



# Whitby Yacht Club Rules

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*Regulatory References in the Rules*

*	Clauses marked with an asterisk are mandatory to satisfy the requirements of the Licensing Act 2003.
#	Clauses marked are mandatory for qualification for Community Amateur Sports Club (CASC) status.

## SECTION 1: CLUB NAME & OBJECTS

1. The name of the Club shall be WHITBY YACHT CLUB (herein after referred to in these rules as the Club)
2. The objects for which the Club is formed are to promote & facilitate:
  - a. # Community participation in the sport of yachting and
  - b. To provide social & other facilities as may from time to time be determined

## SECTION 2: OFFICERS

### 3. **Number of Officers and Election**

- a. The officers of the Club shall be Full or adult Full Family members of the Club & shall consist of:
  - A Commodore
  - A Vice Commodore
  - Up to 4 Rear Commodores
  - An Honorary Secretary
  - An Honorary Treasurer
- b. Officers shall be elected at the Annual General Meeting (AGM) each year, retiring at the end of the following AGM.
- c. All officers of the Club shall be eligible for re-election.

### 4. **The Honorary Secretary shall:**

- a. Keep a register of Club members' names & addresses as supplied by the Membership Secretary whose responsibilities are detailed in Annex C.
- b. Conduct the correspondence of the Club.
- c. Keep custody of all Club documents.
- d. Keep full minutes of all meetings of the Club, the committee as defined in section 4 and sub committees which shall be confirmed & signed by the appropriate chairman upon the agreement of the Club, committee or sub-committee.
- e. Administer such insurance policy or policies as may be needed to protect the interests of the club, its officers & members.
- f. Maintain contact with the Club's Legal Advisor to ensure that the Club's affairs are managed in accordance with current law.
- g. Maintain such certificates & registrations and complete any nonfinancial returns as may be required by law.

### 5. **The Honorary Treasurer shall:**

- a. Cause such books of account to be kept as are necessary to give a true & fair view of the state of finances of the Club.
- b. Cause all returns as may be required by law in relation to such accounts to be rendered at the due date.

c. Prepare an Annual Balance Sheet as at 30<sup>th</sup> September in each year and cause such Balance Sheet and accounts to be audited at least once annually and shall cause same to be published within 4 months of the financial year end.

6. **The Honorary Auditors shall:**

- a. No less than two and no more than three honorary auditors shall be elected at the AGM each year and shall be appropriately competent members of the Club.
- b. The auditors of the club shall check the accounts documents & income and expenditure of the club at least twice per annum and shall give such certificates of assurance as to the accuracy of the said accounts as may be required by law or by the Committee.
- c. If the auditor appointed is either unwilling or unable to act the Committee must be informed and shall then appoint a substitute to hold office until the termination of the next AGM.
- d. No honorary auditor shall hold position for more than two consecutive years.

## SECTION 3: MEMBERSHIP

7. There shall be the following categories of membership with power to vote at all meetings of the club as indicated hereunder. The rights & privileges of each category of member are as defined in the latest edition of the byelaws of the club, see SECTION 8.

- a. **A FULL MEMBER** being a person who, at the date of election, shall have attained the age of eighteen years shall have one vote.
- b. **A FULL FAMILY MEMBER** which expression shall include one or two cohabiting adults & all children within their guardianship under eighteen years of age. The family unit shall have one vote exercisable by either adult.
- c. **A JUNIOR MEMBER** being a person who, at the date at election, is under eighteen years at age shall have no vote.
- d. **AN HONORARY MEMBER** who shall have no vote.
- e. **AN ASSOCIATE SOCIAL or CREW MEMBER** who shall have no vote.
- f. **AN AFFILIATE MEMBER** who shall have no vote.

No member may use the Club premises, or any of the facilities at the Club until forty-eight hours have elapsed from the date of posting of notice at election. \* Candidates for membership shall have no privileges whatsoever in relation to the use of the Club or premises

- g. **A LIFE MEMBERSHIP** who shall have one vote.
- h. **A SENIOR MEMBERSHIP** who shall have one vote.

