



RHYC Club Rules

As amended at the 2021 AGM

1. Name of the Club

The name of the Club is the Royal Harwich Yacht Club (in this document referred to as the 'Club').

2. Objectives of the Club

The Club's objectives are to promote, encourage and facilitate:

- sailing, motor boating and other water-based activities;
- training and improvement in all areas of the Club's activities;
- racing in all sailing craft (by arranging races, regattas and competitions); and
- social activities for Club Members, visiting sailors and guests.

3. Membership

3.1 Membership of the Club is open to all, and the General Committee shall set out in the Club Bye-Laws the process for the election of Members.

3.2 The General Committee shall maintain a Code of Conduct which all Members are required to abide by at all times. The General Committee has the power to suspend the privilege of a Member entering the Club whose behaviour it considers to be contrary to the welfare and good conduct of the Club.

3.3 Members may at any General Meeting elect Honorary Members. The General Committee may elect an Honorary Member.

3.4 The categories of membership shall be set out in the Bye-Laws which shall include Full, Ordinary, Joint, Family, Junior, Veteran, Life, Outport, Associate, Corporate and Temporary membership.

3.5 Junior, Temporary and Honorary Members, with the exception of those who were once subscribing Members, shall not be entitled to propose or second candidates for election, nor Members for office, nor to vote at any General Meeting.

4. Visitors and Guests

4.1 The General Committee shall introduce Bye-Laws to define Guests and Visitors to the Club, the activities that may be undertaken by them and the number of times they may visit the Club.

4.2 The General Committee has the power to suspend the privilege of Visitors and Guests entering the Club whose behaviour it considers to be contrary to the welfare and good conduct of the Club.

5. Flag Officers

5.1 The Flag Officers will arrange General Committee meetings, normally monthly, and will report to the General Committee on significant matters to do with the running of the Club, which shall include a financial report. The Flag Officers shall prepare the agenda for General Committee meetings and make recommendations to the General Committee for their ratification or otherwise.

5.2 The Flag Officers shall carry out an executive function and manage the day to day running of the Club and direct the work of the staff in accordance with the Rules and any guidance or decisions made by the General Committee.

5.3 Flag Officers shall be elected annually at a General Meeting. Members may stand for election as Flag Officer providing they have been Members for three membership years, where a membership year is defined as January to December.

5.4 The General Committee shall nominate to the General Meeting one candidate for each of the offices of President, Commodore, Vice Commodore and Honorary Treasurer. From time to time, the General Committee may also nominate a second Vice Commodore.

5.5 Three Members, each of whom must have been Members for three membership years, shall nominate candidates for the three Rear Commodores offices, each primarily taking responsibility for activities concerned with social, marina and sailing.

5.6 Flag Officers shall serve for one year and shall not, after five years in any office, be eligible for re-election to that office, other than the President who may serve in that role for up to seven years.

5.7 The General Committee may fill any casual vacancies among the Flag Officers of the Club.

6. General Committee

6.1 The role of the General Committee, which shall be chaired by the Commodore or

their nominee, is to:

- Represent the interests of the Members;
- provide guidance and direction to the Flag Officers;
- make decisions on significant issues that are put to them by the Flag Officers;
- nominate their preferred candidates for the roles of President, Commodore, Vice Commodore and Honorary Treasurer; and
- provide non-executive oversight of the running of the Club.

6.2 Members of the General Committee may put forward agenda items for a General Committee meeting in writing to the Chairman of the committee, to be received at least seven days before a committee meeting.

6.3 The General Committee is not responsible for day to day decision-making or management of Club staff.

6.4 The General Committee shall comprise the Flag Officers and up to ten elected Members. Additionally, the Club Manager and Trustees may attend General Committee meetings in a non- voting capacity and may contribute to discussions.

6.5 Club Members shall be eligible to become Members of the General Committee if they have been Members of the Club for one membership year.

6.6 Members of the General Committee shall be elected at the Annual General Meeting on the nomination of two Club Members, each of whom shall have been Members of the Club for at least three membership years.

6.7 Before or at each Annual General Meeting, three non-Flag Officer Members of the Committee shall be replaced. In the event that fewer than three such Members have resigned or otherwise left the General Committee before or at the Annual General Meeting, further non- Flag Officer Members shall retire in order of those with the longest continuous service or selected by lot in the event of equal service such that the total number of non-Flag Officer Members leaving the General Committee is at least three.

