



**Maylandsea Bay  
Sailing Club  
Rules and Trust  
Deed**

**Clubhouse:**

The Esplanade, Maylandsea, Essex. CM3 6AL

Tel: 01621 740470

[Maylandseabay-sc.org.uk](http://Maylandseabay-sc.org.uk)

As amended in November 2018

## MAYLANDSEA BAY SAILING CLUB RULES

### 1. NAME AND OBJECTS

The Club shall be called the Maylandsea Bay Sailing Club.

The objects of the Club are:

- (i) the promotion of sailing activities
- (ii) the establishment and maintenance of a Yacht Club and other necessary facilities for the benefit of its members; and
- (iii) the promotion of yacht racing in accordance with the ISAF Racing Rules of Sailing, subject to local rules made by the Sailing Committee.

### 2. BURGEE

The burgee of the Club shall be blue, with a yellow Maltese cross in the centre on a white horizontal stripe.

### 3. PROPERTY

The property of the Club shall be vested in four Trustees, who shall be elected at a General Meeting as vacancies occur.

Trustees shall serve for five years and shall be eligible for re-election. The Trustees shall, in all matters affecting the real property of the Club, act in accordance with the Trust Deed approved at the General Meeting on 13th August 1967.

### 4. MANAGEMENT OF THE CLUB

- (a) The management of the Club shall be vested in the Management Committee, which shall consist of the Officers and seven other members. Five shall form a quorum. At the request of any two members of the Committee, the Hon. Secretary shall call a meeting within fourteen days of receiving written notification of the business to be considered.
- (b) Subject to the general direction of the Management Committee, the Sailing Committee shall be responsible for the sailing programme, the management of racing and other sailing activities, including the management of the safety boats. The Sailing Committee, under the chairmanship of the Rear Commodore, shall consist of the Hon. Sailing Secretary, the Class Captains of the adopted classes, the dinghy handicap class and the cruiser handicap class and two other members.
- (c) The Management Committee may appoint sub-committees and delegate to sub-committees powers which they consider necessary for the proper running of the Club.
- (d) The Management Committee, the Sailing Committee and any sub-committees shall regulate their own procedure and may co-opt.
- (e) Any sub-committee shall consist solely of persons appointed by the parent committee and have not less than one member of the parent committee.

### 5. HOUSE RULES

The Management Committee shall have power to make House Rules which are consistent with these rules. House Rules shall enter into force as soon as they are posted on the official notice board, and shall remain in force so long as they are so posted. Any House Rule made shall be laid before the next General Meeting and may be cancelled or amended by a two-thirds majority.

### 6. OFFICERS

The Officers of the Club shall consist of a Commodore, Vice Commodore and Rear Commodore (the three "Flag Officers"), Hon. Secretary, Hon. Treasurer, Hon. Sailing Secretary, Hon. Membership Secretary and Flag Officer (Cadets). They shall be ex-officio members of all Club Committees.

### 7. ELECTION OF OFFICERS AND COMMITTEES

- (a) The Officers and members of the Management and Sailing Committees including the Class Captains of the adopted classes, the dinghy handicap class and the cruiser handicap class, and the two other members of the Sailing Committee who are not also Officers of the Club shall be elected by ballot at the Annual General Meeting of the Club. The names of any members who consent to serve together with the names of their proposers shall be handed to the Honorary Secretary seven days before the Annual General Meeting.
- (b) At the first ballot for the Commodore, Vice Commodore and Rear Commodore, only Full Members of the Club who have served as officers or elected members of the Management Committee within the previous two years shall be eligible for election. If the first ballot does not lead to the election of a Commodore, Vice Commodore and Rear Commodore by a majority of the voting members present, then a second ballot shall be held in which all Full Members of the Club, whether nominated previously or at the meeting, shall be eligible for election to any remaining vacancy among the Flag Officers, and in which there shall be no minimum number of votes required for election. Other Officers, members of the Management

Committee and Sailing Committee shall be elected from among Full Members of the Club.

