

SCARBOROUGH YACHT CLUB

RULES

(As revised at the Annual General Meeting 26th March 2022)

1. Style and Title, Objects, Station and Headquarters

The name of the Club shall be the Scarborough Yacht Club and its objects shall be the encouragement of Yachting and Boating, Amateur and Professional; Racing and Cruising; the improvement of Naval Architecture; the dissemination amongst the members of information relating to Yachting under sail or power, and other aquatic sports; taking joint action with any other Yacht Club and Yacht Clubs or any similar institution in any matter for the furtherance of a common purpose and the promotion of social intercourse amongst, and the amusement of, its members. In furtherance of these objects it shall be lawful to expend funds of the Club (inter alia) in prizes for sailing and other aquatic sports; in the purchase or renting of land, houses or premises for the Club purposes; in the purchase and maintaining of a Yacht or Yachts and a Boat or Boats for the use of its members; in holding of Regattas; in the engagement of Vessels and for all such other objects and purposes within the scope of the Club as shall be approved by the majority of the members from time to time assembled in General meeting. The Club shall be an Affiliated Club within the Royal Yachting Association.

2. Constitution

(a) The Club shall consist of Sailing Members, Family Members, Life Members, Senior Cadets, Cadets, Crew Members, Associate Members and Retired Members and its Headquarters shall be in Scarborough. Ladies and Gentlemen and Cadets shall be eligible for membership under the conditions for the Rules applying to each class of Membership, but only Sailing Members and Life Members who are qualified shall be entitled to vote at any general meeting of the Club except as defined in Rule 19.

The Club is a non-profit making organisation. All profits and surpluses will be used to maintain or improve the Clubs facilities. No profit or surplus will be distributed.

(b) The Classes of the Members are defined as follows:

(i) Sailing Members

Sailing Members must be:

(a) A duly elected Member who is an owner or part owner of a Sailing Yacht or Power Yacht

Or

(b) An experienced active sailing member

Or

(c) A Cadet Member who, on becoming eligible for full membership satisfies the Management Committee that he or she has participated in yachting to an extent which, in their opinion qualifies him or her as a Sailing Member.

Or

(d) A member elected by the Management Committee as a Sailing Member.

(ii) Family Members

The spouse or partner, and children up to and including 15 years of age, of a Sailing or Crew Member paying an additional subscription as provided in Rule 21

(iii) Life Members

Those appointed under the provisions of Rule 25

(iv) Retired Members

Those elected under the provisions of Rule 26

(v) Honorary Members

Those appointed under the provisions of Rule 30

(vi) Senior Cadets

Aged 18-25 inclusive, of either sex.

(if in full time education, fees as a cadet)

(vii) Cadet Members

Aged 10 -17 inclusive of either sex.

(viii) Crew Members

Regular crewing members elected in accordance with the provisions of Rule 27.

(ix) Associate Members

Those elected in accordance with the provisions of Rule 27 and Rule 33

(x) Temporary Members

Those who may be sponsored by a member and approved by two Management Committee Members who shall have Associate Member privileges only, and for a period not exceeding one calendar month in any one year. An interval of at least 48 hours shall elapse between nomination and admission to Temporary Membership.

Those who are attending an RYA course held in the Clubhouse or on a Club registered vessel being used for such instruction, for the duration of the course, shall have Associated Membership privileges.

(c) No member may change their class of membership without re-election by the Management Committee

3. Officers

The Officers of the Club shall consist of a Commodore, Vice Commodore and a Rear Commodore, hereinafter called Flag Officers for which offices only Sailing Members as defined by paragraph (b) (i) of Rule 2 shall be eligible. In addition the Honorary Secretary, or Secretaries, the Honorary Treasurer, the Honorary Handicapper and the Trustees of the Club for the time being shall be Officers of the Club. A member may not hold more than one office at any time.

4. Honorary Commodore

The Members may from time to time in Annual or Special General Meeting assembled appoint for meritorious services an Honorary Commodore who shall be an Officer of the Club. Such appointment shall be subject to his election by a majority of three fourths of the Members entitled to vote at the Meeting at which he is elected.