6.8 No Member of the General Committee shall serve for more than five consecutive years (other than in accordance with Rule 5.6).

6.9 Nine Members shall form a quorum which must include a minimum of five General Committee Members who are not Flag Officers. No vote may be taken unless there are

more non-Flag Officer Members of the General Committee participating in the vote than Flag Officer Members.

6.10 The General Committee shall appoint a Sailing Committee, which will be chaired by the Rear Commodore (Sailing) and shall include leaders of water-based Special Interest Groups set up in accordance with Rule 6.11 (including Class Captains). The General Committee shall make Bye-Laws setting out the process for electing and, if necessary, removing such leaders of Special Interest Groups.

6.11 The General Committee and the Sailing Committee may set up Special Interest Groups which will report to the parent committee. All Special Interest Groups will have a nominated Flag Officer to act as a point of contact with the Flag Officers.

6.12 If any Member of the General Committee leaves the committee for any reason, the General Committee may co-opt another eligible Member onto the committee, any such appointment to be ratified at the following General Meeting.

7. Trustees

7.1 The property and securities of the Club shall be vested in three Trustees, who shall be nominated by the General Committee. The property and securities of the Club will be dealt with by the Trustees as the General Committee shall from time to time direct. The Trustees shall be indemnified against risk and expense out of the Club property and shall hold office until resignation or death, or until removed by the General Committee.

7.2 For the purposes of giving effect to the nomination of the General Committee, the President is hereby nominated as the person to appoint new Trustees within the meaning of the Trustees Act 1925, and they shall by deed duly appoint the persons so nominated by the General Committee.

8. General Meetings

8.1 The Club shall hold an Annual General Meeting which shall normally be held during the month of December each year on a date and at a time to be determined by the General Committee.

8.2 The General Committee may decide on the format of the Annual General Meeting and any Extraordinary General Meeting, including whether or not the meeting shall be held in person or by means of digital media and whether or not voting must take place in person or by email or other means of communication or by proxy.

8.3 The Flag Officers shall call an Extraordinary General Meeting when required to do so either upon the receipt of a written request, containing a resolution to be submitted to the

meeting, signed by no fewer than 20 Members of the Club, or by order of the General Committee. No business other than that expressly stated in the notice of the Extraordinary General Meeting shall be transacted at that meeting.

8.4 The President, or in their absence the senior Flag Officer present (and if none, a Member elected by the meeting) will preside over the meeting and 30 Members shall form a quorum. If the General Meeting is a physical meeting in person, the quorum refers to those Members physically present. If it is a virtual meeting using digital media, the quorum refers to those Members participating virtually. If the General Meeting is a combination of physical and virtual attendance, the quorum is a combination of all those Members participating.

8.5 A simple majority of those who have submitted a valid vote having regard to Rule 8.2 is sufficient to approve Minutes, to adopt Annual Reports and Accounts and to appoint and elect Officers, Committee and Accountants. A two thirds majority of Members voting is required for the following:

- a change in the Rules;
- a change in the rate of subscription; or
- to pass any other resolution placed before the Meeting.

8.6 The Annual General Meeting shall receive a report from the Commodore and the Treasurer's Report, together with the accounts.

8.7 Accountants shall be elected annually at the Annual General Meeting to prepare Accounts from the books and records. These shall be drawn up in accordance with generally accepted accounting practice.

8.8 Nominations for office, proposals or resolutions changing these Rules shall be made in writing at least 28 days before a General Meeting and notice of the date, time and place of such meeting shall be notified to the membership at least 35 days beforehand.

8.9 The Presiding Officer at the Annual General Meeting shall, at their discretion, have power to accept for discussion resolutions (other than those changing Rules, subscriptions) of which due notice has not been given. The Presiding Officer shall accept bona fide amendments to the same.

8.10 The Presiding Officer shall have a casting vote and shall have power to interpret the Rules.

9. Subscriptions, Dues and Resignation

9.1 The rate of Full Member subscription shall be fixed by a General Meeting of the Club. The

rate of subscription for other categories shall be a proportion of the Full Member rate (rounded as appropriate) as set out in the Bye-Laws.

9.2 Subscriptions relate to the calendar year and should be paid in due time and in accordance with the Bye-Laws.

9.3 All subscriptions and facility charges shall increase in accordance with the prevailing rate of inflation, unless a General Meeting votes for a different level of increase by a two thirds majority as defined in Rule 8.

