

## **PIN MILL SAILING CLUB RULES Reviewed, Amended and agreed 2022 AGM**

**1.0 Name of Club:** The name of the Club shall be "The Pin Mill Sailing Club".

**2.0 Object:** The object of the Club shall be:

*'To provide a sailing club facility, especially to and from Pin Mill, encouraging and providing a range of waterborne activities. Alongside this to provide a welcoming and safe environment for all age groups, offering a range of social events and activities in an inclusive, friendly and affordable way.'*

**3.0 Burgee:** The Club burgee shall have a red windmill on a white ground, with a red fly.

**4.0 Headquarters:** The headquarters of the Club shall be at the Clubhouse at Pin Mill.

**5.0 Club Officers:** The Officers shall consist of:

- Flag Officers: Commodore, Vice-Commodore, Rear-Commodore
- Secretaries: Honorary Secretary, Honorary Assistant Secretary, Honorary Treasurer, Honorary Sailing Secretary, Honorary House Secretary, Honorary Property Secretary, Honorary Bar Secretary, Honorary Moorings Secretary and Honorary Social Secretary, Barge Match Secretary.

### **6.0 Appointment of Committee Officers**

- All Officers shall be elected at Annual General Meetings of the Club, to hold office until the conclusion of the next Annual General Meeting. The General Committee may co-opt a member to fill a casual vacancy.
- Nominations for Officers, proposed and seconded by full members, must be received by the Honorary Secretary not less than seven days before the Annual General Meeting.
- No member may serve in the same office, other than that of Honorary Secretary or Honorary Treasurer, for more than three consecutive years unless no replacement volunteers come forward AND the General Committee vote in favour of re-election.

### **7.0 Constitution of General Committee and Bar Committee:**

- The General Committee – The General Committee shall consist of the Officers, Secretaries and not more than five nor less than three members of the Club elected at the Annual General Meeting to hold office until the conclusion of the next Annual General Meeting.
- Candidates for election to General Committee shall be those members of the retiring General Committee who shall offer themselves for re-election and such other members whose nominations proposed and seconded by full members shall be received by the Honorary Secretary not less than seven days before the Annual General Meeting.

- If the number of candidates is greater than the number of vacancies the election shall be by ballot.
- Vacation of office on the General Committee shall entail vacation of office on any elective Sub-Committee.
- The Bar Committee shall consist of members who shall be elected at the Annual General Meeting of the Club. A member of the General Committee may be a member of the Bar Committee.

## **8.0 Committee Meetings:**

- Meetings of the General Committee shall be called:
  - When it shall determine.
  - When the senior Flag Officer or the Honorary Secretary shall direct.
  - When any two members thereof shall in writing request the Honorary Secretary to call a Meeting, provided that such request shall state the business to be transacted at such Meeting and that no other business shall be transacted thereat.
- The chair shall be taken by the senior Flag Officer present, or in the absence of a Flag Officer the Committee shall elect a chairman.
- 1/3 of Elected Committee Members in any one year shall form a quorum. Minimum of 1 Flag Officer. If decimal point relevant, then round up.
- Committee decisions shall be taken by a simple majority vote, the chairman having a second vote in the event of a tie.
- Save where otherwise provided by these Rules, the Committee shall regulate its own proceedings.

## **9.0 Trustees:**

- 9.1 The property and securities of the Club shall be vested in four Trustees.
- 9.2 Where by reason of any death, resignation, or removal it shall appear necessary to the General Committee that a new Trustee or Trustees should be appointed, the General Committee shall by Resolution nominate a person or persons to be appointed the new Trustee or Trustees.
- 9.3 For the purpose of giving effect to such nomination the Commodore for the Time being of the Club 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/she shall by deed duly appoint the person or persons so nominated by the Committee as the new Trustee or Trustees of the Club, and the provisions of the Trustees Act 1925 shall apply to any such appointment.
- 9.4 Any Statement of fact in any such Deed of Appointment shall in favour of a person dealing bona fide and for value with the Club or the Committee, be conclusive evidence of the fact so stated.
- 9.5 The Trustees shall deal with the property and securities of the Club as the General Committee or the Club in a General Meeting from time to time direct.
- 9.6 The Trustees shall be indemnified against risk and expense out of the Club property and shall hold office until death or resignation or until removed by the Club at its General Meeting.

