

Fisherrow Yacht Club

Constitution

As amended at the Annual General Meeting on the 30 November 2009

FISHERROW YACHT

CLUB CONSTITUTION

1 NAME AND BURGEE

- (i) The Club shall be called "The Fisherrow Yacht Club".
- (ii) The Club burgee shall be a triangular sky blue pendant, bearing 'F Y C' in white lettering reading correctly on both sides, fringed with a golden yellow border.

2 OBJECTIVES

The objectives of the Club are:

- (i) To encourage good Seamanship and to promote the sport of Yachting and activities incidental or allied thereto.
- (ii) To acquire and to hold premises for the use of Members.
- (iii) To train members in the management and care of boats,
- (iv) To provide craft for such purposes as may be determined.

3 MEMBERSHIP AND ADMISSION

(A) Membership

The Membership Year begins on 1st January and ends on 31st December.

There shall be the following classes of Membership:-

- (i) Honorary
- (ii) Ordinary
- (iii) Family :-Ordinary Member, spouse or partner and their children up to 17 years inclusive, living together as a family.
- (iv) Cadet: up to 17 years inclusive.
- (v) Associate Member
- (vi) Group
- (vii) Temporary

(age attained as at 1st January)

(B) Admission

- (i) Ordinary, Family, Cadet and Associate - Application for membership shall be made in writing to the Membership Secretary of the Club. The names and addresses of persons applying for membership shall be posted in a conspicuous place in the Club premises for at least two weeks; any

objection to the application must be notified in writing to the Membership Secretary during this period. Admission shall require to be approved by a majority of Committee (present and voting when application is considered).

(ii) Honorary - Honorary Membership may be granted to persons who have rendered distinguished services either to Yachting or to the Club. Proposals for Honorary Membership must be submitted over the signatures of proposer and seconder to the General Secretary by 31st. August for inclusion in the notice convening the Annual General Meeting. Such proposals must be approved by two-thirds of the Ordinary Members present.

(iii) Associate - Associate membership is available for social purposes only to a full member of another yacht club.

(iv) Temporary Members - Members of recognised Yacht Clubs not belonging to Fisherrow Yacht Club, while visiting Fisherrow in their yachts, also guests living on board the yachts of such yachtsmen, also the visiting helmsmen and crews of vessels taking part in Club sailing events at Fisherrow, may be made Temporary Members by the Committee without payment. The names and addresses of such strangers to whom the privilege is granted shall be entered in a book kept for the purpose.

(v) Group Membership - Group Membership may be made available to properly constituted youth organisations to include individuals of up to 20 years of age together with a maximum of two named responsible individuals.

(C) Suspension and Expulsion

(i) If the conduct of any Member shall appear to be injurious or detrimental to the interests of the Club, the Committee shall have power, after giving the Member in question an opportunity to make an explanation, either to suspend the Member from the Club for up to three months or until the next General Meeting, whichever is the shorter period, or to expel the Member.

(ii) An expelled Member shall have a right of appeal to a General Meeting of the Club, provided that he intimates his appeal in writing to the General Secretary of the Club within FOURTEEN days of his receiving written intimation of his expulsion; the appeal shall be heard at the first General Meeting to be held thereafter. In the event of the decision of the Committee being ratified by a majority of Ordinary Members present at such Meeting, the expulsion shall become effective immediately, and he shall thereby forfeit all rights in, or claims against the Club, its property and funds.

(iii) Pending the consideration of an appeal by an expelled Member, the Membership and its privileges or rights shall be treated as suspended.

(D) Data Protection Act 1984

Membership of the Club and acceptance of these rules by the member will be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Act 1984.

4 HONORARY OFFICES, MANAGEMENT

(A) Honorary Commodore

The Honorary Commodore, who will be any person of eminence, especially in the local community, will be elected at the Annual General Meeting.

(B) Management

The business and affairs of the Club shall be under the management of the General Committee, consisting of Commodore, Vice-Commodore, Rear-Commodore, General Secretary, Treasurer and up to SIX other members. Only Ordinary Members shall be eligible for election to the Committee and only one ordinary member from the same family membership group may serve on the General Committee at any one time.

(C) Election of Office-Bearers and Members of Committee

(i) Committee members shall be elected at the Annual General Meeting or at an Extraordinary General Meeting to serve until the next Annual General Meeting.

- (ii) Candidates for election to the Committee must have consented to their nomination and must be proposed and seconded by voting members of the Club.
- (iii) The Committee may co-opt a voting member of the Club to fill any vacancy until the next Annual General Meeting.

(D) Office-Bearers

(i) Commodore - The Commodore shall preside at all General Meetings or Meetings of Committee at which he is present, and shall sign the Minutes of the previous Meeting(s) when approved. At all meetings the Commodore shall have a deliberation and also (in the event of parity) a casting vote. In the absence of the Commodore, the Vice-Commodore, whom also failing the Read-Commodore, whom also failing a Member of Committee appointed to preside, shall have the powers of the Commodore for the time being.

