

Peterhead Sailing Club Constitution

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No counter-proposals received by the Secretary by 1 November
2nd draft was posted in the clubhouse from 4 November 1995.
2nd draft proposed to the membership at AGM 15 November 1995
Subsequently amended at AGM 29 November 2009
Subsequently amended at AGM 12 December 2010
Subsequently amended at AGM 5 December 2021*

1. Name

The name of the club shall be “Peterhead Sailing Club”, hereinafter referred to as “PSC” or the “club”.

2. Objectives

The objectives of PSC. shall be to develop and encourage all water based sports at Peterhead and adjacent areas, with the activities being based at Peterhead Lido, Marina, Harbour of Refuge and adjacent waters.

3. Royal Yachting Association

PSC shall be affiliated to the Royal Yachting Association.

4. Membership

Membership is available to any individual, club, school or organisation who wish to be members of, or affiliated to PSC There shall be the following categories of membership with power to vote at all meetings of the club as indicated hereunder.

A Full Member - being a person who at the date of admission , is over the age of sixteen, shall have one vote. Shall have full use of all the club facilities.

A Family Membership - which expression shall include one or two adults and all their children under eighteen years of age. The family unit shall have two votes exercisable by either or both adults. All shall have full use of all the club facilities.

A Youth Member - being a person who at the date of admission is under the age of sixteen, paying a reduced fee, shall have no vote but shall have full use of all the club facilities.

A Social Member - who shall have no vote but shall have full use of the clubhouse facilities.

A Watersports Member - being an individual who is involved in water based activities other than sailing. Shall have one vote and full use of the clubhouse facilities.

An Honorary Member - an individual awarded membership by the committee in recognition of outstanding services to PSC and shall have no vote but shall have full use of the clubhouse facilities.

Affiliated Membership - active watersports organisations affiliated to the club shall have two votes and shall have full use of all the club facilities.

A Temporary Member - who shall have no vote. A temporary member (which expression may include members of another RYA recognised club or organisation) shall have the full use of the club facilities but:-

- (a) Shall have no right to enter club races or regattas unless specifically authorised by the Committee.
- (b) Shall have no right to introduce guests to the club or the facilities thereof (except as may be authorised by the Committee).
- (c) Shall be subject to such rules as may be introduced by the Committee.

In addition, members of the club may introduce not more than two guests in any one day and the same guest may not be introduced more than four times in any calendar year. Guests shall be required to sign the club log/visitor book.

5. Membership Fees

5.1 The charges for each category of membership, boat parking and race fees shall be proposed by the committee to the members at the Annual General Meeting each year. The charges agreed shall be prominently displayed at the clubhouse. Members are responsible for insuring their own boats and must maintain cover for any boat owned or part owned that includes racing & dinghy park risks and third party and public liability cover for at least £3,000,000

5.2 At a time of fund raising, the committee may choose to make Life Memberships available for a fee. No additional life memberships shall be created if to do so would cause the proportion of Life Memberships to exceed twenty per cent of the total membership; for the purposes of this rule a Family membership shall be counted as two members.

5.3 The fee for affiliation of organisations shall be determined by the Committee and shall be based *pro rata* on the number of boats and individuals belonging to the affiliated organisation that will use the facilities of the club.

5.4 Temporary Memberships are primarily a mechanism to ensure that any participants in Club activities who are not currently in any other category of membership, are adequately covered for insurance purposes. The Committee has the right to restrict or waive the prevailing temporary membership fee amount, depending on the circumstances of the individual or group.

5.5 The Committee may cancel, without notice being given, the membership of any member whose annual subscription and other annual fees are more than three months in arrears provided that the Committee may, at its discretion, re-instate such member upon payment of arrears. No member whose annual payment is in arrears may enter any club event or regatta or vote at any meeting.

6. Expulsion of Members

6.1. Every member is deemed to have notice of, and impliedly to comply with, the club rules, and the current Policies and Procedures of the Club. Any refusal or neglect to do so, or any conduct which in the opinion of the 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 Committee.