- (c) Vacancies occurring among Flag Officers shall only be filled at a Special General Meeting called for that purpose. The Management Committee shall have power to fill any vacancies occurring among the other Officers, among the other members of the Management Committee or among the Class Captains.
- (d) The Officers, ex-officio and elected members of committees shall serve until the following AGM and shall be eligible for re-election provided that no elected member of the Management Committee shall serve in the capacity for more than three years consecutively.

## 8. CLASSES OF MEMBERSHIP

There shall be four classes of ordinary membership:

- (a) Single Members 18 or over on 1st April of the current year.
- (b) Joint Members (each of whom shall be treated as a Full Member): husband and wife, civil partners or other partners who live together
- (c) Cadet Members: Under 18 on 1st April of the current year
- (d) Non-sailing Parent of a Cadet Member

In these Rules the words "Full Member" means a Single Member and each Joint Member. All members may attend General Meetings, but only Full Members may vote and they shall each have one vote (whether on a show of hands or on a poll).

All Cadet Members of the Club admitted to membership of the Club on or after 4th November 2007 must have a parent or legal guardian who is also a member of the Club.

A Non-sailing Parent of a Cadet Member who starts sailing regularly in any year shall automatically become a Full Member on 1st April in the following year.

## 9. APPLICATIONS AND RESIGNATIONS OF ORDINARY MEMBERS

Applicants for membership shall forward to the Hon. Membership Secretary a duly completed nomination form, together with the subscription for the current year, and the joining fee agreed at the previous AGM. Each nomination shall be posted on the official notice board seven days before the election. The Management Committee shall elect new members. A two-thirds majority of the members of the Committee present at the meeting shall be required for election.

No entrance fee shall be payable by any person who is re-elected to membership of the Club, having formerly been a member of the Club and whose membership has ceased not more than five years before his or her re-election otherwise than by reason of expulsion under Rule 24.

Any member can resign by giving the Hon. Membership Secretary notice in writing, but he or she shall be liable to pay the subscriptions for the Financial Year in which notice is given.

## 10. ANNUAL SUBSCRIPTIONS

The annual subscription shall become due on 1st April each year, and shall be based on the fee for Single Membership, which shall be agreed at the previous Annual General Meeting.

- Single Membership: As agreed at previous AGM
- Joint Membership: Single membership x 4/3
- Senior Cadet (under 18 on 1st April): Single membership x 1/4

Junior Cadet (under 10 on 1st April):	Single membership x 1/8
Infant Cadet (under 5 on 1st April):	Nil
Non-sailing Parent of a Cadet Member:	Single membership x 20%

Discounts on annual subscriptions are:

Honorary Life members:	100%
Third and subsequent cadet members of any family :	100%
Full Member with 10 years' continuous membership, including the previous Financial Year, and on 1st April of the current Financial Year aged 65 or over Provided that a Member	35%
(i) who, on 22nd November 2015, is entitled to a discount under the Rule in force prior to its amendment on that date, but	
(ii) who (but for this proviso) would not be entitled to a discount under the Rule as amended on that date	
shall continue to qualify for the discount so long as he or she remains a Member"	
Full members (over 18 but under 23 on 1st April) :	75%
Full members (over 23 but under 25 and in full time education on 1st April):	50%

**Notes:** Joint Members qualify for discounts if either of them qualifies.  
Subscriptions shall be rounded to the nearest £1 above.  
No additional entrance fee shall be payable on promotion from cadet to full membership.

Members joining the Club after 30th April but before 1st October in any year, shall be given a discount equal to 1/6 of the annual subscription which would otherwise be payable for each of the months from April to September in that year which has already completely passed when the new member joins the Club. A member joining after 30th September shall pay the full subscription at the rate for the year in which he or she joins, but such subscription shall be treated as covering the subscription for the following year. All other fees (Joining, Dinghy Park, etc.) to be paid in full.

The Hon. Membership Secretary shall give written notice to members whose subscriptions remain unpaid on 30th June, and should such subscriptions not be paid by 31st July, their membership shall cease.

A discounted membership fee (of not less than 50% of the full fee) may be offered at no more than two special events during the year at the discretion of the Management Committee. All other fees (Joining, Dinghy Park, etc.) to be paid in full.

