

RULES

1. TITLE

The Club shall be called The Downs Sailing Club.

2. ADDRESS

The Club premises are located at The Beach, Walmer.

3. STATUS

The Club shall be a members' club affiliated to The Royal Yachting Association and shall consist of those classes of member as specified in Rule 5 of these Rules.

4. OBJECTS

The objects of the club is to provide facilities for and provide participation of the whole community in the sport of sailing.

5. MEMBERSHIP

5.1 All persons who are interested in sailing are eligible for membership. Membership of the club shall be open to all persons irrespective of ethnicity, nationality, sexual orientation, religion or beliefs; or of age, sex or disability except as a necessary consequence of the requirements of sailing as a particular sport.

The club may refuse membership or expel from membership only for good and sufficient cause, such as conduct or character likely to bring the club or the sport of sailing into disrepute.

5.2 The classes of membership shall be:

5.2.1 Full Membership -Any person of 18 years of age and over on 1st January of that year.

Such persons shall be entitled to use and enjoy the club premises and facilities, and to vote at all General Meetings of the Club.

5.2.2 Cadet Membership -Any person under 18 years of age on 1st January of that year (independent cadets, i.e. non family, must be over 10 years of age). Such persons shall be entitled to use and enjoy the club premises and facilities, but may only vote at General Meetings for the election of Cadet Captain and the elected members of the Sailing Committee.

5.2.3 Family Membership -Shall include husband, wife and children under 18 years of age on 1st January of that year. Both husband and wife shall be full members of the club and children shall be cadet members.

5.2.4 Honorary Members -Honorary Members may be elected by the club at a General Meeting, following a proposal by twelve full members. The total number of such members shall not exceed five per cent of the membership. Such members shall have all the rights and privileges of full members.

5.2.5 Social Membership -Any person of 18 years of age and over. Such persons shall be entitled to use and enjoy the club premises and facilities, and to vote at all General Meetings, except that they may not take part in sailing events. The total number of social members may not exceed 25% of the total voting membership.

5.2.6 Senior Citizen Membership – Any person who has reached state retirement age. Such persons shall be entitled to use and enjoy the club premises facilities, will be entitled to vote and may take part in occasional sailing events but must not own a beach plot.

5.2.7 Second Club Membership - Any person who is already a full member of another club affiliated to the Royal Yachting Association. Such persons shall be entitled to use and enjoy the club premises and facilities, but will not be eligible for club trophies and may not vote at General Meetings.

5.2.8 Temporary Membership -A Temporary Member may be elected on the following conditions.

- a) Those set out in Rule 5.3.1, except that notice of such application need only be exhibited as therein stated for 2 days before his election.
- b) A temporary member can remain a member for such a period not exceeding one month in any year, as the Executive Committee shall determine.
- c) No temporary member will be eligible for club trophies or any vote at a General Meeting, nor be a member of any committee nor introduce a guest.

5.2.9 Group Membership -Any group of persons may be elected to group membership subject to the following conditions:

- a) On election and on 1st January each year a list of persons in the group shall be given to the secretary and such a list shall be amended as necessary during the year.
- b) Such persons may use such of the Club facilities and on such occasions as the Executive Committee from time to time determine.
- c) No person however may use any club facilities until 48 hours after his name has been given in writing to the secretary.
- d) A Group shall be entitled to a single vote at all General Meetings and shall advise the secretary at least 48 hours in advance the name of the group member authorized to exercise it.
- e) The subscription for each group shall be fixed by the Executive Committee and Rule 9.1.1 shall not apply.
- f) Rule 5.3.1 shall not apply.

5.3. A candidate for membership shall send to the Hon. Membership Secretary a form setting out his or her name and any other particulars the Executive Committee shall require and containing the signatures of two full members of at least twelve months standing. The said form shall be prominently displayed in the club premises for a period including two consecutive Sundays. Until the candidate is elected as a member he/she shall not be entitled to any privileges of the club.

5.3.1 Election of candidates or groups to membership shall be by single majority vote at a meeting of the Executive Committee.

5.4 Any member who fails to comply with the rules of the club, or whose conduct is objectionable, may, by ballot of the Executive Committee, be asked or compelled to resign from the club, save that no member shall be so compelled to resign without first having the opportunity of appearing before the Executive Committee and answering complaints made against them.

