

CROUCH YACHT CLUB

RULES

INTRODUCTION

1. In these Rules:
 - a) words having a masculine meaning shall be understood to also have a feminine meaning;
 - b) 'the Company' means The Crouch Yacht Club Limited;
 - c) 'the Club' means the Crouch Yacht Club, also referred to as the 'CYC';
 - d) 'the Rules' mean the Rules of the Club as adopted by the Company Members;
 - e) 'the Bye-laws' means the Bye-laws of the Club as adopted by the Committee in accordance with Rule 50 and for the time being in force;
 - f) 'the Committee' means the elected members for the time being elected to the Committee of the Club that shall include the Directors and Secretary of the Company;
 - g) 'the Secretary' means the person elected to perform the duties of the Secretary of the Company and the Club;
 - h) 'the Company Members' means the members of the Company;
 - i) 'the Voting Members' means the members of the Club who are entitled to vote. All Voting Members of the Club are also 'Company Members';
 - j) 'the non-voting members' means the members of the Club, who are not entitled to vote. Non-voting members of the Club are not 'Company Members';
 - k) 'the Club members' means the members of the Club including voting and non-voting members;
 - l) 'the Crouch Yacht Club Founders Day' shall mean seventh (7) May.

OFFICERS

2. The Officers of the Club (all of whom must be Voting Members) shall consist of the Commodore, Vice Commodore (House), Vice Commodore (Sail), Rear Commodore, Treasurer, Secretary and Membership Secretary.
3. The Commodore, Vice Commodore (House) and Treasurer shall be Directors of the Company.
4. The Club Secretary shall be the Company Secretary.

DUTIES OF OFFICERS

5. The **Commodore** shall act as Chairman of the Committee and will be responsible for the overseeing of the Club
6. The **Vice Commodore (House)** shall deputise in his absence and carry out duties as requested by the Commodore and act as Chairman of the House Sub-Committee, responsible for all matters concerning the Club premises and its surrounds, and provide a report at each Committee meeting.
7. The **Vice Commodore (Sail)** will act as Chairman of the Sailing Sub-Committee and will be responsible for all sailing matters, ensuring that the Club meets its sailing objectives and conforms to all sailing obligations as may be required by law and the Racing Rules of Sailing and provide a report at each Committee meeting. The Vice Commodore (Sail) shall maintain a register of Club trophies and their holder and location.
8. The **Rear Commodore** shall assist the Commodore and Vice Commodores as and when required.
9. The **Treasurer** shall:
 - a) Cause such books of account to be kept as are necessary to give a true and fair view of the state of 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 an Annual Balance Sheet and Profit and Loss Account as at 30 September in each year and cause such Balance Sheet to be sent to Company Members at least twenty-one days before the date of the Annual General Meeting.
 - d) Provide a report at each Committee meeting on the status of the accounts and budget, and advise on any anticipated expenditure within the next period.

10. The **Secretary** shall:
- a) Conduct the correspondence of the Company and Club;
 - b) Keep custody of all Company and Club documents;
 - c) Keep full minutes of all meetings of the Company and Club, including meetings of its Directors and Committee;
 - d) Administer such insurance policy or policies as may be needed fully to protect the interests of the Company, its Directors and Members, and the Officers, Committee members and members of the Club;
 - e) Maintain contact with the Company's Legal Advisor to ensure that the Company's affairs are managed in accordance with current law;
 - f) Maintain any such certificates or registrations, and complete any such non-financial returns, as may be required by law, and comply with Company Law requirements.

The Secretary may delegate these tasks if approved by the Directors.

11. The **Membership Secretary** shall maintain a register of Club members' names and addresses and their category of membership, and shall be responsible for the collection of all membership fees.

IDEMNITY

12. The Officers and Committee shall be effectually indemnified by the Company out of its 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 Company in relation to any legal proceedings or which otherwise relate directly or indirectly to their performance of the functions of Officers or Committee members.

