



# ROYAL TORBAY YACHT CLUB

## RULES

## TABLE OF CONTENTS

<b>ROYAL TORBAY YACHT CLUB.....</b>	<b>1</b>
<b>RULES.....</b>	<b>1</b>
<b>1. NAME .....</b>	<b>5</b>
<b>2. OBJECTS.....</b>	<b>5</b>
<b>3. CONSTITUTION.....</b>	<b>5</b>
<b>4. QUALIFICATION FOR MEMBERSHIP.....</b>	<b>5</b>
<b>5. PROPOSAL OF CANDIDATES AND ELECTION OF MEMBERS .....</b>	<b>5</b>
<b>6. SUBSCRIPTIONS.....</b>	<b>6</b>
<b>7. ENTRANCE FEE .....</b>	<b>9</b>
<b>8. RESIGNATION.....</b>	<b>9</b>
<b>9. TEMPORARY MEMBERS.....</b>	<b>9</b>
<b>10. VISITORS.....</b>	<b>10</b>
<b>11. HONORARY MEMBERS .....</b>	<b>11</b>
<b>12. EXPULSION OF MEMBERS.....</b>	<b>11</b>
<b>13. EFFECT OF CEASING TO BE A MEMBER.....</b>	<b>11</b>
<b>14. OFFICERS.....</b>	<b>11</b>
<b>15. MANAGEMENT COMMITTEE AND STANDING COMMITTEES.....</b>	<b>12</b>
<b>16. NOMINATIONS OF OFFICERS, COMMITTEE MEMBERS AND STANDING COMMITTEE MEMBERS .....</b>	<b>12</b>
<b>17. OFFICES OF HONOUR AND LIFE MEMBERSHIP.....</b>	<b>13</b>
<b>18. VOTING.....</b>	<b>13</b>

<b>19. CASUAL VACANCIES AMONGST OFFICERS, THE MANAGEMENT COMMITTEE MEMBERS AND STANDING COMMITTEE MEMBERS .....</b>	<b>13</b>
<b>20. SUB-COMMITTEES.....</b>	<b>14</b>
<b>21. TRUSTEES.....</b>	<b>14</b>
<b>22. BOOKS OF ACCOUNT AND AUDIT.....</b>	<b>14</b>
<b>23. CLUB FUNDS.....</b>	<b>14</b>
<b>24. SALARIED OFFICIALS.....</b>	<b>15</b>
<b>25. GRIEVANCES .....</b>	<b>15</b>
<b>26. PAYMENT OF MEMBERS.....</b>	<b>15</b>
<b>27. GAMBLING.....</b>	<b>15</b>
<b>28. ANNUAL GENERAL MEETING .....</b>	<b>15</b>
<b>29. SPECIAL GENERAL MEETING .....</b>	<b>16</b>
<b>30. QUORUMS .....</b>	<b>16</b>
<b>31. BYE-LAWS .....</b>	<b>16</b>
<b>32. CLUB BARS .....</b>	<b>16</b>
<b>33. CLUB BURGEE AND BLUE ENSIGN (Defaced).....</b>	<b>17</b>
<b>34. CLUB STORE .....</b>	<b>17</b>
<b>35. AFFILIATED CLUBS .....</b>	<b>17</b>
<b>36. CORPORATE GROUP MEMBERSHIP .....</b>	<b>18</b>
<b>37. DINING CLUB MEMBERSHIP.....</b>	<b>18</b>
<b>38. LIMITATION OF CLUB'S LIABILITY .....</b>	<b>18</b>
<b>39. DISSOLUTION .....</b>	<b>18</b>
<b>40. ALTERATION OF RULES .....</b>	<b>18</b>

<b>APPENDIX "A" - Subscriptions .....</b>	<b>20</b>
<b>APPENDIX "B" – Bye-laws .....</b>	<b>21</b>
<b>APPENDIX "C" - Debentures .....</b>	<b>22</b>
<b>APPENDIX "D" – Affiliated Clubs .....</b>	<b>23</b>
<b>APPENDIX "E" – Corporate group membership.....</b>	<b>25</b>
<b>APPENDIX "F" – Associate membership.....</b>	<b>26</b>
<b>APPENDIX "G" – Crew membership.....</b>	<b>27</b>
<b>APPENDIX "H" – Winter social membership .....</b>	<b>28</b>
<b>Explanatory Notes .....</b>	<b>29</b>

# ROYAL TORBAY YACHT CLUB

## RULES

### 1. NAME

The Club shall be called "The ROYAL TORBAY YACHT CLUB".

### 2. OBJECTS

The objects of the Club are to encourage sail and power yachting and to provide Club premises with social amenities and sailing headquarters.

### 3. CONSTITUTION

The Club shall consist of MEMBERS, Intermediate Members and Junior Members. Family Members, Life Members, Honorary Members, Temporary Members, Corporate Group Members, Crew Members, Winter Social Members, Dining Club Members and Affiliated Members may also be elected as hereinafter provided.

### 4. QUALIFICATION FOR MEMBERSHIP

Any person aged 18 years and above shall be eligible for membership. Children aged from 7 years to 17 years (inclusive) may be elected as Junior Members without the right to hold office or vote. A Junior Member co-opted to any Committee may, however, exercise voting rights in that Committee.

### 5. PROPOSAL OF CANDIDATES AND ELECTION OF MEMBERS

There are two routes available to prospective Members.

#### **Traditional Membership Application**

- a. The candidate for membership shall be proposed by one Member of at least one year's standing and shall be seconded by another Member of similar standing. All applications for membership shall be made in writing on a Form to be provided by the Club and shall be signed by the candidate, proposer and seconder.
- b. Notice of the Application shall be displayed on the Club notice-board for not less than 14 days and the election shall be by ballot of the Management Committee present and voting at their first meeting after the expiration of that time.
- c. No candidate shall be elected by less than 75% of the Management Committee Members present.
- d. On election a candidate shall be notified and shall be sent a copy of these Rules.
- e. No candidate shall be admitted to the Club as a Member until notification shall have been given and the relevant subscription and joining fee if applicable, paid.

