

## Kircubbin Sailing Club



### **CLUB RULES**

*last updated 21st November 2021.*

#### SECTION 1 – NAME AND OBJECTS

1. The name of the Club shall be “Kircubbin Sailing Club” (hereinafter referred to in these rules as “the Club”) and the Club premises are situated at 106 Shore Road, Kircubbin, Co. Down.
2. The objects on which the Club is formed are to promote and facilitate amateur sailing and racing on and from Strangford Lough and to provide social and related facilities for Members as may from time to time be determined, provided always that sailing remains the primary sport promoted at the Club. Races for which the Club is an Organising Authority shall be conducted under World Sailing's Racing Rules of Sailing, the prescriptions of the Royal Yachting Association, and any relevant Class Rules. In Club races yachts must be steered by Members of the Club or by Members of other recognised yacht clubs.

#### SECTION 2 – OFFICERS

3. The Officers of the Club shall be Full or Adult Family Members of the Club and shall consist of a Commodore, a Vice Commodore, a Rear Commodore, an Honorary Secretary and an Honorary Treasurer. Officers shall be elected at the Annual General Meeting each year and shall hold office for one year retiring at the termination of the Annual General Meeting in each year unless re-elected by those members present and voting at said Annual General Meeting.

Duties of the Honorary Secretary, Honorary Treasurer & Club Auditor :

4. The Honorary Secretary shall;
  - (a) Keep a register of all Club Members' names and addresses :
  - (b) Conduct the correspondence of the Club:
  - (c) Ensure safe custody of all Club documents:
  - (d) Keep full minutes of all meetings of the Club and the Management Committee which shall be confirmed and signed by the appropriate Chairman upon the agreement of the Club or Management Committee at the next following meeting of the Club or Management Committee:
  - (e) Administer such insurance policy or policies as may be needed to to fully protect the interests of the Club, its Officers and its Members:
  - (f) Maintain contact with the Club's Legal Advisor to ensure that the Club's affairs are managed in accordance with current law:
  - (g) Maintain all certificates or registrations and complete any such non-financial returns, as may be required by law.
5. 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;

(c) Prepare an Annual Balance Sheet as at 30th September in each year and cause such Balance Sheet (and accounts as necessary) to be audited at least once annually and shall thereafter cause the audited accounts to be exhibited in the Club premises at least fourteen days before the date of the Annual General Meeting.

6. The Club Auditors shall:

(a) be appointed at the Annual General Meeting in each year;

(b) audit the accounts of the Club when called upon to do so and shall give such certificate of assurance as to the accuracy of the said accounts as shall be required by law or by the Management Committee;

(c) Where the appointed auditors are unwilling or unable to act, the Management Committee shall appoint a substitute to hold office until the following Annual General Meeting.

### SECTION 3 – MANAGEMENT COMMITTEE

7. The Management Committee shall consist of the Club Officers, and not less than five nor more than nine other Members of the Club who shall be elected at the Annual General Meeting each year to hold office until the termination of the next following Annual General Meeting, provided always that at least five of the ordinary members of the Management Committee are either Full or adult Family Members of the Club.

8. Candidates for election to the Management Committee shall be those members of the retiring Management Committee willing to offer themselves for re-election and such other Members whose nominations (duly proposed and seconded in writing by Full or adult Family Members of the Club) accompanied by their consent in writing shall have been received by the Honorary Secretary at least twenty eight days before the date of the Annual General Meeting in each year.

Such nominations, together with the names of the Proposer and Secunder shall be posted in the Club premises at least fourteen days prior to the date of the Annual General Meeting.

9. If the number of candidates for election is greater than the number of vacancies to be filled then their election shall be by secret ballot.

10. If the number of candidates for election is equal to or less than the number of vacancies to be filled then all candidates may be deemed to be elected..

11. In the event of the ballot failing to determine the members of the Management Committee because of an equality of votes, the candidate or candidates to be elected from those having an equal number of votes shall be determined by lot.

12. If a casual vacancy should occur on the Management Committee, the Management Committee may co-opt a replacement from the membership, provided always that at least five members of the Management Committee have been duly elected at a General Meeting.

13. The Management Committee shall meet at least every two months making such arrangements as to the conduct, place of assembly and holding of such meetings as it may wish. The Commodore or in his absence the senior Club Officer present shall preside.