MEMBERSHIP

13. There should be the following categories of membership:

Voting Members (who are referred to as Voting Members)

- a) **FULL MEMBER** - Any person who has reached the age of 18 who has been elected as a Full Member who shall have one vote at all General Meetings. Persons under the age of 30 are, on receipt of the relevant joining fee, entitled to pay one half only of the full member's subscription otherwise due.
- b) **JOINT FULL MEMBER** - Any person and their spouse (or partner) who have both been elected to Full Membership shall have one vote each at all General Meetings. This class of membership and Full Membership entitles the sons and daughters of the member(s) to membership privileges without voting rights up to the age of 21.
- c) **HONORARY LIFE MEMBER** - The Committee has discretion to nominate any person who has been a Voting Member of the Club for election at a General Meeting to Honorary Life Membership. A three-quarters majority of those voting and present is necessary for such election. A person so elected is entitled to all the privileges of a Full Member for the remainder of his or her life without any further payment of entrance fee or annual subscription.

Non-voting members

- d) **OVERSEAS MEMBER** - A Voting Member who becomes resident overseas for a period of not less than 12 months who has applied to the Committee for overseas membership. An overseas member shall have no vote or share in the Company. On application to the Committee and payment of applicable subscription, an overseas member may be reinstated to a Voting Member.
- e) **TEMPORARY MEMBER** – Any owner and owner's representatives or crew on board a visiting yacht being themselves a member of a recognised yacht or sailing club may become a Temporary Member on the invitation of the Secretary acting on behalf of the Committee during the yacht's stay in Burnham for a period not exceeding three weeks, unless the Committee decides otherwise. A Temporary Member shall have no voting rights.
- f) **AFFILIATE MEMBER** – Any person who has reached the age of 18, and has not been a Voting Member, who wishes to support and promote the objectives and interest of the Company and Club and use the Club facilities may apply. This class of membership carries no voting rights or

share in the Company and is subject to restrictions as decided by the Committee. This type of membership replaces the previous Crew and Associate Membership categories.

14. Only Full, Joint Full and Honorary Life Members are entitled to receive notice of or to vote at any General Meeting of the Company or Club. The number of non-voting members of the Club at any time shall not exceed 50% of the total membership of the Club. The number of Temporary Members shall not be taken into account when calculating the number of non-voting members for the purpose of this Rule.
15. Every member of the Club has (subject to any general or specific restrictions from time to time imposed by the Committee) full rights to use the premises and property of the Company and its facilities.
16. Every member of the Club has the responsibility to notify the Membership Secretary of any change of address from that registered on election.

ADMISSION AND RETIREMENT OF MEMBERS

17. Every candidate for Membership (except Temporary Members) shall be proposed and seconded by Voting Members of the Club, both of whom must be personally acquainted with the candidate. Every proposer and seconder, unless one is a member of the Committee, shall send to the Committee a letter of recommendation regarding the candidate. Candidates are not entitled to any of the privileges of membership until elected as members.
18. Every application for membership must be made in writing, signed by the candidate and his proposer and seconder, and must be in a form prescribed by the Committee. Every membership application form must be posted on the Club notice board for a minimum of fourteen days, and submitted to the Committee at the next meeting after this period, when the candidate must be elected or rejected. A ballot of the Committee members present must be held if any member of the Committee requires it, and the application will fail if a 75% majority is not achieved on ballot.
19. When a candidate has been elected the Secretary will write to the address given on the application form to inform the candidate and request payment of the subscription and any joining fee. If elected after 31st July in any year, the full joining fee and only 50% of the normal annual subscription is due. If elected after 1st November the full joining fee plus the full annual subscription for the following year is due, which will be credited for that year. At the discretion of the Committee, a former member rejoining the Club may be excused payment of the joining fee. The candidate becomes a member of the Club upon payment of the amount due. If this sum is not paid within one calendar month of the date of the Secretary's letter, the Committee has discretionary power to cancel the election, without refund of any joining fee paid.
20. A Club member desirous of retiring from membership shall give notice in writing to the Secretary before the last day of December and shall not then be liable to pay the subscription for the following year.

CONDUCT OF MEMBERS

21. Every Club member, upon election and thereafter, is deemed to have notice of, and undertakes to comply with, the Rules and the current Bye-laws of the Club. Any refusal or neglect to do so, or any conduct which, in the opinion of the Committee, is either unworthy of a member or otherwise injurious to the interests of the Club, shall render a member liable to suspension or expulsion by the Committee, and forfeit all rights in and claims upon the Company and its property, if applicable, while remaining liable to pay any outstanding subscriptions or accounts due to the Club.
22. Before suspending or expelling a Club member, the Committee shall call upon such member to provide, within fourteen (14) days a written explanation of the member's conduct and shall give the member full opportunity of making explanation to the Committee, or of resigning.
23. A Resolution to suspend or expel a Club member shall be carried by a simple majority vote by those members of the Committee present and voting on the Committee Resolution. A member who has been expelled by the Committee may request, to the Secretary within 14 days, an appeal to a General Meeting of the Voting Members, to be convened within 42 days from the date of the appeal (at which General Meeting he will be given the right to submit a written explanation and speak). The General Meeting will resolve whether or not to uphold the Committee's decision on a simple majority vote.

