

# **RULES**

***(Adopted 1<sup>st</sup> March 2010)***

## **INTERPRETATION**

1. The Committee of the Royal Burnham Yacht Club (“the Club”) makes these Rules in accordance with the Articles of Association to which they are subject. Unless inconsistent with the context, the singular shall include the plural, and the masculine shall include the feminine, and vice versa.

## **CLUB INSIGNIA, ETC**

2. The Burgee of the Club shall be a Red St. George’s Cross with a Dark Blue Border on each side of the Red, and a Royal Crown in the Centre of the Cross.
3. The Ensign of the Club shall be the Blue Ensign defaced by the Royal Crown as authorised by the Admiralty on 7<sup>th</sup> May 1928. A warrant or certificate to wear the Ensign in accordance with the conditions imposed from time to time by the Admiralty or its agent must be held by the owner of the yacht in question. Warrants will be issued only to Full Members, Honorary Life Members and Honorary Members. If that Member resigns or transfers to another class of membership, the warrant or certificate must be surrendered immediately to the Secretary.
4. For male Members attending formal occasions Mess Kit, Yachting Dress or Black Tie will be worn at the Member’s option or as specified for each event by the Committee. Ladies shall dress as the occasion requires.

## **MEMBERSHIP**

5. The following provisions shall apply to classes of Membership:
  - 5.1 Full Member: this shall be the class of membership into which new Members are elected except as provided by the Articles of Association or these Rules.
  - 5.2 Cadet Members: this class shall be divided into Juniors (being under 18 years of age) and Seniors (being 18 years of age or more and

under 21 years of age) at the commencement of a financial year of the Club.

5.2.1 Rules covering cadets will be notified or posted on the notice boards from time to time as circumstances may require.

5.2.2. A candidate for Cadet Membership who is under the age of 18 and who is not proposed or seconded by a parent who is a Full Member shall not be elected unless the Committee is satisfied that some other Full Member is prepared to accept responsibility for their safety, behaviour, subscription and accounts as a Cadet Member.

5.3 Country Members: Members, or at the discretion of the Committee potential Members, whose normal place of residence lies beyond a 75 miles radius of the Club and who have no secondary residence in or near Burnham on Crouch may be considered for transfer to or admission as Country Members.

5.4 Overseas Members: Members who have taken up residence overseas and are, in the opinion of the Committee, unlikely to avail themselves the facilities of the Club for more than 21 days in any year may be transferred to Overseas Membership. At the discretion of the Committee, applications from potential Members who reside overseas may also be considered for membership under this Rule.

5.5 Honorary Members and Honorary Life Members: Election to such membership shall be in accordance with the Articles of Association.

5.6 Temporary Members: Temporary Members may be elected for a period of not more than three months and at the expiration of any period of temporary Membership may at the discretion of the Committee be elected for a further and final period of three months. The election shall be by the Committee and the subscription (if any) shall be decided by the Committee. No Temporary Member shall be admitted to the rights and privileges of Temporary Membership until their subscription has been paid.

5.7 Yachting Temporary Members: Owners, skippers and / or other owners' representatives on board visiting yachts, being themselves members of a recognised yacht or sailing club, and the other guests on board, may become Yachting Temporary Members on the

invitation of the Secretary acting on behalf of the Flag Officers and Members. Such Membership shall last for the duration of the yacht's stay at Burnham or (if longer) for a period not exceeding three weeks unless the Committee decides otherwise.

5.8 The Committee authorises the Secretary or the Club Steward to extend courtesy to members of other yacht clubs who make themselves known and who sign the visitors' book.

5.9 Life Members: Life Membership is in abeyance except in respect of those Members in that class of membership at the date of these Rules.

6. The following provisions shall apply to all categories of Membership:

6.1 Save for Full Members, no Member shall be entitled to vote at Meetings of Members and they shall not be entitled to any share in the property of the Club.