#### 11. USE OF CLUB PREMISES AND FACILITIES

Except for boats, trailers and other items belonging to honorary members and temporary members, no boats, trailers or other equipment shall be allowed on Club premises unless they belong to a member of the Club, and the fee has been paid or, in exceptional circumstances, it has been agreed with the Management Committee.. On payment of the relevant fee, members will be allocated space in the Dinghy Park or cruiser/keelboat park by the Management Committee's representatives, whose decision shall be final.

No power boat (except a Club safety boat) shall be allowed to use the dinghy park or launching facilities.

## **12. HONORARY LIFE MEMBERS**

Honorary Life Members may be elected by unanimous vote of a General Meeting on the proposition of the Flag Officers in recognition of extraordinary services rendered to the Club.

Applications for Honorary Life membership will be displayed on the Club notice board for at least two days before the General Meeting at which the vote on the application is to be held.

## **13. HONORARY MEMBERS**

Owners of yachts visiting the creek who are members of any yacht club affiliated to the R.Y.A. (or in the case of overseas visitors to the appropriate national body) and their crews and guests on board, may be elected Honorary Members for a period not exceeding eight days. Such Honorary Members may be elected by three members of the Management Committee, of whom one shall be an Officer of the Club. The Management Committee may delegate to any of its members the power to elect visiting participants in Open Meetings held at the Club as honorary members for the duration of such meetings.

Applications for honorary membership will be displayed on the Club notice board for at least two days before the election of the prospective honorary member.

## **14. TEMPORARY MEMBERS**

**14.1** Members of yacht clubs affiliated to the R.Y.A. who submit a completed application form may be elected as temporary members for one period not exceeding 21 days in any year, by three members of the Management Committee of whom one shall be an Officer of the Club. Upon election, the temporary member shall pay a fee of £1.00. Applications for temporary membership will be displayed on the Club notice board for at least two days before the election of the prospective temporary member.

**14.2** Anyone providing, or intending to provide, services to the club without payment, remuneration or other benefit may be elected as a temporary member of the club for a period not exceeding 14 days by three members of the Management Committee of whom one shall be an Officer of the Club. Upon election, the temporary member shall pay a fee of £1.00. Notice of the intention to make the election will be displayed on the Club notice board for at least two days before the election of the prospective temporary member.

## **15. ANNUAL GENERAL MEETING**

The Annual General Meeting of the Club shall be held not earlier than the first Sunday in October nor later than the last Sunday in November, and fourteen clear days' notice of the meeting shall be given to members. Twenty five Full Members shall form a quorum, but no quorum shall be required at an adjourned Annual General Meeting if the original Meeting was adjourned by reason of there not being a quorum. Notice of any business to be brought forward at an Annual General Meeting shall be posted on the notice board not less than seven clear days immediately preceding the day appointed for the meeting.

## **16. SPECIAL GENERAL MEETING**

The Honorary Secretary on the instruction of the Management Committee or on written request by any ten Full Members or 19% of the total number of Full Members whichever is the lesser shall, within 21 days, call a Special General Meeting and shall give seven clear days' notice to each member stating the purpose for which the Meeting is called. 25 Full Members shall form a quorum.

## **17. MINUTES OF MEETINGS AND RECORD OF CLUB AFFAIRS**

The Hon. Secretary shall keep minutes of the proceedings of all General Meetings and Management Committee Meetings. Minutes of proceedings shall be subject to approval at the next succeeding General or Management Meeting as the case may be. The Hon. Secretary shall also keep a record of the affairs of the Club (other than the accounts and membership matters). The Hon. Membership Secretary shall keep a record of members and their boats.

## **18. ACCOUNTS AND AUDIT**

The Club's Financial Year shall be the period of 12 months ending on 31st March. The Hon. Treasurer shall keep a record of the financial affairs of the Club, and shall accept as a charge on the accounts only expenditure sanctioned by the Management Committee or incurred under powers delegated by that Committee. At the Annual General Meeting he shall submit a statement of accounts for the previous year ended on 31st March, duly certified by the Auditors. The Auditors shall be elected at the Annual General Meeting and, unless expressly otherwise resolved at such Annual General Meeting by way of exception, they shall not be members of the Management Committee. A copy of the accounts shall be posted on the notice board seven clear days before the day appointed for the Annual General Meeting.

