be inserted in the notice convening the meeting, and business of which notice has been given in writing by at least 25 members entitled to vote to the Honorary Secretary at least forty-two days before the date of the Annual General Meeting.

*57 Special General Meetings*

The Committee may at any time, upon giving fourteen days' notice in writing call a 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 save as provided in Rule 62.

*58 General Meeting upon request of members*

The Committee shall similarly call a General Meeting upon a written request addressed to the Honorary Secretary by at least 25 members entitled to attend and vote at a General Meeting (or one fifth of the total number of members entitled to attend and vote at a General Meeting whichever number is the least). Such a meeting must be held within two months of such a request being delivered to the Honorary Secretary. The discussion at such meeting shall be confined to the business stated in the notice sent to members save as provided in Rule 62.

*59 Chair at meetings*

At every meeting of the Club the President or the senior Flag Officer present or, in their absence a Chair elected by those present shall preside.

**60 Quorum at meetings**

Twenty-five members entitled to vote and personally present shall form a quorum at any meeting of the Club.

**61 Entitlement to vote at meetings.**

Only Adult, Junior Adult and Honorary Life members may be entitled to attend and vote at any meeting of the Club. Other members may attend but are not entitled to vote or speak.

**62 Voting on change**

On any resolution properly put to a meeting of the Club relating to the creation, repeal, or amendment of any Rule, of the Club such Rule shall only be created, repealed, or amended by a majority vote of at least two-thirds of those present and entitled to vote.

**63 Voting at meetings**

Voting shall be by a show of hands except voting upon the election of members of the Committee which shall all be by ballot. In the case that the vote is less than or equals two-thirds of those present and entitled to vote the matter under vote shall be deemed not to have been carried.

**64 Amendments to a resolution**

Notwithstanding anything herein before contained, the Chair at a General Meeting may accept proposals for bona fide amendments of a resolution of which due advance notice has been given and discussion thereof. The resolution can then be amended by a majority vote of at least two-thirds of those present and entitled to vote subject to the provisions of Rule 61.

## **Section 8 DISSOLUTION OF THE CLUB**

**65 Dissolution of the Club**

**(a) Non-Profit Making**

The Club is non-profit making, all surplus income and gains are to be reinvested in the Club. Any surplus/ assets cannot be distributed to members or third parties.

**(b) Dissolution of the Club**

If upon the winding up or dissolution of the Club, there remains after satisfaction of all outstanding debts and liabilities any property whatsoever the same shall be applied to any of the following as may be approved by the members of the Club in General Meeting: -

- (i) The purposes of the Royal Yachting Association for use in related community sport.
- (ii) The purposes of another amateur Community Award Sports Club.
- (iii) The purposes of a Charity.

**66 Matters not covered.**

The General Committee shall have the power to deal with any matter which is not covered by these Rules until the next General Meeting at which the matter will be discussed if due notice is given.

**67 Gender**

In these Rules where the context permits or requires the singular shall include the plural number and the male, the female gender and vice versa.

## **Section 9 BYELAWS**

**I. Rights and privileges and restrictions**

The present rights and privileges of and restrictions upon each category of membership shall be as follows:

AN ADULT MEMBER shall have full use of the Club facilities.

A JUNIOR ADULT MEMBER shall have the full use of the Club facilities.

A CADET MEMBER shall have full use of all the Club facilities subject only to Rule 46, and they may not introduce guests to the Club.

A JUNIOR CADET MEMBER shall have the full use of all the Club facilities subject only to Rule 46, and they may not introduce guests to the Club.

AN HONORARY LIFE MEMBER shall have full use of all the Club facilities.

A TEMPORARY MEMBER shall have the full use of the Club facilities but:

- (a) No right to enter Club races or regattas unless specifically authorised by the Honorary Sailing Secretary or Committee.
- (b) No right to introduce visitors to the Club or the facilities thereof.
- (c) No right to take any part in the management of the Club.
- (d) Is deemed to have notice of and impliedly undertakes to comply with the Club Rules and current Byelaws as if he or she were a member of the Club and as far as the said Rules and Byelaws may be deemed to apply to such Temporary Members.

**II. Control of dogs**

No dogs may be brought into Club premises (Guide Dogs excepted).

**III. Admittance of children, Cadets, and Junior Cadets**

Notwithstanding Byelaw I the Committee may as it from time to time directs, restrict children, Cadet members and Junior Cadet members from using the Club premises or attending certain Club functions to certain times only and/or to certain ages only and/or to only those accompanied by a parent or guardian.

Junior Cadet members cannot enter Club races or regattas or take part in sailing training unless specifically authorised by the Honorary Sailing Secretary or Committee.

IV. *Control of car parking*

Only certain cars as designated by the Committee may be parked on the Club premises and then only in areas designated for such parking so as not to cause an obstruction to other cars or to the approaches to the Club premises.

V. *Opening of Club premises*

The Club premises shall be open to members at such times as the Committee shall direct.

In respect of certain functions organised by the Club, on occasions of those functions and if so, designated by the Committee, admittance to the clubhouse will be restricted to those members who have paid to attend that function.

