

Tollesbury Cruising Club - Rules and Regulations

Approved at the Annual General Meeting in October 2002

I. Definitions

1. "Annual General Meeting" means a meeting of the members constituted in accordance with the Rules and includes any Extraordinary General Meeting.
2. "Chairman" means the person nominated as Chairman for the purpose of the Annual General Meeting and/or a Meeting.
3. "Club" means Tollesbury Cruising Club whose address is The Yacht Harbour, Tollesbury, Essex.
4. "Clubhouse" means the premises provided by the Company to the Club.
5. "Company" means Tollesbury Cruising Club Ltd whose address is The Yacht Harbour, Tollesbury, Essex, which is the proprietor of the Club.
6. "Event of Termination" means one or more of the events set out under rule [20].
7. "Fees" means the membership subscriptions which have been determined by the Company from time to time and which are payable by the Members.
8. "Meeting" means a meeting of the Committee constituted under and held in accordance with the Rules.
9. "Members" means:
 - i. "Permanent berth holders" who pay entrance fees and subscriptions and are entitled to the benefits set out in the schedule.
 - ii. "Temporary berth holders" who pay subscriptions and are entitled to the benefits set out in the schedule.
 - iii. "Social Members" who pay subscriptions and are entitled to the benefits set out in the schedule.
 - iv. "Family members" who pay subscriptions and together with their spouses and children are entitled to the benefits set out in the schedule.
 - v. "Honorary Members" who are admitted to the Club from time to time by the Company in its sole discretion.
 - vi. "Permanent Members" comprise classes (i) and (iii) above.
 - vii. "Lunching, Dining and Company Members" pay subscriptions and are entitled to use the Club facilities as defined by the Company from time to time.

(Together called the Members).
10. "Officer" means any of the Commodore, Vice-Commodore, Rear-Commodore(s) or Treasurer, the President and Secretary who have been elected or appointed to the Committee in accordance with the Rules.
11. "President" means the person appointed by the Company to the Committee from time to time.
12. "Rules" means the rules and regulations of the Club as amended from time to time.
13. "Committee" means the Committee comprising the officers and other persons appointed or elected in accordance with the Rules.
14. "Secretary" means the person appointed to the Committee by the Company.
15. "The Bye Laws" means the Bye Laws set out under part 2 of the schedule.
16. "Steward" means the employee of the Company who has responsibility for the conduct of the Clubhouse.

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II. Recitals

- A. The Club is a proprietary club owned and managed by the company which received Fees from the Members and provides to the Club the Clubhouse and other necessary facilities to enable the Club to fulfil its objects.
- B. The objects of the Club are the furtherance of the sport of yachting and the encouragement and promotion of social and recreational activities.
- C. The Company is responsible for all financial matters connected with or related to the Club (except as described in paragraph 30) and all other matters involving the disbursement of money whether derived from the Fees or otherwise, the engagement, dismissal and payment of staff employed by the Club and for the provision of catering and bar services and the maintenance of its liquor licence.