14. Voting (except in the case of a resolution relating to the expulsion of a Member) shall be by a show of hands. In the case of equality of votes the Commodore or Chairman (as the case may be) shall have a second and casting vote.

15. Five Full or adult Family Members of the Club personally present shall form a quorum at a meeting of the Management Committee.

#### Powers of the Management Committee

16. The Management Committee shall manage the affairs of the Club according to these Rules & Bylaws and shall cause the funds of the Club to be applied solely to the objects of the Club or for a benevolent or charitable purpose nominated by a General Meeting of the Club.

17. The Management Committee shall make such Byelaws as it shall from time to time think fit and shall cause the same to be exhibited in the Club premises for fourteen days before the date of implementation. Such Byelaws shall remain in force until formally adopted at the subsequent Annual General Meeting, failing which they shall lapse.

18. The Management Committee may appoint such sub-committees as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as shall be deemed expedient and/or required by the law. Such sub-committees shall consist of such members of the Management Committee or of the Club as the Management Committee may think fit. Officers of the Club shall be ex officio members of all such sub-committees.

19. A member of the Management Committee, of a sub-committee or any officer of the Club, in transacting business for the Club, shall disclose to third parties that he is so acting.

20. The Management Committee, or any person or sub-committee delegated by the Management Committee to act as agent for the Club or its Members, shall enter into contract only as far as expressly authorised, or authorised by implication, by the Members. No one shall, without the express authority of the Membership in a General Meeting, pledge the credit of the Membership.

21. In pursuance of the authority vested in the Management Committee by Members of the Club, members of the Management Committee are entitled to be indemnified by the Members of the Club against any liabilities properly and lawfully incurred by them or any one of them on behalf of the Club whenever 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 any individual Member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate of that category of membership unless the Management Committee has been authorised to exceed such limit by a General Meeting of the Club.

22. At an Annual General Meeting the Management Committee may nominate and propose such members as it considers appropriate for election to Honorary Membership, either for life or for a lesser period decided by the General Meeting. The resulting number of Honorary Members shall not at any time exceed five per cent of the total number of members, or six in total, whichever number is the greater. The following criteria shall be required :

- the nominee must currently be a full member of the Club in good standing, and with at least fifteen years of continuous membership up to the date of election.
- the nominee should attract, or be likely to attract, the respect of Club Members generally.
- there should be no outstanding Club disciplinary proceedings nor ongoing complaint investigations citing the nominee, nor any history of such.
- the nominee must be in a position to utilise the facilities of the Club.
- the nominee should have rendered the Club substantial and meritorious service over a sustained period of time OR should have made an outstanding contribution to the sport of sailing at a provincial, national or international level.

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The election of Honorary Members shall be put to the vote at the Annual General Meeting and such Honorary Members shall be duly elected if two thirds of those present, and entitled to vote, vote in favour of election.

#### Purchase and Supply of Excisable Goods

23. If the Club makes application for, and is granted by the court, a Certificate of Registration under the provisions of the Registration of Clubs (Northern Ireland) Order 1996, then intoxicating liquor may be supplied on the premises of the Club during the hours so permitted, for Club functions, and for activities from which the Club will derive benefit and activities which will further the interest in sailing and boating at the Club.

The following shall be the maximum permitted hours:-

- (1) On weekdays other than Good Friday or Christmas Day, between the hours of 11:30am and 11:00pm,
- (2) On Good Friday, between 5:00pm and 11:00pm,
- (3) On Christmas Day, between 12:30pm and 10:00pm
- (4) On Sundays, (not being Christmas Day), between the hours of 4:30pm and 9:30pm.

24. The Management Committee shall be empowered to fix from time to time the actual hours during which any bar on the Club premises shall be open and during which intoxicating liquor may be supplied, within the hours described in Rule 23 as being the maximum permitted hours.

25. Intoxicating liquor may only be sold for consumption on Club property, to persons over the age of eighteen who are entitled to the use of the Club premises in pursuance of the Rules, Byelaws and Regulations for the time being in force. No Junior Member under the age of eighteen 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 Club premises.

26. Persons, Members or otherwise under the age of eighteen years shall not be permitted to remain in any part of the Club premises in which a Bar is situated after 7:00pm during the period when such Bar would be open for supply of intoxicating liquor to adult Club Members and their guests.

