

CONSTITUTION of BTYC SAILSPORTS CLUB (COMMUNITY AMATEUR SPORTS CLUB)

1. Name

The name of the Club is **BTYC SAILSPORTS CLUB**.

2. Club Purposes

The purposes of the Club are to promote the amateur sport of sailing and windsurfing on the Welsh Harp (Brent Reservoir) and community participation in the same.

3. Permitted means of advancing the Purposes

The Committee has the power to:

- a. acquire and provide, equipment, coaching, training, sailing /windsurfing facilities, clubhouses, transport, and related social and other facilities;
- b. take out any insurance for club, employees, contractors, players, guests and third parties;
- c. raise funds by appeals, subscriptions, loans and charges;
- d. borrow money and give security for the same, and open bank accounts;
- e. buy, lease or licence property and sell, let or otherwise dispose of the same;
- f. make grants and loans and give guarantees and provide other benefits;
- g. set aside funds for special purposes or as reserves;
- h. invest funds in any lawful manner;
- i. employ and engage staff and others and provide services;
- j. co-operate with or affiliate to firstly any bodies regulating or organising the Sport and secondly any club or body involved with it and thirdly with government and related agencies;
- l. do all other things reasonably necessary to advance the purposes;

NONE of the above powers may be used other than to advance the purposes consistently with the Rules below, with the Byelaws of the Welsh Harp Sailing Association and UK law.

4. Membership

- 4.1. Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.
- 4.2. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating. The Committee may in special circumstances, dispense with or reduce the amount of any subscription or fee payable by any Member or class of Members.
- 4.3. The Club may have different classes of membership and subscription on a non-discriminatory and fair basis, as decided by the Committee. The Committee determines the categories of membership, and the associated fees and rights, within the following constraints:
 1. A member of 16 years of age or older has one vote, unless excluded by a provision below.
 2. Where two or more members share one Family Membership, only one vote may be exercised.
 3. A member who falls into one of the following categories does not have a vote:
 - a. A Social Member, being a member who is not entitled to sail, unless co-opted onto the committee.
 - b. An Associate Member, being a full member of another constituent body of the WHSA.
 - c. A Seasonal Member, being a full member of another sailing club who is a member of BTYC Sailsports Club only for those times of year when unable to sail at that club.
 - d. A Temporary Member, being a member whom the committee has elected to membership for only a limited time.
 - e. A Prospective member, being a member whose membership has yet to be confirmed by the committee.

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- 4.4. All members shall pay their first subscription on election to the Club and thereafter on or before the first day of April in each year.
- 4.5. The club may elect up to 6 Honorary Members at an AGM for the following year in recognition of past contributions to the club.
- 4.6. The name and address of a person applying to become a member of the club is added to a list of prospective members which is displayed in the clubhouse; a subsequent committee meeting considers the list and confirms the membership of those prospective members it considers suitable. A prospective member has the same rights as a member in the class of membership being applied for, except as noted above.
- 4.7. The Club Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal or removal may be made to the members.
- 4.8. The Committee may cancel, without notice being given, the membership of any member whose annual subscription and other fees are more than three months in arrears provided that the Committee may, at its discretion, reinstate such member upon payment of arrears. No member whose annual payments are in arrears may enter any club event or regatta nor vote at any meeting.
- 4.9. The Club has not registered under the Data Protection Act. It holds member's records on an automated system and members have been asked to consent to this arrangement in compliance with the 1998 Data Protection Act.

5. Conduct Of Members

- 5.1 Every member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with, the club Rules and the current Byelaws and Regulations of the Club and the Welsh Harp Sailing Association and the Rules of the Class Association relevant to their craft.
- 5.2 A member shall not knowingly remove, injure, destroy or damage any property of the club and shall make restitution for the same if called upon to do so by the committee or by the Honorary Secretary upon the instructions of the Committee.
- 5.3 If at any time any fees payable to the club by any member or former member shall be more than one month in arrears and a boat or sailboard the property of a member or former member remains upon the club premises or in the boat park administered by the WHSA, the Committee may:
 - a. Move the boat or sailboard to any other part of the club premises or the land administered by the club or WHSA without being liable for any loss or damage to the boat or sailboard however caused.
 - b. Give one month's notice in writing to the member at his last known address as shown in the Club Register and thereafter sell the boat or sailboard and deduct any monies due to the club (whether by way of arrears of subscription or annual payments, dinghy park fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.
 - c. Alternatively, if the vessel is un-saleable, after giving notice in writing as aforesaid, dispose of the boat or sailboard in any manner the 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.