## **Introductory Membership Application**

Membership is confirmed, 48 hours after completion of the introductory membership form and-payment of the relevant subscription together with a joining fee if applicable.

Notice of the Introductory Membership Application shall be displayed on the Club notice-board for not less than 14 days after the application is completed.

Joining the Club via this route has the same general conditions of membership with the following additional restrictions.

A member joining via this route may not:-

- a. Become an Officer of the Club.
- b. Vote on any matter on which a Member of the Club would be entitled to vote.
- c. Fly the Club burgee or wear its tie.
- d. Represent himself / herself as being a full member of the Club
- e. Share in the assets of the Club on dissolution.

These restrictions will be removed automatically at the end of the 12 month period providing no objections in writing are received at the club office.

Introductory Membership may be terminated following a Management Committee Review at any time (with costs returned pro rata).

## **6. SUBSCRIPTIONS**

### **A. Subscriptions**

- i. For membership subscription renewals due on or after 1<sup>st</sup> January 2021: The Annual Subscription is payable on 1<sup>st</sup> April and the subscription year shall end on the next 31<sup>st</sup> March (the “renewal date”).
- ii. No Member whose subscription remains wholly or partly unpaid one full calendar month after the subscription was due for payment shall be entitled to the privileges or facilities of the Club or to exercise any voting rights until the subscription of the current year, has been paid in full. However, a Member paying by a generally accepted means is deemed to be a full member as long as the monthly payments are maintained.
- iii. Any Member whose subscription remains wholly or partly unpaid two full calendar months after the subscription was due for payment shall cease to be a Member of the Club but may be reinstated at the discretion of the Management Committee on payment of the subscription plus a re-joining fee as the Management Committee may from time to time decide. However, a Member paying by Direct Debit will be deemed to be a full member as long as the monthly payments are maintained.
- iv. Any Member elected from six months prior to the annual subscription renewal date shall pay one-twelfth of the appropriate annual subscription for each remaining whole month of the subscription year; but any Entrance Fee, if applicable, shall be based on the full amount of the appropriate annual subscription.

- v. A Junior Member elected a MEMBER on reaching the age of 18 years shall not become liable for an increased subscription, together with an Entrance Fee if applicable, until the next membership renewal following their 18th birthday except where their birthday falls on the membership renewal date when the increase shall commence.
- B. Annual Subscriptions
  - i. Member (Aged 18 years and above) 100% of the Basic Subscription.
- C. Concessionary rates of subscription

A Member who qualifies for any one, or two, of the following concessionary rates may elect to pay such lower subscription: (The rates are expressed as a percentage of the Basic Subscription).

- i. Aged 18 to 25 years (inclusive) - **30.5%**  
*(A Member enjoying this rate shall become liable to pay the full rate on the next membership renewal following their 26th birthday except where the birthday falls on the renewal date when the full rate shall commence).*

- ii. Aged 25 to 29 years (inclusive) - **50.0%**  
*(A Member enjoying this rate shall become liable to pay the full rate on the next membership renewal following their 30th birthday except where the birthday falls on the renewal date when the full rate shall commence).*

- iii. Aged 65 years or above - **66.67%**
- iv. Husband and Wife, or Partners (as defined below) at least one of whom is aged 65 years or above - **100%**

*(The effective date for claiming the rate in either (ii) or (iii) shall be the next membership renewal following the 65th birthday except where the birthday falls on the renewal date when the reduced rate may commence).*

- v. Husband and Wife, or Partners (as defined below) both being MEMBERS - **150%**
- vi. Spouse of a LIFE MEMBER:

- If (iii), above, applies 50%
  - If (iv), above, applies 75%

- vii. Residing beyond a radius of 30 miles from the Clubhouse and not having a residence or place of business within such radius - **50%**

Husband and Wife residing beyond a radius of 30 miles from the Clubhouse and not having a residence or place of business within such radius - **75%**

- viii. Residing outside England, Scotland and Wales provided that not more than 2 months is spent within those countries - **25%**

Husband and Wife residing outside England, Scotland and Wales provided that not more than 2 months is spent within those countries - **40%**

(Where a MEMBER exceeds the 2-month limit the subscription shall be increased so that the total is as in (vi), above, - i.e. 50%).

- ix. Family Membership - **164%**

Each of a Family Grouping of one or two Adults together with any number of the children of the family who are acceptable for Junior Membership plus any full-time family Students who are 21 or under shall be eligible for Family Membership by paying a single subscription. The subscription shall be paid for by one of the adults who shall be identified in the Club Membership Records as the Lead Adult of the family grouping. The Family Membership of the group will terminate at the end of the year in which the youngest child attains the age of eighteen years (or 21 in full time education).

- D. Temporary Member's subscription - per month - **16.67%**

(The maximum period of Temporary membership is limited to 3 consecutive months).

- E. The Management Committee shall have the power to vary the Annual Subscription by not more than 15% without reference to a General Meeting.

F.

- i. Notwithstanding Rule 6 (b), (c) and (e) the Management Committee may fix an alternative lower first subscription for new Members (excluding persons previously in membership).
- ii. No MEMBER whose first subscription has been paid under this Rule may before the next following membership renewal vote at any General Meeting or partake in a division of the realised property of the Club upon a dissolution of the Club.

G. The current Subscriptions are shown at Appendix "A" which forms part of these Rules.

H. Any Member may elect to pay a "once-for-all" subscription of £5,253 and (b) and (c) of this Rule shall not apply. (This option shall be restricted to 60 Members but in the event of a reduction in the number of participants the shortfall shall not be made up). The Management Committee shall have power to further limit the number of participants should they so decide.

I. In calculating subscriptions, the amount payable will be rounded up or down to the nearest whole pound so that fractions of a pound shall be excluded.