27. A statement, printed in plain type, of the hours during which intoxicating liquor may be supplied on the premises of the Club, shall be exhibited in a conspicuous part of the Club premises, or on the Club Notice Board.

28. The Management Committee shall be empowered, under the provisions of the Registration of Clubs Act (Northern Ireland) 1996, to make application to the Sub-Divisional Commander of the Police Service of Northern Ireland acting for the Police Sub-Division in which the premises are situated, for his authority to have requested extensions of the permitted hours referred to, for the purpose of facilitating special Club social functions.

29. The supply of intoxicating liquor on the Club premises may be conducted by a Sub-Committee appointed and supervised by the Management Committee, and shall be carried out as unobtrusively as possible.

30. No Member, Member of the Management Committee, Trustee, Manager or Servant employed by the Club shall take a commission, percentage or other such payment in connection with the purchase of excisable goods for the Club.

31. Proper accounts of all purchases and receipts shall be kept and presented at the Annual General Meeting in each year and such information as the Honorary Treasurer or Club Auditors may require shall be furnished to enable any statutory return or statement and the payment of excise or other duty or tax to be made.

#### SECTION 4 – MEMBERSHIP

32. There shall be the following categories of membership with power to vote at all meetings of the Club as indicated hereunder. Applications for Membership shall be open to all persons, whether male or female, irrespective of their race, creed, colour, religion or ethnic origin. The rights and privileges of each category of Membership are as defined below.

a.) FULL MEMBERSHIP: – which shall be open to a person, who at the date of election, is over the age of eighteen. Full Members shall have one vote.

b.) FAMILY MEMBERSHIP:- which expression shall include one or two parents (as may be) and all children under eighteen years of age (twenty-one years of age if in full time education) providing that such children are not the users and/or owners of a boat or boats which is/are not the family's main boat. The family unit shall have one vote, exercisable by either parent.

c.) JUNIOR MEMBERSHIP: – being open to a person who, at the date of election, is under the age of eighteen. Junior Members shall have no vote.

d.) HONORARY MEMBERSHIP: – candidates shall be nominated and elected in the manner prescribed in Rule 22. Honorary Members shall be entitled to all the privileges of Full Membership of the Club and have one vote.

e.) CREW MEMBERSHIP: – being open to a person who, at the date of election, is over the age of eighteen and wishes to crew on a Full or Family Member's yacht or boat. Crew Members shall have no vote and may be admitted by the Management Committee to facilitate the crewing of the Club's classes, subject to the following conditions:-

(1) The candidate shall be a crew or intended crew of a Member's racing yacht.

(2) The candidate shall be proposed in writing by the owner or owners of the yacht and the proposal shall be endorsed by a further Full or adult Family Member of the Club.

(3) Crew Members shall be entitled to use the Club's shore side facilities.

(4) A person who has been admitted to Crew Membership shall not be thereby debarred from consideration for Full Membership, and if elected to Membership may set any subscription paid on his behalf during the calendar year of such election against the subscription due on election, but will be required to pay the full entrance fee.

(5) Crew Members shall not have any rights in the Club property.

(6) The Management Committee may admit as Crew Members persons who are or are intended to be crews of Members' yachts which do not belong to the Club's racing classes, and clauses (1) to (5) above shall apply mutatis mutandis to such admissions.

(7) A Crew Member shall not avail himself of Club facilities for the use of any craft belonging to him either in whole or in part, or loaned to or hired by him.

f.) SOCIAL MEMBERSHIP: – being open to persons who, at the date of election, are over the age of eighteen. Social Membership is provided to facilitate participation in the shore-based activities of the Club by those not wishing to actively participate in yachting or boating on the water.

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Social Members shall have no vote and may be admitted by the Management Committee on the following conditions:-

(1) The candidate shall be proposed in writing by a Full or adult Family Member and the proposal shall be endorsed by another Full or adult Family Member.

(2) Social Members shall be entitled to the use of the Club's shore side facilities only. Social Membership is a 'non-sporting' membership, and does not include use of slips, parks and other sailing-related facilities.

(3) A person who has been admitted to Social Membership shall not be thereby debarred from consideration for Crew or Full Membership and if elected to such Membership may set aside any subscription paid on his behalf during the calendar year of such election against the subscription due on election, but will be required to pay the full entrance fee.

