



HARWICH TOWN SAILING CLUB

CONSTITUTION

This constitution was amended in January 2023 and supersedes the original and other revised versions.

NAME AND OBJECT

1. The name of the club shall be **THE HARWICH TOWN SAILING CLUB** and the burgee of the Club shall be a white triangular pennant emblazoned with a crimson shrimp facing the hoist.
2. The object for which the Club is formed is to promote and facilitate sailing and associated water sports and also to provide social and other facilities as from time to time may be determined.

MEMBERSHIP (Excepting Temporary Membership)

3. Membership of the Club and acceptance of the rules by the member will be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Acts.
4. Every candidate for membership shall complete an application form setting out his or her name and address and any other particulars that the General Committee shall require and containing the signatures of two Full Members in support as proposer and seconder (one of which shall be a flag officer or general committee member). The said form shall be prominently displayed in the Club premises for at least seven days before the election takes place. Candidates for membership have no rights or privileges whatsoever in relation to the use of the Club premises. The candidate for membership may take part in social/sailing events and use the club bar during the period of the application form being posted and acceptance of membership. In the event of non-acceptance, the applicant has no rights within the club.
5. The election of a candidate to Membership shall take place at a meeting of the General Committee duly convened for the purpose. At the request of any

one Member of the General Committee a secret ballot shall be held. Two votes against shall exclude. The Membership Secretary shall send to each newly elected Member, as soon as practicable after election, written notice of the Committee decision. Upon payment of the first subscription the successful candidate shall become a Member of the Club and they will be advised that they may receive a hard copy of this constitution if they request or may view/download it via the Club's website.

6. The Club, on the recommendation of the General Committee, may in General Meeting elect Honorary Members. The total number of such Honorary Members shall not exceed five per cent of the total number of all Full Members.
7. NOT DESIGNATED
8. Every Member, on joining the Club, undertakes to comply with this Constitution and the Byelaws of the Club. Any refusal or neglect to do so, or any conduct which in the opinion of the General Committee is either unworthy of a Member or is otherwise injurious to the interests of the Club, shall render that Member liable to expulsion by the General Committee. Before expelling a Member the General Committee shall call upon the Member for an explanation of the Member's alleged conduct and shall give the Member full opportunity of making explanation to the General Committee or of resigning. The vote on a resolution for expulsion shall be by ballot and the resolution shall only be carried if not less than three quarters of the Members of the General Committee present, and entitled to vote, are in favour of the resolution.

TEMPORARY MEMBERSHIP

9. Every candidate for Temporary Membership shall complete an application form setting out his or her name and address and any other particulars that the General Committee shall require. The said Form shall be prominently displayed in the club premises for at least two days before the Committee required under Rule 10 convenes. Persons who are candidates for membership have no rights or privileges whatsoever in relation to the use of the Club or its premises.
10. The election of a candidate to Temporary Membership shall be by the majority vote of a Committee consisting of not less than three members of the General Committee at least one of whom shall be an officer of the Club.

CATEGORIES OF MEMBERSHIP

11.

- (a) Full Member - being a person who, at the date of election, is eighteen years of age or over. He/she shall have one vote and shall be entitled to the full amenities of the Club.
- (b) Young (18-21) Member - being a person in this age range who, at the date of election, does not wish to take Full Membership. He/she shall have no voting rights. He/she shall be entitled to the full amenities of the Club. At twenty two a Young (18-21) Member may become a Full Member.
- (c) Junior Member - being a person who, at the date of election, is under the age of eighteen. He/she shall have no voting rights. He/she shall be entitled to the full amenities of the Club subject only to Rule 47. At eighteen a Junior Member may become a Full Member or a Young (18-21) Member according to their choice.
- (d) Temporary Member - being a person who is eighteen years of age or over and shall take no part in the management of the Club. A Temporary Member shall be entitled to the full amenities of the Club. Temporary Membership shall only be available to any one individual for one period of thirty days in any one calendar year. He/she shall have no vote.
- (e) Honorary Member - who shall be nominated and elected in the manner described in Rule 6. He/she shall have one vote and shall be entitled to the full amenities of the Club.
- (f) Retired Member - being a Full Member who is 65 years of age on the first of January of the year of Membership. He/she shall have one vote and shall be entitled to the full amenities of the Club.
- (g) Family Membership - consists of:
Two Full Members*, including their child(ren) up to the age of twenty one, if applicable, and,
a Full Member and his or her child(ren) up to the age of twenty one.
[* - if one of the Full Members is over 65 both will be eligible for Retired Family Membership]
- (h) NOT DESIGNATED
- (i) Associated Membership – Members of approved local clubs or organisations are allowed to be Associate Members of Harwich Town Sailing Club and are allowed to use the Club according to agreements made between the two clubs. These arrangements are to be renewed annually. Associate Clubs and their Members are non-voting Members of Harwich Town Sailing Club.

