



## **HEL福德 RIVER SAILING CLUB**

### **RULES 2010**

#### **NAME AND OBJECT**

1. The name of the Club is the Helford River Sailing Club.
2. The objects of the Club are to encourage and promote sailing, cruising, racing and generally messing about in boats in a seamanlike manner, and to maintain a Club House for this purpose and for the social use of the Club members.
3. The Burgee shall be azure on a cross gules bordered argent a galleon or. The Flag Officers may fly broad pennants with the usual distinguishing marks of Rank.
4. The Club shall be affiliated to the R.Y.A.

#### **MEMBERSHIP**

5. All persons who are interested in sailing are eligible for membership.
6. The privileges of membership shall include the right to fly the Club burgee, use Club premises and vote at General Meetings, such privileges not being transferable and terminating when membership ceases, or is suspended.
7. The candidate for membership shall complete and send to the Membership Secretary a form setting out the applicant's name, address and any other particulars which the Committee shall require. The candidate shall be proposed and seconded by members of the Club other than a Junior or Temporary member. The form shall be prominently displayed in the Club premises for at least 7 days before election takes place. Persons who are candidates for membership have no privileges whatsoever in relation to the use of the Club or its premises otherwise than is provided for in Rules 40 and 42.
8. The election of candidates to membership shall take place at a meeting of the General Committee. Candidates may and, at the request of any one member of the General Committee, shall be elected by ballot on a simple majority.
9. (1) Following the election of a candidate to membership the new member shall not be admitted to the privileges of membership until the applicant has either:-
  - (a) paid the entrance fee and annual subscription in accordance with Rules 15 and 16, or
  - (b) completed and lodged with the Membership Secretary a Banker's Direct Debit in a form approved by the General Committee providing for the payment of the entrance fee and annual subscription.
- (2) If the entrance fee and annual subscription shall not have been paid within 30 days of notification of election in accordance with this Rule the election shall be null and void.

10. The Club, on the recommendation of the General Committee, may in General Meeting elect Honorary Members but the total number of such Honorary Members shall not at any one time exceed 5% of the total number of all members. Honorary Members shall pay no subscription. The list of Honorary Members shall be reviewed by the General Committee before the Annual General Meeting.
11. The Club, on the recommendation of the General Committee, may, in General Meeting, elect Honorary Life Members so that the total number of Honorary Members and Honorary Life Members shall not at any one time exceed the numbers specified in the preceding Rule. The honour shall be conferred only on members who have (a) rendered outstanding service to the Club of a continuous or exceptional nature, or (b) made some outstanding contribution to the sport. Nominations for Honorary Life Membership shall be sent in writing to the Secretary not less than 14 days before the Annual General Meeting. Honorary Life Members shall pay no subscription.
12. Any member wishing to resign shall notify the Membership Secretary in writing stating the date on which his or her resignation shall become effective. A member resigning shall not be entitled to any refund of entrance fee or subscription.
13. Every member on joining the Club impliedly undertakes to comply with these rules and any refusal or neglect to do so or any conduct which in the opinion of the General Committee is either unworthy or otherwise injurious to the interests of the Club shall render a member liable to expulsion by the General Committee provided that before expelling a member such Committee shall call upon the member for an explanation of the conduct and shall give the member an opportunity of defending the action or resigning membership. The vote on a resolution for expulsion shall be by ballot and the resolution shall only be carried if not less than three quarters of the members of the General Committee present vote in favour of the resolution.
14. Members shall be divided into 8 categories as follows:
  - (a) Adult full members
  - (b) Junior members – those 18 and under on 1<sup>st</sup> January of the subscription year.
  - (c) Cadet members – those over 18 and under 25 on 1<sup>st</sup> January of the subscription year, and in full time education.
  - (d) Absentee members – a member who, for any reason, anticipates inability to use the Club or its facilities from 1<sup>st</sup> January to 31<sup>st</sup> December in any one year shall have the opportunity of paying a reduced subscription and other annual fees provided that notice in writing together with his or her reason is given to the Membership Secretary before the last day in November of the previous year.
  - (e) Any member may suspend membership upon application in writing to the Membership Secretary who, upon receipt of the application, will confirm the suspension to the member by letter. Upon application to re-new membership accompanied by the suspension letter from the club, no

entrance fee will be payable provided that the application to re-new is made not later than five years from the date of the suspension letter.