III. Rules

Membership

- 1. Permanent berth holders shall automatically be members of the Club on payment of their mooring fees to the Company and the Company undertakes that it will pay to the Club the appropriate part of the mooring fees to constitute the Permanent berth holders Fees.
- 2. Any other person wishing to become a Member of the Club shall apply in writing to the Secretary and will provide all reasonable information requested by the Secretary to enable it to give proper consideration to the application is in the sole discretion of the Company.
- 3. Members shall be subject to the obligations and be entitled to the benefits and privileges of membership specified in the schedule, Part I.
- 4. Members of the Club shall notify their address to the Secretary and all notices posted to the Members last notified address shall be deemed to have been properly served.
- 5. Temporary berth holders will on the first occasion that they make use of the Clubhouse enter their names and addresses in the book provided and make themselves known to the Secretary, an Officer or the Steward.
- 6. The Secretary shall issue a copy of the Rules to each new Member.
- 7. Permanent berth holders have full membership rights and obligations including voting rights at the Annual General Meeting and may serve as Officers; but temporary berth holders shall have no such voting rights and may not serve as Officers.
- 8. Members may introduce visitors to the Club as guests subject to such restrictions and regulations as the Company may make from time to time. Members are responsible for their guests.
- 9. Social Members may retire from membership at any time by giving to the Secretary seven days notice in writing. Any Member retiring without having paid his subscription for the then current year shall be liable for the same. Social Members have full membership rights and obligations including voting rights at the AGM and may serve as Officers. However, Lunchtime, Dining and Company Members shall have no such voting rights and may not serve as Officers.
- 10. Each Member undertakes to comply with the Rules and any refusal or neglect to do so or any conduct unworthy of a Member in the reasonable opinion of the Committee shall render such Member liable to suspension of membership and exclusion by resolution of the Committee provided that at least one week before such resolution shall be considered he shall have had notice thereof and of the allegations in reasonable detail made against him and that he shall at such meeting and before the passing of such resolution have had an opportunity of giving any explanation or making any representations that he may think fit. A member so excluded under this rule [10] shall immediately cease to have any right in or claim upon the Club and its property and if a Permanent or Temporary berth holder shall be obliged to remove his boat from the Marina as soon as reasonably practicable provided further that the Company

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reserves the right in its sole discretion to refuse entry to the Club and the Clubhouse to any person whether a Member or not.

Burgee

11. The Burgee of the Club shall be a gold or yellow Smack in full sail on a dark blue background.

Subscriptions

12. The Fees shall be determined by the Company and shall be payable by the Members in accordance with their contractual arrangements with the Company.

Officers

13. The Officers except the President and the Secretary, who shall be appointed by the Company, shall be elected at each Annual General Meeting and shall hold office from the date of their election for a period of 12 months when they shall automatically retire. Officers are eligible for re-election but the Commodore, Vice-Commodore and Rear Commodore(s) shall not serve for a period exceeding 2 years in the same capacity. On his retirement the Commodore shall be known as the Vice President for the succeeding year and in that capacity may be invited by the Annual General Meeting to serve on the Committee.
14. Where the Commodore, Vice Commodore, Rear Commodore(s) is unable to continue with his duties, the Committee may appoint a member of the Committee or a member of the Club to act in the capacity of the Commodore, Vice Commodore, Rear Commodore(s) or Treasurer until the next Annual General Meeting.

Committee

15. The Committee shall consist of not less than 4 nor more than 10 members (inclusive of the officers and the President and the Secretary) at least half of whom shall be Permanent berth holders.
16. Meetings may be convened by any Officer or any two members of the Committee. Three members of the Committee including one Member of the Club and either the President or Secretary shall constitute a quorum at a Meeting. If the votes at a Meeting are equal the vote of the Chairman shall count as two votes.
17. The Committee shall regulate the sailing affairs of the Club in accordance with the Rules and shall define the duties of the Officers who shall in all respects be subject to the control of the Committee. In carrying out its duties the Committee shall not act in a manner that is prejudicial to the interests of the Company.
18. The Committee may appoint sub-committees and may from time to time make, alter and repeal the Bye Laws which are set out in the schedule Part 2 but only so far as those Bye Laws relate to sailing, the holding of sailing and other sporting events and generally for the good conduct of the sailing affairs of the Club. The Company shall be responsible for organising the Club's social programme and may from time to time make, alter and repeal By Laws which are not the responsibility of the Committee. In either case such By Laws shall be binding on the Members and be construed as part of the Rules until they are rescinded or varied by the Committee or the Company.

The Secretary

19. The Secretary shall keep a register of Members, minutes of proceedings of the Committee and of the Annual General Meeting and other records of the Club and the Treasurer shall keep proper books of account.

Termination of Membership

The Company reserve the right to terminate the membership of any member without notice.

20. An event of termination means:

- i. A Member has a receiving order made against him or becomes bankrupt or enters into a composition with his creditors.
- ii. A Member is convicted of any criminal offence (other than one under the Road Traffic Acts where an immediate custodial sentence has not been imposed).