J. The term 'Partner' in this Rule shall mean a Member who is co-habiting with another Member as an established couple on a permanent basis. A Member shall cease to qualify



- within this category when such co-habitation ceases. The decision of the Management Committee as to whether a Member or Members qualify within this category shall be final.
- K. The Management Committee shall have the power to fix the Annual Subscription for Dining Club Membership, Crew Membership and Winter Social Membership for each year or part of a year without reference to a General Meeting.
  - L. The subscription for Affiliated Members shall be the subscription (if any) agreed with the relevant Affiliated Club pursuant to Rule 35 and Appendix D of these Rules.

## 7. ENTRANCE FEE

- A. On election a Member shall pay an Entrance Fee which shall be one half of the appropriate annual subscription. The Management Committee shall have power to waive an Entrance Fee.
- B. A candidate for election as a Member at the age of 18 years who has been a Junior Member for the preceding 3 years shall not be required to pay an Entrance Fee.

## 8. RESIGNATION

Notice of resignation from membership must be made in writing to the Secretary by 31st December. If such notice is not given until after that date a Member shall be liable for a subscription of the then current year.

## 9. TEMPORARY MEMBERS

- A. Any person who is eligible for membership of the Club may be admitted to temporary membership at the discretion of the Management Committee provided that:
  - i. The name and address of such person and the period for which it is desired to become a Temporary Member shall be entered by the proposer in the Temporary Members' Book kept by the Secretary,
  - ii. Temporary membership shall be limited to 3 consecutive months in any subscription year,
  - iii. Persons having a residence within 10 miles of the Clubhouse may not be admitted to temporary membership for more than a total of 3 months in any 3 consecutive years, and
  - iv. A period of at least 48 hours must elapse following the entry in the Temporary Members' Book and payment of the appropriate subscription before the person is admitted to the Club.
  - v. At the discretion of the Management Committee, the Temporary membership fee may be waived for a maximum period of three months.
- B. The proposer of a Temporary Member shall be held responsible for the subscription.
- C. Temporary Members shall not be entitled to introduce any guest into the Club or to be present at any Meeting of the Club.

- D. If a Temporary Member is subsequently elected a Member prior to six months from renewal date the subscription payable on election shall be reduced by the amount paid for temporary membership since the preceding renewal date; but any Entrance Fee, if applicable, shall be based on the full amount of the appropriate annual subscription.
- E. A volunteer who is a member from another recognised Sailing or Water Sport Club helping with an RTYC sponsored event may become a Temporary Member by filling in the Temporary Members application form and their name being written in the temporary member's book, countersigned by a club Flag Officer. The fee for this volunteer and the 48 hours elapsed time requirement may be waived at the discretion of a Flag Officer.

This membership will be valid only during the event or series of events.

## 10. VISITORS

- A. Persons, other than Members and their guests, may be admitted to the Club premises on such occasions and subject to such conditions as the Management Committee may decide and intoxicating liquor may be supplied to them by or on behalf of the Club for consumption on the premises and not elsewhere and provided that such persons shall enter their names in the VISITORS' BOOK and shall be:
  - i. Members and of yacht or sailing clubs recognised by the Royal Yachting Association, (RYA) including members of the RYA and any associated persons that accompany them.
  - ii. members of clubs or societies whose objects are similar to those of the Club or whose main object is the promotion of sailing, boating, rowing, water-skiing, aqualung diving, angling or other water-associated sports or members of other organisations of whom the Committee may from time to time approve, or
  - iii. Serving members of H.M. Armed Forces or members of the Emergency Services.
  - iv. Visitors should be subject to the same restrictions to member's guests as outlined in b) iii) below unless agreed by a Flag officer and this noted in the Visitors book.
- B. Friends of Members may be admitted to the Club premises provided that:
  - i. Members introducing them enter the guests' names in the VISITORS' BOOK and remain in their company and abide by the rules of the club.
  - ii. No Member shall have more than 4 guests in the Club at any one time,
  - iii. no guest may be introduced for more than 2 consecutive days and no one individual guest may be admitted on more than 6 days in any one year, and
  - iv. No Junior Member may introduce a guest over the age of 17 years and no guest of such Member shall be allowed in the Bar.
- C. Private Functions. Admission to the Club premises of non-members (other than Members' guests as defined in (b), above) shall be permitted for approved private functions as per i. below.
- D.

- i. Such functions shall only be held with the approval of the Management Committee or delegated committee member and shall be organised only for the purpose of raising money for the Club's funds or to discharge liabilities of the Club,
- ii. Persons attending such functions may be Members' bone fide guests or members of the public.
- iii. The Club shall maintain a register of events.

## 11. HONORARY MEMBERS

The Management Committee is empowered to elect annually Honorary Members of the Club without the right to hold office or vote. Honorary Members shall not be entitled to share in the assets of the Club on dissolution.

## 12. EXPULSION OF MEMBERS

- A. Every Member on election to the Club impliedly undertakes to comply with these Rules and any refusal to do so or any conduct which in the opinion of the Management Committee is contrary to the interest of the Club shall render such Member liable to expulsion by a resolution of the Management Committee provided at least one week before the meeting at which such motion is proposed such Member shall have had notice thereof and of the intended resolution and shall at such meeting and before the voting on such motion have had an opportunity of giving orally or in writing any explanation or defence.
- B. No Member shall be expelled by less than 75% of the Management Committee Members present.
- C. A Notice under this Rule shall be held to have been duly given if sent by prepaid post to the address of the Member as appearing in the Club records.

## 13. EFFECT OF CEASING TO BE A MEMBER

A Member expelled under Rule 12 or ceasing to be a Member of the Club by resignation or otherwise shall forfeit all right to and claim upon the Club, its property and its funds including any portion of the current year's subscription.

