



# Rules of the Bristol Channel Yacht Club

## 1 Definitions

### 1.1 In these Rules:

The Club	Means the Bristol Channel Yacht Club and shall be so called
The Club House	Means the Club House, Mumbles, Swansea SA3 4EL or such other premises as the Committee shall from time to time designate (following consultation with members in General Meeting)
Club Insignia	Means the Club flag, the Club tie, the Club button and any insignia which the Committee shall approve from time to time
Members	Means all or any members of the Club as defined in Rule 6
Corporate Members	Means all corporate members of the Club within the meaning of Rule 6
Nominee Members	Means all or any nominee members of the Club within the meaning of Rule 6
The Officers	Means the officers of the Club elected in accordance with Rule 4
The Committee	Means the management committee of the Club elected in accordance with Rule 12
The Rules	Means those rules together with any amendments which may be made to them by the members in the general meeting in accordance with Rule 20.5
The Regulations	Means any regulations made by the Committee pursuant to the Rules from time to time
Annual General Meeting	Means the annual general meeting of the members of the Club held in accordance with Rule 15
General Meeting	Means a general meeting of members of the Club held in accordance with rule 16
The Auditor	Means the auditor elected in accordance with Rule 21

### 1.2 In these rules words denoting the singular include the plural and vice versa and any words denoting gender include all genders

## 2 Objects

The objects of the Club shall be:

- 2.1. To promote and encourage yacht sailing and racing in the Swansea Bay and elsewhere in the Bristol Channel
- 2.2. To promote sports and pastimes and to encourage social intercourse between Members

- 2.3. The provision of the Club house for the use and accommodation of Members and their guests.



### 3 Designation

The Club is a non profit-making organisation. All surpluses will be used to maintain or improve the Club's facilities. No surplus will be distributed other than to another non profit-making body or to members on winding up or dissolution of the Club.

### 4 Officers

The Officers of the Club shall consist of:

- 4.1 A commodore, a vice-Commodore, a Rear-commodore (the Flag Officers); and
  - 4.1.1 A Secretary and a Treasurer
- 4.2 The officers shall retire annually at the Annual General Meeting but shall be eligible for re-election
- 4.3 In the event of any Officer dying, resigning, or for any reason ceasing to be a Member during the year of his office, the Committee may appoint a Member to fill the vacancy until the next Annual General Meeting.

### 5 Membership

- 5.1 The Secretary shall keep a proper record of Members, including such particulars of Members as the Committee shall from time to time reasonably require for the proper administration and management of the Club
- 5.2 Members changing their address shall advise the Secretary on writing within 28 days of so doing.
- 5.3 All communications (including notices given pursuant to these rules) to a Member shall be posted or sent by email to him at the address last advised to the Secretary and shall be considered as having been delivered to him on the day following that on which the communication was sent.
- 5.4 No person shall be entitled to the privileges of membership until his entrance fee (if any) and the subscription fee (if any) have been paid.



## 6 Members

6.1 Members of the Club shall consist of the following classes of membership:

- 6.1.1 Full
- 6.1.2 Honorary
- 6.1.3 Country
- 6.1.4 Overseas
- 6.1.5 Temporary
- 6.1.6 Corporate
- 6.1.7 Nominee
- 6.1.8 Associate

6.2 Each class of Member shall pay such subscriptions and entrance fees as may be determined by the Committee from time to time.

6.3 Honorary Members shall consist of those persons who are elected to Honorary Membership in a General Meeting of the Club.

6.3.1 Honorary Members may be elected in recognition of the distinguished service to the Club or in such other circumstances as the Members consider appropriate and shall be entitled to the rights and privileges of Full Members but shall be exempt from payment of any kind of fee or subscription

6.3.2 There shall be no more than 15 Honorary Members at any one time

6.4 Country Members shall be those Members elected to membership whose main residence is more than 50 miles (as the crow flies) from the Club House but within the U.K.

