

CONSTITUTION

As amended at the 38th AGM dated 9th March 2010

CLUB RULES

Name and Object (Key Rule)

1. The name of the club is the Broadwater Sailing Club.
2. The purposes of the Club are to promote and provide facilities for the amateur sport of sailing in the London Borough of Hillingdon and surrounds and community participation in the same.

Property and Funds (Key Rule)

3.
 - a) The property and funds of the Club cannot be used for the direct or indirect private benefit of members other than as reasonably allowed by the rules and all surplus income or profits are reinvested in the Club.
 - b) The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, away-match expenses, post match refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.
 - c) The Club may also in connection with the sports purposes of the Club.
 - d) Sell and supply food, drink and related sports clothing and equipment.
 - e) Employ members (though not for sailing) and remunerate them for providing goods and services, on fair terms set by the Committee without the person concerned being present.
 - f) Pay for reasonable hospitality for visiting teams and guests.
 - g) Indemnify the Committee and Members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets).
 - h) The Committee will have due regard to the law on disability discrimination and child protection.

Membership General (Key Rule)

4.
 - a) Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities is allowable on a non discriminatory basis.
 - b) The Club may have different classes of membership and subscription on a non discriminatory and fair basis. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating.
 - c) The Club Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal or removal may be made to the members.

Membership Particulars

5. The categories of membership shall be as follows: -

Full Member - A Full Member's subscription covers the use of the club facilities by the member's immediate family to include spouses, children and grandchildren and/or one named crew member not of the immediate family all of whom shall be deemed members. This subscription gives full membership and voting rights and in the case of a married couple, voting rights to both husband and wife but so that only one vote shall be enjoyed per subscription paid.

Senior Citizen Member - A Senior Citizen Member's subscription covers the use of the club facilities by the member's immediate family and/or one named crew member not of the immediate family. This subscription gives full membership and voting rights and in the case of a married couple, voting rights to both husband and wife but so that only one vote shall be enjoyed per subscription paid. This category of membership shall be open to any member aged over 60 not working and in receipt of a pension.

Junior Member - A Junior Member's subscription covers the use of the club facilities by the Junior Member who shall be under the age of 18 years. Junior Members are not eligible to vote at the general meetings of the club.

Student Member - A Student Member's subscription covers the use of the club facilities by the Student Member who shall be aged 18 years or over and in full time education. Student Members are not eligible to vote at general meetings of the club.

Associate Member - An Associate Member's subscription covers the use of the club facilities by the Associate Member other than the use of the sailing waters save as a crew member on either a boat owned by the club or by another member. Associate Members are not eligible to vote at general meetings of the club.

Temporary Member - Any person may apply for temporary membership for a period of up to ten days. A Temporary Member shall be admitted to the club upon paying his or her temporary membership fee having been nominated by one Full Member and seconded by another Full Member. The Temporary Member shall sign the guest book and his or her signature shall be confirmed by the signatures of their proposer and seconder. Such Temporary Members shall be entitled to the use of the club's facilities for that period when at least one Full Member is present save and except they shall not be entitled to purchase or consume alcoholic beverages on those occasions that such beverages are available. The Committee shall confirm such Temporary Members at the next Committee meeting.

Life Member - The club may in general meeting elect Life Members.

Non Discrimination

6. Membership is open to all and no person shall be discriminated against on the grounds of race, colour, ethnic or national origin, being male or female, married or unmarried or by reason of disability, age, sexual orientation, or religious or political beliefs.
7. Members other than Honorary Members may be elected at any meeting of the Committee duly convened for the purpose. Candidates may, and on the request of any one member of the Committee shall, be elected by ballot. In no case shall a person be admitted to membership without at least two days interval between application and election save and except that visitors attending the open meetings of the Club shall be deemed to be members for the day.
8. Every Member on joining the Club impliedly undertakes to comply with these rules and bye-laws and any refusal or neglect to do so or any conduct which in the opinion of the Committee is either unworthy of the Member or otherwise injurious to the interest of the Club shall render a Member liable to expulsion by the Committee provided that before expelling a member the Committee shall call upon him for an explanation of his conduct and shall give him an opportunity of defending himself or of resigning his membership.

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 Committee present vote in favour of the resolution.

Subscriptions

9. The amount of subscriptions will be fixed annually by the Committee and will be due on the 1st April each year. Any Member who is 28 days in arrears with his subscription shall be liable to expulsion at the discretion of the Committee.

Officers

10. The Officers of the club will comprise a Commodore, Vice Commodore, Honorary Secretary, Honorary Treasurer and such other Officers as considered necessary by the Committee. Officers will hold the office until the end of the next Annual General Meeting. The retiring Officers will be eligible for re-election.

Committee

11. The Club Officers and six (6) other Members all of whom must be elected at the Annual General Meeting will form the Committee. The Committee shall manage the affairs of the Club in its best interest and may make such bye-laws as they think necessary. Each Committee Member (including Officers) shall serve for two years and may stand for re-election. Half the number of elected members shall retire each year and may stand for re-election. The Committee has the power to temporarily co-opt other Members to the Committee or to serve on a special Sub-Committee.