5. Trustees

All the property of the Club shall be vested in the Trustees who shall not be less than three in number - special Trustees may be elected for special purposes. Such Trustees shall remain in office until death or resignation or until a General Meeting of the Members shall think proper to remove all or any of them and to elect any new Trustees of Trustee in their or his place. Subject to the foregoing, all Trustees of the Club shall be elected at and removable by a General Meeting or by the Annual General Meeting after due notice, i.e. not less than seven days. All securities shall be taken and investments made in the name of the Trustees - all property vested in the Trustees shall be subject to the disposition of the Management Committee and an order in writing signed by three of the Committee and certified by the Chairman and the Honorary Secretary as having been confirmed by the General Meeting shall be obligatory upon and a justification to the Trustees as to the matter comprised in such order relating to the investment, sale or disposition of the trust property.

5 (b)

Trustees shall be effectually indemnified by the 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.

5 (c)

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

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

6. Election of Officers

All Officers (except the Trustees) shall be elected annually at the Annual General Meeting and if any office in the Club becomes vacant previous to the next Annual General Meeting, the Management Committee may elect a member to fill such vacancy until the next Annual General meeting; all such elections shall be by ballot unless otherwise resolved. See Rule 44.

7. Management Committee

The Management Committee shall consist of the Flag Officers and the member who has the rank of Commodore in the year immediately preceding (who shall remain a Committee member for 1 year) the Honorary Secretary, the Honorary Treasurer, the Honorary Handicapper, the Membership Secretary, the Trustees of the Club for the time being, with 8 members who shall be elected in General Meeting of whom not less than 4 shall be Sailing Members, from whom a Membership Development Officer shall be elected within the Committee. All Members of the Committee, except Trustees shall retire annually but shall be eligible for re-election under Rule 44.

The Management Committee has the option to co-opt one extra voting member if they so wish. The decision of the majority of the Committee at a meeting shall be binding on absent and dissentient Members thereof.

Any Members of the Committee failing to attend three consecutive Committee Meetings shall cease to be a member of the Committee unless he gives a satisfactory reason for his absence. The Committee may then have the power to co-opt any eligible and willing member of the Club to fill the vacancy so created. The Committee may also co-opt eligible and willing persons to fill any vacancies not filled at the AGM.

8. Duties of the Committee and Management of the Club

The Management Committee shall control and manage the affairs of the Club according to the Rules.

They shall control the investment and expenditure of all Club funds, and shall make all such bye-laws, rules and regulations as they think fit as to the management of the Club premises.

They may appoint Sub-Committees for various purposes from their own number and may delegate to the Sub-Committees for special purposes such of their powers as they may consider advisable.

The Management Committee shall meet as often as may be necessary to conduct the business of the Club.

9. Sailing Committee

The Sailing Committee shall consist of the Vice Commodore (Chairman) who shall be a Sailing Member, the Honorary Handicapper, and 6 Sailing Members, from whom a Sailing Secretary shall be elected within the Committee. These 6 Sailing Members shall be elected in General Meeting. The Commodore shall be entitled to attend and speak at meetings of the Sailing Committee but shall not vote. 5 Members shall form a quorum. All members of the Committee shall retire annually but shall be eligible for re-election under Rule 44.

The Sailing Committee has the option to co-opt 1 extra voting member if they so wish. The Sailing Committee is to liaise with the Honorary Treasurer for running expenses and shall be responsible to the Management Committee for all matters of sailing and waterside, with the exception of berthing, and is empowered to form sub-committees to which other members may be co-opted. The Committee may also co-opt eligible and willing persons to fill any vacancy not filled at the AGM.

10. House & Social Committee

The House and Social Committee shall consist of the Rear Commodore (Chairman) and 6 members who shall be elected in General Meeting, from whom a Social Secretary shall be elected within the Committee.

The Honorary Secretary, Honorary Treasurer and a member of the Trustees may attend meetings if they so wish, and minutes to all meetings shall be available in the Club.