(f) Temporary members – A person otherwise eligible for membership and not residing permanently within the County of Cornwall may be admitted as a temporary member for a maximum period of 2 weeks in any one year. Temporary membership may be extended to the temporary member's immediate family. The membership fees for a temporary member, family and crew shall be decided by the General Committee in each Club year and the fee or fees so decided shall be displayed on the Club notice board. No person admitted to temporary membership under the Rule shall be entitled to purchase intoxicating liquor on the Club premises until the expiration of 12 hours after the application for membership has been exhibited on the notice board. Rules 7 and 8 shall not apply to temporary members, whose application for temporary membership shall be in such form as shall be prescribed by the General Committee, displayed on the Club notice board for 12 hours, and, if no objections are lodged, approved by the Secretary. During such period of 12 hours an applicant for temporary membership may be permitted to use the Club premises.

(g) Bond Subscription Members – those holding membership bonds as provided for in Rule 16(c) hereof.

(h) Life Members (Subscription) – Members may on request become a Life Member by paying a once only premium payment of 20 times, if aged 59 or younger, or 10 times, if aged 60 or over, the current adult yearly subscription.

#### **ENTRANCE FEE AND SUBSCRIPTION**

15. The entrance fee shall be such a sum as the General Committee may from time to time prescribe and shall be payable on election. Junior and Cadet members shall not be required to pay an entrance fee.
16.
  - (a) The annual subscription shall be payable on election and thereafter on the 1<sup>st</sup> day of January in each year and shall be such a sum as the General Committee may from time to time prescribe.
  - (b) The General Committee shall have power to prescribe a different annual subscription for Adult full members, Junior members, Cadet members, Absentee members and Temporary members, as it shall in its absolute discretion think fit.
  - (c) The Club may, on the recommendation of the General Committee, issue Membership Bonds. Such Membership Bonds may be issued to members or their spouses. The holder of a Membership Bond shall not be required to pay an annual subscription but an applicant for membership applying for a Membership Bond shall pay the entrance fee in addition to the amount of the Membership Bond on election. Membership Bonds shall be redeemable by the member or a personal representative, on ceasing to be a member of the Club or by the Club at any time on 6 months' written notice. Applications for the issue of Membership Bonds shall be in writing addressed to the

Secretary of the Club and shall be allotted by the General Committee. In the event of applications exceeding the numbers for Membership Bonds to be allotted, preference shall be given to applicants who have made gifts or interest free loans to the Club. Other applications shall be decided by lot.

(d)The annual subscription of all members shall be payable by Banker's Direct Debit and (subject to the provisions of Rule 9) in no other way provided always that a member wishing to pay the subscription otherwise than by Banker's Direct Debit may make written application to the Treasurer to do so. The Club will indemnify members of the Committee against claims which may arise against them personally due to the operation of the Direct Debit Scheme.

(e)For the convenience of candidates for membership and to avoid unnecessary correspondence, a suitable form of Direct Debit will be attached to the form of application for membership.

(f)The General Committee shall, at a meeting held before 1<sup>st</sup> November in each year, fix the annual subscription for the ensuing year and any change in the annual subscription shall be notified to members by:

(1) The Membership Secretary sending out notice of the change to all members as soon as possible and in sufficient time so that such notice will be received by the membership at least 10 working days before 1<sup>st</sup> January.

(2) Publishing the same in the Club's Yearbook for the ensuing year.

(g) Members elected after 30<sup>th</sup> September in any year shall be required to pay the entrance fee but shall not be required to pay the annual subscription fee for that year only.