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- iii. A member resigns by notice in writing to the Secretary.
- iv. A resolution is passed by the Committee under rule 10 and the Member is excluded from the Club.
- v. By notice in writing if any sums owing to the Club by the Member remain unpaid 30 days after due date.

Where an event of termination has occurred the Member shall forthwith cease to be a Member of the Club and shall forfeit any rights in or claim upon the Club or its property and if a Permanent or Temporary berth holder shall remove his boat from the Marina as soon as reasonably practicable.

Limit of Liability

21.
 - i. The Company accepts no liability for accident, injury or misadventure unless caused by some breach of duty on the part of the Company or its employees. Members and their guests are responsible for making their own insurance arrangements in respect of injury suffered by them or caused by them to any third party.
 - ii. The Company cannot accept responsibility for loss or damage to property belonging to any member or guest.
 - iii. The Company accepts no responsibility for loss or damage to any valuables while on the Company's premises (including valuables left in any unattended vehicle).
 - iv. Each Member is responsible to make their guests and dependents aware of the Club Rules.

General Meetings

22. An Annual General Meeting shall be held at the Clubhouse on a suitable date in the autumn each year on a day to be determined by the Committee. The business at such meeting shall be the election by ballot if necessary of the Officers and Committee and Auditors and the passing of the accounts provided that the names of persons seeking election as Officers or to the Committee and any other business shall have been given to the Secretary before the seventh day preceding such meeting.
23. The Committee may at any time and shall on the requisition of any twenty members stating the business for which it is required convene an Extraordinary General Meeting for any specific purpose.
24. The Secretary shall at least fourteen days before an Annual General Meeting send to every Member at his address a notice of such meeting stating the time when and place where it will be held and the business that will be brought before it. No business other than business of a formal nature shall be brought forward at any meeting unless notice thereof shall have been duly given as herein provided.
25. At the Annual General Meeting the Chairman shall be the senior Officer present or if there is none a member elected by the meeting. Every question (unless otherwise expressly provided by these Rules) shall be decided by a majority of votes. Every member shall have one vote and in case of equality of votes the Chairman shall have a second or casting vote. Members absent from the Annual General Meeting may vote either by proxy or by previously sending their votes in writing to the Secretary. The quorum at an Annual General Meeting shall be ten Members present in person or by proxy.
26. At any meeting (unless a poll is demanded by one of the Officers or by ten members) a declaration by the Chairman that a resolution has been carried or carried by a particular majority or lost or not carried by a particular majority shall be conclusive.
27. If a poll is demanded by one of the Officers or any ten Members it shall be taken in such manner and at such time and place and either immediately or after an adjournment not exceeding seven days as the Chairman of the meeting directs, and the result of the poll as declared by the Chairman shall be deemed to be the resolution of the meeting at which the poll is demanded.
28. If in the opinion of an Officer appointed by the Company a resolution carried at any Meeting of the Club affects the interests of the Company, such Officer may call a meeting of the Officers appointed by the Company to consider the resolution. He shall call such a meeting by giving each Officer appointed by the Company at least 7 days notice to be issued within 7 days of the Club resolution being carried of such meeting stating the time when and the place where it will be held and the Club resolution which will be brought before it.

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29. If at any meeting called pursuant to Rule 28 the Officers appointed by the Company resolve that the Club resolution before it prejudices the interests of the Company the Club resolution shall be deemed to be void and of no effect as from the date it was carried and the Chairman of the meeting shall forthwith notify the decision to the Committee in writing.

Accounts

30. The funds of the Club shall be kept by the Treasurer under the supervision of and in such place and manner as shall be determined by the Committee. The Committee shall have power to spend the Club funds in such manner as it thinks fit in accordance with these Rules and the objects of the Club.
31. The Club accounts shall be made up to the 30th day of September in each year. The Committee shall cause to be prepared, audited and printed every year a statement of income and expenditure and a balance sheet made up to the 30th day of September which shall be submitted to the Club at the next Annual General Meeting and a copy of the same shall be sent to every Member together with the notice convening such meeting.