- 5.5 Appeals against refusal of membership or expulsions from membership may be made to the club's members and decided by a majority vote.
- 5.6 Any member wishing to retire from the Club shall notify their intention in writing to the Hon. Membership Secretary on or before 1st March, otherwise they will be liable for next year's subscription.
- 5.7 Full Social and Honorary Members are entitled to have a club key against a deposit set by the Executive Committee.

6. OFFICERS

- 6.1 The Officers of the Club shall be:
 - 6.1.1 Flag Officers -Commodore, Vice Commodore and such Hon. Rear Commodores as shall be appointed.
 - 6.1.2 Hon. Secretary, Hon Treasurer, Hon. Sailing Secretary, Hon. House Secretary.
- 6.2 Appointment and election of Officers.
 - 6.2.1 The Commodore shall be elected annually to serve for a maximum of two consecutive years and shall be Chairman of the Executive Committee. All candidates must be nominated by at least five full members of the club.
 - 6.2.2 The Vice Commodore shall be elected annually. All candidates must be nominated by at least two full members of the club. The Vice Commodore shall be Deputy Chairman of the Executive Committee.
 - 6.2.3 Honorary Rear Commodores may be appointed by a General Meeting for one year only.
 - 6.2.4 The Hon. Secretary, Hon. Treasurer, Hon. Sailing Secretary, Hon House Secretary, Hon Publicity Officer and Hon. Membership Secretary shall be elected annually. All candidates must be nominated by at least two full members of the Club.
 - 6.2.5 The Cadet Members shall elect from their number a Cadet Captain.
 - 6.2.6 With the exception of the Commodore and Vice-Commodore, any officer of the club may appoint a deputy to carry out their duties in their absence. The appointment of a deputy has to have the approval of the Executive Committee who must be advised in writing of the times when they will be taking over the responsibilities of the officer and acting on their behalf.
- 6.3 All officers shall be full members except the Cadet Captain.

7. OFFICERS AND COMMITTEES

- 7.1 There shall be an Executive Committee consisting of Commodore (Chairman), Hon. Secretary, Hon. Treasurer, Vice Commodore (Deputy Chairman), Hon. Sailing Secretary, Hon. House Secretary, Hon. Membership Secretary, Hon. Publicity Officer, Nominee of the Trustees of the Club, the Cadet Captain and up to three other elected members. Every member of the Committee shall have the power to vote and the Chairman shall have an additional casting vote. Six members shall constitute a quorum.
 - 7.1.1 The Sailing Committee shall consist of the Hon. Sailing Secretary and six elected members. All members shall have the power to vote and the Chairman shall have an additional casting vote. Four members shall constitute a quorum.
 - 7.1.2 Executive and Sailing Committee Members shall be elected annually at the A.G.M. All candidates must be nominated by at least two full members of the club. No member shall

be eligible for election to the Executive Committee unless he has been a member of the club for at least one year. Such Members will take office at midnight on the Sunday immediately following the A.G.M.

- 7.1.3 There shall be a House Committee consisting of Hon. House Secretary and such members as shall be appointed by the Executive Committee.
- 7.1.4 Any elected member of the Executive, Sailing or House Committee who fails to attend for three consecutive meetings will normally be deemed to have resigned. The Executive Committee may appoint a substitute in the event of a vacancy until the next Annual General Meeting.
- 7.2. The Executive Committee shall have the final responsibility for the management of the club and the expenditure of its funds.
 - 7.2.1 The Sailing Committee shall be responsible for the efficient execution of the club's sailing activities, afloat and ashore.
 - 7.2.2 The House Committee shall be responsible for the efficient operation of all domestic, canteen, bar and social activities. The committee shall appoint from its members a Bar Steward and Caterer.
 - 7.2.3 The Executive Committee shall hold meetings at least monthly and their proceedings shall be minuted. The sailing and house committees shall hold meetings regularly, minutes of these will be reported to the next Executive Committee. The Minutes of the Executive Committee shall be displayed in the clubhouse and be distributed to the Trustees within 15 days of each meeting. Additional meetings can be convened by either the committee Chairman or at the request of three members of the appropriate committee. When this occurs all those committee members must receive notice of the meeting in writing.
 - 7.2.4 The Commodore is entitled to sit on any standing or sub committee.

