



TOPSHAM SAILING CLUB

RULES

As Approved at the Annual General Meeting 29th January 2016

1. The name of the club is "TOPSHAM SAILING CLUB", and the burgee of the club shall be a blue hoist bearing a yellow fouled anchor with a yellow fly.
2. The object of the club is to promote and facilitate the sport of sailing and other forms of yachting together with such other activities that the Committee shall deem appropriate to further this object.
3. For Club racing the Club shall be affiliated to the RYA. The Club shall be the Organizing Authority for the purpose of the ISAF Racing Rules.
4. The Club is a non-profit making organization. Any surpluses shall be used to maintain or improve the club facilities. No profit or surplus shall be distributed other than to another non-profit making body or to members on winding up or dissolution of the Club.
5. The Club premises shall consist of freehold and leasehold land together with all buildings and fixtures thereon and known as Hawkins Quay, Ferry Road, Topsham. EX3 OJN. The Club shall be open to members at all times, subject to the provisions of the Club Premises Certificate in Rule 21.

MEMBERSHIP

6. Any person who is keen and interested in sailing as an amateur is eligible as a candidate for membership.
7. Every candidate for membership shall be nominated by one member and seconded by another, and that candidate's name and address and any other particulars the Committee may require, shall be sent to the Membership Secretary on the form provided, which shall be displayed on the club notice board for not less than 7 days prior to the date when the application will be considered by the Committee. Until a candidate is elected as a member, he or she may be admitted to the club as a guest but shall not enjoy any of the privileges of membership. Candidates for membership shall be elected by the Committee at its sole discretion.
8. Members, other than Honorary Members, may be elected at any meeting of the Committee. Candidates shall be elected by ballot, and a simple majority shall elect.
9. The Club, upon the recommendation of the Committee may, at a General Meeting, elect Honorary Members who shall be considered by the Committee upon a written request from a Member of the Club other than a Cadet Member. Such membership shall only be recommended to the Club in respect of a Member in recognition of his or her exceptional service to the Club. Honorary Membership shall be for life of that Member subject to Rule 12. Honorary Members shall be entitled to all the privileges of Membership without the liability to pay an annual subscription. Honorary Membership shall not exceed five per cent of the total membership
10. All members, having paid their subscription and any charges, shall be entitled to the use of the full amenities of the club subject to the provisions of Rule 21.

11. Any member desirous of retiring from the Club, shall notify his intention to the Honorary Membership Secretary before the 30th October. Such person shall be liable for any subscriptions or charges previously incurred.
12. Every member joining the Club undertakes to comply with these rules. Refusal or neglect to do so, or 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 expulsion by the Committee, provided that before expelling a member, the Committee shall call upon that member for an explanation of such conduct and allow an opportunity of defending such conduct or of resigning. The vote on a resolution for expulsion shall be by ballot, and the resolution shall be carried only if not less than three quarters of the members of the Committee present vote in favour of the resolution. Any person expelled shall be subject to Rule 22(b).
13. A Cadet Member shall be any person under the age of eighteen years who is either a child of an existing member, or a child elected under the guardianship of an adult member, or a cadet member who, upon reaching the age of 18 years, is still in full time education Cadet Members shall not exceed 35% of the total membership in number.

ENTRANCE FEE AND SUBSCRIPTIONS

14. The Club's financial year shall end on 30th September.
- 15(a) No entrance fee shall be payable by the spouse of a member, by a cadet member or a cadet member on transfer to full membership.
- 15(b) The Annual subscription as determined by the Committee shall be payable on election and on 1st November in each succeeding year. A member elected after 1st August in any financial year who has paid his or her subscription for that year, shall not be required to pay any subscription for the following year.
- 15(c) Any member who has not paid his or her subscription, and any other monies due, by 30th November, shall be deemed to have resigned from the club and be subject to Rule 22(b). Membership may be restored at the discretion of the Committee, but only upon prior payment of his or her subscription.