Auditors

32. At the Annual General Meeting in each year an auditor shall be appointed who shall at least two weeks before the next Annual General Meeting examine the Treasurer's accounts with the vouchers and receipts and shall certify the annual income and expenditure account and balance sheet. The Committee shall in the event of the auditors so appointed being unwilling or unable to act, appoint another member in his stead and in the event of members being unwilling to be appointed the Committee shall appoint another auditor in its discretion who shall be given notice of the next Annual General Meeting.

New Rules and Alterations

33. With the consent of the Company these Rules may be altered or repealed or new Rules may be made by resolutions at the Annual General Meeting or at an Extraordinary General Meeting duly summoned for the purpose, provided that no such resolution shall be deemed to have been passed unless it is carried by a majority of at least two thirds of the members voting thereon.

Dissolution

34. If at any Annual General Meeting a resolution for the dissolution of the Club shall be passed by a majority of the Permanent Members present and at a special Annual General Meeting held not less than six weeks thereafter (of which not less than four weeks written notice shall have been given to each Member) and at which not less than one half of the Permanent Members shall be present, that resolution shall be confirmed by a resolution passed by a majority of two thirds of the Members voting thereon, the Committee shall thereupon and at such future date as shall be specified in such resolution proceed to realise the property of the Club membership and after the discharge of all liabilities shall divide the same equally among all the Permanent Members and upon the completion of such division the Club shall be dissolved.

Supply of Intoxicating Liquor

35. The purchase for the Club and the supply by the Club of intoxicating liquor shall be exclusively controlled by the Company. No intoxicating liquor shall be supplied in the Clubhouse except to persons over the age of 18 who are entitled to the use of the Clubhouse.

Indemnity

36. The Officers of the Committee and Auditors and their representatives shall be indemnified out of the assets of the Club or by the Company from and against all actions, costs, charges, losses, damages and expenses which they or any of them shall or may incur or sustain by or by reason of any act done concurred in or omitted in or about the execution of their duty or supposed duty in their respective offices or trust and none of them shall be answerable for the acts receipts neglect or default of the others or any of them or for joining in any receipts for the sake of conformity or for any bankers or other persons with whom any moneys or effects belonging to the Club shall or may be lodged or deposited for safe custody or for insufficiency or deficiency of any security upon which any moneys of or belonging to the Club shall be placed out or invested or for any other loss misfortune or damage which may happen in the execution of their respective offices or trusts or in relation thereto.

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THE SCHEDULE

PART I

Classes of Members shown in the first column hereunder shall be subject to the obligations and be entitled to the benefits and privileges of membership shown in the second column hereunder in accordance with the following key:

A	to pay entrance fee
B	to pay subscriptions
C	to pay visitors' fees
D	to use the Club premises
E	to use the Club bars
F	to use the Swimming pool and tennis courts
G	to introduce guests
J	to be elected as Officers or Committee Members
K	to attend Annual General Meetings
L	to vote at Annual General Meetings on ordinary matters
M	to vote at Annual General Meetings on financial matters
N	to share in Club property

Permanent Members	ABCDEFGJKLMN
Honorary Members	DEFG
Temporary Members	BDEFG

Family Members

Spouses	DEFGJKLM
Children under 18	DF (F – accompanied by parent)
Corporate Members	ABCDEG
Lunching & Dining Members	ABCDEG

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PART 2 - BYE LAWS

House Rules

1. Responsibilities

The Company shall be responsible for organising the Club's social programme in consultation with the Committee.

2. Club House Hours

- a. The Clubhouse shall be open daily from 7.00 am until half an hour after the bar closes in the evenings, unless otherwise agreed between the Committee and the Company. While the Clubhouse is normally available to all members during opening hours, the Committee reserves the right to stage "ticket only functions" when the Clubhouse, apart from toilet/washroom facilities, may be closed to non-ticket holders.
- b. The bar shall be open at times laid down by the Company within the general licensing hours in force within the licensing district.

3. Credit

All members are to pay for every expense they incur in the Club before they leave the premises. Any booking made by a member for a club function and not cancelled at least three days before the function shall be considered firm and must be paid for.

