

## WEST PENNINE SAILBOARD CLUB

RULES: March 2012

PREAMBLE: Definitions and abbreviations

BCU:	British Canoe Union, the UK canoeing governing body
CASC	Community Amateur Sports Club, an entity recognised for business tax purposes by HMRC
General Committee	The main Committee of the Club, "the Committee"
General Meeting	either of Annual General Meeting (AGM) or Extraordinary General Meeting (EGM)
HMRC	Her Majesty's Revenue and Customs
HW	Hollingworth Lake Water Activities Centre
MYA:	Model Yachting Association
RTC	Registered Training Centre (an RYA entity)
RYA:	Windsurfing Sport's Governing Body, formerly Royal Yachting Association
WPSC	West Pennine Sailboard Club ("the Club")

### 1. NAME

The name of the Club is West Pennine Sailboard Club

### 2. OBJECTS

To encourage the furtherance of sailboarding and all related aspects of the sport; and to cater for subsidiary interests as may be from time to time determined, examples being Radio-Controlled Model Yachting and Canoeing. The objects for which the Club is formed are to promote and facilitate community participation in these sports, and to provide social and other facilities for members as may be from time to time determined.

### 3. MEMBERSHIP

Membership of the Club is open to anyone interested in these sports regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, and whether or not a prospective member possesses particular or any equipment.

a) The Club consists of Founder, Honorary, Ordinary (consisting of Individual, and Family), Youth, Junior, Student, Social, Model Yachting, and Group members. Except as specified in Rules 26 (Model Yachting) and 27 (canoeing), only Ordinary Members have a vote at General Meetings.

- b) Founder membership is restricted to those members who were responsible for forming the club.
- c) Honorary members will be approached and appointed subject to approval by the General Committee and will be announced at the Annual General Meeting.
- d) All candidates for Ordinary membership must be sailboarders aged 18 or over. An Individual Member is a person who, at the date of admission shall have attained the age of 18 years and shall have one vote at a General Meeting. A Family Member which expression shall include one or two co-habiting adults and all children under their guardianship under 18 years of age. The family unit shall have one vote at a General Meeting.
- e) Every candidate for Youth membership must be between 16 and 18 years of age on application. Upon reaching the age of 18 Youth membership automatically ceases at the end of the subscription year unless the Youth member makes a request in writing to the General Committee to confirm their membership as an Ordinary member of the Club.
- f) Every candidate for Junior membership must be between 5 and 16 years of age on application. Upon reaching the age of 16 Junior membership automatically ceases at the end of the subscription year unless the Junior member makes a request in writing to the General Committee to confirm their membership as a Youth member of the Club. Junior membership is also deemed to include those members up to 18 years of age who are full-time students.
- g) Candidates for Social membership shall be non-sailboarding persons with an interest in the sport. Such membership shall be granted at the discretion of the General Committee and will be subject to annual review. Model Yachting membership is regarded as similar to Social membership: see Rule 26.
- h) Every candidate for Student membership shall be a bona fide full-time student at an Institute of Higher or Further Education, verifiable by means of a Students' Union Card or equivalent. Such membership shall be deemed to expire at the end of the subscription year, unless, upon application, continued proof of status can be produced.
- j) Group membership is intended for the use of the Club and its facilities by an organisation such as a Water Activities Centre as a remote site from their own base. Such membership will be considered on a case-by-case basis by the General Committee which will set appropriate conditions for such membership including fees.

#### 4. CANDIDATES FOR MEMBERSHIP

- a) Admission of any person to membership shall be by vote of the General Committee or a sub-committee thereof appointed for the purpose or by the powers delegated by the Committee to the Membership Secretary(s) provided always that the General Committee is updated regularly as to the names of existing and new members..
- b) Membership can be applied for by completion of the membership form available from the Clubhouse or Membership Secretary.
- c) Upon election to membership, the Membership Secretary shall make available to the member a copy of the Club Rules and they shall become a member of the Club and entitled to all the benefits and privileges of the Club upon payment of their first subscription. Sailing

and use of the Club facilities cannot commence until a confirmation of successful admission has been issued, normally by means of a membership card.

## 5. SUBSCRIPTIONS

a) Each member shall pay to the Treasurer on the 1st April of each year an Annual Subscription, the amount of which shall be determined from time to time by the General Committee, subject to confirmation at the Annual General Meeting. Details are given on membership renewal/application forms.

b) Members who are full-time students may on application to the General Committee each year have their subscription reduced as may be decided by the General Committee.

c) At the General Committee's discretion, members joining after 30th September may be admitted at a reduced subscription for that year only.

d) The general Committee may make appropriate arrangements for the payment of subscriptions by Group members (such as for use by affiliated RTCs), provided these are reported to the next General Meeting.