## **19. OPENING HOURS OF THE CLUBHOUSE**

The Clubhouse shall be open to members as provided in the House Rules. The Management Committee shall have power to close the Clubhouse for any period or periods during which they consider it expedient to do so and during any such period or periods they shall have the power to make any necessary arrangements for the retention or otherwise of the Club's employees. No refund of subscription shall become payable to any member or members in respect of any periods during which the Club premises are closed under the provisions of this rule.

## **20. OPENING AND CLOSING HOURS OF BAR**

The bar shall be open for the sale of intoxicating liquors in accordance with the Licensing Acts, as provided in the House Rules. The

supply of intoxicating liquor shall be under the absolute control of the Management Committee, who for this purpose shall have power to appoint a sub-committee consisting of four members of the Management Committee to be known as the Bar Committee, which sub-committee shall have power to curtail the hours of sales and at any time in their discretion to refuse supply of liquor to any member.

#### **21. GAMBLING**

The Clubhouse shall not be used for gambling nor for playing of any game of chance. The Management Committee shall have power to prohibit any games which in their opinion would be injurious to the interests of the Club.

#### **22. CLUB NOT TO BE USED FOR BUSINESS**

No member shall use the Club or the address of the Club for business purposes.

#### **23. GUESTS**

Members may introduce not more than three guests in any one day. They must enter the names of such guest in the book kept for that purpose, sign the entry, and be present throughout the whole visit. No guest shall be permitted to pay for any intoxicating liquor, nor shall any guest be introduced more than three times in any one calendar year.

No person shall be introduced as a guest whose application for membership has been refused, who has been expelled from membership, or whose conduct or presence in the Clubhouse shall be considered by any Officer of the Club or any member of the Management Committee to be objectionable or prejudicial to the interests of the Club.

#### **24. INFRINGEMENT OF RULES**

if any member shall refuse or neglect to comply with these Rules or any House Rules made hereunder, or shall in the opinion of the Management Committee be guilty of conduct prejudicial to the interests of the Club, such member shall be liable to expulsion. A resolution to expel any member shall require a two-thirds majority of persons entitled to attend and vote at a meeting of the Management Committee called for the purpose. At least one week before the date of the meeting at which such resolution is considered, the member concerned shall be given notice of such meeting, and of the intended resolution for his or her expulsion. Before passing any such resolution the Management Committee shall consider any oral or written explanation or defence which the member concerned may wish to make either before or at the meeting at which the resolution is considered. A member expelled by resolution of the Management Committee may appeal to a General Meeting, at which no quorum shall be required, provided that:

- (a) he lodges with the Hon. Secretary a written appeal and statement of reasons therefor within fourteen days of receiving notice of the resolution of expulsion;
- (b) he deposits with his appeal a fee of £50 to cover the costs of calling a Special General Meeting and circulating to members a statement of the Management Committee's findings and his written appeal. The fee may be returned at the discretion of the General Meeting called to hear the appeal;
- (c) he does not, except with the written consent of the Management Committee, use the Club facilities or premises between the time of the passing of the resolution of expulsion and the General Meeting called to hear his appeal.

On receiving an appeal against expulsion the Hon. Secretary shall within 21 days call a Special General Meeting to hear the appeal. The Hon. Secretary shall give seven clear days' notice of the meeting to each member, stating the findings of the Management Committee and the full appeal against those findings.

A member expelled under this rule shall forfeit all right in the Club and its property. A notice under this rule shall be deemed to have been duly given if sent by prepaid post to the address of the member appearing in the Club records.

#### **25. INTERPRETATION OF RULES**

The Management Committee shall be the sole authority on the interpretation of the Rules and House Rules made thereunder, and the decision of the Management Committee upon any question of interpretation or upon any matter affecting the Club and not provided for under these rules or by the House Rules made thereunder, shall be final and binding upon all members.