6.2. Before expelling a member, the Committee shall call upon such member to attend a meeting (if they so wish with a friend who is a member) and shall give the member full opportunity of making explanation to the Committee, or of resigning. A resolution to expel a member shall be carried by a simple majority vote of those members of the Committee present and voting on the resolution.

6.3. A member expelled by the committee shall have the right to appeal against his expulsion by addressing the next following Annual General Meeting. Notice of the appeal must be given to the Secretary no later than 14 days after the date of the committee's decision to expel the member.

7. Limitation of Club Liability

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 membership 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 membership will not accept any liability of personal injury arising out of the use of the club premises, 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, Committee or servants of the club.

8. Personal Data

Membership of the club and acceptance of these rules by the member will be deemed to constitute consent to process personal data in accordance with the General Data Protection Regulation 2016 as detailed in the Club Data Protection Policy

9. Committee

9.1. At the AGM the membership shall elect a committee consisting of nine members, these will be:

Commodore;
Treasurer;
Secretary;
Six individual or family members.

9.2. Members who wish to stand for election to the club's committee should be proposed and seconded by two members of the club with voting rights. Candidates should be members of the club with voting rights. Nominations should be forwarded to the club Secretary at least twenty one days before the Annual General Meeting. Such nominations together with the names of the proposer and seconder shall be posted in the clubhouse at least fourteen days prior to the date of the Annual General Meeting.

9.3 The Committee may co-opt individuals onto the committee in the following situations:-

- (a) To fill vacancies on the committee. Those co-opted must have voting rights and no more than two such co- options will be allowed during the life of any one committee.
- (b) People who have specialist skills or knowledge which the committee deem desirable for a period of time or to assist with a particular project.
- (c) To facilitate representation and engagement with youth and other members not having voting rights.

These co-opted members in categories (b) and (c) shall have no committee rights (voting etc.)

9.5. The Committee shall meet at least four times a year, or more often if necessary. Minutes of the meetings after they are approved shall be posted in the club house or distributed to members by email.

9.6. The Commodore, or in his absence a chairman elected by those present, shall preside at meetings of the committee. The Commodore or chairman will have the right to exercise a casting vote to settle an issue when there is a tied vote.

9.7. The quorum for the Committee shall be 5 members personally present.

10. Powers and Duties of the Committee

Finance

10.1 The committee shall be considered responsible for the control and administration of the financial affairs of PSC and shall have the power to enter in to contract(s) on behalf of the members insofar as they may relate to the pursuit of the objectives of the club. PSC may raise funds by any of the following means.

- (a) Membership fees, payment of the fee determined by the AGM
- (b) Donations, from any interested party.
- (c) Sponsorship, provided it is in line with the objectives, and that the management and control remain with PSC
- (d) Fund raising, at the discretion of and with agreement from the committee.
- (e) The committee shall have the right to borrow up to £2000 without reference to the membership provided PSC's assets are sufficient to cover the total borrowing commitment. This will include bank overdraft facilities.

10.2 PSC shall maintain an account or accounts at a bank nominated by the committee. All cheques drawn against PSC funds shall be signed by the Treasurer plus either the Commodore or the Secretary.

10.3. An **auditor of accounts** will be proposed by the Committee and approved by the Annual General Meeting. If the auditor is unwilling or unable to act the Committee shall appoint a substitute to act until the termination of the next Annual General Meeting.

General

10.4. The management of all **property and assets** will be the responsibility of the committee of PSC

10.5. The committee will be responsible for the publishing and enforcement of such **rules** as they feel necessary to govern the activities of PSC.

10.6. The committee may appoint **sub-committees** to which it may delegate such of its powers as it may think fit; but the committee **shall not have power to delegate financial control**. Each sub-committee shall include at least one member of the club's committee and its terms of reference shall be laid down and minuted at the time of appointment.