## 6. CONDUCT OF MEMBERS

a) Any member refusing to comply with the Club rules or whose conduct, which in the opinion of the General Committee, is either unworthy of a member, or otherwise injurious to the interest of the Club, shall be liable to expulsion by the General Committee. In such circumstances, the General Committee shall call upon such member for an explanation of their conduct, and shall give them the opportunity to defend their action or of resigning membership. The vote on a resolution for expulsion shall be by a two thirds majority of the General Committee voting in favour of the resolution. Appeal against any such decision may be made to the members through a General Meeting

## 7. OFFICERS

a) The officers shall consist of a Chairperson, Honorary Secretary, Honorary Treasurer, Honorary Membership Secretary, other named officers as may be needed and appointed by the Committee and if still so needed at the time of the next General Meeting approved by that Meeting, for the proper execution of the Committee's functions, and 4 Committee Members including a designated Child Protection Officer who together shall form the General Committee.

Up to three further Committee members may be co-opted from among the membership. Each of these shall have voting powers equal to other Committee members, and they shall become eligible for co-option into subsequent membership years, with the agreement of the Annual General Meeting.

b) All officers and Committee members shall be elected annually at the Annual General Meeting and will hold office until the next Annual General Meeting unless they resign in writing.

c) The General Committee shall have the power to appoint a member as an Officer to fill a casual vacancy until the next Annual General Meeting. Any such person so appointed shall

retire at the next Annual General Meeting, but shall be eligible for re-election at such meeting.

d) All Founder, Social and Ordinary members who are not in arrears with their subscription shall be eligible to be elected to the General Committee. Candidates should be nominated and seconded in writing to the Secretary 14 days prior to the Annual General Meeting.

e) At the General Meeting of the Club only Founder, Social, and Ordinary members shall be entitled to vote. A Group membership shall be entitled to a single vote.

## 8. MANAGEMENT OF THE CLUB

The affairs of the Club shall be managed by the General Committee. The General Committee shall apply the funds of the Club in such manner as to ensure that no money or property of the Club or any gain arising from the carrying on of business of the Club shall be applied otherwise than for the benefit of the Club and shall make such Bye-laws, rules, and regulations as it may consider necessary. Any monies to other registered Community Amateur Sports Clubs (CASCs) or registered Charities must be authorised by members at an AGM. The General Committee may appoint from among their number or from members of the Club, such sub-committees (eg. sailing committee) as they may deem necessary and may depute them such powers and duties of the General Committee as they may determine.

In particular, the Committee shall ensure that the property, activities and funds of the Club will not be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules and that all surplus income or profits are re-invested in the Club.

The Committee shall make such Byelaws and Regulations as it shall from time to time think fit, and shall cause the same to be exhibited in the Club for fourteen days before implementation.

A member of the Committee or of a sub-committee or any officer of the Club, in transacting business for the Club, shall disclose to other members of the Committee that he is so acting.

The Committee, or any person or sub-committee delegated by the Committee to act as agent for the Club or its members shall enter into contract only as far as expressly authorised, or authorised by implication, by the members. No-one shall, without the express authority of the membership in General Meeting, pledge the credit of the membership.

In pursuance of the authority vested in the Committee by members of the Club, members of the Committee are entitled to be indemnified against any liabilities properly incurred by them or any one of them on behalf of the Club wherever the contract is of a duly authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the Club. The limit of any member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate for that category of membership, unless the Committee has been authorised to exceed such limit by a General Meeting of the Club.

## 9. COMMITTEE MEETINGS

- a) Committee decisions shall be by a majority with the Chairperson having a second or casting vote.
- b) Any Committee member failing to attend three consecutive meetings without reasonable cause will be deemed to have resigned from the Committee and a member can be co-opted to fill the vacancy.
- c) The General Committee shall meet at least once every two months. A quorum at a General Committee meeting shall be six.