JOINING FEES AND SUBSCRIPTIONS

24. The rate of joining fee and subscription for each category of membership shall be proposed by the Committee and announced to the Voting Members at the Annual General Meeting in each year. Any increase in subscriptions shall not exceed 10% of the subscription level for the previous year. Any changes shall become operative on the first day of January in the year following.

25. Any member who has been a member for at least five years and is over the age of 65 is entitled to become a full member and pay one half only of the full member's subscription otherwise due.
26. The Committee may cancel, without notice given, the membership of any Club member whose annual subscription and other annual fees are more than three months in arrears provided that the Committee may, at its discretion, re-instate such member upon payment of arrears. No Club member whose annual payment is in arrears may enter the Club premises or Club event or regatta, nor vote at any meeting.

GUESTS

27. A Club member may introduce a guest to the Club provided that such person shall not have been rejected as a candidate for membership, or expelled from membership. The names of guests, other than the names of children accompanying members of the Club who are under the age of 17 years, must be entered in the Visitor's Book by the member introducing them, and no more than four guests may be signed in by a member on any single occasion. The Club member introducing the guest(s) shall be responsible for all liabilities incurred by them or on their behalf. No guest shall be introduced more than six times in any one year, other than the child accompanying a member.
28. A guest may be expelled from the Club premises by a Committee member or a senior member of staff authorised by the Committee.

VISITORS

29. A member of any registered yacht club, yacht owner or crew of a yacht, provided that such person shall not have been rejected as a candidate for membership, or expelled from membership, may enter the Clubhouse. The names of visitors, other than the names of children accompanying the visitors who are under the age of 17 years, must be entered in the Visitor's Book. The visitors shall be responsible for all liabilities incurred by them or on their behalf.
30. Persons attending private functions in the Clubhouse are regarded as visitors. The names of persons attending such functions are to be recorded by the function organizer or hirer and made available to a Committee member or a senior member of staff authorised by the Committee on request.
31. A visitor may be refused admission or expelled from the Club premises by a Committee member or a senior member of staff authorised by the Committee.

MANAGEMENT OF THE CLUB

32. Management of the Club shall be in the hands of a Committee, which shall consist of the Officers, and up to six other members who must also be Voting Members of the Club. The Committee has power to delegate authority to sub-committees to deal with:
 - a) The running of the Company's property and premises;
 - b) The purchase and supply of beers, wines and spirits;
 - c) The running and control of racing and other sailing events;
 - d) Other such task as the Committee sees fit to delegate from time to time.
33. With the agreement of the Directors, the Committee may also appoint, pay, control and dismiss such staff of the Company as the Committee may think fit, and has all administrative powers as may be necessary for properly carrying on the affairs of the Club in accordance with the Articles, Rules and Bye-laws.
34. At every Annual General Meeting, all the members of the Committee shall retire but are eligible for immediate re-election, except that no person shall be eligible for election as Commodore at more than three successive Annual General Meetings. The retiring Committee is deemed to hold office until the end of the Annual General Meeting.

COMMITTEE MEETINGS

35. Four members of the Committee shall form a quorum. In the absence of an Officer at any meeting of the Committee, the members present shall elect one of their number to take the chair.
36. In the event of a vote each member present shall have one vote, but the Chairman may use a casting vote in the event of a tie.

GENERAL MEETINGS

37. No business can be transacted at any General Meeting of the Company unless a quorum of thirty Company Members is present when the meeting starts. If the meeting has been called upon a requisition of Members it will be dissolved if a quorum is not present by thirty minutes after the appointed time. In any other case the meeting is automatically adjourned to the same day, place and time in the following week, or other time as the Committee shall decide. If a quorum is not present by thirty minutes after the appointed time of the adjourned meeting, then the meeting will be dissolved.
38. The Commodore, or an Officer present, shall take the chair at every General Meeting, but if no Officer is present by thirty minutes after the time appointed for holding the meeting, the members of the Committee present shall choose one of their number to take the chair. If only one Committee member is present he shall take the chair. If no member of the Committee is present, the Voting Members of the Club present may choose one of their number to take the chair.