9.4 Any Member wishing to resign from the Club must give notice in writing to the Club Manager and must pay all subscriptions and outstanding debts to the Club at the time of their resignation. Members who have not paid their subscriptions and dues by the end of March will be deemed to have resigned.

10. Expulsion of Members

10.1 Any Member who:

- refuses to accept or neglects to observe Club Rules and Bye-Laws or any Code of Conduct or similar documents approved and promulgated by the General Committee; or
- behaves or conducts themselves, in the opinion of the General Committee in their absolute discretion, in a way that is either unworthy as a Member or injurious to the interests of the Club; or
- has acted or has threatened to act in a manner which is contrary to the interests of the Club as a whole,

is liable to expulsion by the General Committee provided that, before expelling a Member, the General Committee shall call upon such a Member for an explanation of the Member's conduct and shall give the Member full opportunity, orally or in writing, of giving an explanation to the General Committee or resigning.

10.2 A proposal by the General Committee to consider the expulsion of a Member shall be published by it at least 14 days prior to the General Committee meeting at which it is to be heard. Any resolution to expel a Member shall be carried by a two thirds majority.

10.3 A Member expelled under this Rule shall forfeit all right in and claim upon the Club and its property with the exception of the repayment in due course of any Debenture or other Loan made by the Member to the Club.

10.4 No person who has been expelled from the Club shall be re-elected or admitted to the Club as a Guest or Visitor without the approval of the Club at the Annual General Meeting.

11. Distribution of Profits or Surpluses

11.1 If upon winding up or dissolution of the Club, there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the Members of the Club. The General Committee shall dispose of the net assets remaining to one or more of the following:

- to another club with similar sports purposes which is a charity;
- to another club with similar sports purposes which is a registered Community Amateur Sports Club; or
- to the sport's national governing body for use by them for related community sports.

12. Borrowing Powers

12.1 The Members may from time to time borrow or raise money upon such terms and upon such security as they in General Meeting resolve and they may also authorise the General Committee to do so on their behalf upon such terms and upon such security as the General Committee itself shall resolve.

12.2 A copy of any resolution by the Members in General Meeting and or by the General Committee certified by the Club Manager or by a Flag Officer as a true copy shall be conclusive as to its terms in favour of any lender or otherwise.

13. Lien

13.1 The Club shall at all times have a lien over Members' or former Members' property (including but not limited to yachts berthed in the Club's marina and over yachts and boats or trailers parked on the Club's premises) in respect of all monies due to the Club (whether in respect of arrears of membership subscription or facilities' fees, dinghy park fees, marina berthing fees or otherwise) and the Club shall be entitled to retain possession of such property until such time as all monies due to the Club have been paid in full.

14. Abandoned Property

14.1 If, at any time:

- any fees payable to the Club by any Member or former Member (whether by way of arrears of membership subscription or facilities' fees, dinghy park fees, marina

berthing fees or otherwise) shall be one month or more in arrears; and/or

- any property, including a yacht, boat and/or trailer, of a Member or former Member remains upon the Club premises one month or more after the Club has given to the Member or former Member written notice, sent to their last known address as shown in the Club membership records, to remove the property, then the Member or former Member shall immediately remove the property from the Club's premises.

14.2 If the Member or former Member fails to remove the property then the General Committee may:

- move the property to any part of the Club premises without being liable for any loss or damage howsoever caused;
- give one months' notice in writing and thereafter sell the property and deduct any monies due to the Club from the net proceeds of sale, including but without limitation the cost of sale, before accounting for the balance (if any) to the Member or former Member; or
- alternatively, if the property is unsaleable, after giving notice in writing, dispose of the property in any manner the General Committee may think fit and deem the cost of doing and any arrears as aforesaid to be a debt owing to the Club by the Member or former Member.

14.3 The Club reserves the right to charge storage for the property until such time as the owner collects the property or until notice has been served under this Rule.

14.4 In enforcing this Rule the Club must ensure that proper evidence is available to show that all reasonable steps have been taken by the Club to trace a Member or former Member and that, when and if the property is sold, if the Club is unable to pay the Member or former Member the balance of the proceeds of sale pursuant to this Rule then the same shall be held by the Club to the credit of the owner (whether he be the said Member or former Member or otherwise).