VI. *Abandoned boats.*

In addition to the powers given to the Committee under Rule 15, or otherwise if, at any time, any fees payable to the Club by any member or former member shall be three months or more in arrears and a vessel the property of a member or former member remains upon Club premises, or premises leased by the Club, the Committee may:

- (a) Move the vessel to any other part of the Club premises without being liable for any loss or damage to the vessel howsoever caused.
- (b) Give one month's notice in writing to the member or former member at his 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 annual payments, mooring, dinghy park fees or otherwise) from the proceeds of sale before accounting for the balance (if any) to the member or former member.
- (c) Alternatively, if the vessel is unsaleable, after giving notice in writing as aforesaid, dispose of the vessel in any manner the Committee may think fit and deem the cost of so doing and any arrears as aforesaid to be a debt owing to the Club by the member or former member.

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 vessel is sold the proceeds of 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 claim by the owner (whether he be the said member or former member or otherwise) for a period of six years.

- (d) The member (or former member) by virtue of his membership (or former membership) of the Club appoints the Committee his agent (such agency to continue notwithstanding him ceasing to be a member) for the above purposes and undertakes to indemnify the Club against all losses, liability and expenses incurred by it in exercising the powers vested in it detailed above.

VII. *Staff*

The Committee are empowered to engage such staff as may be required to provide the approved facilities for the members and to pay such staff remuneration as agreed by the Committee.

## Annex 1

### Dabchicks Sailing Club (West Mersea)

#### Members Disciplinary Procedure

##### *1. Purpose and scope*

This procedure is for the guidance of the committee when considering allegations against members which may warrant sanction by the Club. It is non-contractual, and no claim or cause of action shall arise where it is not followed. The Club's rules apply to all members. The purpose of this procedure is to ensure consistent and fair treatment for all members of the Club. This procedure is supplementary to the Dabchicks Sailing Club (West Mersea) General Rules January 2024 (The Rules)

##### *2. The Rules*

2.1 Paragraph 18 requires members to:

"...conduct themselves in a manner commensurate with membership of an established sailing club of good repute and to abide by the law and behave with honesty, integrity and civility at all times."

2.5 Every case shall be considered on its own merits. For the guidance purposes only, it is the policy of the Club to expect as a minimum standard that members shall conduct themselves in accordance with the general law. (Particular reference is made to the Public Order Act 1986 and the Equality Act 2010). The Club is not a court of law, and a member shall be subject to sanction if there is a potential breach of this minimum standard.

##### *3. Principles*

3.1 Informal action will be considered, where appropriate, to resolve problems.

3.2 The Power to Suspend will only be invoked where it is necessary to protect or preserve evidence and/or witnesses or where there are grounds for believing that if not invoked the alleged misconduct would be continued or repeated or where it would be prejudicial to the interests of the Club not to suspend. Save in exceptional cases, before the Power to Suspend is exercised, the member shall be informed of the proposed suspension and shall be provided with an opportunity (not more than 48 hours) to make representations before the decision is made.

3.3 No Sanction shall be imposed against a member until the case has been fully investigated. The Committee will normally appoint one of its number to manage the necessary investigation (the "Investigating Officer").

3.4 Before a sanction is imposed the member will be advised of the nature of the complaint against him or her (by way of copies of the investigation material or a written summary of the evidence) and will be given the opportunity to state his or her case to the decision maker(s) at a meeting convened for that purpose (the Disciplinary Meeting).

3.5 The Committee may, in accordance with paragraph 26.7 of the Rules, delegate its power to consider the case and, if necessary to impose a sanction, to a Sub-Committee comprising of a flag officer as chair and generally two but not more than four other members of the General Committee (the Disciplinary Panel). Insofar as is practical none of the members of the disciplinary panel shall have had previous involvement in the case and the Investigating Officer shall not sit on the Disciplinary Panel.

3.6 Except in cases where a decision is required urgently and the exercise of this right would cause unreasonable delay (for example where suspension may be necessary), at all stages of the procedure the member will have the right to be accompanied by another member.

3.7 A Member will have the right to appeal against any sanction to the General Committee.

##### *4. The procedure*

###### *First stage of formal procedure*

Will normally be a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the Member that a final written warning or suspension may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (e.g., six months).

###### *Final written warning and Suspension*

If the misconduct is sufficiently serious, or if there is further misconduct or a failure to improve conduct during the currency of a prior warning a final written warning either with or without a period of suspension may be imposed. The member will receive written details of the complaint, the sanction and the improvement required and the timescale. The member will be warned that failure to improve may lead to suspension (or, as the case may be, a further period of suspension) or expulsion. The letter will refer to the right of appeal. A copy of this written warning will be kept but will be disregarded for disciplinary purposes after a specified period subject to the member's satisfactory conduct.

#### Expulsion or other sanction

If the misconduct is sufficiently serious or if there is further misconduct during the currency of a final written warning the final step in the procedure may be to expel the member in accordance with Rule 19.

The following list provides some non-exhaustive examples of conduct which, in serious cases, could result in expulsion:

- theft or fraud
- physical violence or bullying
- threatening or abusive words or behaviour within the sight or hearing of someone likely to be caused harassment, alarm, or distress thereby.
- deliberate and serious damage to property
- serious misuse of the Club's property or name
- deliberately accessing internet sites containing pornographic, offensive, or obscene material
- unlawful discrimination or harassment
- bringing the Club into serious disrepute
- repeated serious incapability brought on by alcohol.
- use of illegal drugs on the Club's property;
- causing loss, damage, or injury through serious negligence
- a serious breach of health and safety rules

#### *5. Appeals*

A member who wishes to appeal against a disciplinary decision must do so in accordance with paragraph 19 of the Rules. The decision of the Committee, having considered the Appeal, shall be final.