(h)Junior or Cadet members shall become Adult full members as the case may be on 1<sup>st</sup> January in the year following that in which they attain the age of 18 years and shall be liable to pay the appropriate annual subscription from that date accordingly.

17. Any member failing to make payment of the annual subscription before 1<sup>st</sup> March shall be notified, and if no satisfactory reply is received within 14 days, the member's name shall be posted in the Clubhouse for 4 weeks after which the member's name shall, at the discretion of the Committee be removed from the list of members. A member shall not be permitted to take part in any debate or proceedings of the Club until the subscription for the current year has been paid.

#### **OFFICERS**

18. The Officers of the Club shall be Adult full members of the Club and shall consist of:

Commodore	Honorary Secretary
Vice Commodore	
Rear Commodore (Sailing)	
Rear Commodore (Amenities)	Honorary Treasurer

The Commodore, Vice-Commodore and the Rear Commodores shall be the Flag Officers of the Club.

Officers shall be elected at the Annual General Meeting in each year and shall hold office for one year, retiring at the Annual General Meeting and shall be eligible for re-election. Candidates for election as Flag Officers shall be those members with previous service on the General Committee whose nominations, duly proposed and seconded in writing by members of the Club, shall be sent to the Honorary Secretary not less than 7 days before the Annual General Meeting.

Officers retiring from one office shall be eligible for election to another office or to the General Committee.

Flag Officers shall not hold office for more than three consecutive years in any one rank but shall be eligible for re-election after a period of one year has elapsed.

### **GENERAL COMMITTEE**

19. The General Committee shall consist of the Officers and 7 members of the Club elected by the Club in General Meeting. Members co-opted to the General Committee for a specific job shall be a full voting Committee member.
20. The 7 elected members of the General Committee shall be known as Captains and shall hold the office for three years, two retiring in rotation each year and not being immediately eligible for re-election. Candidates for election to the General Committee shall be those members whose nominations duly proposed and seconded by members of the Club in writing shall have been sent to the Honorary Secretary not less than 7 days before the Annual General Meeting. Members retiring from the General Committee shall be eligible for election to any office in the Club.
21. Any casual vacancy on the General Committee occurring through death or resignation may be filled in the General Committee, the member so co-opted holding office until the next Annual General Meeting.
22. If the number of candidates duly proposed and seconded for election at the Annual General Meeting shall exceed the number of vacancies the election shall be by ballot.
23. Any member entitled to vote at the Annual General Meeting shall be eligible for election to the General Committee.
24. At meetings of the General Committee 5 members (including one officer) shall form a quorum except that at a meeting for the purpose of Rule 13 the quorum shall be 8.
25. The General Committee shall be convened by the Honorary Secretary when required, but there shall be a meeting of the General Committee not less than 21 days before the Annual General Meeting to pass the Accounts and Annual Report for submission to the Annual General Meeting.
26. Subject to the provisions of the rules, the General Committee shall have the general control and management of the Club. Such Committee shall apply the funds of the Club in such manner as complies with Rule 46 and shall make

such bye-laws, rules and regulations as it thinks fit as to the management of any Club premises. The members of the Club may in General Meeting reserve the management of such affairs as they think fit to General Meeting. It shall be the responsibilities of the Honorary Treasurer to keep a complete and accurate account of the Club's finances.

### **TRUSTEES**

27. The property of the Club shall be vested in not more than four trustees who shall be appointed by the General Committee to be dealt with by them as the General Committee may from time to time direct by resolution (of which an entry in the minute book shall be conclusive evidence). The trustees shall have power to sell, lease, mortgage or pledge any Club property so held by them for the purpose of raising or borrowing money for the benefit of the Club in compliance with the Committee's directions, but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given. The trustees shall be indemnified against risk and expense out of Club property. The trustees shall hold office until death or resignation or until removed from office by the General Committee. Where, by reason of such death, resignation or removal, it is necessary that a new trustee or trustees be appointed, the General Committee shall nominate the person or persons to be appointed the new trustee or trustees. For the purpose of giving effect to such nomination the Commodore is hereby nominated as the person to appoint new trustees of the Club within the meaning of Section 36 of The Trustee Act 1925, and shall by deed duly appoint the person or persons so nominated by the General Committee.