ELECTION TO THE COMMITTEE

39. Any two Voting Members may nominate a third to serve on the Committee, who must also be a Voting Member. The name of the member and the office for which he is nominated must be received, together with that member's written consent, in writing by the Secretary not less than 14 days before the Annual General Meeting at which members of the Committee are to be elected.
40. A list of the names of the candidates for each office, in alphabetical order, together with the names of those members making the nominations, must be shown on the notice board of the Club at least 10 days before the Annual General Meeting. If all vacancies are not covered, further nominations, duly proposed and seconded, may be taken at the Annual General Meeting.
41. If the number of nominations exceeds the vacancies, there must be a ballot. A ballot form containing the names in alphabetical order of the candidates for each office must then be prepared by the Secretary and distributed to each Voting Member of the Club present at the Annual General Meeting. If two or more candidates obtain an equal number of votes, there must be a second ballot between them.
42. The Committee has power to appoint a Voting Member to fill any vacancy arising on the Committee until the next Annual General Meeting. A member so appointed must then resign, but is eligible for re-election. The Committee also has powers to co-opt any Voting Member of the Club onto the Committee until the next Annual General Meeting, provided that the number of co-opted members does not exceed one third of the total Committee.
43. In the event of a vacancy arising for one of the Directors or Officers, the Committee must as soon as practicable call an Extraordinary General Meeting for the election of a member to fill such vacancy until the next Annual General Meeting. The Committee may appoint one of their members to carry out the duties of the Director or Officer until the Extraordinary General Meeting can be held.
44. The office of any Director, Officer or Committee member is vacated if:
 - a) He ceases for any reason to be a Voting Member of the Club.
 - b) If he absents himself from Committee meetings for a continuous period of six months without special leave of absence granted by other Committee members.
 - c) If he gives the Committee notice in writing that he resigns his office.
 - d) If he is removed from office by Ordinary resolution passed at a General Meeting of the Club.
45. No Director of the Company, or Officer or Committee member of the Club may receive any remuneration for his services as a Director, Officer or Committee member, or receive any benefit from his activities in running the Company or Club.

BAR RULES (see Note below)

46. Intoxicating liquor may only be sold to or for consumption on the premises by those persons over 18 years of age who are entitled to the use of the premises of the Club in accordance with the Rules. Off sales, if available, may only be purchased, in person, by elected members. Intoxicating liquor may be supplied to any associate non-member admitted to the Club premises:

- (a) As being a member of any other registered Club in respect of premises in Burnham-on-Crouch which are temporarily closed;
 - (b) As being a competitor or member of the crew of a yacht competing in any race sponsored by organised by the CYC immediately before or after that race;
 - (c) For the purpose of attending a function held on the Club premises with the approval of the Committee:
 - (i) In connection with yachting or similar allied activities, or
 - (ii) Promoted by and upon the responsibility of a member of the Club who shall be present at such function, or
 - (iii) Organised by other clubs or associations based in S.E. Essex up to a limit of 25 functions in any one year, provided that no public advertisement shall be issued in respect of any such function and particulars thereof shall be circulated only to the members of the Club or association concerned.
47. No person shall take a commission, at the expense of the Club, in the purchase of alcohol or shall receive any monetary benefit from the supply of alcohol to members or guests.
48. Proper accounts relating to all purchases and receipts of excisable goods shall be kept and presented at the Annual General Meeting each year.

BYE-LAWS

49. The Committee shall have power from time to time to make, alter and repeal all such Bye-laws, as they may deem necessary or convenient for the proper conduct and management of the Club. Bye-laws are to be posted on the Club notice board and are binding on all Club members and their guests, and visitors, while they are in force.
50. In the event of there being any contradiction or conflict between the Memorandum and Articles of the Company, the Rules of the Club and the Bye-laws, or any of them, precedence shall be given first to the Memorandum and Articles, second to the Rules and third to the Bye-laws.

These Rules adopted 27 November 2004, and amended on 2 December 2006, 1 December 2007, 6 December 2008, 5 December 2009, 2 February 2013.

Note: At the AGM held on 6 December 2008 an amendment to the Bar Rules was agreed, subject to and pending the granting of a Premises License by Maldon District Council. The amended text is not incorporated into the above in this version of the Crouch Yacht Club Rules