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 the boat or sailboard is sold the proceeds of the sale (less any indebtedness by the member or former member of the club) shall be placed upon bank deposit account 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.

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6. Guests

- 6.1 Members shall enter the names of all guests in the Visitors' Book.
- 6.2 A Member may not introduce more than three guests (six adults at social events) in any one day and the same guest may not be introduced more than three times in any calendar year.
- 6.3 A Member may not introduce as a visitor a person who has been unsuccessful as a candidate for election to Club membership unless he/she has been unsuccessful solely for lack of a vacancy.
- 6.4 A Member may not introduce as a visitor a person who has previously been expelled from the Club or has been struck off the list of Members for non-payment of subscription.
- 6.5 A Member introducing a guest is responsible for ensuring that his/her guest is informed of and conforms to the Rules and Bye-laws of the Club and the WHSA.
- 6.6 A member of any club affiliated to the Royal Yachting Association (a list is published by the said Association) may be authorised to use the premises of the club by any member of the committee of the club.
- 6.7 Any person who is a competitor or crew member in any race sponsored by or on behalf of the club is entitled to use the club premises and to purchase intoxicating liquor for consumption on the premises by such person or his guest, within 24 hours before and after the race in which they are competing.
- 6.8 The Honorary Secretary or any other person who has received the authority of two members of the committee, may expel, temporarily or permanently, any person who has the right to the use of the club premises only under rules 6.6 and 6.7.

7. Limitation Of Club Liability

Members of the Club, their guests or visitors may use the Club premises, and any other facilities of the Club, entirely at their own risk. By implication, they accept that:

7.1 General exclusion of liability

- 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.
- 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 either sustained by Members, their guests or visitors or caused by 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 them the Officers, Committee or servants of the Club.

7.2 Racing

The race organisers shall not be liable for any loss, damage, death or personal injury howsoever caused to the owner/competitor, his/her skipper or crew, as a result of their taking part in the race or races. Moreover, every owner/competitor warrants the suitability of his/ her craft.

7.3 Junior Members

Parents and guardians are warned that the Club is unable to guarantee the provision of rescue facilities and reminded that parents and guardians have sole responsibility for their children and wards and must appreciate that the Club cannot assume responsibility for their supervision and control. Even during the hours of Club racing the Club cannot accept responsibility for children or any other persons.

7.4 Guests /visitors

Before inviting any guests or visitors to the premises or to participate in events organised by the Club, Members will draw their attention to the Limitation of Club Liability.

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8. Trustees

- 8.1 There shall be at least three Trustees of the club who shall be appointed from time to time as necessary by Committee of the club from among Full, Family and Honorary Members who are willing to be appointed. A Trustee shall hold office during his lifetime or until he shall resign, by notice in writing given to the Committee, or until a resolution removing him from office shall be passed at a meeting of the Committee by a majority comprising two-thirds of the members present and entitled to vote.
- 8.2 All property of the club, including land and investments, shall be held by the Trustees for the time being, in their names so far as is necessary and practicable, on trust for the use and benefit of the club. On the death, resignation, or removal from office of a Trustee, the Committee shall nominate a new Trustee in his place, and shall as soon as possible thereafter take all lawful and practicable steps to procure the vesting of all club property into the names of the Trustees as constituted by such nomination. For the purpose of giving effect to any nomination, the Honorary Secretary for the time being is hereby nominated as the person to appoint new Trustees of the club within the meaning of Section 36 of the Trustee Act 1925 and he shall by deed duly appoint the person or persons so nominated by the Committee.
- 8.3 The Trustees shall in all respects act, in regard to any property of the club held by them, in accordance with the directions of the Committee, and shall have the power to sell, lease, mortgage or pledge any club property so held for the purpose of raising or borrowing money for the benefit of the club in compliance with the Committee's directions (which shall be duly recorded in the minutes of the proceedings of the Committee) but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given. *(The last phrase means that in UK law a purchaser etc does not need to know.)*
- 8.4 The Trustees shall be effectually indemnified by the Committee out of the assets of the club from and against any liability, costs, expenses and payments whatsoever which may be properly incurred or made by them in the exercise of their duties or in relation to any property of the club vested in them, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a Trustee of the club.