(4) Social Members shall not have any rights in the Club property.

(5) The number of Social Members shall not exceed twenty percent of the number of Full and Family Members or twelve whichever is the greater.

g.) OUTPORT MEMBERSHIP: – available to existing Full Members of the Club, who move their place of normal residence to more than fifty miles from Kircubbin, and are unable to make regular use of the Club's facilities, but who nevertheless wish to remain associated with Kircubbin Sailing Club. Outport Membership shall be subject to the following restrictions:

(1) Outport Members shall be entitled to use the Club's shore side facilities and to crew on a Full or Family Member's yacht.

(2) A person who has been admitted as an Outport Member shall not be debarred from reverting to Full Membership, and if re-elected to Full Membership may set any subscription paid on his behalf during the calendar year of such election against the subscription due on election, and will not be required to pay an entrance fee.

(3) Outport Members shall not have any rights in the Club property and do not have a vote.

h.) SEA SWIMMER MEMBERSHIP: – being open to a person who, at the date of election, is over the age of eighteen and wishes to use the Club's facilities for sea swimming. Sea Swimmer Members shall have no vote and may be admitted by the Management Committee, subject to the following conditions:-

(1) A candidate for Sea Swimmer membership shall be proposed in writing by a Full or adult Family Member and the proposal shall be endorsed by another Full or adult Family Member.

(2) Sea Swimmer Members shall be entitled to use the Club's shore side facilities, including the slip and jetty for the purposes of sea swimming only.

(3) Sea Swimmer Members shall not have any rights in the Club property.

(4) A person who has been admitted to Sea Swimmer Membership shall not be thereby debarred from consideration for Full Membership, and if elected to Membership may set any subscription paid on his behalf during the calendar year of such election against the subscription due on election, but will be required to pay the full entrance fee.

33. A member of any club affiliated to the Royal Yachting Association (a list whereof is published by the said Association) may be authorised to use the premises of the Club by any member of the Management Committee. Such authorisation shall specify between which dates (not being more than fourteen days apart) the said person may so use the premises.

34. Any person who is a competitor including a crew member in any open event for which the Club is the organising authority is entitled to the use of the club premises within a period of 24 hours before and after the event in which they are registered as competing.

On written application and payment of the appropriate fee, the Management Committee may grant the use of the Club's sporting facilities to any person on a day-by-day basis : the provisions of Rules 53, 54 & 55 shall not apply to that person in respect of any such day.

35. No Member may use the Club premises, or any of the facilities of the Club until forty-eight hours have elapsed from the date of posting of their notice of election. Candidates for Membership shall have no privileges whatsoever in relation to the use of the Club premises or facilities.

Persons shall not be admitted in such numbers to Membership not carrying rights of voting in relation to the affairs of the Club as will result in the number of Members not having voting rights being more than the number of Members with voting rights. If necessary, to satisfy this requirement, the maximum allowable number of Social Members will be reduced.

No person shall be allowed to become an Honorary Member of the Club, or be relieved of the payment of the regular Entrance Fee or subscription except those possessing certain qualifications defined in the rules and subject to conditions and regulations specified therein.

36. The rate of Entrance and Subscription fees for each category of Membership shall be proposed by the Management Committee to the Members at the Annual General Meeting in each year. Any proposed changes shall be approved by a simple majority of those present and entitled to vote and shall become operative on the first day of January in the year following. The current rate of Entrance and Subscription fee shall be prominently displayed in the Club premises.

37. Members shall also make the following annual payments:-

(a) Storage fees for boats and trailers of such sums as the Management Committee shall from time to time prescribe, the payment in full of which shall entitle a Member to appropriate space in the Club's boat park.

(b) Such an annual sum as shall from time to time be demanded to defray the Club's subscription to the RYA as a Fully Affiliated Club.

(c) All candidates for Membership of the Club shall pay the Entrance Fee (if any) and their first annual subscription when submitting their application for membership of the Club, provided that the Management Committee may at their discretion allow a candidate applying after the first day of August in any year to pay half the annual subscription applicable for that year plus the full entrance fee and a candidate applying after the first day of October in any year to be excused payment of any subscription in respect of the year of election, but to pay the full entrance fee and the annual subscription in respect of the year following election. In the event of non-election of a candidate, any payments of annual subscription or Entrance Fee shall be returned in full.

