



WIVENHOE SAILING CLUB

The Commodore
Wivenhoe Sailing Club
Walter Radcliffe Road
Wivenhoe
Essex CO7 9WS Tel. 01206 822132

CONSTITUTION 2022

1. **Name:** The Club shall be called the Wivenhoe Sailing Club.
2. **Object:** The Club is formed for the encouragement of sailing, and for the association of those who are directly or indirectly interested in such activities.
3. **Burgee.** The Club burgee shall be red with a white "St. George's" cross and a Black Raven on a white disc in the centre
4. **Membership:** Membership is open to all persons having an interest in water borne activities.

4.1 Subscriptions.

4.1.1 **Annual Subscription.** There shall be an annual subscription payable on the 1st March each year or by Direct Debit instalments set up with the club.

4.1.2 Separate rates of subscription shall apply to each category of membership. Such rates will be determined from time to time by the General Committee. Subscriptions will be kept at levels that will not pose a significant obstacle to people participating.

4.2 Categories of Membership:

4.2.1 **Family.** May include a couple, also their children up to the age of 18 years.

4.2.2 **Ordinary.** Individual adult member over the age of 18 years.

4.2.3 **Young Adult.** A reduced rate of subscription available to an Ordinary member between the ages of 18 and 25 years.

4.2.4 **Cadet.** Individual member between the ages of 9 and 17 inclusive. Children of Family or Ordinary Members will be eligible to be enrolled as Cadet Members, without the need for nomination as detailed in Rule 4.3. Persons applying for Cadet Membership, whose parents are not members, will need to apply in accordance with Rule 4.3.

4.2.5 **Temporary.** A Temporary Member who must be a Member of a recognised yacht or sailing club may be elected by a Flag Officer or a member of the committee for a period not exceeding one month for a subscription equivalent to twenty-five percent of that of an Ordinary member provided that his/her name shall have been posted on the Club Notice Board for a period of 48 hours at least before his/her admission. Such Membership shall carry with it all the rights and privileges of an Ordinary Member except that of attending and voting at Meetings, proposing or seconding applications for Membership, and that of having any share in the property or assets of the Club.

4.2.6 Honorary. Honorary Membership of the Club shall be conferred as a distinction by the General Committee and shall carry with it all the rights and privileges enjoyed by Ordinary Members.

4.2.7 Country. Individual who has previously been an Ordinary Member in good standing for a continuous period of at least 10 years and whose normal place of residence is at least 50 miles from the WSC clubhouse. Such members shall be subject to election in the usual way and to such subscription and other obligations as the General Committee may from time to time decide. They shall be entitled to no rights and privileges save that of receiving all WSC publications, notices, programmes and email alerts.

4.2.8 Cadet Members shall be entitled to the full amenities of the Club, except the right to vote at General Meetings, and subject to the rule that no person under the age of 18 may be supplied with or consume intoxicating liquors within the Club premises.

4.3 Elections, Resignations and Expulsions

4.3.1 The Club nomination form shall be completed and signed by the Candidate for election as a Member of the Club and signed by a Proposer, who must be a Member. The Secunder shall be a member of the General Committee and both the Proposer and the Secunder must personally know the Candidate. The Candidate shall attend The Club at least three times prior to the Membership application being considered by The General Committee. The Nomination form together with the appropriate entrance fee and subscription must be forwarded to the Honorary Membership Secretary, who shall post the form in the Club House for at least seven clear days prior to consideration by the General Committee. The name of the Candidate thus posted shall be brought forward at the next General Committee Meeting, for possible election. Any Candidate excluded shall not be again proposed until after the expiration of six months from the date of rejection and no candidate who shall have been twice rejected shall be again proposed.

4.3.2 Cadet Members may propose other members within this Category.

4.4 Any member whose subscription is unpaid on the first day of April shall receive written notice thereof, and should his/her subscription remain unpaid by the first day of May following, the General Committee may, at any subsequent meeting remove his/her name from the list of members. No member may use club facilities until their annual membership is paid.

4.5 No member shall in any year be entitled to exercise any rights or privileges of membership until his/her subscription for that year has been paid. A member elected after 1st October in any year who shall have paid his/her subscription for that year shall not be required to pay any subscription for the following year.

4.6 Any member desiring to resign from the Club shall notify their intention to the Honorary Secretary in writing.

4.7 Every member on joining the club 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 of a member or otherwise injurious to the interests of the Club, shall render that Member liable to expulsion by the General Committee provided that before

expelling a member the Committee shall call upon him/her for an explanation of his/her conduct and shall give him/her an opportunity of defending themselves or of resigning their membership. The vote on a resolution to expel a member shall be by ballot and the resolution shall only be carried if not less than three quarters of the General Committee present vote in favour. No person who has so been expelled shall be introduced by any other Member as a visitor to the Club.