FEES

12.

- (a) There shall be a Full Member annual subscription of such a sum as from one year to the next shall be decided at the Annual General Meeting. Any proposed changes shall be approved by a majority of those present and entitled to vote and shall come into effect on the first of January in the following year.
- (b) The General Committee at its first meeting following the Annual General Meeting shall set the subscriptions for other categories of membership taking account of the charges approved to the Full Member subscription.

13. NOT DESIGNATED

- 14. All Members of the Club will pay subscriptions due on the first day of January according to the categories defined in Rule 11. Honorary Members are exempt from fees. Local clubs or organisations granted Associate Membership will pay a fee as laid out in the Associate Agreement.
- 15. The General Committee reserve the right to determine the bona fide status of any Member.
- 16. Subscriptions not paid by 28th February will be subject to a loading of 10%. Subscriptions not paid by 31st March will result in a Member's name being removed from the list of Members of the Club. A Member's name may be restored at the discretion of the General Committee.
- 17. New members approved at committee meetings between January and August inclusive will pay the full yearly subscription. Memberships approved at committee meetings between September and December inclusive will pay the pro rata rate for the rest of the year.

OFFICERS

- 18. The Officers of the Club shall be Full or Honorary Members and shall consist of a President, a Commodore, a Vice Commodore, a Rear Commodore, an Honorary Secretary, an Honorary Treasurer, an Honorary Sailing Secretary, an Honorary Sail Training and Development Officer, an Honorary Social Secretary, an Honorary Boat Park Secretary and an Honorary Membership Secretary who shall be elected at the Annual General Meeting in each year to hold office from the first of January following the election for a period of one calendar year except where varied by Rule 19.

19. A General Meeting may elect a President who shall remain in that office until the close of the third Annual General Meeting following the election. No candidate for election as President shall be considered unless the name of such a candidate, and of his or her proposer and seconder, shall have been sent to the Honorary Secretary and been prominently displayed in the Club premises for at least 21 days before the General Meeting at which such a proposal is to be considered.
20. A person accepting an invitation to become President of the Club shall become an Honorary Member for the duration of the term of office.
21. Candidates for election to offices shall be those Members of the Club who have been duly proposed and seconded on or before the date of the Annual General Meeting.
22. A ballot shall be held if more than one member is a candidate for any office. Each Member present and entitled to vote shall have one vote. Tied voting shall be resolved by the Chairman's casting vote.

GENERAL COMMITTEE

23. The General Committee shall consist of the Officers and not more than five Full or Honorary Members, who have been duly elected by the Club at the Annual General Meeting and shall hold office from the first of January following the election for a period of one calendar year. If any person be elected to more than one officer post then the number of Full or Honorary Members may be increased by one. Seven Members entitled to attend and vote at a meeting of the General Committee shall constitute a quorum.
24. Candidates for election to the General Committee shall be those Members of the Club, with voting rights, who have been duly proposed and seconded on or before the date of the Annual General Meeting.
25. A ballot shall be held if the number of candidates exceeds the number of vacancies. Each Member present and entitled to vote shall have a number of votes equal to the number of vacancies.

SPECIAL COMMITTEES

26. A Special Committee means a Committee consisting of not more than twelve Full or Honorary Members of the Club elected in Annual General Meeting or in General Meeting. When elected in Annual General Meeting the Committee shall sit from the first of January following the Annual General Meeting for a period of one calendar year. When elected in General Meeting the Committee shall sit until the following 31st December or for some period not exceeding one year, as determined by the membership in General Meeting.
27.
 - (a) Candidates for election to a Special Committee shall be those Members of the Club who have been duly proposed and seconded on or before the date of the election.
 - (b) Flag Officers are ex-officio Members of Special Committees unless otherwise determined by the General Meeting.
28. A ballot shall be held if the number of candidates exceeds the number of vacancies.
29. The terms of reference of a Special Committee shall be determined by the Membership in General Meeting and such Special Committee shall be responsible to the General Committee or directly to the Membership as directed by the Membership in General Meeting.

VACANCIES

30. If an Office or Committee post remains vacant, or becomes vacant, after the Annual General Meeting the General Committee shall be empowered to co-opt an eligible Member for the remaining term except where varied by Rule 29.

SUB-COMMITTEES

31. The General Committee may appoint such Sub-Committee as it may think fit provided that not less than two thirds of the Members of any Sub-Committee are Members of the General Committee and that the total number is not less than four.