(ii) Vice-Commodore and Rear-Commodore - They shall act in terms of the previous sub-section

(iii) General Secretary - The General Secretary shall:-

- (a) Convene and attend all General and Committee Meetings or make suitable alternative arrangements.
- (b) Arrange for Minutes of the proceedings to be taken.
- (c) Perform such other duties in relation to the Club as the Committee may

require. (iv) Treasurer - The Treasurer shall:-

- (a) Have charge of all moneys belonging to the Club.
- (b) Keep correct accounts and books showing the financial affairs of the Club.
- (c) Attend all General and Committee Meetings of the Club or make suitable alternative arrangements and give such information as may be required concerning the finances of the Club.
- (d) Shall prepare after the close of each financial year a Balance Sheet showing the income and expenditure of the Club and shall have the same audited.
- (e) Open one or more Bank Accounts in the name of the Club. All cheques and documents relative to such account(s) shall be signed by any TWO of the above office bearers.

(E) Auditors

TWO Auditors, who shall be members of the Club but not of the Committee, shall be elected at the Annual General Meeting.

(F) Meetings of Committee

The Committee shall meet when convened as may be considered necessary or expedient. SIX Members shall constitute a quorum.

(G) Powers of Committee

(i) The Committee shall have a general power to manage the affairs of the Club in accordance with the objects before mentioned and without prejudice to its said general power of management, shall have power to:

- (a) make, amend or rescind at any time Bye-Laws and Sailing Regulations.
- (b) appoint Sub-Committees and delegate to them such powers as the Committee may determine.
- (c) convene when necessary a Meeting of Cadet Members to elect a Cadet Committee.

(d) co-opt Members to fill vacancies on the Committee occurring between the annual elections.

(ii) Any Member of Committee having a financial interest in a topic under discussion shall declare it, take no part in the discussion unless invited, and shall not vote.

(iii) If requested by one third of the Members of Committee present any resolution shall be submitted as a recommendation to a General Meeting for consideration.

5 FINANCE

(A) Financial Year

The Club's Year will end on 30 September. The Financial Accounts shall be made up as at 30th September and thereafter submitted to the Auditors.

(B) Entrance Fees and Subscriptions

(i) The amounts of Entrance Fees and Subscriptions shall be determined by the Annual General Meeting. Ordinary Members aged 22 and under as at the due date shall pay at the rate of half of the current subscription. New members entitled to this reduction shall pay the full entrance fee.

(ii) Annual Subscriptions are due on 1st January. Any Member whose Subscription is unpaid at the last day of March shall be automatically suspended from Membership until all arrears are paid. Save in exceptional circumstances, suspended Members will be deemed to have resigned, and will be liable to pay appropriate Entrance Fees in addition to Annual Subscriptions if these are not received within one month of reminders being issued.

(iii) A Member elected after 30th September in any year shall not be liable for a renewal subscription for the following year.

(C) Group Membership

The amount of subscription to be paid for such Membership shall be decided by the Committee.

6 GENERAL MEETINGS

(A) Notice

Notices of General Meetings shall be sent out not less than fourteen days before the Meeting. In the case of Group Membership notices shall be sent to the person responsible for each Group Membership.

(B) Voting

At General Meetings a majority vote of Ordinary Members shall prevail, subject to the Chairman's casting vote (section 4(D)(i)) except where otherwise specified (sections 3(B)(ii); 7(B)(iii); 7(C);

(C) Annual General Meeting

(i) The Annual General Meeting shall be held in November at such time and place as the Committee may decide.

(ii) Items for inclusion in the Agenda for the Annual General Meeting must be in the hands of the General Secretary by 30th September.

(D) Extraordinary General Meetings

The General Secretary shall convene an Extraordinary General Meeting of Members:

- (i) on receiving directions to that effect from the Committee;
- (ii) on receiving a requisition to that effect signed by not less than twenty Ordinary Members stating the specific purpose(s) of the proposed Meeting.

(E) Voting Rights of Members

- (i) Honorary Members and all Ordinary Members not under suspension or disability shall be entitled to receive notice of, to attend and to vote at all General Meetings of the Club. A Family Membership couple shall be limited to one vote to be exercised by either party at their discretion.
- (ii) Associate Members, Group Members and Cadet Members, including family membership cadets, shall have no voting rights but shall be entitled to receive notice of and to attend the Meetings.
- (iii) Voting shall be by show of hands unless a ballot is requested.

7 GENERAL

(A) Copies of Constitution

- (i) A copy shall be displayed on the Notice-board in the Club Main Premises.
- (ii) On application to the General Secretary any Member, on payment of such sum as may have been fixed by the Committee, shall be entitled to obtain a copy.

(B) Deeds, Property, Investments and Mortgages

- (i) All Deeds and other documents (other than cheques and documents before mentioned, 4(D)(iv)(e) executed on behalf of the Club shall be sufficiently executed if signed by the Commodore, Vice-Commodore and General Secretary for the time being.
- (ii) The title of all property including heritable property and Investments shall stand in the name of the Commodore, Vice-Commodore and General Secretary for the time being as Trustees of the Club.
- (iii) The undertaking of Mortgages must be approved by two thirds of Ordinary Members present at a General Meeting.

