

# ROYAL FORTH YACHT CLUB

## General Rules

November 2014

### I NAME AND OBJECT OF CLUB

The Club shall be called the Royal Forth Yacht Club. Its object is the encouragement of yachting; its headquarters shall be at the Clubhouse, Granton; and its sailing base the Harbour, Granton.

### II CONSTITUTION

The Club shall consist of Ordinary, Associate, Other and Cadet members, which classes may be sub-divided as decided from time to time by the members in General Meeting.

### III DEFINITION OF MEMBERSHIP CLASSES

(a) **Ordinary Members**: Persons aged 18 and over.

**Life Members**: Ordinary Members of the Club who were Life Members on January 1984

**Senior Members**: Members, aged 65 or over, who have had at least 10 years continuous Ordinary Membership.

Ordinary Members shall have the right to:

- (i) Vote at General Meetings and participate in the management of the Club in all respects.
- (ii) Take part in all sailing and social activities of the Club.
- (iii) Have full use of the licensed facilities of the Club.
- (iv) Introduce guests to the Club as specified in rule X.
- (v) All other rights and privileges dependent upon membership of the Club, both on and off the station.

(b) **Associate Members** Persons aged 18 and over. Associate Members shall have the rights and privileges specified for Ordinary Members except that:

- (i) No keelboat or motor yacht owned or part owned by an Associate Member shall be entitled to use any mooring or any laying-up or parking facility belonging to or under the control of the Club nor to take part in any race or other event organised by the Club except that such keelboat or motor yacht may make limited use of visitors' moorings and take part in such races and other events as the Council may decide;

and

- (ii) Associate Members shall not have the right to vote at General Meetings, nor to take part in the management of the Club. They may be co-opted to organisation Committees of the Club as defined by the Council or by the members in General Meeting.

(c) **Other Members**

(i) **Temporary Members**

Persons not permanently residing within 30 miles of the Clubhouse are eligible for temporary Associate Membership for a period not exceeding three months.

Members of recognised Yacht Clubs while visiting the station, also guests living on board the yachts of such yachtsmen, may be made temporary Associate Members for the duration of their stay without payment of subscription.

Officers of the Royal Navy on full pay while on the station, Reserve officers commanding local Naval establishments and officers of foreign warships while on this station may be made temporary Associate Members for the duration of their stay, without payment of subscription.

The names of temporary members shall be written in the Temporary Members Book kept for the purpose by the Secretary or Flag Officer.

(ii) **Honorary Members**

Persons who have rendered distinguished services to yachting or to the Club and who are considered suitable by the Council may be elected to Honorary Membership by the members in General Meeting. They shall have the rights and privileges of Associate Members without payment of subscription. Commodores of Royal Yacht Clubs are *ex officio*, Honorary Members of the Club for the duration of their office.

(iii) **Associate Clubs**

Members of the sailing sections of the sports clubs of universities, colleges, schools and other organisation, may be elected to a limited form of Associate membership (group) as defined and decided by the Council or by the members in General Meeting in each individual case, on payment of such subscription as may be determined.

(d) **Cadet Members**

- (i) Boys and girls up to 17 years of age shall be eligible only for Cadet membership. They shall have the right to take part in such sailing and social activities of the Club as are defined from time to time by the Council, and the right to introduce guests to approved Cadet activities.

- (ii) Cadet members shall not have the right to attend or vote at General Meetings of the Club nor to take part in its management. They shall have the right to vote at Cadet Section meetings and to take part in the organisation of the Section and its approved activities.
  - (iii) Cadet members shall not consume, purchase or be supplied with alcoholic liquors on the Club premises.
- (e) **Student Members** Aged 18 or over, in full time education, and holders of a current matriculation card.