6.2 Notwithstanding any other provision of the Rules, no person shall be entitled to be admitted to Membership in any category or be admitted as candidates for Membership in any category without an interval of at least two days between their nomination and their admission as a Member.

## **NEW MEMBERS**

7. Two Full Members shall propose every Candidate for Membership.

7.1 At least one of the proposers shall have at least three years Membership from the date of their election to the Club.

7.2 Proposals for Membership shall be:

i) in writing in the form settled by the Committee, and

ii) sent to the Secretary,

and after consideration by the Committee shall be posted on the Club Notice Board for not less than fourteen days. Subject to paragraphs 7.3 to 7.7 below, at the expiry of that period of 14 days they shall be deemed to be elected.

- 7.3 If at the meeting of the Committee where that proposal for Membership is considered there should be one vote in four against the Candidate, they shall not be so posted but may be eligible for election at a later date.
- 7.4 If after posting as aforesaid, the Secretary shall receive any objection in writing from a Full Member to election of the Candidate, then the nomination shall be considered at a further meeting of the Committee. If at such meeting there shall be one vote in four against the Candidate, they shall be deemed to be rejected for Membership and shall not become a Member but otherwise they shall be deemed to be a Member after that committee meeting.
- 7.5 Those elected to the Membership shall pay their entrance fee (if any) and first subscription or instalment thereof within one month of election, and if not so paid their membership may be declared void by the Committee. No Member shall be entitled to any of the privileges of the Club until the entrance fee (if any) and the first subscription or instalment thereof has been paid.
- 7.6 Subject to Rule 6.2 above, a candidate for Membership duly proposed and seconded may, with the approval of a Flag Officer acting on behalf of the Committee, be made a Temporary Member without entrance fee or subscription, pending the decision of the Committee.
- 7.7 If a candidate is rejected for Membership they shall not in any circumstances use the Club again, or be introduced to it as a guest.

## **RESIGNATION AND CHANGES IN CATEGORY OF MEMBERS**

8. If a Member wishes to resign they shall give notice in writing to the Secretary. Their membership shall then cease at the end of the calendar month in which notice is given, and they shall remain liable for all subscriptions due up to this date.

The Committee shall at all times have the power to accept the resignation of any member on such terms as they may consider appropriate in the circumstances.

9. A Member may change their category of Membership with the consent of the Committee. If a Member wishes to change their Membership category they shall give notice in writing to the Secretary. A Member shall remain in their existing category until the Committee agrees otherwise and subject to such terms as the Committee shall require. The new category of membership shall come into force from the start of the month following the decision of the Committee.

## **FINANCIAL**

10. The Club's Financial Year begins on 1<sup>st</sup> October and ends on 30<sup>th</sup> September. The Subscription Year runs from 1<sup>st</sup> April to 31<sup>st</sup> March.
11. Details of Entrance Fees (if any) shall be published at the discretion of the Committee.
12. Subscriptions shall be due for payment on 1<sup>st</sup> April each year, either in full or by instalments payable by monthly direct debit.
13. The Committee shall set the rates for subscriptions for the Membership categories. Subscriptions will normally be reviewed for change on the 1<sup>st</sup> April annually, and a minimum of 30 days notice shall be given to members of any changes. The Committee shall have absolute discretion for setting the level of Subscriptions subject to Article 2 of the Articles of Association.
  - 13.1 The Committee may decide that two Full Members who are in a long-term relationship, are both residing at the same address, and who do not enjoy a reduced rate of subscription under Rule 13.2 or 13.3 are entitled to pay a joint subscription rate such as the Committee may from time to time set.

When such a decision is made, the two Full Members may be referred to as Joint Members but their rights as individual Full Members are not otherwise affected.
  - 13.2 Full Members between the ages of 21 and 25 may enjoy reduced rates of subscription such as the Committee may from time to time set.
  - 13.3 Full Members of the age of 65 years or over shall be entitled to continued Full Membership at such reduced rates of subscription as the Committee may from time to time set, provided that the

Secretary has sufficient information available to determine such entitlement.