(C) Dissolution or Amalgamation

- (i) A resolution for dissolution of the Club or amalgamation with another Club may be submitted at a General Meeting after due notice (section 6). In order to become effective such a resolution must be approved by two thirds of the Ordinary Members present.
- (ii) If a resolution for dissolution of the Club being approved, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members of the club, but shall be given or transferred to some other organisation to be determined by the members of the Club by resolution passed at a General Meeting at or before the time of the dissolution and if and so far as effect cannot be given to such provision, then to some charitable object.

(D) Alteration of Constitution

- (i) Any TWO Ordinary Members may propose an alteration of, or addition to the Constitution of the Club for consideration by the Annual General Meeting by giving notice thereof in writing to the General Secretary by 30th September.
- (ii) Proposals for such changes may be made at other times under section 6(E)(ii), except

where precluded by 7(D)(iv).

(iii) Any alteration or addition shall require to be approved by two thirds of the Ordinary Members present at the Meeting where it is proposed.

(iv) No resolution in terms hereof, which has been voted upon, may be renewed for a period of TWELVE MONTHS. (The period between successive Annual General Meetings shall be considered as twelve months).

(E) Limitation of Club's liability

(i) General Limitations of Liability

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

(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 for any personal injury arising out of use of the Club premises, and any other facilities of the Club, or out of participation in any race organised by the Club, whether sustained by members, 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 the Officers, Committee or servants of the Club.

(c) Before inviting any guests or visitors onto the premises or to participate in events organised by the Club, members will draw their attention to this rule.

(ii) Club Racing, Limitations of Liability.

Members of the Club participating in Club Racing must be aware of the following rules and the importance thereof:

(a) The race organisers shall not be liable for any loss, damage, death or personal injury howsoever caused to the owner, competitor, his skipper or crew, as a result of their taking part in the race or races.

(b) The safety of a yacht and her entire management including insurance shall be the sole responsibility of the owner/competitor who must ensure that the yacht is fully found, thoroughly seaworthy, and manned by a crew sufficient in number and experience who are physically fit to face bad weather. The owner/competitor must be satisfied as to the soundness of the hull, spars, rigging, sails and all gear. He must ensure that all safety equipment is properly maintained, stowed and in date and that the crew know where it is kept and how it is to be used.

(iii) Inspection of Yachts.

Where the Club chooses to inspect a yacht for the purpose of race management, class rules, or the rules of *the* Forth Yacht Clubs Association, the following rule will apply in addition to section(ii).

(a) Neither the establishment of these conditions, their use by the race organisers, nor the inspection of a yacht under these conditions in any way limits the responsibility of the owner/competitor. Crews are nonetheless advised to satisfy themselves as to the experience of the skipper and the adequacy of all safety equipment and insurance arrangements.

(iv) Cadets, Group Members and Guests under 18, rules for parents and guardians.

Parents and guardians are warned that the Club is only able to provide rescue facilities during the hours of Club racing. Outside these hours, parents and guardians have sole responsibility for their children and wards and must appreciate that the club cannot be expected to exercise supervision or control. Even during racing the Club cannot accept responsibility for children, or any other persons, not engaged in racing.

(v) Crew Register, notes for applicants and owners.

The club warns all applicant crew and skippers that, in providing this list, it is not warranting the seaworthiness of yachts or the competence of crew or skippers. Applicants should satisfy themselves as to seaworthiness and competence and should also make their own insurance arrangements.

8 Exciseable Liquors

(A) Personal Interest

No member of the Committee or governing body and no manager or servant employed in the Club shall have any personal interest in the sale of exciseable liquor therein or in the profits arising from such sale.

(B) Visitors

A visitor shall not be supplied with exciseable liquor in the Club premises unless on the invitation and in the company of a Member and that Member shall, upon admission of such a visitor to the Club premises or immediately upon being supplied with such liquor, enter his own name and the name and address of the visitor in a book which shall show the date of each visit. Except as expressly authorised by the committee for a specific purpose and occasion any member is limited to signing in no more than 4 guests.

(C) General

- (i) No exciseable liquor shall be sold or supplied in the Club premises for consumption off the premises except to a Member of the Club in person for consumption by him or to a person holding an excise licence for the sale of such liquor.
- (ii) No exciseable liquor shall be sold or supplied to any person under eighteen years of age.

9 EQUAL OPPORTUNITIES

Fisherrow Yacht Club is unreservedly opposed to any form of discrimination. Therefore it is the policy of Fisherrow Yacht Club to treat Fisherrow Yacht Club members in the same way regardless of their gender, race, religion, skin colour, sexual orientation, marital status, ethnic origin, age or disability. Fisherrow Yacht Club is committed to promoting and ensuring an environment free from unlawful discrimination or harassment.

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