6.5 Overseas Members shall be those Members elected to membership whose main residence is situated outside the U.K.

6.6 A Temporary Member shall be any person whom an Officer of the Club or a Member of the Committee shall have admitted as a Temporary Member provided that:

6.6.1 The period of admission shall not exceed 14 days; and

6.6.2 Two clear days shall elapse between becoming Members of the Club and admission to the privileges on membership of the Club.

Temporary Members shall be admitted on such terms and have such privileges of membership as the Committee may determine. A Temporary Member (so long as he remains a Temporary Member) may not be an Officer or Member of any Committee and shall not be entitled to vote at either an Annual General Meeting or a General Meeting or act as a proposer or seconder of any candidate for membership. A person applying to become a Temporary Member shall not be obliged to comply with the provisions of Rule 7

6.7 Corporate Members shall be those bodies corporate, unincorporated associations and partnerships elected to the membership of the Club.



- 6.8 Every Corporate Member of the Club shall be entitled to appoint up to 4 representatives (each a “Nominee Member”) by giving the Secretary (or in his absence any of the Officers or Members of the Committee) at least 7 days’ notice in writing. Forthwith on such appointment the Secretary shall issue a Membership Card to the nominee Member in question. Any such appointment may be terminated by the relevant Corporate Member forthwith by giving notice in writing to the Secretary (or in his absence, as aforesaid).
- 6.9 Associate Members shall be those Members elected to Membership whose spouses are or were (in the latter case at the discretion of the Committee) formerly Full Members. An Associate Member may not be an Officer or Member of any Committee, and shall not be entitled to vote at either an Annual General Meeting or a General Meeting or act as a proposer or seconder of any candidate for membership. Notwithstanding the provisions of this Rule, an Associate Member may be proposed and elected as an Officer (excluding Flag Officers) or as a Member of the Committee at an Annual General Meeting if it is considered that his/her specific expertise would be of particular benefit to the Committee and the Club.
- 6.10 No-one under the age of 18 shall be elected or nominated as a Member of the Club.

## 7 Application for Membership

- 7.1 Every applicant for Full, Country, Corporate, Overseas or Associate membership shall be proposed by a Full Member who shall complete and sign a nomination in a form prescribed by the Committee from time to time. Such nomination shall then be signed by another Full Member in the capacity of seconder.
- 7.2 For at least 21 days before the application is considered by the Committee (“the notice period”) the nomination shall be posted in a conspicuous place on the Club House.
- 7.3 Any Full Member wishing to object to the election of any applicant should have the opportunity of so doing during the Notice Period. Any such objection must be in writing addressed to the Chairman of the Committee.
- 7.4 In the event of an objection the committee may take such action as it thinks fit and in particular shall be entitled to make further enquiry of the proposing and seconding Members.
- 7.5 Members (other than Honorary and Temporary Members) shall be elected by the Committee. Successful applicants shall be notified in writing by the Secretary that they have been so elected and at the same time the Secretary shall provide to each of them particulars of the subscription and entrance fee due and payable by them. In the event that such subscription and entrance fee is not paid within 28 days from the date of the letter notifying the applicant of his election, the election shall be considered null and void.
- 7.6 If a nomination is inaccurately completed the Committee may reject it and/or may void any election which has occurred.
- 7.7 The Committee shall deal with nominations on a regular and timely basis.



## 8 Members' rights and responsibilities

Every Member of the Club shall be:

- 8.1 Entitled to use and enjoyment of the Club house in common with other Members;
- 8.2 Bound by the Rules and Regulations of the Club; and
- 8.3 Furnished with a Membership Card by the Secretary.