#### **IV MEMBERSHIP**

- (a) The application process for becoming a member shall be in the hands of the Council.
- (b) Membership shall be open to any applicant who completes, signs and submits an approved application form to the Secretary along with their subscription. Such form shall contain *inter alia* the applicant's full name, address, designation and contact details together with an acknowledgement that they accept these General Rules. The Secretary shall notify Council of each applicant at the next regular meeting of Council at which point the applicant shall become a member. Within 7 days following such Council meeting the Secretary shall display for a minimum period of 14 days in a conspicuous place in the Clubhouse the full names of all new members.
- (c) Cadet Members on reaching 18 years of age may be admitted to Ordinary or Associate membership by the Council.
- (d) Persons eligible for admission as members wishing to become Temporary Members shall, on being proposed and seconded by Ordinary Members, be elected 48 hours after nomination by two members of Council initialling the nomination paper. Candidates must be known personally to proposer or seconder. The election shall be confirmed or otherwise by Council at their next regular meeting.
- (e) Visiting Yachtsmen and their crews on short-term visit to this station may be accepted as temporary members by the Secretary or a Flag Officer on entry of their names and addresses (or the name and port of registry of their yacht) in the Temporary Members Book. If there is an objection in writing to any individual by members of the Club the decision of two Flag Officers shall exclude.

#### **V INITIAL SUBSCRIPTION**

- (a) New members shall pay in advance such initial subscription as shall be determined from time to time by the members in Annual General Meeting.
- (b) It shall be in the power of Council to waive the payment of initial subscription in the case of persons who have formerly been members and paid an initial subscription.

- (c) Cadets and Associate members who may not have paid initial subscriptions shall not, on election to Ordinary membership, be charged an initial subscription provided that they have paid annual subscriptions for not less than three consecutive years previously.

## **VI. ANNUAL SUBSCRIPTIONS**

- (a) The annual subscriptions of all classes of membership shall be payable in advance. The rates shall be decided by the members at the Annual General Meeting.
- (b) Subscription rates may be varied within the classes of membership on the basis of age or other criteria as decided by the members at the Annual General Meeting.
- (c) Any member failing to make payment within two months of the due date and after due application has been made by the Treasurer shall be liable to have his name posted in the Clubhouse. Should any member who is in arrears omit or refuse to pay the sum due when called upon to do so, it shall be in the power of the Council at any time after due notice has been given to erase his or her name from the roll of members.
- (d) Persons elected to Temporary Membership for a period not exceeding three months shall pay a subscription per month or part month at a rate one-tenth of the Ordinary Member's subscription: except in the case of visiting yachtsmen, Royal Naval officers, Reserve officers commanding local Naval establishments and officers of foreign warships while on this station, who shall not be liable for subscription for the duration of their stay.
- (e) No annual subscription shall be payable by persons who were Life Members in January 1984. Life Membership shall not infer any exemption from liability to expulsion under Rule IX.
- (f) No annual subscription shall be payable by persons duly elected to Honorary Membership by the members in General Meeting.
- (g) A member overseas shall pay an annual subscription of 25% of the annual subscription of an Ordinary Member or as shall be decided by members at the Annual General Meeting
- (h) The members may decide in General Meeting to allow special rates of subscription.

Currently:

- (i) Family subscription shall cover no more than one Ordinary membership and one Associate membership (spouse/partner, which means a person, or an applicant for ordinary membership of the Club in a demonstrably permanent relationship) plus Cadet memberships for any number of children, provided that all the individuals covered are personally eligible for membership.
- (ii) Out-of-port subscription may be paid by Associate members resident outside of mainland Scotland.
- (iii) Associate Clubs shall pay such subscriptions and other fees as may be decided by the Flag Officers and Council.

## **VII NON-PAYMENT OF DUES**

- (a) No new Member shall participate in the privileges of the Club until any initial subscription has been paid. Should this not be paid within one month of election (unless a satisfactory explanation is given to the Council) that election will be null and void.
- (b) No Member shall take part in any of the proceedings of the Club until his/her due subscription (and any fines) has been paid.
- (c) No person whose membership has lapsed due to non-payment of subscriptions may resume membership except by decision of Council, subject to full payment of arrears to date including the current annual subscription.

## **VIII RESIGNATION OF MEMBERS**

Any member wishing to resign from the Club shall intimate his or her intention in writing to the Secretary not later than 30<sup>th</sup> September in any year, otherwise he or she shall be liable to pay the subscription for the current year. Any person shall, on ceasing to be a member of the Club, forfeit all rights to any claims upon the Club, its property and funds.

## **IX EXPULSION OF MEMBERS**

- (a) Should the conduct of any member, either in or out of the Clubhouse, be in the opinion of the Council (or of any ten members of the Club who shall certify the same to the Council in writing) injurious to the character and interests of the Club, or should any member persistently refuse to conform to any rule of the Club, or to any regulation which may from time to time be made by the Council, the Council may request such member to resign.
- (b) Should he or she not resign within fourteen days from the date of the letter containing such request, the Council shall be empowered to erase his/her name from the list of members after he or she has had the opportunity to state his/her case.