#### **26. DISSOLUTION**

In the event of the Club being dissolved, the assets shall be realised by the Trustees as directed by a resolution of the Management Committee approved at a General Meeting of members, and the surplus funds after meeting all debts and proper obligations of the Club shall be divided between the existing paid-up Single and Joint Members at the date of dissolution in the following proportions:

Each Full Member on the date of Dissolution who has paid all subscriptions and fees due from him or her for the year in which the Club is dissolved shall be allocated one share for each year in which he or she has been a Full Member (but limited to a maximum of 20 years in aggregate). Each Full Member shall be entitled to a share of the surplus funds calculated by multiplying all the surplus funds by the number of shares allocated to that Full Member divided by the aggregate number of shares of all Full Members.

#### **27. USE OF CLUB PROPERTY**

The Club's premises are private, and are available for use by members elected in accordance with these rules and their guests. All persons using the Club premises, or leaving property there, do so at their own risk. Cycling is prohibited in the Club grounds. Cars are not allowed

in the Club grounds, except in the car park. Changing rooms shall only be used for their proper purpose, and not for storing private clothing or other private property.

Additionally the Club's premises may be licensed for periods not exceeding 24 hours at a time to such other organisations and individuals as the Committee may from time to time approve. These licences are to be on a commercial basis on terms to be agreed by the Committee in advance of any such events. The use of the bar for private functions shall be limited to not more than 11 times in any calendar year. Any such licences shall not prejudice the prime purpose of the Club.

## **28. NON PAYMENT OF FEES**

If at any time any subscriptions or fees or other moneys payable to the Club by any member or former member shall be three months or more in arrears:

- (a) the Management Committee shall be entitled to move the member or former member's boat, trailer or other equipment to any other part of the Club's premises without being liable for any loss of or damage to the boat, trailer or equipment howsoever caused;
- (b) any consent or licence given by the Club for the member or former member to keep the boat, trailer or equipment on club premises shall be deemed to be withdrawn;
- (c) the Committee shall be entitled upon giving not less than one month's notice in writing to the member or former member, at his or her last known address shown in the register of members, to sell the boat, trailer or other equipment and to deduct any moneys due to the Club (whether by way of arrears of subscriptions or fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member;
- (d) alternatively, any boat, trailer or other equipment which in the opinion of the Committee cannot be sold may, upon such notice as aforesaid, be disposed of in any manner the Management Committee thinks fit and the expenses recovered from the member or former member. Any arrears as aforesaid shall be deemed to be a debt owing to the Club by the member or former member.

## **29. LIABILITY**

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

- (a) the Club does not accept any responsibility or liability for any damage to or loss of property belonging to members, their guests or visitors to the Club.
- (b) the Club does not accept any responsibility or liability for death or personal injury sustained by a member of the Club or his or her guests or visitors arising out of the use of the Club premises and/or any other facilities, or out of participation in any race organised by the Club, or caused by other members, guests or visitors or arising from any other cause, except to the extent that responsibility or liability cannot lawfully be excluded.
- (c) before inviting any guests or visitors onto the Club's premises or to participate in events organised by the Club, members are required to draw the attention of their guests or visitors to this rule.

Parents and guardians have sole responsibility for their children and wards and must appreciate that the Club does not, and cannot be expected to, undertake responsibility for them or to exercise supervision or control. Parents and guardians are warned that the Club only provides safety facilities during the hours of Club racing. Even during Club racing, the Club does not accept responsibility for children or for any other member of the Club or his or her visitors or guests (whether or not engaged in racing). In accordance with the ISAF Racing Rules of Sailing and the Club's Sailing Instructions, responsibility for the safety of any yacht competing in any racing or other event organised by the Club and of any member of its crew and/or management (including insurance) of the yacht is the sole and absolute responsibility of the owner/competitor sailing the yacht.