## **10.0 Power of the Committee and Chairman:**

10.1 General management of the Club shall be vested in the General Committee which in addition to its other powers shall have the following particular powers

- To form Sub-Committees, co-opting members if necessary.
- To make, suspend, vary and revoke byelaws, provided that any byelaws made by the Committee may be rescinded in General Meeting.
- To interpret these Rules. Any question of interpretation which arises at a meeting of the Club or Committee shall be decided by the chairman of that meeting. Any question of interpretation which arises outside of a meeting of the Club or Committee shall be decided by General Committee.

10.2 The Bar Committee, shall:

- Be responsible for the purchase for the Club and the sale to the members of the Club of all intoxicating liquor.
- Consist of a Chairman (Flag Officer), Bar Secretary and not less than four members.
- Be subject to the directions of the General Committee.
- Ensure that the licensing laws are observed. The permitted hours for the Club premises shall be fixed by the General Committee on the recommendation of the Bar Committee and notified to the Clerk to the Justices.
- Keep proper accounts.
- Render a financial statement to the General Committee at least three weeks before the date of the Annual General Meeting.

**11.0 Duties of Honorary Secretary:** The Honorary Secretary shall ensure the following tasks are completed. The tasks may be delegated to other committee members. This list is not exhaustive:

- Keep a list of members, their addresses and their yachts.
- Keep correct minutes of the proceedings of the Club and the General Committee.
- Give and receive on the Club's behalf any notice required by these Rules or otherwise.
- Deal with correspondence.
- Make any returns, declarations or the like required by law to be made on the Club's behalf.
- Keep up to date the book of the Rules and Byelaws.
- Administer the letting of the Clubhouse for functions in accordance with requirements agreed by the Club's General Committee.

**12.0 Duties of Honorary Treasurer:** The Honorary Treasurer shall:

- Oversee Club finances in consultation with Commodore and General Committee.
- Ensure amounts paid into Club bank accounts are correct and devoted to Club Bank Accounts as approved by the Committee Pay out of the aforesaid monies the just debts of the Club.
- Keep correct accounts of the Club's receipts and expenditure.
- Personally or otherwise report the state of the Club's finances to every General Committee Meeting.

- Render a proper financial statement to the Annual General Meeting of the Club.
- Be the sole signatory for all amounts drawn on the current account below £500. For amounts above £500, approval shall be obtained from the Commodore, or Vice Commodore, in accordance with the Club's Bank mandate.
- The Honorary Bar Secretary, or any other member of the Bar Committee, in accordance with the Club's Bank mandate, shall be the sole signatory on a separate Bar Account.

### **13.0 Accounts and Review:**

- 13.1 The financial year of the Club shall end on the last day of September in each year.
- 13.2 The General Committee shall appoint a person qualified (example, external accountant) to review the Honorary Treasurer's financial statement and the Bar Committee's accounts at a fee approved by them.
- 13.3 Such external reviewer shall have access to all financial data, records and papers relating to the financial affairs of the Club.
- 13.4 A copy of the report shall be annexed to the Honorary Treasurer's statement.

### **14.0 Property of the Club:**

No money or property of the Club, or any gain arising from carrying on the Club shall be applied otherwise than for the benefit of the Club, or for a benevolent or charitable purpose at the discretion of General Committee.

### **15.0 Membership:**

Pin Mill Sailing Club is a private members club and as such has discretion over who joins. Anyone wishing to join must complete the application process and have their application approved by the General Committee. If accepted they must pay an initial joining fee, pro rata membership for the first year and then membership fees annually, by the due date.

The following sets out our application process:

- 15.1 The application form on PMSC website must be completed
- 15.2 The application should be supported by two existing members of at least one year's standing. If there is no proposer or seconder the applicant must organize a meeting with the Flag officers or Membership Secretary. This will normally be on the first weekend of the month.
- 15.3 The application will be notified to other members by posting the application on the main club notice board for a minimum of 10 days. Some personal details will not be shown.
- 15.4 An existing member may object to an applicant, but should remember that, while it is legal for a private club to permit only approved candidates to join, it is not legal for any discrimination or harassment to take place. The Equality Act 2010 protects against discrimination based on protected characteristics and the existing member must satisfy themselves that their objection is not unlawful. In addition, to protect

the club and the committee against claims of discrimination it is necessary to ensure any objections are handled within the law.

The existing member should submit their objection in writing or by email to the Commodore and must declare if they have a personal interest in the application. An objection may be made confidentially, but the reason must be explained and will be shared with the General Committee.