## **X GUESTS**

- (a) Ordinary and Associate members shall have the privilege of introducing no more than 10 guests to the Clubhouse on any one day. The name and address of each guest together with the name of the introducing member and the date of each visit shall be inscribed in the Visitors' Book kept for the purpose at the start of each visit. Members of properly constituted clubs may visit the Clubhouse by invitation without being introduced by a member. The name and address of each such visitor and the date of each visit shall be inscribed in the Visitors' Book kept for the purpose at the start of each visit.
- (b) The Council shall have the power to limit the number of occasions when any guests may be introduced.

- (c) No visitor, whether by invitation and in the company of a member or being a member of a properly constituted club shall be supplied with alcoholic liquor unless signed into the Visitors' Book.
- (d) Cadet members shall not sign in guests in the Visitors Book nor supply them with alcoholic liquor on the Club premises. Cadets may however, introduce guests of comparable age for attendance at approved Cadet functions and shall sign them into the Cadet Book provided for the purpose.

## **XI ALCOHOLIC LIQUORS**

- (a) The hours during which alcoholic liquor may be served shall not extend beyond the hours permitted by the Club License or any Occasional License which may from time to time be granted to the Club.
- (b) No alcoholic liquor shall be sold or supplied to any person under 18 years of age.
- (c) No member of Council, manager or employee of the Club shall have any personal interest in the sale of alcoholic liquors in the Club or in the profits arising from such sale.

## **XII ANNUAL GENERAL MEETING**

An Annual General Meeting (AGM) of Ordinary members of the Club shall be held in November on such day as shall be fixed by the Council. The date shall be notified to members at least 28 days in advance and Agenda papers giving the business of the meeting shall be circulated to all Ordinary members at least six days before the date of the meeting. Notification of the AGM and circulation of the Agenda papers shall be by e-mail, except to those members who have submitted a request that they be notified in writing. Ten members shall form a quorum.

## **XIII GENERAL MEETINGS**

- (a) The Secretary shall have the power to call General Meetings of the Club when instructed in due form.
- (b) Six Ordinary members of the Club may, by letter specifying the purpose, request the Secretary to call a General Meeting of the Club, to be held within 28 days after receiving such notice from members. The Secretary shall notify all Ordinary members of the purpose of the meeting at least 6 days before the date of the meeting. A meeting so notified shall be confined to the business specified in the notice calling the meeting.
- (c) At all General Meetings of the Club the Commodore shall act as Chairman and in his absence the Vice Commodore or officer next in seniority present. If no Officer be present the meeting shall elect a Chairman. Ten members shall form a quorum.
- (d) The Chairman shall not have a casting vote.

#### **XIV ELECTION OF OFFICERS AND COUNCIL**

- (a) At the Annual General Meeting in November a Commodore, Vice Commodore, one or more Rear Commodore(s) and members of the Council shall be elected for the purpose of managing the affairs of the Club until the next election. In the case of a vacancy arising in the positions of Commodore, Vice Commodore or Rear Commodore between Annual General Meetings, such vacancy may be filled until the next Annual General Meeting by election at a General Meeting.
- (b) The retiring Flag Officers shall be eligible for re-election subject to a maximum of three consecutive years in respect of the Commodore and Vice Commodore and Rear Commodore. Thereafter, they shall not be eligible for re-election to the same office or to a rank inferior to the one relinquished for a period of one year after their retirement.
- (c) The Council shall consist of nine members each elected for three years, plus the Flag officers *ex officio*, six to form a quorum, and three members of this Council shall retire annually by rotation and shall not be eligible for re-election for the period of one year after their retirement. In the event of the death or resignation of any member of the Council (or sub-committee) the remaining members shall be entitled to fill the vacancy by co-option for the remainder of the period for which the said Council member was elected.
- (d) There shall also be elected at the Annual General Meeting one or more Honorary Secretaries and an Honorary Treasurer, or the offices may be combined. In the event of the Club employing a paid Secretary the election of Honorary Secretary may be waived at the discretion of the Annual General Meeting. These elected officers shall be *ex officio* members of Council, shall count in a quorum and be allowed to vote.
- (e) All nominations for Flag officers, Council members and Club officers must be made to the Secretary in writing at least 14 days before the date of the Annual General Meeting or General Meeting as appropriate. Such nominations shall be proposed and seconded by voting members and shall be accompanied by a statement from the candidate indicating his or her willingness to serve.