The Committee is to liaise with the Honorary Treasurer for running expenses.

All Members of the Committee shall retire annually but shall be eligible for re – election under Rule 44.

The House and Social Committee has the option to co-opt one extra voting member if they so wish.

The House and social Committee shall be responsible to the Management Committee for all matters of premises, staff and shoreside, and is empowered to form sub-committees to which other members may be co-opted. The Committee may also co-opt eligible and willing persons to fill any vacancies not filled at the AGM.

11. Berthing Committee

Scarborough Borough Council manages berthing in the harbour, however the Commodore shall be informed in writing of any change of berth.

12. Alcohol and Regulated Entertainment

The Management Committee shall control the purchase for the Club and supply by the Club of any Alcohol, including the provision of Regulated Entertainment.

Permitted Hours

The permitted hours are those for which a Club Premises Certificate under the Licensing Act 2003 has been obtained from Scarborough Borough Council Licensing Services. The Management Committee may as determined by that Committee apply to Scarborough Borough Council Licensing Services to vary the license.

Opening Hours

The hours for the supply of Alcohol and Regulated Entertainment shall be such as may from time to time be determined by the Management Committee within the Permitted Hours. The Club may be open between hours stated on the application for the Club Premises Certificate as determined by the Management Committee.

13. Honorary Secretary and Membership Secretary

The Honorary Secretary shall keep the minutes of all Annual and Special Meetings and all Committee Meetings. He shall submit a report on the Activities of the Club to the Annual General Meeting. He shall keep insured against all risks any Club property entrusted to his charge and he shall exercise such powers as may from time to time be delegated to him by the Management Committee.

The Membership Secretary shall keep a register of all the Members. He shall pay the subscriptions and all other monies received by him to the Treasurer.

14. Honorary Treasurer

The Honorary Treasurer shall keep all accounts of all receipts and expenditure. He shall furnish receipts to Members and others for all monies received and obtain receipts for monies paid. He shall draw up a financial statement, which shall be audited by the Honorary Auditor prior to the Annual General Meeting each year, and such statement shall be prominently displayed in the Club premises for at least fourteen days immediately prior to the Annual General Meeting. He may also submit to the Meeting the name of a Member for election as Honorary Assistant Treasurer for the ensuing year.

15. Auditing of Accounts

The accounts shall be audited by an auditor or auditors elected annually at the Annual General Meeting.

16. Annual General and Other Meetings

The financial year shall terminate on the 31st October in each year and the Annual General Meeting of the Club shall be held during the first three months of each calendar year at such place and hour as the Management Committee may appoint. At the Annual General Meeting the Flag Officers, Committee and Auditors shall be elected and the general business of the Club transacted.

Special General Meetings may be called at any time by order of the Management Committee, or on a requisition signed by at least fifteen members of the Club of whom at least ten shall be Sailing Members; such requisition to state the object of the proposed Meeting which must be called within fourteen days of receipt of such notice from the Committee of Members. Seven days notice of all General Meetings shall be given to the Members by circular and by a notice posted on the Club notice board at least seven clear days previous to the meeting stating the object of the business of the proposed meeting.

Twenty Members shall form a quorum at all General Meetings. All Members with voting rights may vote but should more than 20% of these Members present be non-sailing Members their vote will be reduced to that proportion. The decisions thereby made by the Members present shall be binding on those absent or dissentient.

17. Chairman

The Commodore shall preside at General Meetings of the Club and of the Management Committee. The Vice Commodore shall preside at meetings of the Sailing Committee and the Rear Commodore shall preside at meetings of the House and Social Committee. In the Chairman's absence the Senior Member shall preside.

18. Casting Vote

The Chairman at any General or Committee Meeting of the Club where there is an equality of votes shall have a casting vote in addition to his individual vote.

19. Voting Power

At any General Meeting of the Club each Sailing Member, and Life Member who is qualified, shall have one vote. Other classes of member may attend and may speak at such meetings but will have no vote except that of a Family Member who was a spouse of a Sailing member or a Club Member on the 1st January 1991 shall have one vote.