9. All General Meetings

- 9.1 All members may attend all general meetings of the Club in person.
- 9.2 Such meetings need 21 clear days' written notice to members.
- 9.3 The quorum for all general meetings is 15 members who are entitled to vote.
- 9.4 The Commodore or (in his or her absence) another member chosen at the meeting shall preside.
- 9.5 Except as otherwise provided in these Rules every resolution shall be decided by a simple majority of the votes cast on a show of hands.
- 9.6 Formalities in connection with General Meetings (such as how to put down resolutions) shall be decided by the Committee and publicised to Club members.

10. Annual General Meeting (AGM)

The Club shall hold an AGM once in every calendar year during the month of March on a date to be fixed by the Committee. At every AGM:

- a. the Members shall elect a Committee including a Commodore, Treasurer and Secretary to serve until the next AGM;
- b. the Treasurer shall produce accounts of the Club for the latest financial year audited as the Committee shall decide;
- c. the Committee shall present a report on the Club's activities since the previous AGM;
- d. the Members shall appoint a suitable person to audit the accounts; and
- e. the Members shall discuss and vote on any resolution (whether about policy or to change the Rules) and deal with any other business put to the meeting of which the Secretary has received notice in writing by a member entitled to vote at least 42 days before the date of the meeting.

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11. Extraordinary General Meeting (EGM)

An EGM shall be called by the Secretary within 14 days of a request to that effect from the Committee or on the written request of not less than 10 members signed by them. At least 14 days notice of such a meeting must be given to members. The place of the EGM will be decided upon by the Committee or in default by the Commodore.

12. The Committee

12.1 Role

Subject to these Rules the Committee shall have responsibility for the management of the Club, its funds, property and affairs.

12.2 Property etc

- a. The property and funds of the Club cannot be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules and all surplus income or profits are reinvested in the club.
- b. The Club may provide sailing, windsurfing and related social facilities, sailing/windsurfing equipment, coaching, courses, insurance cover, away-racing expenses, post racing refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.
- c. The Club may also in connection with the sailing/windsurfing purposes of the Club:
 - sell and supply food, drink and related sports clothing and equipment;
 - employ members (though not for competitive sailing) and remunerate them for providing goods and services, on fair terms set by the Committee without the person concerned being present;
 - pay for reasonable hospitality for visiting sailors and guests;
 - indemnify the Trustees, Committee and members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club.
- d. The Committee will have due regard to the law on disability discrimination and child protection.

12.3 Composition etc

- a. Candidates for election to the Committee shall be members entitled to vote at general meetings.
- b. The Committee members may co-opt club members (up to the committee maximum total of 20) to serve until the end of the next AGM.
- c. Any Committee member may be re-elected or re-co-opted without limit.
- d. A Committee member ceases to be such if he or she ceases to be a member of the Club, resigns by written notice, or is removed by the Committee for good cause after the Member concerned has been given the chance of putting his/her case to the Committee with an appeal to the Club members, or is removed by club members at a general meeting. The Committee shall fairly decide time limits and formalities for these steps.