8. MEETINGS

8.1 Annual General-Meetings

The Annual General Meeting is to be held before the end of November each year, of which fourteen days clear notice must be given to each member in writing. Thirty members or one-fifth membership, whichever is the less, will constitute a quorum. The Hon. Secretary may receive nominations in advance. The business at each meeting shall consist of the presentation and (if accepted) the passing of the accounts and the election of Officers, Executive Committee, Sailing Committee and the appointment of the Independent Examiner and any business that the Executive Committee may order to be inserted in the notice convening the meeting, and any other business given to the Hon. Secretary at least 10 days prior to such meeting.

8.2 General Meeting

- 8.2.1 The Executive Committee may at any time call a General Meeting of the Club on any specific business. The discussion at such a General Meeting shall be confined to the business stated in the notice sent to members.
- 8.2.2 Thirty voting members (or if the total voting membership of the Club is less than 150, one fifth of the said total) may join together in a written request to the Hon. Secretary to summon by notice a General Meeting within 30 days of receiving such notice of

which 14 days clear notice must be given in writing to each member.

9. **SUBSCRIPTIONS**

- 9.1. The annual subscription for each class of membership and boat plot shall be determined by the Executive Committee and submitted to the Annual General Meeting for approval each year. Details of current subscriptions and boat plot fees shall be posted in the Clubhouse.
- 9.1.1 Subscriptions shall be payable on election and on 1st January each subsequent year.
- 9.2. Any Member who has not paid his subscription by 1st April shall be requested in the name of the Executive Committee to pay the same within fourteen days and if his subscription is not paid by 31st May his name may be removed from the list of members by the Executive Committee. A member's name may be restored at the discretion of the Executive Committee.
- 9.2.1 No Member shall in any year be entitled to exercise any rights or privileges of membership until his subscription and all arrears (if any) are paid.
- 9.2.2 Any member elected after the 1st September may have his subscription reduced at the discretion of the Executive Committee.
- 9.3 A full member at a college or university or attending full time education may, at the discretion of the Executive Committee, pay the cadet rate of subscription.

10. **FINANCE**

- 10.1 Financial Year -The Financial Year shall end on 31st August and the Club Accounts shall be made up to that date and be examined by an Independent Examiner appointed at a General Meeting. Such examined accounts shall be delivered to every member with the notice convening the Annual General Meeting.
- 10.2 The Club bankers shall be appointed by the Executive Committee. The club signatories being the Hon. Treasurer, Commodore, Vice Commodore, Hon. Secretary or Hon. House Secretary but must include either the Hon. Treasurer or Commodore.

11. **TRUSTEES**

- 11.1 Trustees, being four in number, shall be appointed from time to time as necessary by members of the Club in General Meetings. Candidates for Trusteeship shall be proposed by two full members of the club. A Trustee shall hold office during his life, or until his resignation in writing to the Secretary or until a resolution removing him from office has been passed by a two third majority at a General Meeting of the Club.
- 11.2 All the property of the Club shall be vested in the Trustees for the time being, to be held in trust in their names for the use and benefit of the club as a whole. On the death, resignation or removal from office of a Trustee, the Executive Committee shall take steps to secure the appointment by the club of a new Trustee in his place, and shall as soon as possible thereafter take all lawful and practical steps to procure the vesting of all Club property into the names of the Trustees as constituted after the said appointment.
- 11.3 The Trustees shall at all times, and in all respects, act in regard to the property of the club held by them in accordance with the directions of the Executive Committee, and shall have the power to sell, pledge, lease, mortgage or otherwise alienate any Club property in compliance with the directions of the Executive Committee. But no purchaser, lessee or

mortgagee, or any other Successor in Title, shall be concerned to enquire whether any such direction has been given.

- 11.4 The Trustees shall, on the direction of the Executive Committee, represent the club in any litigation.
- 11.5 The Trustees shall be entitled to an indemnity out of the property of the club in respect of any action taken by or against them, provided that any action taken by the Trustees shall have been approved by the Executive Committee.