### **ORGANISATION AND SUB-COMMITTEES**

28. There may be 7 Sub-Committees of not more than 4 members comprising the Yachts Sub-Committee, the Dinghies Sub-Committee, Juniors Sub-Committee, Moorings Sub-Committee, Social Sub-Committee, Amenities Sub-Committee and Rescue Boats Sub-Committee. The chairman of each Sub-Committee shall be a Captain. The Yachts, Dinghies, Juniors, Moorings and Rescue Boats Sub-Committees shall be the overall responsibility of the Rear Commodore (Sailing). The Social and Amenities Sub-Committee shall be the overall responsibility of the Rear Commodore (Amenities). The Captains shall be at liberty to form their own Sub-Committees from members selected by them and approved by the responsible Rear Commodore. The Captains shall appoint a secretary for each Sub-Committee. Members may serve on more than one Sub-Committee. Names of the members of the Sub-Committees shall be notified to the Honorary Secretary on appointment. Officers of the Club shall be ex-officio members of all Sub-Committees.
29. There shall be a Sailing Committee, consisting of the Rear Commodore (Sailing), Captain Yachts, Captain Dinghies, Captain Juniors and Captain Rescue Boats.

30. The Committee shall, subject to the approval of the General Committee, have power to make such bye-laws for the conduct of Club affairs delegated to them as they think fit.

#### **HONORARY ACCOUNTANT**

31. At the Annual General Meeting in each year there shall be appointed an Accountant whose duty it shall be to certify the Accounts of the Club for the then current year. A copy of the certified Accounts shall be prominently displayed in the Club premises for at least 7 days prior to the Annual General Meeting. In the event of the person appointed as accountant being unwilling or unable to act, the General Committee shall appoint a substitute.

#### **GENERAL MEETINGS**

32. An Annual General Meeting shall be held in the month of December or January in each year on a date to be fixed by the Commodore. No business (except the passing of the Accounts and the election of the Officers and General Committee, the appointment of the Accountant, and any business that the General Committee may order to be inserted in the Notice convening the Meeting) shall be discussed at such meeting unless notice thereof be given to the Honorary Secretary at least 28 days prior to such meeting, provided that if in the opinion of the Commodore, the business stated in such Notice is sufficiently important or contentious in nature, require Notice thereof to all members and may, instead of bringing such business forward at the Annual General Meeting, cause the General Committee to call a General Meeting under Rule 33.
33. The General Committee can at any time call a General Meeting of the Club for any special business. The discussion at such General Meeting shall be confined to the business in the notice sent to members.
34. (a) The Honorary Secretary shall, at least 21 days before the date of the Annual General Meeting or of any General Meeting, post or deliver to each member notice thereof and of the business to be brought forward thereat.  
(b) 30 members (or if the total membership of the Club is less than 150 one fifth of the said total) may join together to summon or cause the Honorary Secretary to summon by notice as herein mentioned a General Meeting.
35. At the Annual General Meeting or at any General Meeting of the Club each member (other than an Honorary Member or a Junior Member) shall have one vote. Honorary Members and Junior Members shall be entitled to attend such meetings but shall have no vote. In case of equality of votes the Chairman of the meeting shall have a second or casting vote.
36. General Meeting may at any time remove any member from any position which he or she may hold within the Club or within the Committees.

### **SUPPLY OF INTOXICATING LIQUOR**

37. The purchase for the Club and the supply by the Club of intoxicating liquor shall be exclusively controlled by General Meeting or the General Committee.
38. No Junior member under 18 may purchase or attempt to purchase intoxicating liquor within the Club premises.
39. Intoxicating liquor may be sold to or for consumption on the premises by those persons over the age of 18 who are members or entitled to the use of the premises of the Club in pursuance of Rules 40 and 42 hereof.