12.4 Committee Meetings

- a. Whenever a Committee member has a personal interest in a matter to be discussed he/she must declare it, withdraw from that part of the meeting (unless asked to stay), not be counted in the quorum for that agenda item and withdraw during the vote and have no vote on the matter concerned.
- b. The Committee may decide its own way of operating. Unless it otherwise resolves the following rules apply:
 1. at least 7 members must be present for the meeting to be valid;
 2. committee meetings shall be held face to face;
 3. the Commodore or whoever else those present choose shall chair meetings;
 4. decisions shall be by simple majority of those voting;
 5. a resolution in writing signed by every Committee member shall be valid without a meeting;
 6. the chair of the meeting shall not have a casting vote.

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12.5 Delegation etc.

The Committee may delegate any of their functions to sub-committees but must specify the scope of its activity and powers; the extent to which it can commit the funds of the Club; its membership; its duty to report back to the Committee. The Committee may wind up any sub-committee at any time or to change its mandate and operating terms.

12.6 Disclosure

Annual club reports and statements of account must be made available for inspection by any member and all club records may be inspected by any Committee member.

13. Amendments

13.1 These Rules may be amended at a general meeting by two-thirds of the votes cast but not (if relevant) so as to jeopardise the Club's status as a Community Amateur Sports Club as first provided for by the Finance Act 2002 and not in any event to alter its purposes (unless the procedure set out in 9.2 has been followed) or winding up provisions.

13.2 The Club Purposes may be changed to include another eligible sport if the Committee unanimously agree and the members also agreed the change by a 75% majority of votes cast.

14. Winding Up the Club

14.1 The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.

14.2 The Committee will then be responsible for the orderly winding up of the Club's affairs.

14.3 After settling all liabilities of the Club, the 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 registered charity and/or
- to another Club with similar sports purposes which is a registered CASC and/or
- to the Club's governing body for use by them for related community sports.

Adopted at an AGM held at BTYC Clubhouse

on 21 March 2005

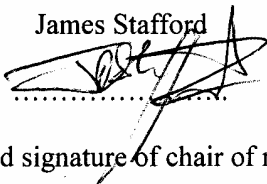
Signed:

Witnessed:

Name: James Stafford

Name Philip R Spender

Signature

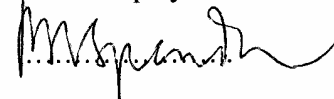


Address: 23 Durham Rd,
London N2 9DP

[Name and signature of chair of meeting]

Occupation: Self Employed Fund Raiser

Signature



BYELAWS of BTYC SAILSPORTS CLUB (COMMUNITY AMATEUR SPORTS CLUB)

BYELAWS

1. PREMISES

The club premises shall be open to the members at such times as the Committee shall direct. Members are entitled to use the Club outside these hours. Members so doing are responsible for ensuring that the premises are properly secured on leaving.

2. EQUIPMENT

Members of the club shall be subject to direction from the Committee in regard to the use of club boats, sailboards and safety boats, the boat shed, any other storage facilities and club equipment.

3. INSURANCE

All boats and boards must have third party insurance for a minimum of £1,000,000.

3. BERTH/BOARD LICENCES

4.1 Members shall also make the following annual payments:

- a. An annual boat licence fee of such a sum as the committee shall from time to time prescribe which shall entitle a member to sail his or her own boat on the water.
- b. An annual windsurfing licence fee of such sum as the committee shall from time to time prescribe which shall entitle a member to sail his or her sailboard on the water.
- c. An annual fee of such a sum as the committee shall from time to time prescribe to store a trailer on site.

4.2 Berth/board licences will be issued only to paid-up Members of the Club. A Member who has a berth but intends to leave the Club and remove his boat must maintain membership until it is removed and, subject to approval by the Committee, may have part of his membership fee reimbursed.

4.3 All boats must display the WHSA berth licence sticker on the mast or in some other readily visible position affixed by the Class Captain on the outside of the transom or otherwise conform to WHSA rules in this connection. Sailboards must conform to the WHSA rules regarding the flying of pennants.

5. BOATS CRUISING /RACING

All boats whether cruising or racing are subject to the ISAF Racing Rules together with the RYA modifications, the Club's sailing instructions, their Class specification and the WHSA regulations. Boats cruising must at all times keep clear of boats racing.