GENERAL MEETINGS

- 16(a) An Annual General Meeting shall be held at Topsham on a day in January, February or March, to be fixed by the Commodore. The Hon. General Secretary shall give 14 days notice of such date and time and the business to be brought forward, together with a copy of the certified accounts. A period of not more than 15 months shall elapse between Annual General Meetings.
- 16(b) No business except the adoption of the accounts and the election of the Officers, Committee and Hon. Accountant, and other business that the 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 Hon. General Secretary before 1st December prior to such meeting.
- 16(c) The Committee may direct the calling of a General Meeting of the Club for any specific business. The Hon. General Secretary shall give 14 days notice of such meeting, the nature of which shall be stated in the notice convening the meeting, and the discussion at such meeting shall be confined to that business only.
- 16(d) The Committee shall also direct the calling of a General Meeting within four weeks upon receiving a written request of 12 members for any specific business. The Hon. General Secretary shall give 14 days notice of such meeting, the nature of which shall be stated in the notice convening the meeting, and the discussion at such meeting shall be confined to that business only.
- 16(e) At any General Meeting of the Club, each Member (other than Cadet Members) shall have one vote. Cadet Members shall be entitled to attend a General Meeting, but not vote. In the event of equality of vote the Chairperson shall have a second or casting vote.

OFFICERS AND COMMITTEE

- 17(a) The Committee of the Club shall consist of a Commodore, a Vice Commodore, a Rear Commodore, a Flag Captain, an Hon. General Secretary, an Hon. Treasurer, an Hon. Membership Secretary, an Hon. Yard Marshall, an Hon. Social Secretary, Hon. Bar Manager, a Cruiser Fleet Captain, a Devon Yawl Fleet Captain, a Dinghy Fleet Captain, and not more than 6 Committee Members who shall be elected from the members of the Club at the Annual General meeting in each year. The retiring Officers and Committee Members shall be eligible for re-election.
- 17(b) No candidate for election to any Office or the Committee shall be eligible unless the name of such candidate, and of his/her proposer and seconder, shall have been given in writing to the Hon Secretary before the close of nominations on 1st December.
- 17(c) If the number of candidates duly proposed and seconded exceeds the number of vacancies to be filled, the election shall be by ballot.
- 18(a) The Committee shall manage the affairs of the Club according to the rules and shall apply the funds of the Club to the objects of the Club.
- 18(b) The Committee shall have power to co-opt for a specific purpose and a specific term. The number of co-opted members shall not exceed one third of the total membership of the elected Committee.
- 18(c) The Committee shall make such bylaws rules and regulations as they think appropriate as to the management of the Club.
- 18(d) The Hon. Treasurer shall be responsible for the keeping of a complete and accurate account of the Club's finances, including a separate statement of account with regard to the purchase and supply of intoxicating liquor.
- 18(e) The Hon. Membership Secretary shall be responsible for administering the election of members, maintaining membership records and the collection of subscriptions and Club dues.
- 18(f) Nine members of The Committee shall form a quorum.

- 18(g) The Committee shall have the power to fill any casual vacancy amongst its members at any committee meeting, and such member of The Committee so appointed shall hold office until the next following annual general meeting, but shall be eligible for re-election
- 18(h) The Committee shall have the power to appoint subcommittees for whatever purpose and with such terms of reference as it shall decide and as shall be consistent with the Committee's own powers.

HONORARY ACCOUNTANT

19. At each Annual General Meeting a member shall be appointed whose duty it shall be to conduct an independent examination of the accounts of the Club for the current year and report to the Committee. Such report shall be included in the copy of the accounts circulated to members with the notice of the Annual General Meeting for that year. In the event that the member is unwilling or unable to act, the Committee shall appoint a substitute.

NEW RULES AMENDMENTS AND ALTERATIONS

- 20(a) Alteration or addition to the Rules proposed by the Committee shall be considered at a General Meeting called in accordance with Rule 16.
- 20(b) Notice of alteration or addition to the Rules intended to be proposed by a member of the Club, shall be given Hon. General Secretary in writing before 1st December if the same is to be proposed at the Annual General Meeting, and full particulars of any proposed alterations or additions shall be set out in the notice convening the meeting.
- 20(c) All such proposed alterations and additions and any amendments to them which may be proposed and seconded shall be put to the vote of the meeting, and provided that on a show of hands, or if demanded, on a poll a majority of two thirds of those members present and voting cast in favour of any proposed alterations or amendments, then the same shall be deemed to be immediately effective.
- 20(d) The General Secretary shall within 28 days of making of such new rules alterations or amendments, give written notice thereof to the Chief Officer of Police and The Licensing Services Manager, Exeter City Council.

CLUB PREMISES CERTIFICATE - PREMISES, CLUB HOURS, SUPPLY OF INTOXICATING LIQUOR AND PROVISION OF REGULATED ENTERTAINMENT.