### **USE OF CLUB PREMISES**

40. The following persons may be extended the privilege of using the Club premises:
  - (a) The owners and crews of foreign yachts visiting Helford River for a period of up to 7 days at any one time.
  - (b) Visiting yachtsmen arriving by sea who are members of clubs recognised by the Royal Yachting Association and their crews, for periods of up to 7 days at any one time.
  - (c) Any person who is a competitor or crew of a competitor in any race sponsored by or on behalf of the Club, or in any race starting from or finishing in Helford River for period of 24 hours before and after the race in which they are competing.
  - (d) Persons belonging to organisations holding functions on the Club premises with the approval of the General Committee.
41. The Honorary Secretary, the Officer of the Day or any member of the General Committee may expel temporarily or permanently any person who has the privilege of using the Club premises only under the preceding Rule.
42. Any member, other than a temporary member, may introduce to the Club premises as a guest any person, providing the member concerned enters the name and address of the guest in a book kept on the Club premises for that purpose. No guest shall be introduced to the Club premises on more than 10 days in any one Club year. The introducing members shall be personally responsible for the behaviour and cost of entertainment of each such guest.
43. Complaints of any nature relating to the management of the Club shall be addressed in writing to the Honorary Secretary. Under no circumstances shall a servant of the Club be personally reprimanded by a member.
44. The Amenities Sub-Committee with the approval of the General Committee may make such bye-laws and regulations for the administration of the Club premises as may be deemed proper and may from time to time amend or revoke such bye-laws and regulations. The bye-laws and regulations set out in the appendix to these Rules shall be in force until revoked or amended as aforesaid.
45. Members, their guests and visitors are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises:

- a. The Club will not accept any liability for any damage 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 sustained by members, guests or visitors, whether or not such damage or injury could have been attributed to or was occasioned by the neglect, fault or negligence of any of them, the Officers, Committee or servants of the Club.

#### **MISCELLANEOUS**

46. No money or property of the Club or any gain arising from the carrying on of the Club shall be applied otherwise than for the benefit of the Club or for a benevolent or charitable purpose to be nominated by the General Committee.
47. Subject to Rule 34(b) Notice of Motion for the amendment of these Rules from an ordinary member must be sent to the Secretary in writing by the proposer and seconder by the 31<sup>st</sup> October in any year.
48. For the purpose of the preparation of the Club's Annual Accounts, the financial year of the Club shall deem to end on the 30<sup>th</sup> September in each year.
49. All sailing races shall, unless otherwise directed by the Sailing Committee, be conducted under IYRU rules subject to RYA rules.
50. The Club is a non-profit making organisation. All profits and surpluses will be used to maintain or improve the Club's facilities. No profit or surplus will be distributed.

#### **APPENDIX**

##### **BYE-LAWS AND REGULATIONS**

1. The Club premises shall be open during such hours as the General Committee shall direct, the hours of opening to be displayed from time to time on the Club notice-board.
2. When social functions are held at the Club and on other occasions when high attendance by members, their guests and visitors is expected, there shall be in attendance and in charge of the Club premises an Officer, a member of the General Committee or a member appointed by the Amenities Sub-Committee. The member in charge shall be responsible to the General Committee for the proper conduct of the Club premises for strict adherence to the permitted hours and for security.
3. The bar opening hours shall be the permitted hours for the Licensing District or such extended hours as the General Committee shall decide and the Licensing Justices permit.
4. Members must discharge every expense and liability incurred at the Club premises before leaving and no credit will be given to members under any circumstances.
5. Members' cheques may be cashed in the Club premises at the bar, provided that sufficient cash is available and that the request is accompanied by a valid cheque card. The amount of cash shall not exceed the stated limit of the cheque card and