## 14. OFFICERS

- A. The Officers of the Club shall consist of a Commodore, a Vice-Commodore, not more than 3 Rear-Commodores, an Honorary Sailing Secretary and an Honorary Treasurer.
- B. The Officers shall be elected at each Annual General Meeting and shall hold office until the next succeeding Annual General Meeting when they shall retire and shall be eligible for re-election, but a Commodore shall not hold that office for more than 3 consecutive years unless the Management Committee shall decide special circumstances prevail.

- C. Any Officer who has not attended at least 6 Management Committee Meetings (excluding Standing Committee Meetings) in any one year shall be ineligible for re-election.

## 15. MANAGEMENT COMMITTEE AND STANDING COMMITTEES

- A.
- i. The management of the affairs of the Club in accordance with the Rules of the Club shall be vested in a Committee comprising the Officers of the Club together with 4 Members of the Club (to be nominated and elected in accordance with Rules 16 and 18) and one member of Torquay Rowing Club (to be nominated by Torquay Rowing Club). This committee to be known as the Management Committee.
  - ii. The Management Committee Members shall retire at the next Annual General Meeting but shall be eligible for re-election.
  - iii. The Management Committee may delegate certain of its powers to Standing Committees and such powers and terms of reference will be set out from time to time in Standing Orders issued by the Management Committee.
- B. Standing Committees shall be:
- i. Sailing: comprising a Flag Officer, the Honorary Sailing Secretary, an elected Member from the Management Committee, 4 Members elected specifically to this Standing Committee, one of which shall be the Motorboat & Cruising Captain.
  - ii. House: comprising a Flag Officer, an elected Member from the Management Committee and 4 Members elected specifically to this Standing Committee.
  - iii. Social: comprising a Flag Officer, an elected Member from the Management Committee and 4 Members elected specifically to this Standing Committee.
- C. Members elected specifically to Standing Committees shall retire at the next following Annual General Meeting but shall be eligible for re-election.
- D. Standing Committees may co-opt any Member.
- E. The Chairman of a Standing Committee shall have the power of veto in his Committee, but any vetoed motion shall be referred to the Management Committee.

## 16. NOMINATIONS OF OFFICERS, COMMITTEE MEMBERS AND STANDING COMMITTEE MEMBERS

- A. Nominations for Officers and MEMBERS of the Management Committee and Standing Committees must be made in the prescribed way and delivered to the Club Manager for immediate display on the Club notice board and/or communicated to the members by other means not less than 7 days before the Annual General Meeting.
- B. Nominations may only be made with the consent of the nominee.
- C. A Member of less than one year's standing shall not:
- i. Make nominations for election, or
  - ii. be nominated for election except as in paragraph (e) of this rule.

- D. A MEMBER shall not be eligible for nomination as an Officer of the Club without at least one year's service as a Member of the Management Committee except as in paragraph (e) of this Rule.
- E. The Management Committee may decide that in exceptional circumstances the restrictions of paragraph (c) (ii) and (d) of this Rule may be waived.

## 17. OFFICES OF HONOUR AND LIFE MEMBERSHIP

At an Annual General Meeting any Member who has given outstanding service to the Club may be nominated by the Management Committee for election to an Office of Honour and/or to Life Membership.

## 18. VOTING

- A. There will be separate ballots for the election of Officers, the Management Committee Members and Standing Committee Members when there are more candidates than vacancies.
- B. Members voting in these ballots MUST vote for as many candidates as there are vacancies. Any ballot paper with other than the number of votes required by this Rule shall be declared void.
- C. Except as provided in (A) and (B) of this Rule voting at the Annual General Meeting and any Special General Meeting shall be by a show of hands unless a ballot is demanded by not less than 20% of the Members present and qualified to vote or upon the decision of the Chairman of the Meeting. A ballot shall be held for all voting should section D of this rule be applied.
- D. Where deemed necessary and following a unanimous vote of the Management Committee and only with the unanimous agreement of the Club's Trustees, the Management Committee may elect to hold voting by other means. This clause does not apply to Rule 39 (Dissolution).

## 19. CASUAL VACANCIES AMONGST OFFICERS, THE MANAGEMENT COMMITTEE MEMBERS AND STANDING COMMITTEE MEMBERS

- A. In the event of any casual vacancy amongst the Officers of the Club the Management Committee may elect any Member to fill that vacancy until the next Annual General Meeting.
- B.
  - i. In the event of a casual vacancy amongst the 3 Members of the Management Committee any Member may be elected by the Management Committee to fill the vacancy; but the Member so appointed shall hold office until the date only as the Member replaced would have held office. Where, however, the Management Committee elected Member will be required to hold office beyond the next following

- Annual General Meeting such election shall be referred to that Annual General Meeting for confirmation.
- ii. In the event of a casual vacancy amongst the Members elected specifically to the Standing Committees any Member may be elected by the relevant Standing Committee to hold office until the next following Annual General Meeting.
- C. The provisions of Rule 16 (c) (ii) and (d) shall apply to any elections under this Rule.

## 20. SUB-COMMITTEES

- A. Standing Committees may appoint from time to time such Sub-Committees as they deem necessary and may depute or refer to such Sub-Committees such powers and duties as may be thought fit.
- B. Any Sub-Committee may, subject to the approval of its Standing Committee, co-opt any Members of the Club to serve with them.

## 21. TRUSTEES

- A. The property of the Club shall be vested in not more than 4 or less than 3 Trustees who shall deal with such property as directed by resolution of the Management Committee and they shall be indemnified against risk and expense out of the Club property.
- B. No dealings with Club property which affect the value of such property shall be implemented without the prior written consent of the Trustees for the time being.

## 22. BOOKS OF ACCOUNT AND AUDIT

- A. The Management Committee shall be required to keep detailed and accurate accounting records and prepare draft annual accounts. These accounts shall be independently verified by a Chartered, Chartered Management or Certified Accountant appointed at the Annual General Meeting, to ensure that the figures are in agreement with the underlying accounting records of the Club and with other information and explanations supplied. The final accounts shall be presented to the members, for adoption at the Annual General Meeting.
- B. The financial year of the Club shall be for the twelve months ended on 31st December.