## 9 Payment of entrance fee and subscription

- 9.1 A new Member shall pay his entrance fee and subscription in accordance with Rule 7.5 and he shall not make use of the Club House until his entrance fee and subscription have been paid. Rules 9.2 to 9.5 shall not apply to a new Member.
- 9.2 A Member shall pay his subscription either:-
  - 9.2.1 By cash or cheque within 14 days of the 1<sup>st</sup> January in each year.
  - 9.2.2 By direct bank transfer, by prior arrangement with the Secretary.
- 9.3 A Member who has not duly paid his subscription shall be notified of his default by the Secretary.
- 9.4 If after the expiration of 14 days from such notice the subscription is still unpaid the defaulting Member's name shall be posted in the Club.
- 9.5 The name of any Member whose subscription shall not have been paid within 28 days of any such notification may be removed from the list of Members, but any name so removed may be restored by the Committee at its discretion upon such terms as the Committee deems appropriate.
- 9.6 For the purposes of Rule 24, membership restored under the provision of rule 9.5 shall be deemed to commence from the date of restoration.
- 9.7 The vote of a Member whose subscription is in arrears cannot be recorded at any Annual General Meeting or General Meeting.

## 10 Breaches of rules and regulations

- 10.1 The Committee shall have the power to take appropriate disciplinary action, including termination of membership, against any Member guilty of unacceptable or undesirable conduct.
  - 10.1.1 The Committee may suspend the Member concerned, but not terminate his membership, pending the matter being considered in the context of rules 10.2 and 10.3
- 10.2 The Member concerned may not have his membership terminated until the matter has been considered by a special meeting of the Committee, of which 7 clear days must be given to each Member of the Committee, and to the Member concerned, who must give the Committee prior notice of his intentions under Rule 10.2.1
  - 10.2.1 At the meeting, the Member concerned shall be allowed to offer an explanation of his conduct and provide evidence, either in person or in writing, and may call witnesses.
- 10.3 The decision of the Committee shall be final, subject to the Member's right to appeal, of which written notice must be given to the Committee within 7 days of the decision being advised to the Member.
  - 10.3.1 If the Member gives notice of appeal, the hearing will be before a panel of 3 Members of the Club, who may or may not be Committee Members, appointed by the Committee, who have taken no part in the investigation of, or decision in respect of the procedures in Rule 10.2
  - 10.3.2 The decision of the appeal panel shall be final.



- 10.4 In the event that the Member concerned is suspended or has his membership terminated in the terms of Rule 10.3 or 10.3.1, he shall be given the opportunity to resign from the Club within 7 days of the decision being advised to him.
- 10.5 Any Member ceasing to belong to the Club, for whatever reason, shall not have any claim upon, or be entitled to participate in any distribution of the assets of the Club or to have any part of his annual subscription returned to him.

## 11 Resignation

Any Member may resign Membership at any time by giving notice of resignation to the Club Secretary in writing but shall not be entitled to any refund of subscription or entrance fee provided that a notice of resignation given prior to the 15<sup>th</sup> January in each year shall not render a Member liable for the subscription for that year.



## 12 The management committee

- 12.1 The Management of the Club shall be in the hands of the Committee who shall consist of no more than 9 Full or Honorary Members elected by the Club at the Annual General Meeting. In addition to those duly elected Members, the Committee shall include the Officers who shall be entitled to vote.
- 12.2 Four members of the Committee present at any Meeting shall form a quorum and the Chairman of the Committee shall have a casting vote.
- 12.3 At the Annual General Meeting one third of the elected Members of the Committee (being those which have been longest in service) shall resign but shall be eligible for re-election without nomination. Candidates for election to the Committee shall be those Members of the Committee who are due to retire under this Rule and who offer themselves for re-election together with such other Members of the Club whose nominations duly proposed and seconded by Members of the Club in writing shall have been sent to the Club Secretary **at least 3 clear days** before the date of the Annual General Meeting.
- 12.4 Any of the 9 elected Members of the Committee not attending Committee meetings for 6 consecutive meetings shall cease to be a Member of the Committee unless the Committee decides otherwise.