- only one transaction shall be permitted on any one day. Post dated cheques will not be accepted.
6. Members shall not bring dogs or other animals into the Clubhouse at any time. Dogs and other animals are only allowed on the Club premises on a lead and attended. No such animals may be left unattended in parked cars on Club premises when the owner(s) are not on Club premises. This shall not apply to members with guide dogs.
  7. The General Committee may at any time fix a charge for the parking, berthing or mooring of boats on Club property.
  8. All boats, outboard motors, paddles etc. kept on Club premises, on Club moorings, pontoons, dinghy parking areas, adjoining beaches or in the car park shall be clearly marked with the member's card number. This shall be displayed so that it is clearly visible and not covered by sails or boat covers. Membership card numbers, if lost or mislaid, are available only from the Club Administrator, by personal enquiry or by post, for security reasons.
  9. All boats using Club premises or participating in any Club event or using Club mooring facilities shall be insured for third party risks. The amount of cover shall be £2,000,000.
  10. No member shall carry on a trade or profession from the Club premises, or using Club facilities.
  11. A member wishing to hire Club premises shall have been a member for a minimum of 12 months. Applications shall be sent to the Honorary Secretary in writing. Club activities shall always take precedence over any Club hiring application. Applications which can be construed as a fund raising or profit making event for an outside organisation or a business will not be accepted. It is a condition of hiring the Club premises that the member enters into a standard written contract with the Club which sets out basic conditions of hiring, including agreement to purchase all catering and drinks through the Club. Hiring fees shall be fixed by the General Committee.
  12. In addition to the powers given by the Committee under Rule 17, if at any time fees payable to the Club by any member or any former member shall be in arrears, and a vessel the property of a member or former member remains on the Club premises, the Committee may:-
    - (a) Remove the vessel 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 the 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 as aforesaid, dispose of the vessel in any manner the Committee shall 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 the sale (less any indebtedness by the member or former member of the Club) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he be the said member or former member or otherwise) for a period of 6 years.

13. Between the 1<sup>st</sup> April and 30<sup>th</sup> November each year a store is available, the use of which is restricted to storage of engines and paddles. All such items shall be clearly marked with the owner's membership number as per Bye-Law 8. Members' property shall be stored at members' own risk and the facility shall only be used upon payment of the appropriate annual fee.
14. At the end of each Club sailing season and not later than 30<sup>th</sup> November all members' boats and equipment shall be removed from the Club premises. Boats on the pontoon and in the dinghy park shall have been removed by an earlier date, published in the newsletter or on the Club notice board to enable the pontoon to be dismantled and stored in the dinghy park area. Members' boats (and equipment) may not be returned to the Club premises until the new season's mooring/pontoon fees have been paid. Only the nominated boat shall occupy an allocated mooring, pontoon berth or dinghy park space.
15. Club-owned dinghies may only be used when:-
  - (a) permission is granted by Captain Dinghies or Captain Juniors, and
  - (b) A manned Club Rescue Boat is in attendance during the period of that use.
16. Two weeks' notice shall be given to the Club Administrator before occupation of an allocated mooring, pontoon berth or dinghy park space commences. If such an allocation will be unused for a period of more than two weeks during the season, the Committee may re-let any unused allocation and make an appropriate charge.
17. The Committee reserves the right to put a chain across the slipway and restrict access at certain times, particularly when junior sailing activities are taking place. Emergency access will always be available.
18. Members, Single or Joint, but not Junior or Family Junior Members, may apply to the Club Administrator for one finger berth per membership, or to be placed on the waiting list. No member, Single or Joint, may have more than one finger berth. A Cadet member, on being allocated and accepting a finger berth, cannot remain a Cadet member. This Bye Law applies annually and is retrospective only in that a finger berth will not be allocated to any Junior or Junior Family member, and any Cadet Member accepting a finger berth will be required to pay the full Single Membership fee.

Revised 1<sup>st</sup> March 2010

Mark J. Gregory - Honorary Secretary