## 23. CLUB FUNDS

- A. The funds of the Club shall be kept under the supervision of and in such place and manner as shall be determined by the Management Committee. The Management Committee shall have power to expend Club funds in such manner as they think fit in accordance with these Rules and the objects of the Club.
- B. All negotiable documents drawn on the Club bank accounts shall require a minimum of two signatories drawn from the Flag Officers, the Honorary Treasurer and the Club Secretary

- C. The Management Committee shall have power to borrow money and to mortgage or charge the Club premises or other assets as security for such borrowings.
- D. The Flag Officers shall have power to execute documents in such manner and in accordance with these Rules and the objects of the Club.
- E. The Management Committee shall have power to introduce the Direct Debit Scheme (as operated by the Clearings Banks) for the payment of Members' subscriptions and may authorise 2 or more Officers to execute on behalf of the Club the appropriate documents, including the Standard Indemnity (Non-Corporate), as the Banks may require.

## 24. SALARIED OFFICIALS

The Management Committee may appoint from time to time such salaried officials and servants as may be deemed necessary for the welfare of the Club and may delegate such powers to those so appointed as it thinks fit.

## 25. GRIEVANCES

- A. In the case of a grievance this shall be made in writing to the Club Manager or Secretary signed by the Member or visitor complaining. If this is not appropriate it can be made in writing to a flag officer.

## 26. PAYMENT OF MEMBERS

No Member shall, except for services rendered at the order of the Management Committee, receive any profit or emolument from the funds or the transactions of the Club.

## 27. GAMBLING

The Club premises shall not be used for gambling or for playing any unlawful game. The Management Committee, the Designated Premises Supervisor or the Club Manager shall have power to prohibit any games which in their opinion are unlawful or the playing of which would be injurious to the interests of the Club.

## 28. ANNUAL GENERAL MEETING

- A. The Annual General Meeting shall be held during the month of March in each year or during such other month as the Management Committee may decide and upon a date and at a time to be fixed by the Management Committee. The date and time of the Meeting shall be prominently displayed on the Club notice-board and circulated to members at least 4 weeks in advance of the Meeting. Not more than 14 months shall elapse between any two consecutive Annual General Meetings.
- B. Any MEMBER desirous of submitting a motion to the Annual General Meeting shall give at least 21 days' notice thereof in writing or by email to the Club Manager.

- C. At least 14 days' notice of the Annual General Meeting shall be given to every Member and such notice shall contain details of all motions to be moved at such Meeting. Delivery to a Post Office or by email at least 15 days prior to the date of the Meeting shall be construed as the necessary notice.
- D. When otherwise prevented from doing so due to externally imposed restrictions and following a unanimous vote of the Management Committee and only with the unanimous agreement of the Club's Trustees, the Management Committee may call an Annual General Meeting to be held via other means.

## 29. SPECIAL GENERAL MEETING

- A. the Management Committee may at any time call a Special General Meeting, and shall do so forthwith upon the requisition in writing of any 20 Members stating the purpose for which the Meeting is required.
- B. At least 14 days' notice of a Special General Meeting shall be given to every Member. Delivery to a Post Office or by email at least 15 days prior to the date of the Meeting shall be construed as the necessary notice.
- C. When otherwise prevented from doing so due to externally imposed restrictions and following a unanimous vote of the Management Committee and only with the unanimous agreement of the Club's Trustees, the Management Committee may call a Special General Meeting to be held via other means.

## 30. QUORUMS

The Quorum at all General Meetings shall be 25 Members and at the Management Committee 6 Members.

The Management Committee may convene and vote remotely, a vote in these circumstances can only be carried if all members have responded and the vote is unanimous. An adequate record of polling will be maintained.

## 31. BYE-LAWS

- A. the Management Committee may from time to time make, alter and repeal Bye-laws regulating the use of the Club premises. The exercise of such powers by the Committee shall, provided that such changes are not inconsistent with the Rules of the Club for the time being, be binding on all Members and be construed as part of the Rules of the Club until they are repealed or varied either by the Management Committee or the Club in General Meeting.
- B. The Bye-laws of the Club are contained at Appendix "B" which forms part of these Rules.

## 32. CLUB BARS



- A. Intoxicating liquor may only be supplied for consumption on or off the premises during lawful licensing hours which shall be displayed on the Club notice-board.
- B. The supply of intoxicating liquor shall be under the absolute control of the Designated Premises Supervisor who shall have power at any time in its discretion to refuse to supply any person.
- C. No person under 18 years of age shall be supplied with, or be permitted to consume, intoxicating liquor on the Club premises.
- D. Any balances on a club issued bar card that has not been used for over two years will be cleared to club funds.

### 33. CLUB BURGEE AND BLUE ENSIGN (DEFACED)

- A.
  - i. The Club ensign is the Blue Ensign of Her Majesty's Fleet defaced by a crown in the Union Flag portion of the ensign.
  - ii. It shall be worn according to the regulations made by the Ministry of Defence from time to time. It shall only be worn by the holder of a Ministry of Defence warrant/permit which must be obtained through the Club. Such warrant/permit must be on board the yacht when the ensign is worn and then only when the warrant/permit holder is on board or in the near vicinity.
  - iii. The Club ensign may only be worn when accompanied by the Club burgee.
- B.
  - i. The Club burgee shall be divided into three equal parts measured from the hoist; the centre portion shall be white with a crown thereon and the other parts shall be dark blue.
  - ii. The Club burgee should be worn at the head of the mainmast. Where this is impracticable it should be worn at the starboard spreader of the mainmast.
- C. The following distinguishing flags may be worn by the under-mentioned MEMBERS:
  - i. Admiral: A square flag to the design of the burgee.
  - ii. Vice-Admiral: A similar flag to that of the Admiral with one white ball in the hoist.
  - iii. Commodore: A swallow-tailed flag to the design of the burgee.
  - iv. Vice-Commodore: A flag similar to that of the Commodore with one white ball in the hoist.
  - v. Rear-Commodore: A flag similar to that of the Commodore with two white balls in the hoist.
  - vi. Past-Commodore: A flag similar to that of the Commodore with white edging.