MANAGEMENT OF THE CLUB

32. The affairs of the Club shall be wholly managed by the General Committee according to these rules except where varied by Rules 29 and 33. The General Committee shall apply the funds of the Club in such a manner as complies with Rule 54 and shall make such Byelaws and Regulations as it thinks fit.
33. The Members of the Club may in General Meeting reserve the management of such affairs as they think fit to General Meeting.
34. The General Committee shall meet at least every two months, but normally on the first Tuesday of each month. The Commodore, or in the absence of the Commodore a Committee Member elected by those present, shall preside.
35. The Honorary Treasurer shall:
 - (a) cause such books of account to be kept as are necessary to give a true and fair view of the state of the finances of the Club.
 - (b) cause all returns as may be required by law in relation to such accounts to be rendered at the due time, and
 - (c) cause a Balance Sheet to be prepared each year and cause such Balance Sheet (and accounts as necessary) to be audited at least once annually and thereafter cause the same to be exhibited in the Club premises at least seven days before the date of the Annual General Meeting. The financial year end shall be the last day of September.

TRUSTEES

36.
 - (a) Number of and Terms of Reference

There shall be at least three Trustees of the Club who shall be appointed from time to time as necessary by the Committee of the Club from among Full, Family or Honorary Members who are willing to be so appointed. A Trustee shall hold office during his lifetime or until he shall resign, by notice in writing given to the Committee, or until a resolution removing him from office shall be passed at a meeting of the Committee by a majority comprising two thirds of the Members present and entitled to vote.
 - (b) Property of the Club vested in Trustees.

All property of the Club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as it is necessary and practicable, on trust for the use and benefit of the Club. On the death, resignation, or removal from office of a Trustee, the Committee shall

nominate a new Trustee in his place, and shall as soon as possible thereafter take all lawful and practicable steps to procure the vesting of all Club property into the names of the Trustees as constituted after such nomination. For the purpose of giving effect to any such nomination, the Commodore for the time being is hereby nominated as the person to appoint the new Trustees of the Club within the meaning of section 36 of the Trustee Act 1925 and he shall by Deed duly appoint the person or persons so nominated by the Committee.

(c) Powers of Trustees

The Trustees shall in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the Committee, and shall have power to sell, lease, mortgage, or pledge any Club property so held for the purpose of raising or borrowing money for the benefit of the Club in compliance with the Committee's directions (which shall be duly recorded in the minutes of the proceedings of the Committee) but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.

(d) Indemnity of Trustees from the Club

The Trustees shall be effectually indemnified by the Committee out of the assets of the Club from and against the liability, costs, expenses and payments whatsoever which may be properly incurred or made by them in the exercise of their duties or in relation to any property of the Club vested in them, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a Trustee of the Club.

(e) Limitations of Liability of Club Trustees

(To be incorporated in every contract, lease, licence or other agreement entered into by the Trustees of the Club)

The liability of the Trustees for the performance of any contractual or other obligation undertaken by them on behalf of the Club shall be limited to the assets of the Club.

37. At the Annual General Meeting each year there shall be appointed two Auditors whose duty it shall be to audit the accounts of the Club for the then financial year. In the event of the persons appointed as Auditors being unwilling or unable to act the General Committee shall appoint substitutes.

GENERAL MEETINGS

38. The Annual General Meeting shall be at some place in Harwich or Dovercourt on some day in November fixed by the Commodore. No business (except the passing of the accounts and the election of the Officers, General Committee and Special Committees, and the appointment of the Auditors, and any business that the General Committee may order to be inserted in the notice convening the meeting) shall be discussed at such meeting unless notice of the subject matter be given to the Honorary Secretary in writing at least twenty one days prior to such meeting.
39. The Membership shall be informed of the date of the Annual General Meeting via the Club sailing programme and by displaying a Notice on, or adjacent to, the Club Noticeboard at least twenty one days prior to such meeting.
40. The General Committee may at any time call a General Meeting of the Club for any specific business. The General Meeting shall confine itself to the business stated in the agenda. The Honorary Secretary shall post or deliver to each Member notice of the meeting not less than fourteen days prior to the meeting.
41. At least one tenth of the total Membership may join together to cause the General Committee to summon by notice an Extraordinary General Meeting for any specific business. The Honorary Secretary shall post or deliver to each Member notice of the Meeting so that the Meeting is held within twenty eight days of receiving the said request and shall state the purpose of the Meeting.
42. The Agenda of the Annual General Meeting and General Meeting shall be posted in the Club not less than fourteen days prior to the meeting.
43. Fifteen Members of the Club entitled to vote and who are personally present shall form a quorum at any General Meeting of the Club.
44. In the event of an equality of votes at the Annual General Meeting or any General Meeting of the Club, the Chairman shall have a second or casting vote.
45. General Meetings may at any time remove any Member from any position which he or she holds within the club.