(d) Fees for existing Members of the Club shall be due on the first day of January in each year.

38. Every Member shall furnish the Honorary Secretary with an up-to-date address which shall be recorded in the Register of Members, a copy of which shall be kept on the Club Premises at all times, and any notice sent to such address shall be deemed to have been duly delivered.

39. All Members shall carry membership cards with them while on the premises of the Club.

Election and Retirement of Members

40. Every candidate for Membership (except Honorary Members) shall be proposed and seconded

by a Full or Family Member of the Club over eighteen years of age, both of whom must be personally acquainted with the candidate.

41. An application for Membership shall be in the form from time to time prescribed by the Management Committee, and shall include the name, and address of the candidate, and the signatures of the Proposer and the Seconder who shall be Full or Family members of the Club.

42. Upon receipt of an application for Membership fully compliant with Rule 37, the Management Committee shall cause the applicants name to be displayed on the Club notice board for a period of at least fourteen days prior to the application being considered at a meeting of the Management Committee. The election of all classes of Members is vested in the Management Committee and shall be by a simple majority vote of those Members present and voting at the relevant meeting of the Management Committee. The Management Committee may restrict the total Membership of the Club as it thinks fit, and for this purpose may select in such manner as it may decide from such name or names as are put forward for election. The Honorary Secretary shall inform each candidate in writing of the candidate's election or non-election and shall furnish any elected candidate with a copy of the Rules and Byelaws of the Club and make request for any payments as may be necessary. ../contd.

A rejected candidate shall not again be eligible for consideration until at least six months have elapsed from their last application and an application from a candidate who has previously been rejected three times shall not be entertained until at least a year has elapsed since the date of the last rejection.

43. Upon election, a candidate shall pay, within one calendar month, any fees as may be requested and shall not use the Club premises or facilities until 48 hours have elapsed since such payment has been made. In default of such payment, the election shall be void unless in the Management Committee's opinion reasonable cause for delay is demonstrated.

44. A Member who, for any reason, anticipates inability to use the Club or its facilities for the whole of any one year may be excused payment of the annual subscription provided that notice in writing is given to the Honorary Secretary before the last day of November in the previous year. The decision to excuse payment or not shall be solely at the discretion of the Management Committee as shown by a majority vote. A Member wishing to be re-instated during the year in question shall pay such portion of the annual subscription as the Management Committee shall require.

45. A Member desirous of retiring from Membership shall give notice in writing to the Honorary Secretary before the last day of November and shall not then be liable to pay the subscription for the following year. Upon re-application by a previously retired Member of the Club, the Management Committee may, at its discretion, excuse the payment of an Entrance Fee.

46. A Member's Subscription shall be regarded as overdue if unpaid on the 1st March in any year and the Management Committee may direct that the name of such Member shall be prominently posted in the Club House and that they be excluded from the Club premises. The Management Committee may cancel without notice given, the Membership of any Member whose annual subscription and other annual fees are more than three months in arrears, provided that the Management Committee may, at its discretion, re-instate such Member upon payment of arrears. No Member whose annual payments are in arrears may enter any Club event or regatta, use the Club premises or facilities nor vote at any meeting.

#### Resignation and Expulsion of Members

47. Any discreditable conduct, either in or out of the Club or breach of the rules by a Member, shall be immediately reported to the Management Committee who shall investigate the same, and, if they deem necessary deal with the Member under Rule 50 of the Club or otherwise. Provided that any Member of the Club discovered to be guilty of committing or inducing or attempting to induce another Member of the Club to commit a breach of Rule 23 shall be suspended from all rights, privileges of Membership, including the rights to enter the Club premises for a minimum period of two months. Such period of suspension to commence at such time as the Management Committee shall in its absolute discretion think fit.

48. The Honorary Secretary or any other person, who has received the authority of two members of the Management Committee, may expel, temporarily or for an extended period, any person who has the right to the use of the Club premises under Rules 33 and 34.

#### Divided Ownership

49. When any yacht is the property of more than one person, all the joint owners must be Full or Family Members of the Club, before any of the owners of such yacht shall be entitled to the privileges of the Club.