#### **XV COUNCIL AND COMMITTEES**

- (a) The Club Council shall meet not less than once in every two months and the Secretary shall have the power to call meetings when instructed in due form.
- (b) At all Council meetings the Commodore shall act as Chairman and Convener and in his absence the Vice-Commodore or officer next in seniority. If no Flag officer be present the Council shall appoint one of its members as Chairman who shall preside and have a deliberative and casting vote in the case of an equality.
- (c) A House Committee, a Sailing Committee and a Harbour Committee shall be formed from the members of Council, to act as subcommittees of Council and these shall be directly responsible to Council. Four members of each committee shall form a quorum of that

committee. They shall have power to co-opt members if it is considered necessary and to form further sub-committees from their members to have specific areas of responsibility. The House Committee shall be concerned with all aspects of the day-to-day running of the Clubhouse including maintenance of its fabric and furniture and domestic arrangements, matters pertaining to bar sales and catering and to the provision of social events. The Sailing Committee shall be concerned with all aspects of the sailing programme, including regattas, protests and disputes arising therefrom. The Harbour Committee shall be responsible for operation and maintenance of moorings, boat yard and buildings thereon, launches and ferry service.

- (d) The Council may authorise the formation of other subcommittees from the members for such purposes as may be considered necessary.
- (e) The Secretary of the Council shall keep correct minutes of the proceedings in the Club Minute Books which shall be produced at all General Meetings.

## **XVI INTEREST OF MEMBERS**

- (a) The Club is a non-profit-making organisation: all profits and surpluses will be used to maintain or improve the Club's facilities. No profit or surplus will be distributed.
- (b) In the event of the winding up or amalgamation of the Club, after meeting liabilities the net assets shall be transferred to such other Club with similar objects or to such other Association connected with sailing as shall be decided by the members in General Meeting.
- (c) The Club shall be wound up or shall amalgamate with another club if the total of the Ordinary and Associate membership falls below 25.

## **XVII FINANCE AND ACCOUNTS**

- (a) The Club's financial year shall be from 1 October to 30 September.
- (b) The members at the Annual General Meeting shall determine the rates of subscriptions.
- (c) The members in General Meeting shall have the power to raise additional funds and to create reserves for extraordinary purposes by levy, loans or other means.
- (d) The Council shall have the power to authorise expenditures on unforeseen repairs, maintenance and replacements as may become necessary and to initiate exploratory expenditure on major projects. Authority for major extraordinary expenditures (e.g. extensive rebuilding and alterations, etc.) shall, however, rest with the members in General Meeting.
- (e) The Treasurer shall keep a correct record of all money received and disbursed by him on account of the Club. The Accounts shall be closed on 30 September, provided to the chartered accountants appointed by the Club at each Annual General Meeting, for independent examination, then submitted to the Annual General Meeting in November.



## **XVIII ADMIRAL OF THE CLUB**

The Club in General Meeting may appoint an Admiral of the Club who shall hold office for life or until that person ceases to be a member.

## **XIX VICE ADMIRALS**

The Club in General Meeting may appoint one or more Vice Admirals who shall hold office for life or until they cease to be members.

## **XX CLUB FLAGS**

- (a) (i) The Club Burgee shall be blue, bearing a gold Maltese Cross, surmounted by a crown.
  - (ii) The Club Ensign, to be worn only by yachts holding an Admiralty warrant or Club permit, shall be the blue Ensign of Her Majesty's Fleet bearing the gold Maltese Cross surmounted by a crown.
  - (iii) The Admiral's Pennant shall be a white swallow-tail pennant bearing the gold Maltese Cross and crown.
  - (iv) The Vice Admiral's Pennant shall be as for the Admiral's Pennant but bearing in addition, one red ball.
  - (v) The Commodore's Pennant shall be a blue swallow-tail pennant bearing the gold Maltese Cross and crown.
  - (vi) The Vice Commodore's Pennant shall be as for the Commodore's Pennant but bearing in addition one white ball
  - (vii) The Rear Commodore's Pennant shall be as for the Commodore's Pennant but bearing in addition two white balls.
  - (viii) A Retired Commodore's Flag shall be a rectangular Blue flag bearing the gold Maltese Cross and crown.
- (b) Yachts belonging to members shall always wear the Club burgee when on the station of the Club and during Regattas and other meetings unless engaged in a race.
  - (c) Yachts belonging to members while on hire to non-members shall not be considered as belonging to the Club, not entitled to the privileges of the Club and must not wear the Club Flags.