5. Management

5.1. General Committee.

The management of the Club shall be vested in the General Committee consisting of - President, the Officers and between four and eight other Members of the Club.

5.1.1 A quorum for the General Committee shall be one third of the number of members plus one.

5.1.2 The General Committee shall strive to ensure that all of the club's activities and facilities are properly regulated by appropriate safety procedures, and as far as possible that they are available to all members.

5.1.3 Casual vacancies may be filled by the General Committee.

5.1.4 At the Annual General Meeting, Members who have served on the General Committee for two years shall retire, and their places may be filled by election. Retiring members are eligible for re-election.

5.2 Officers.

5.2.1 The Officers of the Club shall be elected at each Annual General Meeting and shall consist of Commodore, Vice Commodore, Rear Commodore, Honorary Secretary, Honorary Treasurer. Honorary Sailing Secretary and Honorary Membership Secretary.

5.2.2 Nominations for the position of Officers or membership of the General Committee must be in writing signed by the Proposer and Seconder, and be received by the Honorary Secretary, together with the written consent of the nominee, twenty eight clear days before the date of the Annual General Meeting. Only members of at least two years standing and over the age of 18 years shall be eligible.

5.2.3 It shall be the responsibility of the Honorary Treasurer to keep a complete and accurate record of the Club's finances.

5.2.4 The Commodore of the Club on retirement from that office shall at the discretion of the General Committee be given the Honorary title of President of the Club during the period of Office of the succeeding Commodore. After the retirement of their succeeding Commodore every President shall be offered the Honorary Title of Vice President of the Club.

5.2.5 The General Committee may appoint a Club Member to fill any Officer position.

5.3 Subcommittees.

The General Committee shall annually appoint the following Subcommittees:

5.3.1 House Committee. This shall be chaired by the Rear-Commodore and there shall be not less than four and not more than eight members. This subcommittee shall be responsible to the General Committee for the satisfactory running of the Club House, and for social functions.

5.3.2 Bar-Committee. The Rear Commodore shall chair this committee. The Honorary Treasurer and the Honorary Secretary shall be members of this Committee, together with up to 4 other General Committee members. The committee shall be responsible to the General Committee for the satisfactory running of the Bar, the supply and sale of intoxicating liquors.

5.3.3 Sailing Committee. This shall be chaired by the Vice Commodore and shall include the Honorary Sailing Secretary and not less than four and not more than eight Members. The Committee shall be responsible to the General Committee for the management of all of the club's boating activities.

5.3.4 The Sailing Committee shall appoint a sub-committee known as **The Lifting Group Committee** which shall be responsible for the club's boat-lifting and storage. This committee shall elect its own officers, and comprise representatives of those involved in the boat-lifting activities. It shall also include the Vice Commodore and a member shall sit on the Sailing Committee.

5.3.5 Budget committee. This shall be a committee of the officers of the club. It shall be convened and chaired by the Commodore and review annually the club's finances and recommend fees and subscriptions. It shall report not later than December 1st of each financial year to the General Committee.

5.3.6 Buildings and Maintenance Committee. This shall be convened and jointly chaired by the Rear and Vice Commodores, and review and report annually or as often as needed on the club's buildings and property and recommend and plan necessary repairs, replacement and renewals.

5.3.7 The General Committee may appoint other subcommittees on an ad hoc basis to report on items of specific interest. Such Subcommittees shall elect their own Chair and Secretary.

5.3.8 The General Committee and all Subcommittees shall each keep a minute book and record their transactions therein, a copy to be lodged with the Hon Secretary, and available on request to any member.

5.4 Trustees.

5.4.1 There shall be three Trustees of the Club, appointed from time to time as necessary by the General Committee from among ordinary, family or Honorary Adult Members who are willing to be appointed. Trustees shall each hold office during their life, or until resignation by Notice in Writing given to the Committee, or until a resolution removing one or other from office shall be passed at a meeting of the Committee by a majority comprising two thirds of the Members present and entitled to vote.

5.4.2 All property of the Club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as is necessary and practicable, for the use and benefit of the Club. On the death, resignation or removal from office of a Trustee, the Committee shall appoint a new Trustee in that person's place, and shall as soon as possible thereafter take all practicable steps to procure the vesting of all Club property into the names of the Trustees as constituted after the said appointment.

5.4.3 The Trustees shall in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the Committee and shall have power to sell, lease, mortgage or pledge any Club property for the purpose of raising or borrowing money for the benefit of the Club in compliance with the Committee's directions. However, no Purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.

5.4.4 The Trustees shall effectually be indemnified by the Committee out of Club assets 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.