#### Conduct of Members

50. Every Member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with, the Club Rules and the current Byelaws and Regulations of the Club. Any refusal or neglect to do so, or any conduct which, in the opinion of the Management Committee, is either unworthy of a Member or otherwise injurious to the interests of the Club, shall render a Member liable to expulsion by the Management Committee.

PROVIDED THAT, before expelling a Member, the Management Committee shall call upon such Member for a written explanation of the Member's conduct and shall give the Member full opportunity of making explanation to the Management Committee, or of resigning.

A Resolution to expel a Member shall be carried by a simple majority vote by those members of the Management Committee present and voting on the Resolution. A person ceasing to be a Member of the Club under this Rule shall forfeit all rights to and claims upon the Club and its property and funds, prior to and subsequent to the date of cessation of Membership.

51. A Member shall not cause any communication in whatever form to be exhibited on Club notice boards or premises without permission of the Honorary Secretary.

52. A Member shall settle any indebtedness for refreshment or otherwise before leaving the Club premises

#### Guests/Visitors/Friends

53. A Full or adult Family Member may introduce friends to the Club in the following manner:-

(1) no more than three friends in any one day, or..

(2) up to six friends, when such friends' primary purpose for being on Club premises is connected with sailing on the yacht(s) of the Member on that particular day, or..

(3) up to fifty friends but only for the purpose of attending a function or event organised either by the Club for the Member or by the Member himself.

The same Visitor cannot be introduced more than six times in the same year. The Full or Family Member must accompany his/her Visitor(s) at all times.

54. A Visitor shall, immediately on his or her admission to the Club premises, enter his or her name and address in a Visitor's Book which shall be kept for that purpose, and the Full/Family Member accompanying the Visitor(s) shall counter-sign the book, showing the date of each visit. Any Member so introducing a Visitor or Visitors shall be entirely responsible for the conduct of his or her Visitor(s) whilst on Club premises.

55. A Visitor shall not be supplied with intoxicating liquor in the Club premises unless upon the invitation and in company of a Full / Family Member and after having duly signed into the Visitor's Book. A parent, husband, wife or child may accompany a member on Club premises without limit to number of visits.

#### Club Property

56. No Club property is to be taken away from the Club without the express permission of the Management Committee. A Member shall not knowingly remove, injure, destroy or damage any property of the Club. Any Member damaging or destroying any property of the Club by accident or otherwise, shall promptly make good the loss to the satisfaction of the Management Committee. If the loss be caused by a Visitor the introducing Member shall make it good to the satisfaction of the Management Committee.

#### Suggestions and Complaints

57. Suggestions and Complaints of any nature relating to the management of the Club premises shall be addressed in writing to the Honorary Secretary. Under no circumstances shall a Servant of the Club be personally reprimanded by a Member.

#### Limitation of Club Liability

58. Members, their Guests and Visitors are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises:-

Members of the Club, their Guests or Visitors may use the Club premises, and any other facilities of the Club, entirely at their own risk and impliedly accept:

(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 of personal injury arising out of the use of the Club premises, or any other facilities of the Club either 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 them, the Officers, Management Committee or Servants of the Club.

59. 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.

#### Abandoned Property

60. In addition to the powers given to the Management Committee under Rules 16 and 46 hereof if, at any time, any fees payable to the Club by any Member or former member ( whether by way of arrears of subscriptions or facilities fees, park fees or otherwise ) shall be four months in arrears and a boat and / or trailer the property of a member remains upon the Club premises, then the member or former member shall remove the boat and /or trailer from the Club immediately. If the member or former member fails to remove the boat and / or trailer the Management Committee may:-

(a) Move the vessel to any part of the Club premises without being liable for any loss or damage to the vessel howsoever caused.

(b) Give one month's notice in writing to the Member or former Member at his last known address as shown in the Club Register and thereafter sell the boat and / or trailer and deduct any monies due to the Club from the net proceeds of sale before accounting for the balance ( if any ) to the member or former member.

(c) Alternatively, if the vessel is unsaleable, after giving notice in writing as aforesaid, dispose of the boat and / or trailer in any manner the Management Committee may think fit and deem the cost of so doing and any arrears as aforesaid to be a debt owing to the Club by the Member or former Member.