11. Meetings of the Club

11.1. **The Annual General Meeting** (AGM) of the club shall be held in November of each year on a date to be fixed by the Committee and notified to the membership at least 30 days in advance. Members proposing business requiring voting of the membership at the meeting should inform the Secretary in writing at least 21 days before the date of the AGM. The Secretary shall give the membership at least fourteen days notice of the business to be discussed.

11.2 The AGM will receive at least:

The Commodore's report.

The Treasurer's report comprising an Audited Statement of the PSC financial affairs for the year to 30 September before the date of the meeting and the current financial statement.

Appointment of Auditors for the next year.

The membership and other fees for the next season.

Election of the new Committee

11.3. **Extra-ordinary General Meetings** may be called at the discretion of the Committee or, on receipt of a signed motion from 15% of the voting membership addressed to the Secretary. The membership shall receive at least twenty one days notice of the meeting and discussion at the meeting shall be confined to the business stated in the notice sent to members.

11.4. The Commodore, or in his absence a chairman elected by those present, shall preside at meetings of the club. The Commodore or chairman will have the right to exercise a casting vote to settle an issue when there is a tied vote.

11.5. **The quorum** for Annual or Extra-ordinary General Meetings will be 15% of the total membership or 20 members personally present (including serving members of the committee) whichever is the lesser.

11.6. At any meeting a simple **majority** of those present shall be sufficient to carry a motion except those motions dealing with changes to the Constitution and Dissolution. Only fully paid-up members in good standing are entitled to vote.

11.7. **Amendments to the Constitution** can only be considered by a general meeting and can only be considered if the full text is inserted in the notice of meeting distributed to members in accordance with rule 11.1 of the Constitution. Any resolution relating to change of the Constitution shall be by a **majority vote** of at least two-thirds of those present

12. The Clubhouse, Equipment and Assets

The club and its facilities are for the sole use of PSC members and their guests.

13. Dissolution of the Club

A motion to this effect can only be considered at an Annual or Extra-ordinary general meeting of the club and shall only be passed by a majority of two-thirds of the votes cast. In the event of such a motion being passed PSC shall satisfy all outstanding debts and liabilities by whatever means is deemed necessary. Any surplus assets shall not be paid or distributed amongst members of the club but shall be given to some other institution or institutions having similar objectives to PSC or failing that, some charitable objectives.

14. Non-Club Organised Events

If persons or organisations wish to run events utilising the clubhouse facilities and/or club equipment which are outside the club's set programme, they must first apply in writing to the club committee, via the Secretary, giving details of their specific requirements and of the proposed event. This written application should be submitted 1 month in advance. The committee's written response will be issued as timeously as practicable.

15. Abandoned Boats, trailers or trolleys

If, at any time fees payable by any member or former member shall be three months or more in arrears and a vessel, trailer or trolley the property of a member or former member remains upon PSC premises the committee may:

(i) Move the vessel, trailer or trolley to any other part of the PSC premises without being liable for any loss or damage to the vessel, trailer or trolley howsoever caused.

(ii) Give three months notice in writing to the member or former member at his last known address and by email and phone number shown in the club register, and thereafter place the vessel, trailer or trolley for sale by seven day online auction without reserve and deduct any monies due to PSC (whether by way of sale fees, arrears of subscription or annual payments, mooring, dinghy park fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.

If the vessel, trailer or trolley fails to sell then it shall be deemed unsaleable and disposed of as detailed in section (iii)

(iii) Alternatively if in the opinion of the committee the vessel, trailer or trolley is unsaleable; after giving notice in writing as aforesaid, dispose of the vessels in manner the Committee may think fit and deem the cost of doing and any arrears as aforesaid to be a debt to PSC by the member or former member.

Provided 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 the sale (less any indebtedness by member or former member of PSC) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he be the said member or former member or otherwise) for a period of six years. Any monies remaining unclaimed after this period shall be transferred to club funds.