20. Election of Members

A candidate for membership shall be proposed and seconded by Members of the Club to one of whom he should be personally known, and the name, address and occupation or profession of the candidate together with the names of his proposer and seconder shall be sent to the Honorary Secretary in writing, who shall forthwith post the name of the Candidate with their proposer and seconder of such on the notice board in the Club House for at least fourteen days prior to election. This will also be emailed to the Management Committee and the Members, any objections to the candidate should be made to the Honorary Secretary in writing during this period. Members shall be elected by the Management Committee after this period. All candidates for election shall be individually balloted for, but it is open to the proposer of any candidate to withdraw his nominee, or for his seconder to withdraw his support at any time previous to the ballot being taken. The proposer of a candidate may be responsible for payment of the first subscription of his nominee.

A candidate shall be elected by three fourths majority of the Committee Members and if unsuccessful at a ballot shall not be put up again for election until a period of twelve months has elapsed after his rejection.

A candidate who has been twice rejected shall be ineligible for future nomination.

No remarks are to be inserted in the Minute Book, but if any member has any information to give or any objection to make he is requested to communicate with the Honorary Secretary in writing for the information of the Committee; such communication will be considered as confidential. Persons who are candidates for membership shall have none of the privileges of membership.

21. Entrance Fees and Subscriptions

The entrance fee and annual subscriptions for Sailing Members, Crew Members, Family Members (the subscription for such Members being a sum additional to the subscription payable by a Sailing, or Crew Member), Senior Cadets, Cadets, and Associate Members shall be fixed from time to time by the Management Committee and shall be due in advance on the 1st January each year. Temporary and Retired Members subscriptions shall be fixed by the Management Committee.

22. Subscriptions of Newly Elected Members

If an elected candidate does not pay his entrance fee and his first subscription within one month from the date when notification of his election was posted to him, the Committee may annul his election.

23. Members in Arrears

If any member's subscription is not paid by the 31st January, the Honorary Secretary shall send him notice with a request for immediate payment and if his subscription is not paid within 14 days from the time when such notice would be received in the ordinary course of post the Management Committee may remove his name from the Register of members and he shall thereupon cease to be a member and forfeit all rights of membership. The Management Committee may at any time in their discretion restore him to membership upon payment of all arrears of subscription then owing.

24. Resignation of Members

Members wishing to resign shall give at least seven days notice in writing to the Honorary Secretary, before the 1st January after which no resignation shall be received without payment of the subscription for the current year and the said subscription shall be a debt to the Club whether or not the name of the member has been removed from the list under these Rules.

25. Life Member

At an Annual or Special General Meeting, Life Members may be appointed for meritorious conduct or exceptional service in the Club, either with or without full privileges and voting powers of any specified class. Such appointments shall be subject to his election by a majority of three fourths of the Members entitled to vote at the Meeting at which he is elected. The total number of such life members shall not at any time exceed 5% of the total membership. Life membership shall be annulled only in accordance with the provisions of Rule 32.

26. Retired Members

A Member may apply to the Management Committee, which in its absolute discretion, may elect that Member to be a Retired Member who, following such election, shall continue to enjoy full privileges with the exception of voting rights.

27. Crew and Associate Membership

Any person, not keeping a Yacht in Scarborough, who crews regularly for Members on their Yachts, shall be eligible for Crew Membership. A member of Whitby Yacht Club or Filey Sailing Club, not keeping a yacht in Scarborough, Members of H M Forces and Officers in the Merchant Navy shall be eligible for Associate Membership. Crew and Associate Members shall be bound by these Rules. They shall be entitled to the use of the Club House, but shall not have any voting or other rights and privileges. They shall not be entitled to fly the Club Pendant.

28. Officers of H. M. Forces

A discretionary power shall be vested in the Management Committee to invite Officers of Her Majesty's Navy, Army and Air Force and Foreign Officers to the temporary use of the Club premises.

29. Rules

The book of Rules shall be forwarded to every Member on his election, but no Member shall be absolved from the observances of these Rules on any allegation of not having received it. A copy of the Rules is available in the Club House.