- 21 Rule 21 quotes the Club's Premises Certificate verbatim.
- 21(a) The Club's Registered Premises shall be the Clubhouse and its appurtenances. The premises may be open on Monday to Sunday from Midnight to 11.59 pm.
- 21(b) Intoxicating liquor may be supplied ON or OFF the Club's registered premises to members, and ON the premises only to guests signed in under rule 21 hereof and visitors signed in under rule 22 hereof, at such times as shall be first approved by the committee.
The permitted hours agreed with the Licensing Authority (Exeter City Council) for the sale of intoxicating liquor shall be as follows
- (1) On Monday to Sunday from 11.00am to 11.59 pm.
 - (2) On New Year's Eve from 11.00 am to 11.00 am on New Years Day.
 - (3) On Christmas Day No permitted hours.
 - (4) On one Summertime Regatta the permitted hours may be extended to 12.30 am.
- 21(c) No person shall be paid at the expense of the club any commission, percentage or similar payment on or with reference to the purchase of intoxicating liquor by the Club, and no person shall directly or indirectly derive any financial benefit from the supply of intoxicating liquor by or on behalf of the club to members, visitors or guests, apart from any benefit which may thereby accrue to the club as a whole.
- 21(d) The supply of intoxicating liquor by the Club shall be under the sole control of the Committee, who shall arrange for the purchase of these on behalf of the Club by the appointment of a Sub-committee consisting of the Hon. Bar Manager and 2 members of the General Committee.
- 21(e) Live music may be performed out of doors at the Club's premises, the permitted hours shall be as follow:-
- (1) Saturdays — from 7.00 pm to 11.59 pm
- 21e Recorded music may be played indoors at the Club's premises, the permitted hours shall be as follows:-
- (2) On Monday to Sunday — from 11.00 am to 11.59 pm.
 - (3) On New Year's Eve — from 11.00 am to 11.00 am on New Year's Day.
- 21(f) Facilities for Dancing either indoors or out of doors may be provided at the Club's premises, the permitted hours are as follows:-
- (4) Saturdays — from 7.00 pm to 11.59 pm.
 - (5) On New Year's Eve — from 7.00 pm to 11.00 am on New Year's Day.

GUESTS OF MEMBERS

- 22(a) Members may introduce and entertain guests at the Club, and there shall be kept at the Club premises a guest book which both the member and guest shall sign at the time of the introduction of the guest.
- 22(b) No member may introduce more than two guests at any one time, and no person may be allowed as a guest on more than 12 occasions in any calendar year. No person whose membership has been terminated or suspended under rule 12 or 15(c) hereof, or whose application for membership has at any time been rejected shall be admitted as a guest.
- 22(c) Any member introducing a guest under this rule, must accompany him or her whilst he or she is on the Club

premises, and shall be responsible for the guest's behaviour throughout their visit. The member shall be responsible for ensuring that his or her guests comply with the Club rules whilst on the Club premises.

VISITORS BY SEA, LAND OR AT OPEN MEETINGS

- 23 Visitors to the Club by land or sea who are members of a recognized club affiliated to the Royal Yachting Association, may be granted the use of the Club's facilities. Visiting crews and their supporters at open meetings shall on the day of such an event be permitted entry to the Club premises. All visitors must sign the club guest book. Visitors may purchase intoxicating liquor for consumption on the premises only. The Committee reserves the right for its duly authorized Club Officers or Committee Members at their absolute discretion, to refuse admission to any such visitor or supporter.

TRUSTEES

- 24 There shall be at least three trustees of the club, who shall be appointed from time to time by the Committee from full or honorary members who are willing to be appointed. A trustee shall hold such office during his or her lifetime, or until his or her resignation by notice in writing to the Committee or until such time as a resolution removing him or her from office shall be passed by the Committee by a two thirds majority of those present and entitled to vote.
- 25 All property of the Club, including land and investments, shall be vested in the trustees for the time being so far as is necessary or practicable in trust for the use and benefit of the Club. On the death, resignation or removal from office of a trustee, the committee shall nominate a new trustee in his or her place, and shall ensure as soon as practical that all the Club property shall be vested in the trustees after such nomination. For the purpose of giving effect to any such nomination, the Hon. 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 Trustee Act 1925, and he or she shall, by deed, duly appoint the persons so nominated by the committee.
- 26 The trustees shall in all respects act as regards to the property of the Club held by them as directed by the committee, and shall have power to sell, lease, mortgage or pledge any of the Club property so held for the purpose of raising or borrowing money for the benefit of the Club, in compliance with the directions of the committee (a record of which must be recorded in the minutes of the committee's proceedings), but no purchaser, lessee or mortgagee shall be concerned as to whether any such direction has been given.
- 27 The trustees shall be fully indemnified by the committee out of the Club's 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.