## 13 The management committee powers

- 13.1 The Committee shall have full power to manage the affairs of the Club and in particular (but without prejudice to the generality of the foregoing) shall have power to:
  - 13.1.1 Require any Member or other person occasioning any damage to the Club House or other assets of the Club either wilfully or through negligence or improper use either to make good such damage or otherwise compensate the Club;
  - 13.1.2 Conduct the general day to day business of the Club and regulate its internal management and to make, vary, or revoke all Regulations relative to the day to day use of the property of the Club and to the governing of the Club, provided that such Regulations thus made, altered or revoked, are not inconsistent with the Rules and are reasonably necessary for the conduct of the Club in conformity with the Rules. Such Regulations shall be posted in some conspicuous part of the Club premises and shall be binding on all Members;
  - 13.1.3 Fill any casual vacancy which may occur on the Committee. The person thus appointed shall take the place of the person he replaces only until the next annual General Meeting;
  - 13.1.4 From time to time to raise money at such interest rates and upon such conditions as it shall deem proper so long as the total principal money so raised shall not exceed £40 000;
  - 13.1.5 In addition to the powers contained in clause 13.1.4 from time to time to raise money by debentures to Members at such rate of interest and upon such conditions as the Committee shall deem proper so long as the total principal money so raised shall not exceed £40 000;





- 13.1.6 Fix alter waive or otherwise amend subscriptions entrance fees advances or loans payable to the Club its Members providing that the limit of £40 000 imposed by rule 13.1.5 shall not be exceeded and providing also that the Committee shall not be entitled to raise any type of subscription or entrance fee by more than 20% in any accounting year as defined in Rule 22.3 without the approval of the Members at the Annual General Meeting or in a General Meeting.
- 13.1.7 Procure that the Secretary or in his absence some other Officer of the Club or Member of the Committee) shall accurately record Minutes of all Meetings and shall perform such other duties as are required of him either by these Rules or by any resolution of the Committee.
- 13.2 Committee Meetings shall be held as often as may be necessary but in any event at least 6 times in every year, and notice of those Meetings shall be given to every Member of the Committee and every Officer.
- 13.3 At its first Meeting after the Annual General Meeting the Committee shall appoint its Chairman and Vice-Chairman for the coming year, and create such sub-committees and co-opt such Members as it deems necessary for such periods as it deems necessary. The decision of the Committee and of all its sub-committees shall be by way of simple majority unless otherwise stated in these Rules. In the event of a tie the chairman shall have a further and casting vote.
- 13.4 The Members of the Committee (which for the purpose of this clause includes co-opted Members and Members of any sub-committee) shall have a right of indemnity against and reimbursement out of the property and assets of the Club in respect of any claim brought against them, provided that they act lawfully and in accordance with the Rules.

## 14 Trustees

- 14.1 The Club House and any other assets of the Club which are not covered in that definition shall be vested in not less than 2 Full Members of the Club as Trustees.
- 14.2 The Trustees shall be elected by the Members in the General Meeting and shall remain in office until death or resignation or until removal by the Members in a General Meeting. The Club House and assets referred to in Rule 14.1 above shall be vested in the names of the Trustees and shall be held by them in trust for the Members but shall be under the control and direction of the Committee.
- 14.3 Trustees shall have a right of indemnity against reimbursement out of the property and assets of the Club in respect of any claim brought against them, provided that they act lawfully and in accordance with the Rules.



## 15 Annual general meeting

- 15.1 The Annual General Meeting shall be held within 6 months of the end of the accounting period, to elect Officers, to elect the Auditor/Examiner, to fill vacancies on the Committee, to receive the audited accounts of the Club and to deal with such other matters as the Committee decides.
- 15.2 The Annual General Meeting shall be held at the Club House, or any venue, including physical, hybrid or online, deemed suitable by the Committee, and at such time and date as the Committee may deem convenient and at least 14 days' notice thereof shall be given to Members. In the case of voting at an online meeting, those members attending online must be visible to the meeting.
- 15.3 Ten Members (other than Nominee Members) present shall be a quorum and the Chairman shall have a casting vote. For the purposes of this Rule 15.3, a Corporate Member shall be deemed to be present if any Nominee Member appointed by it is present.
- 15.4 The Chair shall be taken by the senior Flag Officer present or in the absence of any of the Flag Officers by the Chairman of the Committee for the time being. In the absence of the Flag Officers and the Chairman of the Committee the meeting shall elect its own Chairman.
- 15.5 Subject to all other provisions of these Rules, each Member shall be entitled to exercise 1 vote in relation to any resolution proposed at the Annual General Meeting with the exception of Corporate Members who shall be entitled to exercise 2 votes in relation thereto, and Nominee Members who shall not be entitled to vote.