Trustees

12. There shall be no more than four Trustees of the Club. The first Trustees shall be appointed by the Committee and the property of the Club (other than cash) shall be vested in them to be dealt with by them as the Committee shall from time to time direct by resolution (of which the entry in the minutes of the Committee shall be conclusive evidence). The Trustees shall be indemnified against risk and expense out of the Club's property. The Trustees shall hold office until death or resignation or until removed from office by a resolution of the Committee who may for any reason which may seem sufficient to a majority of them present and voting at any meeting remove any Trustee from the office of Trustee. Where by reason of any such death, resignation or removal it shall appear necessary to the Committee that a new Trustee or Trustees shall be appointed or if the Committee shall deem it expedient to appoint an additional Trustee or additional Trustees the Committee shall by resolution nominate the person or persons to be appointed the new Trustee or Trustees. For the purpose of giving effect to such nominations the Commodore is hereby nominated as the person to appoint new Trustees to the Club within the meaning of section 36 of the Trustees Act of 1952 and he shall by deed duly appoint the person or persons so nominated by the Committee as the new Trustee or Trustees of the Club and the new provisions of the Trustee Act 1952 shall apply to any such appointment. Any statement of fact in any such deed of appointment shall in favour of a person dealing bone fide and for value with the Club or the Committee be conclusive evidence of the fact so stated. Trustees have the right to attend Committee Meetings.

Auditor

13. An independent auditor shall be appointed at each AGM to audit the Club's accounts during the following year at a fee to be agreed by the Committee.

General Meeting

14.

- a) An Annual General Meeting shall be held at some convenient place before the 31st March in each year at a date to be fixed by the Commodore. The Honorary Secretary shall at least fourteen days clear before the date of such a meeting post or deliver to each Member notice thereof and of the business to be brought forward thereat.
- b) No business, except the passing of the accounts, the election of the Officers, Committee and Auditor, and any business that the Committee may order to be inserted in the notice convening the meeting, shall be discussed at such meeting unless notice thereof be given to the Honorary Secretary in writing at least 28 days prior to the meeting.
- c) The Committee may, on giving fourteen days notice, call an Extraordinary General Meeting of the Club for any specific business, the nature of which shall be stated in the summons convening the meeting, and the discussions at such meetings shall be confined to that business only.
- d) The Committee shall also call an Extraordinary General Meeting on the written request of eight Members.
- e) At any General Meeting of the Club each Member (other than a Honorary Member) shall have one vote; Honorary Members shall be entitled to attend a General Meeting. In case of an equality of votes the Chairman shall have a second or casting vote.

New Rules, Amendments and Alterations

15.

- a) Notice of any alteration or addition to the rules intended to be proposed by a Member of the Club shall be given to the Secretary in writing at least 28 days prior to the AGM.
- b) All such proposed alterations or additions and any amendments to them which may be proposed and seconded shall be put to the vote of the meeting, and provided that a show of hands or if demanded, on a poll, a majority of two-thirds of the votes of those Members present and voting shall be cast in favour of any proposed alterations or additions or amendments then the same shall be deemed to be carried.
- c) In the case that an urgent change is required to the Club Bye-Laws and rules either for reasons of safety for the membership or security of the Club premises then the Committee is empowered to make such new rule or bye-law or amend any existing rule or bye-law provided that not less than three quarters of the members of the Committee present vote in favour of such new rule, bye-law or amendment and provided further that such new rule, bye-law or amendment shall thereafter be confirmed either at the next Annual General Meeting or the Club or by the next Extraordinary General Meeting if such is called.

Insurance

16. It is a condition of membership that each Member will obtain and maintain minimum cover of £2,000,000 on his boat in respect of liability to third parties or such a sum that shall be deemed appropriate by the Committee whichever shall be the greater.
17. The Club, its Officers and Committee shall not be liable for any loss of life, personal injury, loss or damage of boats or any property of members or visitors either while sailing or engaged in any of the Club's activities notwithstanding that such loss of life, injury, loss or damage may have been caused by or through the negligence, act or omission on the part of the Club's Officers, Committee, servants or other persons.

The attendance of 'minors' shall be conditional upon their parents/guardians giving an indemnity against claims from or in respect of 'minors' arising from such loss of life, injury, loss or damage.

The registered Members is to be held responsible for the conduct of his family and guests, especially minors, whilst on Club premises and the water.

Supply of Liquor

18. Intoxicating liquor may be supplied to members and their guests for consumption on the club premises. Both members and their guests shall pay the appropriate charge as fixed by the Committee. Intoxicating liquor for consumption off the club premises may be supplied only to members.

Private benefit not to accrue on purchase etc of liquor

19. No person shall at any time be entitled to receive at the expense of the Club or of any member of the Club any commission percentage or similar payment on or with reference to purchases of intoxicating liquor by the Club; nor shall any person directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to members or guests or others so entitled apart from any benefit accruing to the Club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise to or contributing to a general gain from the carrying of the Club.

Club not to be used for business

20. No member shall give the address of the Club in any advertisement or use the Club address for business purposes.

Winding up of Club (Key Rule)

- 21.
- a) The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.
 - b) The Committee will then be responsible for the orderly winding up of the Club's affairs.
 - c) After settling all liabilities 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 registered charity and/or
 - ii) to another Club with similar sports purposes which is a registered CASC and/or
 - iii) to the Club's governing body for use by them for related community sports.

Priority (Key Rule)

22. Where there is any conflict between any of the above Rules ("key Rules") and any other rule or rules the key Rule(s) will take priority. Interpretation of all the Rules must be consistent with the statutory requirements for CASCs (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002.)