PROVIDED ALWAYS THAT:- Proper evidence is available to show that all reasonable steps have been taken to trace a Member or former Member and that when and if the vessel is sold the proceeds of sale (less any indebtedness by the Member or former Member to the Club) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he or she be the said member or otherwise) for a period of six years.

Lien.

61. In addition to Rule 60 the Club shall at all times have a lien over members or former members' boats and / or trailers on the Club premises in respect of all monies due to the Club whether in respect of arrears of facilities fees or subscriptions or otherwise and shall be entitled to retain possession of the boats and / or trailers until such time as all monies due to the Club have been paid in full.

Acknowledgement

62. The members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

## SECTION 5 – TRUSTEES

63. There shall be at least three Trustees of the Club who shall be appointed from time to time as necessary by election at any General or Special General Meeting 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 giving notice in writing to the Management Committee, or until a resolution removing him from office shall be passed at a meeting of the Club by a majority comprising two-thirds of the Members present and entitled to vote.

64. All the 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. In the event of death, resignation, or removal from office of a Trustee, the Management Committee shall nominate a new Trustee in his place, and shall as soon as possible after the election of the new Trustee at a General Meeting of the Club take all lawful and practicable steps to procure the vesting of all Club property into the names of the Trustees as constituted after such election.

For the purpose of giving effect to any such election, the Honorary Secretary for the time being 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 shall by Deed duly appoint the person or persons so elected by the Club.

65. 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 Management 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 Management Committee's directions (which shall be duly recorded in the Minutes of the proceedings of the Management Committee) but no purchaser, lessee or mortgage shall be concerned to enquire whether any such direction has been given.

#### 66. Indemnity of Trustees

(a) The Trustees shall be effectually indemnified by the Management Committee out of the assets of the Club from and against any liability, costs, expenses and payments whatsoever which may be properly incurred or made by them in the exercise of their duties or 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.

(b) 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.

### SECTION 6 – MEETINGS OF THE CLUB

67. An Annual General Meeting of the Club shall be held each year in the month of November on a date and at a time to be fixed by the Management Committee, for the following purposes:-

(1) To receive from the Management Committee, a Report, Balance Sheet and Statement of Accounts for the preceding financial year ended 30th September.

(2) To elect Officers of the Club and the members of the Management Committee for the forth coming year.

(3) To appoint Auditors for the current financial year.

(4) To decide on any resolution which may be duly submitted to the meeting as hereinafter provided.

(5) To elect Trustees as necessary.

The Honorary Secretary shall at least fourteen days before the date of such meeting or of any General Meeting as hereinafter mentioned post or deliver to each Member of the Club notice hereof and of the business to be brought forward thereat.

68. No business, except the passing of the Accounts and the election of the Officers, Management Committee, Trustees and Honorary Auditors, and any business that the Management Committee may order to be inserted in the notice convening the meeting shall be discussed at such meeting unless notice thereof be given in writing by a Member entitled to vote to the Honorary Secretary at least twenty one days before the date of a General Meeting.

69. The Management Committee may at any time, upon giving fourteen days notice in writing, call a General Meeting of the Club for any special business, the nature of which shall be stated in the summons convening the meeting, and the discussion at such meeting shall be confined to the business stated in the notice sent to Members.

70. The Management Committee shall similarly call a Special General Meeting upon a written request addressed to the Honorary Secretary signed by either twelve or 20% of the voting Members of the Club, whichever number is the least. The discussion at such meeting shall be confined to the business stated in the notice sent to Members.

71. At every meeting of the Club the Commodore or, in his absence, the senior Club Officer present shall preside.

72. A quorum at any meeting of the Club shall comprise 15% of the Club Membership with voting rights, excepting that in the event of a General Meeting having to be re-convened due to a failure to achieve a full quorum at the original meeting there shall be no minimum limit on the number of Members required to make a quorum at the re-scheduled meeting, providing always that at least fourteen days notice of the re-convened meeting is given.

73. Only Full, Family and Honorary Members shall vote at any meeting of the Club. Other Members may attend but are not entitled to vote.

74. Voting, except upon the election of members of the Management Committee, shall be by a show of hands.

75. In the case of an equality of votes the Chairman shall have a second or casting vote, on any matter other than the election of members of the Management Committee.

76. On any resolution properly put to a meeting of the Club relating to the creation, repeal or amendment of any Rule, or Regulation of the Club such Rule, or Regulation shall not be created, repealed or amended except by a majority vote of at least two-thirds of those present and entitled to vote.