## **XXI YACHTS OF THE CLUB**

- (a) A register shall be kept of yachts belonging to members which shall be published annually such register to state the name, class and sail number (where applicable) of each vessel together with the owner's name.

- (b) Any member selling his yacht while holding an Admiralty warrant or Club permit must, within seven days of the transfer, intimate the same and surrender the warrant or permit to the Secretary.

## **XXII CLUB INSIGNIA**

The Club Badge shall be a Maltese Cross surmounted by a crown.

## **XXIII TRUSTEES**

The Commodore, Vice-Commodore and Rear-Commodore of the Club respectively for the time being shall be Trustees *ex officio*s. The whole property of the Club shall be vested in the Trustees, and said property shall be dealt with as directed by resolution of the Council, the order in writing of whom, signed by the Chairman for the time being and attested by the Secretary or Honorary Secretary, shall be obligatory upon and shall indemnify the Trustees for any act done by them in pursuance of such order of the Council.

## **XXIV LIABILITY OF THE CLUB**

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

- (a) The Club will not accept any liability for any damage to or loss of property belonging to members, their guests or visitors to the Club; and
- (b) 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 council, officers or employees of the Club; and
- (c) Before inviting any guests or visitors onto the premises or to participate in events organised by the Club, members will draw the attention of said guests or visitors to Rules XXIV (a) and (b) above; and
- (d) The safety of a yacht and her entire management including insurance shall be the sole responsibility of the owner / competitor who must ensure that the yacht is fully sound, thoroughly seaworthy, and manned by a crew sufficient in number and experience and who are physically fit to face bad weather. The owner / competitor must be satisfied as to the soundness of the hull, spars, rigging, sails and all gear. He / she must ensure that all safety equipment is properly maintained, stowed and in date and that the crew know where it is kept and how it is to be used; and

- (e) As regards children, parents and guardians are warned that the Club is only able to provide rescue facilities during the hours when an event for children organised by the Club is taking place. Outside these hours, parents and guardians have sole responsibility for their children and wards and must appreciate that the Club cannot be expected to exercise supervision or control or accept responsibility for such children whether during Club racing or otherwise. Parents and guardians will be required to ensure that they act in such a manner to take account of their responsibilities under this Rule.
- (f) Abandoned Property: If at any time any fees payable to the Club by any member or former member shall be three months or more in arrears and property of the member or former member remains upon Club premises the Council may:-
- (i) Move the property to any part of the Club premises without being liable for any loss or damage to the property however caused.
  - (ii) Give three months notice in writing to the member or former member at his or her last address known to the Club and thereafter sell the property and deduct any monies due to the Club (whether by way of arrears of subscription, mooring fees, yard fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.
  - (iii) Alternatively, if the property is unsaleable, after giving notice in writing as aforesaid, dispose of the property in any manner the Council may think fit and deem the cost of so doing and any arrears as aforesaid to be a debt owing to the Club by the member or former member.
  - (iv) Further the Club shall at all times have lien over members or former members property left on the Club's premises in respect of all monies due to the Club, whether in respect of arrears of subscriptions, mooring fees, yard fees or otherwise.

Provided always 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 property is sold the proceeds of sale (less any indebtedness due to the Club by the member or former member) shall be placed upon a bank deposit and retained against the eventuality of a claim by the owner (whether he or she be the said member or former member or otherwise) for a period of six years.

## **XXV INTERPRETATION**

The Council shall be the sole authority of the interpretation of these Rules and of any Bye-Laws made hereunder, and the decision of the Council upon any question of interpretation or upon any matter affecting the Club and not specifically provided for by these Rules or by the Bye Laws made hereunder shall be final and binding on all members.

## **XXVI ALTERATION TO RULES**

No alteration to, addition to or suspension of these General Rules shall be made except at a General Meeting which shall be notified to each Ordinary member at least 6 days prior to the meeting. Two-thirds of the members present at such General Meeting must agree to the proposed alteration, addition or suspension for it to be effective.

Updated following AGM on 27 November 2014 per Honorary Secretary.