## **30. ELECTRONIC COMMUNICATIONS**

Any notice to be given under these rules to a member may be given using electronic communication to the e-mail address for the time being notified to the Hon. Membership Secretary and, where required by these rules to be "written" or given "in writing", shall be deemed to be given in writing if given by electronic communication. A member who notifies his or her e-mail address to the Hon. Membership Secretary is deemed to consent to the sending by electronic communication of all communications to that member by the Club and/or any Officer or other member of a committee or sub-committee of the Club unless and until the member revokes that consent by notice in writing to the Hon. Membership Secretary. The Club and its officers and committee and sub-committee members shall be entitled to assume that the last e-mail address notified by a member to the Hon. Membership Secretary is the member's current e-mail address.

## **31. ALTERATION OF RULES**

These rules shall not be altered or added to except by a majority of at least two to one at a properly convened General Meeting of which due notice has been given stating the rule or rules to be amended, and the amendments proposed.

Adopted	2nd April 1967	
Revised:	13th August 1967	(Rule 3)
	20th October 1969	(Rule 15)
	11th October 1970	(Rules 4,6,7 & 10)
	15th October 1972	(Rule 10b added)
	15th October 1972	(Rule 10b)
	7th October 1973	(Rules 10,10b&11)
	23rd October 1977	(Rules 10 &10b)
	4th May 1980	(Rules 4,7,12,13,14,16 & 20)
	9th November 1986	(Rule 11)
	30th October 1994	(Rules 8, 9 & 10)
	29th October 1995	(Rules 28 & 29)
	20th October 1996	(Rules 10, 29 & 30)
	31st October 1999	(Rules 15 and 27)
	5th November 2000	(Rule 1)
	10th. November 2004	(Rules 4e. 10 and 11)
	13th November 2005	(Rule 9)
New Rules Adopted	4th November 2007	Rules 8 , 10 and 26 substantially changed and other minor changes
	9th November 2008	Rule 10 (Discounts)
	29th November 2009	Rule 11 amended and Rule 30 added
	28th November 2010	Rule 11 amended
	20th November 2011	Rule 11 amended and Rule 28 replaced
	22nd November 2015	Rule 10 (Discounts)
	18th November 2018	Rule 14 re-numbered as Rule 14.1 and Rule 14.2 added



## **The Trust Deed**

### **THE TRUST TO BE DECLARED IN A DEED OF CONVEYANCE OF THE REAL PROPERTY OF THE MAYLANDSEA BAY SAILING CLUB, IN THE NAMES OF THE NEW TRUSTEES.**

1. In the interpretation of such Trust declared the following words shall have the following meanings:  
"The Trustees" means the Trustee or Trustees for the time being hereof. "The Club" means the Maylandsea Bay Sailing Club.  
"The Committee" means the persons for the time being acting as the Management Committee of the Club.  
"The Members" means the general members of the Club for the time being.
2. The Trustees shall hold the said property until sold, leased or otherwise disposed of upon trust to permit the Committee and Members to use the same free of rent for the purpose of the Club unless and until the Committee shall otherwise resolve and communicate such resolution to the Trustees.
3. The Committee shall pay or provide for all payments in respect of Rates, taxes and outgoings of all kinds in respect of the property and indemnify the Trustees in respect thereof.
4. Subject as aforesaid the Trustees shall so far as practicable in any disposition of or dealing with the said property act in accordance with any resolution or direction of the Committee approved at a General Meeting of the Members of which they have notice but no purchaser mortgagee tenant or other persons dealing with the Trustees shall be concerned or at liberty to enquire whether any resolution or direction of the Committee has been made or given.
5. The Trustees may either by themselves or one or more of them with their Solicitor or other Agent require production of the Minute Book of the Club and take extracts therefrom.
6. The Trustees shall hold the net proceeds of sale of the said property upon trust to pay or apply the same to such person or for such purposes as directed by a resolution passed at a General Meeting of the Members.
7. New Trustees may be appointed by a resolution passed at a General Meeting of the Members in accordance with the Rules of the Club and upon such resolution being duly passed the Trustees shall assign the said property to the new Trustees.
8. Any notice to be given by the Trustees to the Committee may be given by leaving the same with or sending it by letter addressed to the Secretary of the Club or by leaving it on the said property while the same remains unsold.

Approved by the Special General Meeting on 13th August 1967.