### 34. CLUB STORE

The Rules concerning the use of the Club Store shall be at the discretion of the Management Committee.

### 35. AFFILIATED CLUBS

- A. An Affiliated Club is a members club which the Management Committee has resolved to be affiliated with the Club and whose affiliation becomes effective pursuant to this rule
- B. Written notice of the terms of the proposed affiliation (including full details of subscriptions payable by or to the Affiliated Club, the use of facilities at either club and all other terms) shall be given to every Member who is eligible to vote. The affiliation shall not become effective until the expiry of a period of 21 days following such notice (or until confirmation by the members in General Meeting if such meeting is requisitioned within that 21-day period pursuant to Rule 29).
- C. The Rules in Appendix D shall apply to Affiliated Clubs and Affiliated Members.

### **36. CORPORATE GROUP MEMBERSHIP**

The Rules of Corporate Group Membership are contained at Appendix "E" which forms part of these Rules.

### **37. DINING CLUB MEMBERSHIP**

The Rules of the Dining Club Membership are contained at Appendix "F" which forms part of these Rules.

### **38. LIMITATION OF CLUB'S LIABILITY**

Members of the Club, 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:

- i. 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.
- 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, Committees or servants of the Club.

### **39. DISSOLUTION**

If at any General Meeting a resolution for the dissolution of the Club shall be passed by a majority of the Members present and such resolution shall at a Special General Meeting held not less than 4 weeks thereafter, at which not less than 50% of the Members shall be present, be confirmed by not less than two-thirds of the Members present and voting thereon the Management Committee shall thereupon, 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 the same equally amongst the Members. Upon the completion of such division the Club shall be dissolved.

### **40. ALTERATION OF RULES**

The Management Committee shall have power to alter these Rules, but such alteration shall not take effect until the same has been confirmed at an Annual General Meeting or a Special General Meeting.

## APPENDIX "A" - SUBSCRIPTIONS

(Effective 1<sup>st</sup> April 2023)

1. The Basic Subscription shall be £263.
2. Junior Members (7 - 17 years inclusive) shall pay £53.
3. Crew Members and Winter Social Members shall pay £50% (Effective 01 January 2017)
4. Concessionary Rates, Rule 6 (c). A Member who qualifies for any one, or two, of the following rates may elect to pay such lower subscription:-

% of Basic Subscription	Total
100	263
20	52
25	66
30.5	80
33.3	87.58
40	105
50	132
66.67	175
150	395
164	431

Members' attention is drawn to Rule 6(a), sub-paras (i), (ii) and (iii)

Temporary Members: - 16.67% of the Basic Subscription per month, ie:

1 month £44	2 months £88	3 months £132
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5. Payment of Annual Subscription by Monthly instalment
  - a) Notwithstanding Rule 6 (a), sub-paragraphs (i), (ii) and (iii), a MEMBER may elect to pay the Annual Subscription by Direct Debit with twelve equal payments or by other accepted means.
  - b) Where a first instalment remains unpaid in May the full Annual Subscription shall become due and Rule 6 (a) sub-paragraphs (ii) and (iii) shall apply.
  - c) A MEMBER whose payments lapse shall cease to be a member of the Club but may be re-instated at the discretion of the Committee on payment of the outstanding amount.
  - d) A small administration fee may be added to the ten monthly payments to those paying by monthly payment at the discretion of the Management Committee.

1. No organised meeting shall be held in the Club premises without the prior approval of the Management Committee or its relevant standing committee.
2. Dogs are not allowed in the Member's bar or restaurant. Assistance dogs are allowed access to all areas of the club. Well behaved dogs must be accompanied by their owners and kept on a lead at all times. Owners may be asked to remove their dogs entirely at the discretion of the Club Manager, any Flag Officer or a member of staff."
3. No bicycles or mopeds are allowed in the Clubhouse.
4. No poster or notice may be displayed unless the Secretary or Club Manager has approved same.
5. A charge may be made for the display of "For Sale" notices. All such notices shall be approved by the Secretary or Club Manager.
6. Clause not used.
7. Members may hold private functions in the Clubhouse subject to the following:
  - a) Reasonable notice in writing to the Secretary or club Manager must be made.
  - a) Wages of staff over and above those normally on duty shall be paid through the Secretary.
  - b) A charge for functions shall be agreed with the Club Manager and all drinks provided must be obtained through the Club. Any exceptions to be agreed by the Management Committee
8. The Main Bar shall be out of bounds to anyone under the age of 18 years with the exception of Junior Members over the age of 16 who may be admitted in the company of a Member. When Events are taking place in the Main Bar or when the Corinthian Room is closed for a private function, a Junior Member may be admitted to the Main Bar in the company of a Member.
9. Children under 7 years of age are permitted in the Clubhouse whilst accompanied by a Member.
10. No food purchased or brought in from outside the Club, may be consumed on Club premises whilst the galley is in operation.