## 8. Membership Fee and Qualification for Membership

- a. The Subscription fee for each category of Membership shall be proposed by the Committee to the Members at the AGM in each year. Any proposed changes shall be approved by a majority of those present entitled to vote and shall become approved on the first day at January in the following year. The current rate of Subscription fee shall be displayed in the Club premises.
  - b. # Membership of the Club shall be open to anyone interested in the sport of yachting on application regardless at sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. Membership may however be limited according to available facilities on a non-discriminatory basis.
  - c. # Membership subscription shall be kept at levels that will not pose a significant obstacle to people participating.
  - d. The Committee may refuse membership or subject to rule 16 remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute.
  - e. Any person participating as crew on any WYC registered boats in designated WYC races (excluding Open races) on four or more occasions during a season, will be required to submit a membership application to the Club, requesting as a minimum Associate Crew Membership.
9. Members shall also make the following annual payments.
- a. An annual boat registration fee as the Committee shall from time to time prescribe which shall entitle a member to use or apply to use on and by water facilities that the Club controls. Cruising members, wishing to gain experience of club racing, may participate in a total of three pursuit races without incurring the annual boat registration fee for racing.
  - b. All applicants shall include Subscription payments with the

application form; such payments being fully refunded if their application is declined.

- c. Applications approved on or after 1st August each year shall pay 50% of the appropriate Annual Subscription.
  - d. Applications approved on or after 1st November each year shall pay the appropriate subscription rate. New RYA training course participants shall also pay the appropriate subscription rate for the current year. The subscription shall be valid for the next financial year without any further payment or surcharge. Thereafter all subscriptions shall be due on the first day of January in each year.
10. Every member shall furnish the Membership Secretary with an up-to-date address which shall be recorded in the Register of Members and any notice sent to such address shall be deemed to have been duly delivered.
  11. An application for membership shall be in the form from time to time prescribed by the Committee, and shall include the name, address, and occupation of the candidate.
  12. **Application for Membership**
    - a. \*Upon receipt of an application for membership, the Membership Secretary shall enter such application in a Register of Candidates and shall cause the applicant's name and town of residence to be disseminated to all members electronically after the meeting of the Committee at which such application for membership was considered. The election of all classes of members is vested in the Committee and shall be a simple majority vote of those at the Committee.
    - b. # The Committee may refuse applications only for good cause such as conduct or character likely to bring the Club into disrepute. The Membership Secretary shall inform each candidate in writing of the candidate's election or non-election, make requests for such



payments as are necessary and draw their attention to the WYC Rules and Byelaws of the Club available on the club website. Elected members shall automatically have access to the members' area of the club website.

- c. # Appeal against refusal to elect may be made to the members in a General Meeting.
13. A member who, for any reason, anticipates inability to use the Club or its facilities for the whole of any one year shall be excused payment at the annual subscription and other annual fees provided that notice in writing is given to the Honorary Secretary before the last day of November in the previous year. A member wishing to be reinstated during the year in question shall pay such portion of the annual subscription as the Committee shall require.
14. A member desirous of retiring from membership shall give notice in writing to the Honorary Secretary before the last day of November and shall not then be liable to pay the subscription for the following year.
15. The committee may cancel, without notice being given, the membership of any member whose annual subscription and other annual fees are more than three months in arrears provided that the Committee may, at its discretion, re-instate such member upon payment of arrears. No member whose annual payment is in arrears may enter any Club event or regatta or vote at any meeting.
16. Every member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with the Club rules and current Byelaws and Regulations of the Club. Any refusal or neglect to do so, or any conduct which, in the opinion of the Committee, is either unworthy of a member or otherwise injurious to the interests of the Club, shall render a member liable to verbal advice or a written caution from a committee member, temporary suspension of membership pending investigation or cancellation of membership for the rest of the year and

expulsion from the Club by the Committee. Provided that before expelling or suspending a member the Committee shall give the member an opportunity to provide a written explanation to the Committee or of resigning. A resolution to expel a member shall be carried by a simple majority vote by those members of the Management Committee present and voting on the resolution. No monies shall be refundable on cancellation of membership and expulsion from the club. Appeal against expulsion may be made to the members in a General Meeting. Expelled members will be required to provide the Committee with an appropriate apology and/or guarantee of good conduct before any future re-application for membership will be considered.