6. General Meetings

6.1. Annual General Meeting.

6.1.1 The Annual General Meeting shall be held before May 1st in each year on a date listed in the Club Calendar, for amongst other things, the following purposes:

- To consider and approve the audited accounts.
- To elect Officers and Members to serve on the General Committee.
- To alter and amend the Club Rules.
- To consider motions submitted by Members.
- To elect Auditors, Honorary or otherwise, for the ensuing year.
- and any business that the General Committee may order.

6.1.2 Notice of any motion a Member wishes to bring forward shall be given in writing to the Honorary Secretary at least twenty eight clear days before the date of the Annual General Meeting.

6.1.3 The Honorary Secretary shall send all Members fourteen days clear before the date of the Annual General Meeting details of the business to be transacted including motions and the names of the nominees.

6.1.4 A copy of the audited Accounts of the Club taken to the 31st December preceding the date of the meeting shall be prominently displayed in the Club House at least 14 days before the Annual General Meeting.

6.2 Extraordinary General Meeting.

The General Committee may at any time and shall on the requisition of any ten members stating the business for which it is required, convene an Extraordinary General Meeting for any specific purpose. The Honorary Secretary shall give 14 days clear notice to members of such a meeting, giving details of the business to be transacted. In the case of a requisition, the meeting shall be held within two calendar months of the receipt of such a requisition.

6.3 A quorum at any General Meeting shall be thirty members.

6.4 At a General Meeting of the Club any absent member may depute any other member to vote for them by proxy, provided such proxy is lodged with the Honorary Secretary on the day previous to the day appointed for the meeting.

7. Register of Members. Subject to compliance with legislation, a register of the name and address of all Members shall be kept in the Club House and available to Members.

8. Alteration of Rules.

8.1 These Rules may be altered or amended at any General Meeting, Any Member desiring an alteration or amendment shall give the Honorary Secretary, in writing notice of the exact alteration at least 28 clear days before the date of any General Meeting. The Honorary Secretary shall give members 14 clear days notice of the exact alteration proposed before the date of such meeting.

8.2 No alterations or amendments to the Rules shall be declared carried unless the voting shall show at least two thirds majority of members present and voting at such General Meeting.

9. Auditor At the Annual General Meeting in each year there shall be appointed an Auditor or Auditors whose duty it shall be to audit the accounts of the Club for the then current year. In the event of the person or persons appointed as Auditor being unwilling to act, the general Committee shall appoint a substitute.

10 Visitors.

10.1 Members may introduce guests to the Club subject to such restrictions and regulations as the General Committee may make. No Guest shall be introduced to the Club on more than Twelve days in any one calendar year. The member introducing a Guest must, before admission, enter his or her name in the Visitors Book.

10.2 A Member of any Club recognised by the Royal Yachting Association (a list whereof is contained in the Year Book of said Association) may be authorised to use the premises of the Club by any Member of the General Committee. Such authorisation shall specify between which dates, not being more than 14 days apart, the said person may use the premises.

10.3 Any person who is a competitor in any race sponsored or organised by or on behalf of the Club and any person who is a member of the crew of such competitors for the purpose of the race is entitled to the use of the Club premises within a period of twenty four hours before and after the race in which they are competing.

10.4 Visitors shall also include (in addition) persons attending functions organised by outside bodies under a hiring agreement with the Club. The number of such functions shall be at the discretion of the General Committee.

10.5 The Honorary Secretary or any person who has received the authority of two Members of the General Committee may expel temporarily or permanently any person who has the right to the use of the Club under this Rule.

11. Intoxicating Liquor.

11.1 Intoxicating liquor may be sold to or for consumption on the premises by those persons of 18 years and over who are entitled to the use of the premises of the Club. No intoxicating liquor may be sold to persons under the age of 18 years.

11.2 The hours for the sale of excisable liquors shall be as Local Licensing Laws permit.

11.3 Unlawful gambling and betting is not permitted.

12. **Surpluses.** No money or surpluses of the Club or gain arising from the running of the Club shall be applied otherwise than for the benefit of the Club as a whole or for a purpose chosen by a resolution of members at a General Meeting.

13 **Dissolution** In the event of the winding up of the Club, the assets and balance of the Club funds shall be held in Trust for sailing at Wivenhoe.

14. **House Rules** The day to day running of the Club premises will be governed by House Rules, which will be determined by the General Committee. A copy of the House Rules will be displayed on the Club Notice Board.

15. **Sailing Rules** All activities and facilities managed by the Sailing Committee will be governed by Sailing Rules, which will be determined by the General Committee. A copy of the Sailing Rules will be displayed on the Club Notice Board.

16. **Complaints.** Should any member have cause for complaint or suggestion to make, he/she must address a letter to the General Committee through the Honorary Secretary.