- 15.5 After the application has been displayed it will go to the General Committee for approval.  
If there are no objections from existing members a candidate may be elected by the General Committee on a show of hands, or if requested by a member of Committee, by ballot. A majority vote is required.  
In the case of an objection or objections by existing members the General Committee will consider the objection(s) and take the following action:
  - Vote to accept or reject the application by secret ballot. General Committee members must declare if they have a personal or financial interest in the application and must abstain.
  - Defer the decision pending more information following a meeting with all three flag officers and the applicant(s).
- 15.6 Following approval by the General Committee the membership secretary will arrange for an invoice to be sent. Candidates for membership who fail to ratify their membership by payment of the joining fee and subscription within 28 days of notification of approved and receiving the invoice, will no longer be regarded as candidates for membership and the application may be considered null and void.
- 15.7 Candidates for membership have no privileges whatsoever in relation to the use of the Club or its premises.
- 15.8 A rejected candidate may not re-apply for election to membership for one year after rejection.
- 15.9 Life Honorary Members may be elected only at the Annual General Meeting of the Club on the unanimous recommendation of the general committee and shall retain all privileges of membership.
- 15.10 Honorary Members may be elected at any time or re-elected each December by General Committee. The total number of Honorary Members shall not at any time exceed five per cent of the total of all members. An Honorary Member shall not be entitled to vote at any meeting, to hold office or in the event of the dissolution of the Club to any share in its property, but otherwise shall enjoy all privileges of membership.
- 15.11 Every member shall be provided access to the Rules and shall be deemed to have assented to them and shall be bound thereby as from election.
- 15.12 Persons between their 12th and 21<sup>st</sup> birthdays may be elected as cadets. A candidate for cadet membership must be proposed and seconded by full members, only one of whom may be their parent. Cadets shall not be entitled to vote at any General Meeting, or to hold office until they are 18 years old.
- 15.13 If a cadet wishes to transfer to full membership on reaching their 21st birthday a written application must be approved by General Committee. If approved, and the cadet has been a member for the previous three years, they will then assume the privileges of full membership. Other cadets shall pay the current joining fee in order to attain full membership. On the 1<sup>st</sup> April, following their

21st birthday, a successful applicant will be liable for half the current full membership subscription.

15.14 Holders of Individual or Household memberships (which have been current for at least a year) who will be based out of the UK for a whole membership year or number of years, may apply to the General Committee for Out of Country membership status. If granted, Out of Country membership will be renewable each year and will attract reduced membership fees but allow reduced privileges and entitlements to be determined from time to time by the General Committee. On return to the UK, provided membership has been continuous, Out of Country members may apply to the General Committee to have their membership converted back to its original status, without payment of a re-joining fee. If the return occurs during a membership year, payment of the difference between the Out of Country fee and the appropriate standard fee will be due. The fees for Out of Country membership will be recommended each year by the General Committee for approval at the AGM and will generally be of the order of one quarter of standard Fees.

## **16.0 Annual Subscription:**

16.1 The annual subscription rate shall be agreed at Annual General Meeting. If the rate proposed by the General Committee is rejected at the AGM or EGM the subscription rate will increase by the level of the Consumer price Index (CPI) as published by the Office of National Statistics in the February before the April renewal date.

16.2 The annual subscription shall be due and payable on 1<sup>st</sup> April each year or in the case of a new member on election.

16.3 A member elected after 1<sup>st</sup> April shall be liable to pay the full joining fee and pro rata annual subscription for months left in the year.

16.4 A joining fee will be levied on each new full member equivalent to the current single subscription, excluding any discount.

16.5 A household subscription will mean a combined subscription for a member and spouse or partner together with their named immediate family (below 21 years), who are all resident at the same quoted address.

## **17.0 Liability of Members Limited:**

17.1 No Member (including, for the avoidance of doubt: Trustees, Officers; Flag Officers; General Committee Members; Bar Committee Members; and all Sub-Committee members) shall be liable for any sum of money in excess of their current year's subscription.

17.2 Trustees, Officers, Flag Officers, Committee Members or any other members requested or authorized by the Committee or an Officer to perform any function or duty for the Club or on its behalf, shall be entitled to be indemnified by the Club from and against any liability, costs, expenses, payments and losses incurred or made by them in the performance of their function or 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 their functions or duties, and the Club shall effect and maintain suitable and adequate insurance to cover this indemnity.

## **18.0 Resignation:**

A member wishing to resign from the Club shall give notice in writing to the Membership Secretary but shall be liable for all sums due to the Club at the date of the notice.