## 10. GENERAL MEETINGS

- a) An Annual General Meeting shall be held at least once every calendar year on a date to be decided by the General Committee and 15 months must not elapse without an Annual General Meeting being held.
- b) A quorum at a General Meeting shall be 15 members. If there is no quorum the meeting shall be adjourned and reconvened at a later date, and after giving due notice to members, members present at such a meeting shall form the quorum.
- c) The General Committee shall have the power to call an Annual General Meeting at any time.
- d) A General Meeting shall be held on written requisition received by the Honorary Secretary signed by 30 members entitled to attend and vote at a General Meeting (or by one fifth of the total number of the members so entitled if they shall be less than 30) and upon receiving such requisition a General Meeting shall be called within 28 days.
- e) Twenty-one days notice in writing of all General Meetings shall be given to all members entitled to attend and vote.

## 11. ALTERATION OF RULES

These rules may be altered or amended at a General Meeting providing that Notice of intention to make such alteration or amendment shall have been given in the Notice convening the meeting and in the event of any member entitled to attend and vote at a General Meeting giving written notice to the Honorary Secretary of the intention to propose any such amendment or alteration, such intention shall be included by the Honorary Secretary in the Notice convening the next convenient General Meeting. Provided that no such change shall jeopardise the Club's status as a Community Amateur Sports Club within the meaning of the Finance Acts, or in any event alter its objects or winding-up provisions.

## 12. ACCOUNTS

- a) The General Committee shall cause proper books of accounts to be kept of all income and expenditure and of all dealings with assets and liabilities of the Club.

b) A copy of the accounts of the Club for the current membership year shall be displayed at the Annual General Meeting.

### 13. VISITORS AND GUESTS OF MEMBERS

- a) Sailing visitors: Visitors wishing to sail are required to complete a day-ticket form and ask an Ordinary Member to sign this also. Such day tickets are normally limited to three occasions in any one year. Sailing visitors must observe the requirements of Rule 19: Insurance. The Committee, at its meetings, may make other appropriate arrangements if required.
- b) Young family of Ordinary Members (grand-children, brothers, sisters, nephews & nieces) under the age of 16 may sail without payment of a fee in the same way as Junior Members. Sailing visitors must observe the requirements of Rule 19: Insurance and Rule 25: Child Protection Policy (requiring children to be accompanied by a parent or guardian).
- c) Non-Sailing guests and Spouses: Ordinary, and Social members may introduce Non-Sailing visitors to the Club.

In all cases, Members introducing visitors or guests are responsible for the conduct of the guest. All Visitors shall be admitted to the Club subject to such regulations as the General Committee may decide.

### 14. LICENSING

The Club will not avail itself of the facilities afforded by the Licensing Laws, nor serve or store alcoholic drink nor allow entertainment or other licensable activities, except by means of a Temporary Event Notice, applied for and granted, after Committee written approval, on each such occasion.

### 15. RACING RULES

- a) All races will be held under I.Y.R.U. racing Rules and R.Y.A. Prescriptions.
- b) The General Committee shall make local variations to the R.Y.A. Rules which shall be displayed and/or printed in the racing instructions.

### 16. SAFETY

- a) All members must wear personal buoyancy apparel whilst sailing.
- b) When racing is in progress a properly equipped rescue craft adequately manned and afloat should be available.
- c) Members sailing at other than racing times must make their own rescue facilities commensurate with the prevailing conditions.

d) Except in cases of emergency, which must afterwards be reported to the General Committee, the rescue boat must not be used by unauthorised persons.

e) Members must wear a wet or dry suit when sailing to comply with the N.W.W.A. agreement for the Use of Watergrove.

f) It is the responsibility of every sailor to ensure that they take all the necessary precautions when sailing in conditions considered extreme. Particular attention is directed towards sailing in low temperatures with a high chill factor.

## 17. MEMBERSHIP CARDS

a) Membership cards or other means of evidence of membership must be produced on request by a Member or the Ranger, and should be displayed on any vehicle brought onto site.

b) Members are advised to familiarise themselves with the General regulations for the Use of Watergrove. A copy of this agreement should be displayed on the Club noticeboard.

## 18. MINUTES OF MEETINGS

Copies of the minutes of Committee and General Meetings will be displayed on the Club notice-board.

## 19. PROOF OF INSURANCE

Candidates for membership must be able to produce a valid certificate of third party insurance cover for an amount not less than £2 000 000. Those using the Club, its facilities and the water do so at their own risk.

## 20. TRUSTEES

The property of the Club shall be vested in from two to four trustees who shall be appointed by members at the Annual General Meeting on the recommendation of the General Committee. Such members shall at the discretion of the General Committee hold the appointment for the duration of their membership.