## 16 General meetings

- 16.1 A General Meeting of the Members shall be convened by the Secretary upon the direction of the Committee or upon receipt of a requisition in writing signed by not less than 10 Members.
- 16.2 Such requisition shall state the object for which the General Meeting is convened and no other subject shall be discussed or dealt with at such Meeting.
- 16.3 The General Meeting shall be held at the Club House, or other venue deemed suitable by the Committee, and at such time and date as the Committee may deem convenient, and at least 14 clear days' notice thereof shall be given to Members.
- 16.4 At least 14 clear days' notice of the time and place of the General Meeting and of the subjects to be discussed shall be given to every Member. If the general Meeting is called pursuant to Rule 24, the notice given must be 28 clear days.
- 16.5 Ten Members (other than Nominee Members) present shall be a quorum and the Chairman shall have a casting vote. For the purposes of this Rule 16.5, a corporate Member shall be deemed to be present if any Nominee Members appointed by it is present.
- 16.6 The Chair shall be taken in accordance with the provisions of Rule 15.4.
- 16.7 Subject to all other provisions of these Rules, each Member shall be entitled to exercise 1 vote in relation to any resolution proposed at the General Meeting, with the exception of Corporate Members who shall be entitled to exercise 2 votes in relation thereto, and Nominee Members who shall not be entitled to vote.



## 17 Guests

- 17.1 Member may introduce bona fide guests to any part of the Club House which is not specifically reserved for the sole use of Members provided that the Committee shall have the right to withdraw this general privilege or refuse admission to any particular guest without giving any reason for its action.
- 17.2 Members introducing bona fide guests shall comply with the following Rules:
- 17.2.1 The bona fide guest must be signed in by a Member and in so doing the Member shall undertake with the Club that the guest will abide by the Rules and Regulations made pursuant to them.
- 17.2.2 No Member may introduce more than 2 bona fide guests in any 1 day.
- 17.2.3 The introducing Member must take responsibility for the conduct of the bona fide guest and any liability which that bona fide guest incurs to the Club.
- 17.2.4 The introducing Member shall leave the Club house after or together with the bona fide guest or guests that he has introduced.
- 17.3 The Committee shall have power to authorise any of the following functions and the admission of persons invited to the same:
- 17.3.1 A function of a yachting or sailing club association;
- 17.3.2 A function promoted by a Member;
- 17.3.3 Any other function provided that there shall be no more than 12 in any 1 year.

## 18 Sale of intoxicating liquor

- 18.1 The permitted hours for the supply of intoxicating liquor shall be fixed (and may be varied from time to time) by the Committee in accordance with the statutory provisions for the time being in force.
- 18.2 Without prejudice to the provisions of rule 13 the Committee will manage the purchase for the Club and the supply by the Club of intoxicating liquor.
- 18.3 No persons under the age of 18 years shall be served intoxicating liquor or consume intoxicating liquor on the club premises.

## 19 Dispute

- 19.1 The Committee shall have the power (inter alia):
- 19.1.1 To determine any dispute or difference which may arise as to the interpretation of these Rules or of any Bye-law or Regulation made pursuant to the same, subject to Rule 19.2; and
- 19.1.2 To settle and adjudicate upon disputes between Members arising in the club House or in relation to the operation of the Club.
- 19.2 Two or more Flag Officers shall have the power to determine any dispute or difference which may arise in relation to the election of the Committee.

## 20 Miscellaneous

- 20.1 Membership cards are not transferable and all Members must produce a Membership Card upon entering the Club house if required to do so by either any of the Officers, or
- 20.2 any of the Committee, or by any other person so authorised by the Officers or the Committee.