- 13.4 In the first year of membership a pro rata subscription at the applicable subscription rate will be paid.
14. The Committee may decide that a supplementary subscription shall be payable in any one subscription year in addition to the normal subscription for that year providing that the resulting increase complies with Article 2 of the Articles of Association.
15. For so long as any Member's subscription is unpaid, or instalments are in arrears, they shall not be entitled to attend Members Meetings or Committee meetings.
16. All members shall pay every expense they incur in the Club, which is not discharged at the time the expense is incurred, or other sums due to the Club, on presentation of an account. If any such account shall be overdue and unpaid for more than 30 days after it shall have been sent to the Member concerned they shall be liable to pay the following in addition to the outstanding sum:
- a) a surcharge of 5 per cent of the total amount of such account outstanding after 30 days; and
  - b) a further surcharge being 10 percent of any amount shown as outstanding (including any unpaid surcharge due pursuant to Rule 16.a)) after 60 days.
17. If any Member fails to pay their account 14 days after written notice authorised by the Committee and signed by the Commodore or the Treasurer has been sent requesting payment then the Committee may terminate their Membership. Such termination shall be without prejudice to the rights of the Club to recover sums due from the Member.
18. The Committee may at any time suspend the right to credit from the Club of any Member who is in arrears with their Club account.
19. The Committee shall have power in its absolute discretion by resolution to that effect to suspend the operation of Rules 16 to 18 in any circumstances in which they consider it appropriate to do so.

## **PREMISES AND LICENSING**

20. The Club's premises shall be open for the use of Members at all times subject to such limitations and regulations (including the closing of the Clubhouse or any part or parts thereof) as may from time to time be settled by the Committee and of which notice shall be sent to Members or displayed on the Club Notice Board.
21. In a case where it would not be practicable to call a Committee meeting for the purpose, the Commodore acting with one other Flag Officer may agree to the closure of the Club for a private function if they reasonably consider that to leave the Club open to Members would impinge on the privacy of the function and would not significantly inconvenience Members. Notice of such a closure will be given to the Members and posted on the Club Notice Board as soon as possible.
22. The hours of opening and closing the bars for the sale of alcohol shall be decided from time to time by the Committee and as permitted by law.
23. Any Member of the Club shall have the privilege of introducing visitors who are well known to them provided that any such visitor has not been rejected as a Candidate for election, or that their name has not been struck off the list of Members.
  - 23.1 The same visitor shall not be introduced more than four times in any financial year.
  - 23.2 The Member introducing a visitor shall be held responsible that the character and status of the visitor are such as will be acceptable to the Members, and their name shall be entered in the Visitors' Book.
24. The Committee shall make such rules as are required to comply with the terms of the Club's Licence.

## **CONDUCT OF MEMBERS**

25. The Committee may suspend or curtail the privileges of any Member who:
  - i) commits a breach of the Articles or Rules of the Club;
  - ii) institutes any legal proceedings (other than for any claim for death or personal injury),

- iii) makes any claim or counter-claim against the Club (other than for any claim for death or personal injury),
- iv) commits any unlawful or criminal acts (including, for the avoidance of doubt, any gambling, supplying or consuming of drugs or other banned substances) on any part of the premises of the Club, or
- v) acts in any other way in a manner unbecoming a member of the Club.

provided that the Member affected shall be notified thereof in writing. Any such Member may within seven days after the date of receipt of such notice give notice in writing to the Secretary of appeal to the Club in General Meeting. The Secretary shall convene such General Meeting within 21 days of receipt of such notice.

- 26. Animals (other than guide dogs or hearing dogs) shall not be brought into any of the public rooms of the Club.
- 27. The Club's premises shall not be used for the repair, maintenance, cleaning or permanent parking of any motor vehicle.
- 28. No Member shall take away from the Clubhouse upon any pretext whatever any book, pamphlet, newspaper, or other article the property of the Club.
- 29. No Notice, announcement or proposal shall be posted in the Club, (nor, if referring to the Club's affairs, be communicated to the media) by any Member without the consent of the Commodore first being obtained.
- 30. The Club shall not be responsible for the loss of or damage to any property of Members or visitors.
- 31. Members shall be mindful of the fact that Club staff members are not allowed to accept gratuities.