17. Members shall enter the names of all guests in the Visitors' Book. Not more than five guests may be introduced in any one day and the same guest may not be introduced more than four times in any calendar year (see also re-iteration in rule 70).
18. A member shall not knowingly remove, injure, destroy or damage any property of the Club and shall make restitution of the same if called upon to do so by the Committee or by the Honorary Secretary upon the instructions of the Committee.
19. A member shall not cause any communication in whatever form to be exhibited on Club notice boards or premises without permission of the Honorary Secretary.
20. A member shall settle any indebtedness for refreshment or otherwise before leaving the club premises, or in accordance with any byelaw relating to the settlement of such indebtedness.
21. All suggestions shall be submitted in writing to the Honorary Secretary.
22. Complaints of any nature relating to the management of the Club premises shall be addressed in writing to the Honorary Secretary.

Under no circumstances shall any member or servant of the Club be personally reprimanded by another member.

23. A member of any Club affiliated to the Royal Yachting Association (a list whereof 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. Such authorisation shall specify between which dates the said person may so use the premises.
24. Any person who is a competitor or crew member in any race sponsored by or on behalf of the Club is entitled to the use of the Club premises within a period of 24 hours before and after the race in which they are competing.
25. 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 23 and 24.
26. Members, their guests and visitors are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises.
  - a) 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 and impliedly accept:
  - b) 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.
  - c) The Club will not accept any liability of personal injury arising out of the use of the club premises, any other facilities of the Club either 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 them, the Officers, Committee or servants of the Club.

27. Membership of the Club and acceptance of these rules by the member will be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Acts.

## SECTION 4: MANAGEMENT COMMITTEE

28. The Management Committee (herein referred to as the Committee) shall consist of the Officers, *ex officio*, and not less than four or not more than six Full or adult Full Family Members\* who have attained the age of eighteen years, elected at the AGM each year to hold office until the termination of the next following AGM. Each duly elected member of the Committee shall have one vote at Committee meetings even in the case where two co-habiting adults with a Full Family Membership only have one vote between them at an AGM or EGM. Portfolios of responsibility shall be the prerogative of Commodore/s nominate. Brief portfolio titles shall be included in the convening notice of the AGM.
29. Candidates for election to the Committee (not being Officers at the Club) shall be those members of the retiring Committee eligible to offer themselves for re-election and such other Full or adult Full Family members whose nominations duly proposed and seconded in writing by Full or adult Full Family members at the Club with their consent shall have been received by the Honorary Secretary at least fourteen days before the date at the AGM in each year. Such nominations, together with the names of the proposer and seconder shall be posted to the club premises at least seven days prior to the date at the AGM.
30. If the number of candidates for election is greater than the number of vacancies to be filled then there shall be a ballot.
31. If the number of candidates for election is equal to or less than the number of vacancies to be filled then all candidates shall be deemed to be elected if two thirds of those present at the AGM, and entitled to vote, vote in favour of such election.
32. In the event of the ballot failing to determine the members of the Committee because of an equality of votes the candidate or candidates

to be elected from those having an equal number of votes shall be determined by lot.

33. If, for any reason, a casual vacancy shall occur, the Committee may co-opt a Full or adult Full Family member to fill such a vacancy until the next following AGM.
34. A retiring Commodore shall serve as an *ex officio* member of the Committee in the year immediately following his/her retirement.
35. The Committee shall meet at least every two months making such arrangements as the conduct, place of assembly and holding of such meetings as it may wish. The Commodore or in his/her absence a Chairperson elected by those present shall preside.
36. Voting (except in the case of a resolution relating to the expulsion of a member) shall be by show of hands. In the ease of equality of votes the Commodore or Chairman (as the case may be) shall have a second and casting vote.
37. Five members personally present shall form a quorum at a meeting of the Committee.
38. The Committee shall manage the affairs at the Club according to the Rules and shall cause the funds of the club to be applied solely to the objects of the Club or for a benevolent or charitable purpose nominated by General Meeting
  - a. # In particular the Committee shall ensure that the property and funds at the Club will not be used for the direct or indirect private benefit of members other than as reasonably allowed by the rules and that all surplus income or profits are re-invested in the Club.
  - b. Disposal of a Club asset for a sum exceeding £5000.00 shall be ratified by a General Meeting.
39. The Committee shall make such Byelaws and Regulations as it shall from time to time think fit and shall cause the same to be exhibited in the

Club premises for fourteen days before the date of implementation. Such Byelaws and Regulations shall remain in force until approved or set aside by a vote at a General Meeting of the Club.