(Under Rule 23 (b) the Management Committee has authority to raise money)

The issue of Redeemable Debentures shall be conditional on the under mentioned terms:

- 1)
  - a) A Debenture may be purchased by a MEMBER to cover the whole or part of an annual subscription (inclusive of V.A.T., if applicable).
  - b) The purchase price of a Debenture to cover each £1 of any subscription shall be £15.
  - c) Where a Member elects to purchase a Debenture to cover part of an annual subscription that portion of the subscription not covered by the Debenture shall become due for payment on 1st January and Rule 6 (a) (i), (ii) and (iii) of the Rules shall apply.
- 2) In the event of the annual subscription rates being increased a Member may either add to the value of the Debentures to cover the increase OR elect to pay annually on renewal date the balance of the amount due in which latter case Rule 6 (a) (i), (ii) and (iii) of the Rules shall apply.
- 3) If the annual subscription rates are reduced the Management Committee shall redeem that portion of the Debenture attributable to the reduction; but where a Member holds a Debenture covering a portion only of the appropriate annual subscription and pays the balance as in 1 (c), above, that Member may reduce the annual payment by the amount of the decrease in the appropriate annual subscription.
- 4) Repayment of a Debenture on the renewal date shall be made to a Member who has given at least 2 months' notice in writing to the Club Manager.
- 5) A debenture holder ceasing to be a Member of the Club through resignation, expulsion or for any other reason shall be repaid on the renewal date the full value of the Debenture but the Committee is empowered to deduct from such payment any arrears of subscription.
- 6) The Management Committee may at its discretion repay a Debenture on a date other than the renewal date and shall on the written application of the Personal Representative(s) of a deceased Debenture holder repay such Debenture within a period of 2 months of the receipt of such application.

(Reference to the "Club" shall refer to the Royal Torbay Yacht Club)

- 1) An affiliated member must be a fully paid up Full member of an affiliated club.
- 2) An affiliated member must be either:
  - a. A member of the affiliated club at the date of affiliation of that club, or
  - b. Have been a member of the affiliated club for at least 5 years prior to applying for affiliated membership, or
  - c. having been a member of the affiliated club for less than 5 years have actively taken part under the auspices of the affiliated club in the sport which it promotes, or
  - d. Have been an Officer, Honorary Treasurer or Honorary Secretary of the affiliated club, or
  - e. Be the spouse of any person specified in paragraphs (a), (b), (c) or (d), above.
- 3)
  - a) The Management Committee of the Club may ask for written evidence from the affiliated club that the affiliated member has complied with paragraph 2, above.
  - (b) The affiliated club shall complete an official Application Form in respect of each and every candidate for affiliated membership save that such candidate need not be proposed and seconded. The Application Form shall be displayed on the Club notice-board in the like manner as on application for full membership and the Management Committee shall have the right to refuse such application without giving any reason.
- 4) The Affiliated Club shall pay to the Club such per capita subscription (if any) as has been agreed and published pursuant to Rule 35 of the club rules. Such per capita subscription shall be due and payable on the renewal date in each year and the subscription for new Affiliated Members shall be payable as and when they are elected as Affiliated Members”
- 5)
  - a) Affiliated members shall have the right to use such part of the Club premises at Beacon Hill, Torquay, or such other place from which the Club shall carry on business as the Committee of the Club shall from time to time decide for all social and recreational purposes.
  - b) The Management Committee of the Club shall have the right to pass Bye-laws from time to time excluding affiliated members from part or parts of the aforesaid premises and restricting or defining the days and times when affiliated members shall have access to those premises.
  - c) An affiliated club may be required to nominate one or more of its Officers or members to any Committee of the Club and such co-opted members shall be entitled to vote in that Committee.
- 6) An affiliated member shall not be entitled to:
  - a) become an Officer of the Club or be elected to the Management Committee other than as a co-opted member,
  - b) Vote on any matter upon which a MEMBER of the Club would be entitled to vote other than in paragraph 5 (c) above,

- c) Share in the assets of the Club on dissolution,
  - d) Fly the Club burgee or wear its tie, and
  - e) Take part in any racing organised by the Club or sailed under the burgee of the Club unless:
    - i) the affiliated member has paid an entry fee equal to one full year's subscription for the time being in force in respect of a MEMBER of the Club, or
    - ii) Such separate entry fee has been paid as required by the rules or sailing instructions of the specific event sailed under the burgee of the Club in which the affiliated member wishes to participate.
- 7) The Rules, regulations and bye-laws of the Club shall apply to an affiliated member as if full membership is enjoyed save insofar as the same are varied by or inconsistent with these Rules.



("Participating persons" refers to individuals included in Corporate Group Membership)

- 1) Notwithstanding any provision to the contrary contained in these Rules the Management Committee may grant Corporate Group Membership to any company, partnership or other business providing that not less than 3 participating persons in such concern shall be included in each Corporate Group.
- 2) A Corporate Group must submit to the Secretary written details of the name, address and age of any person who would use the Club pursuant to its Corporate Group membership together with such further information as the Secretary or the Committee may require and no person other than those named shall be permitted to use the Club pursuant to Corporate Group Membership.
- 3) The Annual Subscription of each participating person shall be 75% of the Club's Basic Subscription as published in Appendix "A" of these Rules. Subscriptions shall be paid by the Corporate Group in respect of its participating persons.
- 4) A Corporate Group may be asked to nominate one or more of its participating persons to a Sub-Committee of the Club and such co-opted persons shall be entitled to vote in that Sub-Committee.
- 5) Neither a Corporate Group nor its participating persons shall be entitled to:-
  - a. Become an Officer of the Club,
  - b. Vote on any matter, on which a Member of the Club would be entitled to vote other than in paragraph 4, above,
  - c. Fly the Club burgee or wear its tie,
  - d. Represent them as being full MEMBERS of the Club,
  - e. Take part in any on-the-water activity or use the facilities at any other club with whom reciprocal arrangements exist, and
  - f. Share in the assets of the Club on dissolution.
- 6) Corporate Group Membership may be cancelled by resolution of the Management Committee at any time without obligation on the Committee to give any reason therefore.
- 7) A Corporate Group may be required to withdraw the use of the Club facilities from any participating person if the Management Committee shall so resolve.
- 8) The Management Committee shall be empowered to introduce such further regulations to vary the operation of Corporate Group Membership from time to time as they shall think fit.
- 9) The Rules, regulations and Bye-laws of the Club shall apply to a Corporate Group and its participating persons unless varied by, or inconsistent with, the Rules of this Appendix.