The Trustees shall be effectively indemnified by the Committee out of the assets of the Club from and against any liability, costs, expenses and payments whatsoever that 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. The liability of the Trustees for the performance of any contractual or other obligation undertaken by them on behalf of the Club shall be limited to the assets of the Club

## 21. LIMITATION OF LIABILITY

Members, their guests and visitors are bound by the following rule which shall also be exhibited in the Clubhouse:-

Members of the Club, their guests or visitors may use the Club premises and any other facilities of the Club entirely at their own risk and impliedly accept:-

a) The Club will not accept any liability for any damage to or loss of property belonging to members, their guests or visitors to the Club.

b) The Club will not accept any liability of personal injury arising out of the use of the Club, Club premises or any other facilities of the Club either sustained by members, their guests or visitors whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the Officers or Committees.

## 22. OPENING TIMES

The Club premises shall be open at such times as the General Committee shall decide.

## 23. UNDERAGE

No alcohol, intoxicating liquor, tobacco or other similarly proscribed substances shall be supplied or be allowed to be supplied to anyone under the age of 18 years.

## 24. DISSOLUTION OF THE CLUB

If, upon the winding up or dissolution of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or transferred amongst the members of the Club but shall be given or transferred to another CASC with a similar sports purpose, a registered Charity with a similar sports purpose, the Sports' Governing Body for use in related community sport or otherwise in accordance with the relevant legislation.

## 25. CHILD PROTECTION POLICY

The Club will maintain an appropriate Child Protection Policy, such as that from time to time recommended by the RYA, and will have a designated Child Protection Officer on the general Committee.

## 26. MODEL YACHTING

Radio-controlled Model Yachting is encouraged as an activity within the Club. Model Yachting members will be Social Members who will pay an additional subscription in respect of radio-controlled model yachting rights. Model Yachting activities will be regulated by the MYA's rules. The Model Yachting Group is allowed one vote at a General Meeting.

## 27. CANOEING

Canoeing is encouraged as an activity within the Club. Canoeing is regulated under Club By-laws defined from time to time by the General Committee. These By-laws are displayed in the Clubhouse. If a distinct Canoeing Group is formed or exists it will be allowed one vote at a General Meeting

Update and alteration record:

Transcribed from previous copies of the Rules dated 1/4/1990, on 12/11/2002; Sections 3 (addition of the category of Student Member), 13 (inclusion of non-sailing guests and distinction with sailing visitors) and 14 (addition of heading) amended by resolution of the AGM held on 16th February 2003. Amendments regarding Section 8 (redefinition of beneficiaries) and addition of Section 24 (Dissolution of the Club) approved by resolution of the EGM held on 19th August 2004.

Addition of named Individual and Family membership within Ordinary membership, Model Yachting, and Group membership categories; Child Protection Policy and representation on the Committee; minor changes to dissemination of Rules added by resolution of the AGM held on 5th March 2006.

March 2008, at the AGM of 2nd March: alteration of number of Trustees from four to from two to four (rule 20); Committee meetings at least every two months, not every month (rule 9); addition to rule 19, relating to users' own risk; addition of Rule 27, relating to Canoeing which at the date of the AGM is to be included in the new lease, still with United Utilities.

March 2008

January 2010, at the AGM of 7<sup>th</sup> March 2010, primary amendments: removal of reference to a maintained Premises Licence (rules 14, 22), and substitution of reference to a Temporary Event Notice when needed (rule 14); amendments to Family membership, membership generally (rule 3, 3d) to allow for equality/discrimination rights and for HMRC rules for status as a CASC, and similarly for the objects of the Club (rule 2); changes to rule 21 (Limitation of Liability) to bring these into line with the recommendations of RYA; additions to rules 16 and 27 to enshrine the voting rights of the Model yachting Group and of a possible Canoeing Group at General Meetings, so allowing each group a single vote; and several typographical corrections previously overlooked. Detailed data on the changes may be obtained from the Hon Sec.

March 2010

March 2012, at the AGM of 4<sup>th</sup> March 2012: rule 13 altered to withdraw free signing-in for adult day sailing. All Day Sailors must fill in an envelope and pay the day sailing fee (max 3 per year). Reference to 'Founder Members' has been removed. Young (extended) family of Ordinary Members can sail free of charge, as if they are Junior Members, on condition they are covered by appropriate insurance and a parent or guardian is present. The limit of 12 visits per year for non-sailing visitors has been removed. There will no longer be a signing-in book for non-sailing visitors or day sailors.