17. **Byelaws.** The running of the Club will be in accordance with the current Byelaws

18. **Abandoned Boats and/or Trailers. In this section the term GOODS refers to a boat, its trailer if any, and its mooring gear if any.**

If, at any time, any fees payable to the Club by any member or former member (whether by way of arrears of subscription or facilities fees, dinghy park fees, mooring fees or otherwise) shall be one month or more in arrears and goods the property of a member or former member remains upon the Club premises, or a Club mooring, then the member or former member shall remove the goods from the Club or Club mooring immediately. If the member or former member fails to remove the goods then the Committee may:-

(a) Move the goods to any part of the Club premises, or any Club mooring, without being liable for any loss or damage to the goods howsoever caused.

(b) Give three months' notice in writing by registered post to the member or former member at his last known address as shown in the Club Register and thereafter sell the

goods and deduct any monies due to the Club from the net proceeds of sale before accounting for the balance (if any) to the member or former member.

(c) Alternatively, if the goods are unsaleable, after giving notice in writing as aforesaid, dispose of the goods in any manner the Committee may think fit and deem the cost of doing so and any arrears as aforesaid to be a debt owing to the Club by the member or former member.

(d) the Club reserves the right to charge storage for the goods until such time as the owner collects the goods or until notice has been served under Rule (b) above.

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 goods are sold, if the Club is unable to account to the member or former member for the balance of the proceeds of sale pursuant to Rule (b) above then the balance of the proceeds of sale 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 six years.

19. Lien. In this section the term GOODS refers to a boat, its trailer if any, and its mooring gear if any.

In addition to Rule 18 (Abandoned Boats and/or Trailers) the Club shall at all times have a lien over members' or former members' goods parked on the Club's premises, or a Club mooring, in respect of all monies due to the Club, whether in respect of arrears of facilities fees or subscriptions or otherwise and shall be entitled to retain possession of the goods until such time as all monies due to the Club have been paid in full.

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Notes on the Constitution:

Wivenhoe Sailing Club was formed in 1925. The Wivenhoe One Design (WOD) was adopted as the club's class. When the lease of the old hard was obtained from Colchester Borough Council in 1929, a constitution was adopted. The Old Hut was the centre of the Club's activities. A new document based on the RYA model was adopted in 1956 as the Club took on the lease of premises above the British Legion. In 1962 amendments were made to bring the constitution in line with the then Licensing laws. The constitution was reprinted in 1982, and further amendments to membership categories followed in 1983, 1984 and 1987. In 1993 a general revision was undertaken, and provisions for Trustees were introduced as the club took on the lease for new premises adjacent to the Barrier. There were minor amendments to membership categories over the next few years. This edition includes amendments adopted at the 2011 AGM, which consolidate previous changes to Section 4 and set out in detail in Section 5 the committees which manage the club's affairs. ABT.

Changes for 2013. 4.2.8 Group Membership The change is to allow the General Committee to limit the facilities which Group Members may be allowed to use. 5.1 General Committee The change is to make the General Committee slightly smaller and the make-up less prescriptive. Change 8 - 10 other members, 4 - 8 other members. 5.1.1 At present there appears to be no quorum for a General Committee meeting. This new clause introduces one and sets the level at half the number of committee members plus one. 10.4 Currently the number of outside events is limited by the constitution to 12. The change gives the General Committee the responsibility to make changes. EPS

Changes for 2014. Rules 6.1 & 5.22 were amended to rationalise the notice that must be given for AGM motions & nominations and the notice given by the Hon Sec to members. Rule 6.3 was amended to make the quorum at a General meeting thirty members. EPS

Changes in 2016. Rules 17 & 18 were added using clauses from the RYA model constitution. The effect of these rules is to clarify procedures in relation to abandoned boats and equipment. EPS

Changes in 2017. Rule 5.1.1 amended to make the quorum one third plus one (changed from one half plus one). Rule 6.1.1 amended to April 1st. changed from March 15th. EPS

Changes in 2018. Rule 4.1.1 abolished to remove the joining fee. Rule 7 amended (forced by GDPR) to give discretion on publishing members list. Rule introduced to establish a set of Sailing Rules.

Changes in 2020 Rules 4.1.1 and Rule 4.4 amended to move payment of membership fees from January 1st to March 1st

Changes in 2022 Rule 4.2.8 Group Membership abolished, Rule 4.2.9 renumbered 4.2.8. Rule 6.1.1 amended to move the AGM to the end of April to allow time for membership dues to be paid following the change of the membership year at the AGM in 2020.

Memo: Upon any change to the Constitution a copy of the current Constitution and a copy of our current Club Premises Certificate must be sent to the licensing team at Colchester City Council (Section 82 of the 2003 Licensing Act).