- 20.3 Before leaving the Club house Members shall pay for refreshments and every expense they incur to the Club on the occasion of that visit.
- 20.4 No Member shall give the Club House as his address in any advertisement or operate a business from the Club House.
- 20.5 The Club shall not be under any liability to Members or their guests, or persons using the Club in accordance with Rules 17.3 or 23, for any article left or lost in the Club House whether resulting from the negligence of any servant or otherwise.

If for any reason any particular term of this Rule is invalid or unenforceable such invalidity or unenforceability shall not affect the validity and enforceability of the remainder of this Rule.

- 20.6 These Rules may be revoked, supplemented, or altered by a resolution passed in General Meeting by at least two thirds of the Meeting present and voting.

## 21 The Auditor

- 21.1 The Auditor shall retire annually at the Annual General Meeting and shall be eligible for re-election
- 21.2 The Auditor shall retire annually at the Annual General Meeting and shall be eligible for re-election
- 21.3 In the event of the Auditor dying or resigning during the year of office, the Committee may appoint another Auditor to fill the vacancy until the next Annual General Meeting

## 22 Accounts

- 22.1 The Treasurer shall at all times maintain proper accounting records and may maintain such bank and other accounts as are appropriate having regard to the provisions of the Rules.
- 22.2 All expenditure shall be authorised by the Committee and the accounts referred to in Rule 22.1 shall be operated as the Committee shall direct, provided that the Mandate relating to such accounts shall require that there be at least 2 signatories and that all signatories be Members.
- 22.3 The Club's accounting year shall run from the 1<sup>st</sup> April until 31<sup>st</sup> March
- 22.4 The Treasurer shall prepare accounts immediately after the 31<sup>st</sup> March containing a summary of the previous year's receipts and payments, appropriately differentiated, together with a balance sheet setting out assets and liabilities of the Club as at the previous 31<sup>st</sup> March
- 22.5 The summary and balance sheet shall be audited by the Auditor.

## 23 Members of other yacht clubs and competitors in local yacht races

- 23.1 A member of any Club recognised by the Royal Yachting Association may be authorised to use the Club House by any member of the Committee of this Club. Such authorisation shall specify between which dates, not being more than 14 days apart, the said person may so use the Club House.



- 23.2 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 purposes of the race is entitled to use the Club House within a period of 24 hours before and after the race in which they are competing.

## 24 Dissolution

24.1 If at any General Meeting of the Club (of which at least 28 clear days' notice shall have been given to Members) called for the specific purpose of considering a resolution for the dissolution of the Club and such resolution is passed by a majority of two thirds of the Members present and voting on it, the Management Committee must immediately, or at such future date as is specified in the resolution, proceed to realise the property of the Club.

After the discharge of all liabilities of the Club the balance remaining shall be divided in the following manner:

- 24.1.1 As to twenty per cent, equally between all Members (excluding honorary, country, overseas, temporary, nominee and associate Members) who have been Members for at least five full and consecutive years calculated from 1<sup>st</sup> January immediately following the year of election up to the date on which the resolution for dissolution is passed.
- 24.1.2 As to the remainder, to all Members (excluding honorary, country, overseas, temporary, nominee and associate Members) rateably to reflect each full year of continuous membership over five years and up to a maximum of twenty years calculated from 1<sup>st</sup> January immediately following the year of election up to the date on which the resolution for dissolution is passed.
- 24.1.3 In the context of Rules 24.1.1 and 24.1.2, Honorary Members who were Full Members of the Club immediately before being so elected under the provision of Rule 6.3.1 shall be included in any distribution under Rule 24 as if they had not been elected to Honorary Membership and their relevant date for calculation shall be their original year of election to the Club as a Full Member.
- 24.1.4 For the purpose of distributions under this Rule, a Corporate Member shall count as 3 Members.

Updated 9<sup>th</sup> November 2023

By Alyson Nicholson