4. Visitors

Members may entertain guests at the Club and there shall be kept at the Clubhouse a visitors book in which both the member and guest shall sign. The introducing member is responsible for his or her guest/s strictly observing the Rules and must not leave the Clubhouse before the guest/s. No member may normally introduce more than three guests in any one day and may not introduce the same person more than once in any one month. No person whose membership has been suspended or whose application for membership has been rejected shall at any time be introduced as a guest. Members wishing to introduce more than three guests at any one time should ask the Secretary or Steward.

5. Promotional Events

The Club may hold promotional events to encourage the public to join which includes the sale of alcohol from the Club bar(s). The events would be discussed at a prior Committee Meeting and that the number of functions on behalf of persons, other than Members, shall not exceed 12 in any one calendar year.

6. Children

Children under the age of 14 must be accompanied by an adult member who shall remain responsible for them whilst they are in the Clubhouse or any other part of the premises or grounds of the Club (including the tennis courts). Children under 18 must be accompanied at all times by an adult in the swimming enclosure.

7. Notices

No notices shall be exhibited in the Clubhouse or removed without the authority of the Secretary, Steward or an Officer.

8. Orders of Employees

All staff are employed by the Company and all general orders and instructions to them shall be given by the Company. The conduct of any staff shall in no case be made a matter of personal reprimand by a member, but all complaints must be made to the Secretary in writing.

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9. Suggestion Box

A suggestion box shall be kept in the Clubhouse for any suggestions or complaints by the members.

10. Tariff

A tariff of charges shall be placed in the Club.

11. Cheques

Cheques may be accepted up to £50 on production of a Bankers Card at the discretion of the Club Steward.

12. Valuables

The Club will not be responsible for articles of value left in the Club or for any damage or loss of any property or goods on the Club premises.

13. Gambling

All gambling is strictly forbidden except for the use of a fruit machine and bridge stakes no higher than 5p per hundred.

14. Newspapers

No person shall remove from the Club any article belonging to the Club except for books provided for sale or exchange.

15. Dogs

Dogs of Members or visitors with the exception of guide dogs, shall not be allowed in the Clubhouse, patio area, gardens and swimming pool area and shall at all times be kept under proper control while elsewhere on Club property, pontoons and Yacht Harbour. Members must clear up after their dogs and will be fined should this not happen.

16. Swimming Pool and Tennis Courts

Members shall comply with such rules imposed by the Company for the use of the swimming pool and tennis courts and shall pay the appropriate visitors fees when introducing guests. In particular no child under 18 shall be permitted to use the swimming pool without an adult member present. Members must note that use of the swimming pool and tennis courts is undertaken entirely at the risk of the member and that in respect of the swimming pool there is no lifeguard in attendance. If matters arise in connection with the use of or conduct at the swimming pool or tennis courts such matters should be referred to the Secretary, the Steward or an Officer.

17. Impropriety of Members

Any member or their guests whose conduct is deemed inappropriate or unacceptable by the Steward or an Officer, or any member or guest who breaches these rules, shall leave the Club immediately at the request of the Steward or an Officer. Such action is then subsequently to be placed before the Committee for ratification in accordance with Rule (10).

18. Reference to Company or Committee

Any matter not provided for in the Bye Laws shall be referred to the Company or the Committee as the case may be whose decision shall be final.

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Sailing Rules

1. Responsibilities

The Committee shall be responsible for all sailing, cruising and racing arrangements of the Club.

2. Yachts Lent or Chartered

A yacht chartered or lent shall not be entitled to the Club privileges nor to fly the Club Burgee unless the charterer or borrower is at the time a member of the Club.

3. Racing

All Races shall be sailed under the Rules of the RYA with such modifications as the Committee may decide.

4. No boats except those owned by Members shall be allowed to sail in any Club Race not otherwise open.

5. Racing disputes shall be settled by the Committee who may refer appeals to the RYA whose decision shall be final.

6. Any protest must be made in writing accompanied by a deposit of £1 immediately after a race to the Officer of the Day. Should the protest be held to be frivolous the deposit shall be forfeit to the Club.