## **19.0 Overdue Subscriptions:**

- 19.1 An Annual Invoice for subscription will be issued to all members one month prior to 'Renewal Date' which is 1<sup>st</sup> April annually.
- 19.2 A Reminder will be sent two weeks following the 'Renewal Date'.
- 19.3 No other reminders will be sent.
- 19.4 The 'Deadline Date' is approximately 4 weeks after the 'Renewal Date' on the 1<sup>st</sup> May annually.
- 19.5 If a Member has not paid by 'The Deadline Date on the 1<sup>st</sup> of May' they will be subject to a late payment fee equal to 1/12 annual subscription fee for each month overdue. If no payment is received by 30<sup>th</sup> September they shall automatically cease to be a member. Any person applying for reinstatement after this date will be placed on the waiting list and, if elected will be subject to full reapplication fees.

## **20.0 Club Notice Board:**

A Club notice board shall be kept at headquarters. No notice shall be fixed there save by a General Committee Member or by order or permission of the Committee.

## **21.0 Annual General Meeting:**

- 21.1 There shall be an Annual General Meeting of the Club on a date to be fixed by the Committee as soon as practicable after 1st November, and in any case not later than 1st February, when the Officers and Committee shall be elected and the Honorary Treasurer's financial statement received.
- 21.2 No proposal to increase the subscription, or to move the headquarters of the Club, or to rescind any byelaws, or to alter these Rules or to dissolve the Club, shall be entertained at the Annual General Meeting, unless notification of such proposal shall have been included in the notice convening the Meeting. The Honorary Secretary shall include in such notice any such proposal of which notification in writing, signed by a member, and submitted at least four weeks before the date of the Annual General Meeting.
- 21.3 A Special Meeting of the Club shall be held either when the General Committee shall so resolve, or within four weeks of the receipt by the Honorary Secretary of a written request signed by five members specifying the purpose of the Meeting requested.
- 21.4 Any special resolution passed at that Meeting, with or without amendment, must be carried by a two-thirds majority including proxy votes.
- 21.5 The notice convening a Special General Meeting shall state the purpose of the Meeting and no other business save if necessary the election of a

chairman shall be transacted thereat.

21.6 The chair at every General Meeting shall be taken by the senior Flag Officer present, and if no Flag Officer be present the Meeting shall elect a chairperson.

21.7 Ten members shall form a quorum at an Annual General Meeting.

## **22.0 No Quorum:**

22.1 If half an hour after the time appointed for a Meeting no quorum shall be present the Meeting shall be deemed never to have been called.

22.2 If half an hour after the time appointed for a General Meeting no quorum shall be present then in the case of the Annual General Meeting the Officers and Committee shall be deemed to be re-elected and the Honorary Treasurer's financial statement to be adopted and in the case of any General Meeting every proposal on the agenda, other than a proposal to confirm a special resolution to dissolve the Club, shall be negated.

## **23.0 Proxies:**

Any member may by writing under his hand appoint another member to be his proxy at any General Meeting either generally to vote on some or all of the questions to be discussed at such Meeting or specially to vote for or against any proposal or candidate for office, provided that a copy of such writing shall have been lodged with the Honorary Secretary three clear days before the Meeting and that no member voting by proxy shall be taken into account in computing a quorum. Any question of the construction of any such writing shall be decided by the chairman of the meeting, who if in doubt may disallow the proxy.

## **24.0 Notices:**

24.1 Save as hereinafter provided, not less than a week's notice shall be given of every Meeting of the General Committee to every member entitled to attend.

24.2 In case of emergency a Committee Meeting may be called on less than a week's notice if a Flag Officer shall so direct.

24.3 Save as herein otherwise provided any notice required by these Rules to be given to a member may be given by prepaid letter, postcard or email (if provided) addressed to the last known address of the member concerned and shall be deemed to have been given at the time when in the ordinary course of such letter, postcard or email would reach such address.

24.4 Two weeks' notice of all General Meetings must be given to all members. Such notice shall include any proposals.

24.5 No Meeting shall be invalid by reason only of an accidental omission to give notice thereof to any member entitled thereto.

24.6 Notice of the making, suspension, variation or revocation of a byelaw by the General Committee or of the rescission thereof by the Club shall be given by posting such notice on the Clubhouse notice board for three consecutive weeks.



## **25.0 Names and Addresses:**

Every member shall promptly notify the Membership Secretary of every change in his name or address, email address or name of boat.

## **26.0 Book of Rules and Byelaws:**

An electronic up to date copy of these Rules and Byelaws shall be kept on the Clubs Website and available to members at all times.

## **27.0 Expulsion from the Club:**

27.1 The General Committee may expel from membership any person whose conduct it shall consider detrimental to the interests of the Club provided that seven days' notice be given by registered post to such member and a reasonable opportunity allowed to show cause why such expulsion should not take place.