SUPPLY OF INTOXICATING LIQUOR AND TOBACCO

46. The purchase for the Club of excisable goods and the supply of the same upon the Club premises shall be exclusively and solely under the control of the General Committee or of a Sub-Committee appointed by the General Committee.
47. Intoxicating liquor may only be sold for consumption on the Club premises to persons over the age of eighteen who are entitled to use the premises in pursuance of the Rules, Byelaws and Regulations for the time being in force. No Junior Member may purchase or attempt to purchase intoxicating liquor within the Club premises nor may a Junior Member under the age of sixteen purchase or attempt to purchase tobacco or cigarettes within the premises.

LIMITS OF LIABILITY

48. Members of the Club, their guests or visitors, may use the Club and any other facilities of the Club entirely at their own risk and 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 personal injury arising out of the use of the Club premises, and any other facilities of the Club either 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, General Committee or servants of the Club.
 - (c) The General Committee, or any person or Sub-Committee delegated by the General Committee to act as agent for the Club or its Members, shall enter into contracts only so far as expressly authorised by implication by the Members. No one shall, without the express authority of the Membership in General Meeting, pledge the credit of the Membership.
49. In pursuance of the authority vested in the General Committee by the Members of the Club, Members of the General Committee are entitled to be indemnified by the Members of the Club against liabilities properly incurred by them or any one of them on behalf of the Club wherever the contract is of a duly authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the Club. The limit of an individual Member's indemnity in this respect shall be a sum equal to one year's annual subscription at the then rate for that category of Membership unless the General Committee has been authorised to exceed such a limit by a General Committee meeting of the Club.

MISCELLANEOUS

50. Any Member may introduce as his or her guest any person provided that the Member so introducing enters the name and address of the said guest in the Visitors Book and at no time leaves the Club premises while the said guest is there on. No person who has been declined Membership or has been expelled can be a guest at the Club. No guest may be introduced more than four times in any one year.
51. Any person who is a participant in any event sponsored or organised by or on behalf of the Club or in a race starting from Harwich Harbour, and any person who is a member of the crew of such competitors for the purpose of the race, is entitled to use the Club premises within a period of twenty four hours before and after the race in which they are competing.
52. A Member of any Club recognised by the Royal Yachting Association may be authorised to use the Club premises by any Member of the General Committee. Such authorisation shall specify between which dates, being not more than fourteen days apart, the said person may so use the Club premises.
53. Any Member who has received the authority of any two Members of the General Committee may expel temporarily or permanently any person who has the right to use the Club premises under Rules 51 and 52.
54. No money or property of the Club or any gain arising from the carrying on of the Club shall be applied otherwise than for the benefit of the Club or for a benevolent or charitable purpose to be nominated by the Members at a General Meeting.
55. There may be admitted to the Club all people attending other private functions in the Clubhouse provided that all bar takings are for the benefit of the Club and that there are no more than eighteen such functions each year, the prior approval of which shall have been given by the Licensing Authority.

NEW RULES AND AMENDMENTS

56. Notice of any alteration or addition to this constitution intended to be proposed by a Member of the Club shall be given to the Honorary Secretary in writing at least twenty eight days before it is raised at the Annual General Meeting or the General Meeting at which it is to be brought forward. Full particulars of any such proposed alterations or additions shall be set down in the notice convening the meeting.
57. All such proposed alterations and additions and any amendments to such proposals shall be proposed and seconded and put to the vote at the meeting. Provided that on a show of hands, or if demanded on a poll, a majority of two

thirds of the votes of those Members present and entitled to vote shall be cast in favour of any proposed alterations or additions or amendments, then the same shall be decreed to be carried.

HOURS OF OPENING THE CLUB

58. The Club premises, excluding the bar, may be used by Members between the hours of 07.00 and 23.59 but where specifically authorised by the General Committee the premises may remain open outside these hours.

The hours of opening for the bar shall be in accordance with the local licensing laws but the Club cannot guarantee that the bar will open during such hours. It is the responsibility of the Member acting as Steward on any occasion to ensure that the bar is closed at the correct time.

On Christmas Day the hours of opening of the bar shall be:

- (i) not be longer than six and a half hours and shall not begin earlier than twelve noon nor end later than half past ten in the evening,
- (ii) include a break in the afternoon of not less than two hours which shall include the hours from three to five and
- (iii) not be more than three and a half hours after five.

DISSOLUTION OF THE CLUB

59. If, upon the winding up or dissolution of the Club, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the members of the Club. The Committee shall dispose of the net assets remaining to one or more of the following:

- (i) to another club with similar sports purposes which is a charity and/or
- (ii) to another club with similar sports purposes which is a registered CASC and/or
- (iii) to the sport's national governing body for use by them for community sports