12. SUPPLY OF INTOXICATING LIQUOR

- 12.1 The purchase for the club and the supply by the club of intoxicating liquor shall be exclusively controlled by the Executive Committee.
 - 12.1.1 Intoxicating liquor for consumption off the premises shall only be supplied to members of the club aged 18 and over.
 - 12.1.2 The supply and sale of intoxicating liquor for consumption on the premises shall be restricted to
 - (a) members of the club aged 18 and over,
 - (b) a person visiting the club who is already a fully paid up member of another recognised yacht or sailing club aged 18 or over,
 - (c) a "guest" as defined by the club's current liquor licence aged 18 or over.
- 12.2 The club shall be open between the hours of 10.00 a.m. and midnight on each day provided that the Executive Committee shall have power by resolution to extend these hours on any special occasion.
- 12.3 The permitted hours for the supply of intoxicating liquor shall be fixed (but may be varied from time to time) by the Committee in accordance with the statutory provisions for the time being in force.
- 12.4 No person shall at any time be entitled to receive at the expense of the club (or any member thereof) any commission, percentage or similar payment on or with reference to the purchase by the club of intoxicating liquor, nor shall any person directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the club to members or guests apart from any benefit which a person derives indirectly by reason of the supply giving rise to or contribution to the general gain from the carrying on of the club.

13. GUESTS

Members may introduce as a guest any person, provided that the member so introducing enters the name and address of the said guest in a book kept for such a purpose and at no time leaves the club premises while the said guest is thereon. No member may introduce more than four adult guests in anyone day and the same guest on more than seven days in any year, save for special occasions, which have been previously approved by the Executive Committee.

14. BOATS ON CLUB PROPERTY

- 14.1 Members may not bring their boats on the club property or take part in club events unless they are indemnified against third party risk in the sum of £2 million.

- 14.2 Full and cadet members may leave their boats on a beach plot as designated by the Sailing Committee after payment of the appropriate fee.
- 14.3 The Sailing Committee reserves the right to require members to remove un-seaworthy boats from their beach plots.
- 14.4 Abandoned boats on club premises -If at any time any member or former member who has left a boat within the Club beach area and who is more than 3 months in arrears with subscription fees or debts due to the Club:
- a) The committee shall be entitled to move the boat to any other part of the premises without being liable for any loss or damage to the boat, however caused.
 - b) The committee shall be entitled upon giving one month's notice in writing to the member or former member, to sell the boat and deduct any monies due to the club (whether by way of arrears of subscription or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.
 - c) Alternatively, any boat, which in the opinion of the Committee cannot be sold, may upon such notice as detailed above be disposed of in any manner the Committee may think fit, any expenses incurred to be recovered from the member or former member.
- Further, the club shall have at all times a lien over boats of members and former members parked on club premises in respect of all monies due to the Club, whether in respect of arrears of subscription or otherwise.

15. **GENERAL**

- 15.1 Liabilities -The club shall not be liable for personal injury sustained by a member or visitor, nor for any damage or loss by fire, theft or other causes to boats, masts, spars, gear or other property either in or near the club premises, not with standing such injury, damage or loss be caused or occasioned by the negligence of the club, its officers, members, servants or any other person.
- 15.2 Dispersing of club property – 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 as a whole.
- 15.3 New Rules Amendments and Alterations -Notice of any alteration or addition to the rules intended to be proposed by not less than 5 members of the club shall be given to the Hon. Secretary in writing at least 21 days before the Annual General Meeting of the Club, or any General Meeting at which the same is to be brought forward, and full particulars of any such proposed alterations or additions shall be set out in the notice convening the meeting. All such proposed alterations or additions and any amendments to them which may be proposed and seconded shall be put to the vote at the meeting, and provided that a show of hands or if demanded on a poll, a majority of two thirds of the votes of those members present and voting shall be cast in favour of any proposed alterations or additions or amendments then the same shall be deemed to be carried out.
- 15.4 Extraordinary Items -Any matter not provided for in these rules shall be dealt with by the Executive Committee whose decision shall be final.

16. **WINDING UP**

- 16.1 The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.

16.2 The Committee will then be responsible for the orderly winding up of the Club's affairs.

16.3 After settling all liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:

to another Club with similar sports purposes which is a registered charity and/or

to another Club with similar sports purposes which is a registered CASC and/or

to the Royal Yachting Association for use by them for related community sports.