77. All Members of the Club, whether voting on such resolution or not, and all persons becoming Members of the Club after the passing of such resolution shall be deemed to have assented to the same as if they had voted in favour of such resolution.

## SECTION 7 – DISSOLUTION OF THE CLUB

78. If the Club by resolution passed at a General meeting, confirmed by resolution at a subsequent General Meeting held not less than twenty one days after the first meeting, shall resolve to be wound up, the Trustees shall thereupon proceed to satisfy all debts and liabilities of the Club by disposing of the Club assets. 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 but shall be held in trust until they can be transferred to an institution or to an organisation with objects similar to those of Kircubbin Sailing Club, provided that such an institution's or such an organisation's rules similarly preclude the distribution of such assets to its members and if and so far as, effect cannot be given to such provision then to some charitable object.

## SECTION 8 – INTERPRETATION

79. In the Rules of the Club, unless the context requires otherwise, the use of the masculine shall include the feminine, the singular the plural and the plural the singular.

The Management Committee shall be the authority in interpreting the meaning and application of any Rule, Regulation or Bye-Law of the Club.

80. These Rules may at any time be altered by a resolution at a General Meeting of the Club in accordance with Section 6.

## SECTION 9 – FINANCE

81. The financial year of the Club shall end on 30th September each year to which day the accounts of the Club shall be balanced. Correct accounts and books shall be kept showing the receipts, expenditure and financial affairs of the Club.

82. The Club may from time to time borrow for the purposes of the Club such amount of money and on such terms and in such form and manner, and may make such dispositions of the Club property and enter into such agreements for the purpose of giving security for such loans as shall be specified in a resolution of the Club, passed at any General Meeting thereof.

83. The Club's assets and finances shall be used solely to further the objects of the Club. At no time or under no circumstances shall assets of the Club be distributed among Members on an interim or winding-up basis.

**The Club Rules were last updated at the Annual General Meeting  
held on Sunday 21<sup>st</sup> November 2021.**

*ver 21.00*

../contd. overleaf

## BYELAWS

1. Use of the Club's facilities for each category of Membership shall be as follows:-

- a.) A FULL MEMBER shall have the full use of all Club facilities.
- b.) A FAMILY MEMBER, his/her spouse and all the children under the age of eighteen (twenty-one if in full time education) shall have the full use of all Club facilities subject only to Rules 25 & 26.
- c.) A JUNIOR MEMBER shall have the full use of all Club facilities subject only to Rules 25 & 26.
- d.) An HONORARY MEMBER shall have the full use of all the Club facilities.
- e.) A CREW MEMBER shall have the full use of the Club house facilities and shall be permitted to crew on a Full Members yacht or boat but shall not avail himself of Club facilities for the use of any craft belonging to him either in whole or in part, or loaned to or hired by him.
- f.) A SOCIAL MEMBER shall have the use of the Club-house facilities only [see *Rule 32 f*].
- g.) An OUTPORT MEMBER shall have the full use of all the Club house facilities and shall be permitted to crew on a Full Members yacht or boat but shall not avail himself of Club facilities for the use of any craft belonging to him either in whole or in part, or loaned to or hired by him.

2. Cars may only be parked in areas designated for such parking so as not to cause an obstruction to other cars or to the approaches to the Club premises.

3. The Club premises shall be open to Members at such times as the Management Committee shall direct. The present hours for the sale of intoxicating liquor are as follows:-

Monday	- None
Tuesday	- None
Wednesday	- None
Thursday	- None
Friday	- None
Saturday	- None
Sunday	- 4:30 – 7:30.

The bar will be open at these hours or at such other hours as may be decided by the Management Committee subject to any restrictions imposed from time to time by the Licensing Justices.

4. Life-jackets or personal buoyancy aids shall be worn by all Members and their guests whilst afloat during Club activities. Members, their guests and visitors are recommended to wear life jackets or personal buoyancy at all times when afloat.

5. E-cigarettes and similar 'vaping' devices shall be subject to the same restrictions in use on the Club premises as shall apply to conventional smoking products.

***The current Byelaws are those in effect following the Annual General Meeting held on Sunday 18<sup>th</sup> November 2018.***