## **ADMINISTRATIVE**

- 32. Any Member having cause to complain is requested to address their complaint in writing to the Commodore or Secretary, who may place it before the next meeting of the Committee.

33. Any matter not provided for by these Rules shall be referred to the Committee whose decision shall be final.
34. Any Officer, Flag Officer, or Committee Member of the Club who has an interest (otherwise than as a Member of the Club) in any matter arising for consideration at any meeting of the Committee or any sub-Committee shall declare the nature and extent of their interest. Any such person having any such interest shall not vote on any such matter and if they do so their vote shall not be counted. The nature and extent of any such interest shall be recorded in the minutes and the person concerned shall, if requested by the Chair of the meeting, leave while the matter is under discussion.
35. The Finance Sub-Committee shall consist of the Flag Officers, the Treasurer (if any) and may include not more than three members of the Club appointed annually by the Committee and subject thereto.
  - 35.1 A quorum shall consist of three; at least two of which shall be either Flag Officers or a Flag Officer and the Treasurer.
  - 35.2 The Committee may from time to time direct what expense the Finance Sub-Committee may authorise without further reference to the Committee.

## **SAILING**

36. The Sailing Sub-Committee shall consist of the Flag Officers, the Sailing Secretary (if any) and Class Captains. The quorum shall be three. The conduct of matters pertaining to sailing and racing is delegated by the Committee to the Sailing Sub-Committee but subject to the power of the Committee to change any decision of the Sailing Committee. The Sailing Sub-Committee shall submit all decisions in respect of safety and of incurring expenditure or liability to the Committee for prior approval.
37. The Sailing Sub-Committee shall establish and keep up to date a Club safety policy for sailing ('The Safety Policy'). The Safety Policy shall be subject to the approval of the Committee.
38. The Sailing Sub-Committee shall approve the Club's Sailing Programme and Sailing Instructions as early as possible in the year to which they apply, and all Club racing shall be conducted in accordance with the relevant Sailing Instructions.

39. Without prejudice to the provisions of the Safety Policy or the Club's Sailing Instructions, the Sailing Sub-Committee shall have power to make any change to the Sailing Programme as it may deem appropriate.

## **LIEN**

40. In the event that any sums payable by a Member to the Club are overdue by more than 14 days and a written demand for payment shall have been sent to the Member at the last address notified in writing to the Secretary then all sums outstanding on that Member's account shall forthwith be due and payable.

40.1 Forthwith after a written demand for payment shall be sent in accordance with Rule 40, any and all property belonging to such Member which shall from time to time be on the land or premises of the Club shall become subject to a lien in favour of the Club in respect of all sums due to the Club.

40.2 The lien may be exercised by the Club (acting by any Flag Officer or employee) taking possession of such property on behalf of the Club. Such property may be detained and/ or sold in order to defray all or part of the debt due. When exercising such lien and right of detention or sale the Club and every Flag Officer, Committee Member and/ or employee shall have no duty to the owner of the property in question other than the duty not to act dishonestly and to act without malice. Such property shall be at the risk of the Member and they shall have no recourse to the Club (or any Flag Officer, General Committee Member or employee) for any loss or damage to such property or connected with such property howsoever caused and of whatever nature.

40.3 Where the Club exercises the lien and/ or other rights under this Rule 40 and any person claims that they have suffered any loss or damage as a result of such actions the Member whose debt has caused the Club to take action against the property shall indemnify the Club (and every Flag Officer, Committee Member and/ or employee) against all sums that they may be or become liable to pay as a result (with the exception of any loss or damage due to actual dishonesty and malice committed in person).

40.4 The rights of the Club under Rule 40 shall be without prejudice to any other right of action and/ or recovery available to the Club.