27.2 A person expelled from membership shall not be readmitted to the Club premises as a guest.

27.3 A Flag Officer, Committee Member, Duty Volunteer or Employee may request any person, whose behaviour is considered to be prejudicial to the interests of the Club, to leave the premises.

27.4 Any persons who are found with or reasonably believed to have supplied or consumed illegal or mind altering substances (excluding alcohol supplied by the Club) on the Club's premises will be expelled and banned from entry into the Club and their details may be presented to the police. The Club has the right to ask people to leave if their behaviour is unacceptable.

## **28. Dissolution of the Club:**

28.1 The Club shall be dissolved if:

- For any six months beginning on the 1st April the number of members other than Honorary Members shall be less than twenty.
- At any General Meeting it shall by special resolution so resolve and at a General Meeting held not less than four weeks later either there be no quorum after half an hour or such resolution be confirmed by special resolution.

28.2 If and when the Club shall be dissolved the Trustees under the direction of the General Committee shall get in and convert into money the assets of the Club and out of such money:

- Pay the expenses of so doing
- Pay the debts of the Club.
- Make such provision for unknown future or contingent liabilities as to the General Committee shall seem desirable.
- Make any ex gratia payments to servants or Officers of the Club which to the General Committee shall seem reasonable and proper.
- Distribute the balance of such money equally amongst the Members.

## **29. Interpretation:**

In these Rules unless the context otherwise connotes:

- Words of the masculine gender include the feminine and vice-versa.
- Words in the singular include the plural and vice-versa.
- "Monthly" means calendar month.
- "Week" means seven consecutive days.
- "Special resolution" means resolution passed with or without amendment at a General Meeting of the Club by a majority of two thirds of those voting including those voting by proxy.

## **30. Alteration to Rules:**

These Rules shall not be amended or added to except by Special Resolution.

## **31. Visiting Yachtsmen and Guests:**

- 31.1 Yachtsmen visiting the River Orwell by boat who are members of a recognised yacht club will be regarded as honorary members of the Club for the duration of their stay, provided this stay does not exceed one month. These yachtsmen must sign the visitors' book on their initial visit, stating the club to which they belong.
- 31.2 Any person who is a competitor in any race sponsored or organized by or on behalf of the Club, and any person who is a member of a crew of such competitors for the purpose of the race, shall be entitled to use the Club premises within a period of twenty-four hours before and after that race in which they are competing.
- 31.3 A member may introduce as a guest any person provided that the member so introducing enters the name and address of the guest in the book provided for the purpose. No person shall be admitted as a guest on more than three occasions in any 12-month period.

## **32. Purchase of Intoxicating Liquor:**

- 32.1 Intoxicating liquor may be sold to or for consumption by full members (Cadets over the age of 18 years) and those persons who are entitled to the use of the premises of the Club as defined in the Rules for visitors and guests.
- 32.2 Any persons who are seen or found to have purchased or provided alcoholic drinks to underage children while at the Club will be asked to leave the premises and may be banned from the Club should the Committee deem fit to do so.

### **33. Revised Byelaws**

- 33.1 Dogs will not be admitted inside the Club House.
- 33.2 No petrol or petrol substitute shall be allowed on the premises.
- 33.3 Club property may not be removed from the Club premises without the authority of a Flag Officer.
- 33.4 A book shall be kept in the Clubhouse for members' suggestions and considered at every Committee meeting.
- 33.5 The Club shall not hold itself responsible for the personal property of members, visitors or guests.
- 33.6 CADETS
- Are entitled, to enter Club at any time during official opening hours.
  - If under 18 years may not enter Club unaccompanied by an adult outside opening hours.
  - May not sign in guests.
  - May not borrow keys.
- 33.7 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:
- 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.
  - The Club will not accept any liability for personal injury arising out of the 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, their guests or visitors, or caused by the said 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.
  - 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.
  - Members are reminded that as parents or guardians, they have sole responsibility for their children and wards and must appreciate that the Club cannot be expected to exercise supervision or control over minors.
  - Parents and guardians are warned that the Club is only able to provide support facilities during the hours of junior 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 junior club racing the Club cannot accept responsibility for children, or any other persons, not engaged in racing.
- 33.8 The Club, General Committee or Trustees will not accept any liability in relation to any declared pandemic or indeed any other illness allegedly or otherwise contracted on the premises. Government Secure guidelines or legislation along with and all practical measures will be taken to ensure safety but Members and their guests or visitors attend at their own choice and risk and they therefore take personal responsibility for their own health and wellbeing.

**Finish**

**Updated 11/2022**