30. The Management Committee may at their discretion invite or admit as Honorary Members such persons and for such a period as they shall determine to the temporary use and privileges of the Club premises. Honorary Members shall be entitled to all benefits and Club privileges of membership except that they shall not be qualified to be officers or members of the Management Committee or vote as members or claim any share in the property of the Club upon its' dissolution.

31. New Members

Every Member upon being elected becomes entitled to the benefits which can be imparted to his particular class of membership and his acquiescence in the Rules now in force or to be enacted by the Club (an institution to which he voluntarily attaches himself) is thereby distinctly implied as well as his submission to the restrictions and obligations prescribed in such Rules.

32. Conduct

Any refusal or neglect to comply with the Rules in force 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, such Committee shall call upon him for an explanation for his conduct and shall give him an opportunity of defending himself or of resigning his membership. As an alternative to expulsion the Management Committee shall have the power to suspend all or any of the privileges of Club membership enjoyed by the member concerned for such a period as the Management Committee shall determine having followed the procedure provided in this Rule.

The vote in a resolution for expulsion or the alternative action provided as above shall be by ballot and the resolution shall only be carried out if not less than three quarters of the members of the Management Committee present vote in favour of the resolution.

33. Members Abroad

Any Member leaving the United Kingdom may, on giving notice to the Honorary Secretary, have his name placed on the list of Members abroad, for a fee equivalent to that of an Associate member until his return. On his return he can be upgraded to his previous membership by giving notice to the Hon Sec and paying for the upgrade

34. Guests

- a) A Member of any Club recognised by the Royal Yachting Association (a list whereof is published yearly by the said Association) may be authorised to use the Club premises by any member of the Management Committee, such authorisation shall specify between which dates, not being more than fourteen days apart, said person may use the Club.
- b) Any person who is a competitor in an Open Race sponsored or organised on behalf of the Club and any person who is a member of the crew of such competitor for the purpose of the race shall be entitled to the use of the Club premises by any member of the Management Committee or Race Committee, within a period of twenty four hours before and after the race in which they are competing.
- c) The Skipper and crew of any visiting Yacht or Motor Yacht staying in Scarborough Harbour over night may be authorised to use the Club premises by any member of the Management Committee or the Club Steward.
- d) A member of a Qualifying club or the RNLi with which we hold reciprocal Quiz or Social events for that event only.
- e) Members may subject to the Rules for the time being in force, personally introduce friends or relations as Guests to the Club.
- f) The name and address or vessel name of each Guest shall be entered in the Guest Book together with the signature of the member introducing the person. If applicable the dates between which the Guest may use the Club.
- g) No Guest shall be introduced under this Rule who has been rejected as a Member or Expelled or struck off as a defaulter.

35. Sale of Alcohol

Alcohol may be sold to, or for, consumption on the premises by those persons over the age of eighteen who are entitled to use the Club premises in the pursuance of Rules 2 and 34.

36. Smoking

Smoking is not allowed anywhere in the Club except outside on the Club room balcony.

37. Conduct of Guests or Visitors

In case the conduct in the Club House of any Guest or Visitor be injurious to the character and interests of the Club, he must on request, leave the premises.

38. Alteration of Rules

No addition to, alteration or amendment of these Rules shall be made except at an Annual General Meeting or a Special General Meeting, and by a majority of the Sailing Members present thereat. Notice of the proposed addition, alteration or amendment shall be exhibited on the Club notice board fourteen days previous to the meeting.

39. Club Flags

The Club Pendant shall be blue and white emblazoned with a ship and waves on the white part with a blue fly.

The Commodores Burgee to bear the device of the Club; the Vice Commodore the same with a black ball in the upper canton; the Rear Commodores' the same with the addition of two black balls in the upper canton; Past Commodores (having served at least a full 3 year term of office) a rectangular flag bearing the device of the Club.

40. Yachts to be described

Each Member shall state in writing to the Honorary Secretary the name, rig and dimensions of every yacht of which he is an owner or part-owner for which he desires the privileges of the Club.