## APPENDIX "F" – ASSOCIATE MEMBERSHIP

- 1) Notwithstanding any provision to the contrary contained in these Rules, the Committee may grant Associate Membership to any individual. The Associate Memberships will be reviewed annually by the Management Committee.
- 2) Every applicant for Associate Membership must complete a Membership Application Form and that form will go before the Management Committee for approval.
- 3) The Annual Subscription for Associate Members shall be set in accordance with Rule 6(k) of the Rules.
- 4) Associate Members are entitled to make use of the facilities of the Club and be entitled to a Bar Discount Card.
- 5) Associate Membership may be granted to parents of active club junior sailors, who are members of another sailing or water sports club. An Associate Member may not have held a membership of the Club in the previous five years.
- 6) Guests of Associate Members may be admitted to the Club subject to the provisions of Rule 10(b) of the Rules.
- 7) A person can be an Associate Member for a limited period subject to Management Committee approval.
- 8) An Associate Member may not:
  - a. become an Officer of the Club,
  - b. vote on any matter on which a Member of the Club would be entitled to vote,
  - c. fly the Club burgee or wear its tie,
  - d. represent himself / herself as being a full member of the Club,
  - e. Share in the assets of the Club on dissolution.
- 9) Associate Membership may be cancelled by resolution of the Management Committee at any time without obligation of the Management Committee to give any reason therefore.
- 10) If the Management Committee shall so resolve, the use of the Club facilities may be withdrawn from any Associate Member.
- 11) The Management Committee shall be empowered to introduce such further regulations to vary the operation of the Associate Membership from time to time as it shall think fit.
- 12) An Associate Member may not hold any other membership of the Club.
- 13) The Rules, Regulations and Bye-laws of the Club shall apply to Associate Members unless varied by, or inconsistent with, the Rules of this Appendix.

## APPENDIX "G" – CREW MEMBERSHIP

- 1) Notwithstanding any provision to the contrary contained in these Rules, the Committee may grant Crew Membership to any individual. The Crew Memberships will be reviewed annually by the Management Committee.
- 2) Every applicant for Crew Membership must be proposed by the owner of the boat on which they crew. The owner must be a member of the RTYC.
- 3) The Annual Subscription for Crew Members shall be set in accordance with Rule 6(k) of the Rules.
- 4) Crew Members are entitled to make use of the facilities of the Club on days when they have participated in Club/Club organised racing and to attend winter social boating events and the annual prizegiving.
- 5) Guests of Crew Members may be admitted to the Club subject to the provisions of Rule 10(b) of the Rules.
- 6) A person can be a Crew Member for a limited period subject to Management Committee approval.
- 7) A Crew Member may not:
  - a) become an Officer of the Club,
  - b) vote on any matter on which a Member of the Club would be entitled to vote,
  - c) fly the Club burgee or wear its tie,
  - d) represent himself / herself as being a full member of the Club,
  - e) Share in the assets of the Club on dissolution.
- 8) Crew Membership may be cancelled by resolution of the Management Committee at any time without obligation of the Committee to give any reason therefore.
- 9) If the Management Committee shall so resolve the use of the Club facilities may be withdrawn from any Crew Member.
- 10) The Management Committee shall be empowered to introduce such further regulations to vary the operation of the Crew Membership from time to time as it shall think fit.
- 11) A Crew Member may not hold any other membership of the Club.
- 12) Crew Memberships may be granted to maximum of six parent/guardians who help with the running of Junior Sailing. These Memberships will be nominated by the Junior Class Captains and approved by the Management Committee.

The Rules, Regulations and Bye-laws of the Club shall apply to Crew Members unless varied by, or inconsistent with, the Rules of this Appendix.

## APPENDIX "H" – WINTER SOCIAL MEMBERSHIP

- 1) Notwithstanding any provision to the contrary contained in these Rules, the Management Committee may grant Winter Social Membership to any individual.
- 2) Every applicant for Winter Social Membership shall be subject to the Rules relating to the Proposal of Candidates and Election of Members as set out within Rule 5 of the Rules.
- 3) The Annual Subscription for Winter Social Members shall be set in accordance with Rule 6(k) of the Rules.
- 4) Winter Social Members are entitled to make use of the facilities of the Club from 1<sup>st</sup> October to 31<sup>st</sup> March.
- 5) Guests of Winter Social Members may be admitted to the Club subject to the provisions of Rule 10(b) of the Rules.
- 6) A Winter Social Member may not:
  - a. become an Officer of the Club,
  - b. vote on any matter on which a Member of the Club would be entitled to vote,
  - c. fly the Club burgee or wear its tie,
  - d. represent himself / herself as being a full member of the Club,
  - e. take part in any on-the-water activity or use the facilities at any other club with whom reciprocal arrangements exist, and
  - f. Share in the assets of the Club on dissolution.
- 7) Winter Social Membership may be cancelled by resolution of the Committee at any time without obligation of the Management Committee to give any reason therefor.
- 8) If the Management Committee shall so resolve the use of the Club facilities may be withdrawn from any Winter Social Member.
- 9) The Management Committee shall be empowered to introduce such further regulations to vary the operation of the Winter Social Membership from time to time as it shall think fit.
- 10) A Winter Social Member may not hold any other membership of the Club.

The Rules, Regulations and Bye-laws of the Club shall apply to Winter Social Members unless varied by, or inconsistent with, the Rules of this Appendix.

## EXPLANATORY NOTES

"Member" or "Members" where printed as such refers to a person or persons in membership aged 18 years or over. Likewise, "Junior Member" or "Junior Members" refers to those in membership aged between 7 and 17 years inclusive.

Where "Member" or "Members" is printed this refers to any person or persons in membership. Reference to the Secretary shall also apply to an Honorary Secretary if appointed.

Reference to the Club Manager or secretary may alternatively refer to a flag officer if the Club Manager or secretary is unavailable.

Where necessary these rules will adhere to the requirements of the General Data Protection Regulation (GDPR) which comes into legislation in May 2018 as well as any requirements under The Licensing Act 2003.