The owners of such yachts shall satisfy the Management Committee through the Secretary that they are covered for third-party insurance for a minimum of £3,000,000 or such increased sum as the Management Committee may from time to time decide. All the necessary particulars shall be entered in the Club List and no yacht shall be entitled to any privileges until the entry has been made.

41. Yachts Let on Hire etc. not Eligible

(a) Any Yacht or Boat which, in the opinion of the Committee is maintained as a working Yacht or Boat or is habitually let out for hire, or which is owned by more than one person, shall not be allowed to be entered in the Club. The exceptions to this rule are as follows:-

- (i) Any Yacht or boat used by bona fide sail training individuals or establishments.
 - (ii) Any Yacht or Boat hired by a Member or Members of the Club for a period of not less than 28 days.
 - (iii) (In the case of a Yacht owned by more than one person) where all the owners are Members of the Club.
- (b) No Yacht or boat shall be allowed to compete for any prize given by the Club unless owned or chartered by a bona fide Member or Members of a recognised Yacht Club or by the Club itself.

42. Certificate of Measurement

Club Events – On entering a Yacht Race a valid Scarborough Yacht Club Handicap certificate is required from the Hon Handicapper.

Open Events – Certificates required, to be detailed in the Sailing Instructions for the events.

43. List of Members

A list of Members with their addresses shall be kept at the Club House.

44. Nominations

A notice calling for nominations for all the Club Offices (except Trustees) and the Committee vacancies shall be put on the Notice Board in the Club House by the Honorary Secretary at least one month before the date of the Annual General Meeting, but shall be taken down seven days before the date of the Meeting and thereafter no alterations may be made. Name of Members willing to stand for election must be appended to the Notice with the names of the proposer and seconder who must first have obtained the consent of the nominees, or nominations may be sent to the Honorary Secretary under the same conditions. Nominations and Nominees for Flag Officers shall be made by Sailing/ Full Members. A member may stand for only one Flag Office in any one election.

45. Voting

Ballot papers for the Flag Officers, Officers and Committee shall be issued to each Member attending the Annual General Meeting and entitled to vote under Rules 2 and 19. He shall give no more than one vote to any one candidate but shall not be obliged to vote for any or all of the candidates.

46. Club Uniform

Club Uniform shall consist of a reefer or blazer, white shirt with a Club tie and navy or dark grey trousers. Club uniform or smart dress should be worn at Regatta evenings, Saturday evenings and other principal events unless coming into the Club directly from sailing. Wet clothes and boots must not be worn in the Club Room.

47. Limitation of Members

That the number of Members of the Club shall be limited to such a number as the Committee may from time to time decide.

48. Limitation of Liability

Members of the Club, their guests and visitors, may use the Club premises, and other facilities of the Club, entirely at their own risk and impliedly accept that:

- (i) The Club will not accept any liability for any damage or loss of property to Members, their guests or visitors to the Club.
- (ii) The Club will not accept any liability for personal injury arising out of the use of the Club premises, and any other facilities of the Club, or out of participation in any race organised by the Club, whether 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 the Officers, Committee or Servants of the Club.
- (iii) Before inviting any guests or visitors onto the premises or to participate in events organised by the Club, Members will draw their attention to the Rule.

49. Dissolution of the Club

If at any General Meeting a resolution for the dissolution of the Club shall be passed by a majority of the members present and at a Special Meeting held not less than six weeks later (of which not less than four weeks written notice has been given to each Member) and at which not less than one half of the Members shall be present that resolution shall be confirmed by a resolution passed by a majority of two thirds of the Members voting on such a resolution.

The Committee shall immediately, or at such future date as shall be specified in such resolution, proceed to realise the property of the Club and after the discharge of all liabilities shall divide such property rateably in proportion to the amount each Member has paid in subscriptions (Life Members to be treated as Sailing Members for this purpose) among all the full time Members of the Club and on the completion of such division the Club shall be dissolved.

50. In these Rules reference to the masculine shall include reference to the feminine in accordance with the Interpretation Acts.