40. The Committee may appoint such Sub-Committees as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as shall be deemed expedient and/or required by the law. Such Sub-Committees shall consist of such members of the Committee or of the Club as the Committees may think fit.
41. A member of the Committee, or a Sub-Committee or any Officer of the Club, in transacting business for the club, shall disclose to third parties that he/she is so acting.
42. The Committee, or any person or sub-committee delegated by the Committee to act as agent for the Club or its members, shall enter into contract only as far as expressly authorised, or authorised by implication, by the members. No one shall, without the express authority of the membership in General Meeting, pledge the credit of the membership.
43. In pursuance of the authority vested in the Committee by members of the Club, members of the Committee are entitled to be indemnified by the members of the Club against any liabilities properly incurred by them or any one at them on behalf of the Club wherever the contract is of a duly authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the Club. The limit at any individual member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate at that category of membership unless the Committee has been authorised to exceed such limit by a General Meeting at the Club.
44. The Committee may nominate for election at an AGM such Honorary Members as the Committee may think fit. The total of such Honorary members shall not, however, at any time, exceed 5 per cent of the total

number of members. The election of Honorary Members shall be put to the vote at the AGM each year and such Honorary Members shall be duly elected if two thirds of those present, and entitled to vote, vote in favour of election.

45. \* The purchase for the Club of excisable goods and the supply of the same upon Club premises shall be exclusively and solely under the control of the Committee, or of a special sub-committee appointed by the Committee. Intoxicating liquor may only be sold for consumption on the Club premises to persons over the age of eighteen who are entitled to the use at the Club premises in pursuance of the Rules, Byelaws and Regulations for the time being in force. No Junior Member under the age of eighteen may purchase or attempt to purchase intoxicating liquor within the Club premises nor may a Junior Member under the legal age purchase or attempt to purchase tobacco or cigarettes within the Club premises. A corkage charge, at a rate determined by the Committee, must be paid on each bottle of alcohol brought into the club for personal consumption and any revenue raised will be accrued into Club funds.
46. \* The Committee shall cause the Club bar to be opened (subject to terms of the Club premises certificate) at convenient times (and such times shall be prominently exhibited in the Club premises) for the sale of excisable goods to persons who are entitled to the use of the premises at the Club in pursuance of these rules (except Junior Members as aforesaid) PROVIDED THAT visitors' names and addresses and the name of their introducer shall have been entered in the Visitors' Book upon entry to Club premises.
47. \*No person shall take a commission, percentage or other such payment in connection with the purchase of excisable goods for the Club. Any profit deriving from the sale of such goods shall (after deduction of the costs of providing such goods for the benefit of the Club) be applied to the provision of additional amenities or the purchase of property to be held in trust for the benefit at the Club.



48. \*Proper accounts of all purchases and receipts shall be kept and presented at the Annual General Meeting in each year and such information as the Honorary Secretary or Honorary Auditors may require shall be furnished to enable any statutory return or statement and the payment of excise or other duty or tax to be made.

## SECTION 5: TRUSTEES

49. There shall be at least three Trustees of the Club who shall be appointed from time to time as necessary by the Committee of the Club from among Full, adult Full Family or Honorary Members who are willing to be so appointed. A Trustee shall hold office during his lifetime or until he/she 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.
50. All the property of the Club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as it is necessary and practicable, on trust for the use and benefit of the Club. In the event of the death, resignation, or removal from office of a Trustee, the Committee shall nominate a new Trustee in his/her 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 after such nomination. For the purpose of giving effect to any such 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
51. 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 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 mortgage shall be concerned to enquire whether any such direction has been given.

52. Indemnity, Liability and Rights of Trustees
- a. 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 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.
  - b. (To be incorporated in every contract, lease, licence or other agreement entered into by the Trustees of the Club). The liability of the Trustees for the performance of any contractual or other obligation undertaken by them on behalf of the Club shall be limited to the assets of the Club.
  - c. The club trustees have automatic right to attend the Club's management Committee as observers. The trustees have no voting rights at the meeting, but are permitted to speak on any subject that they can offer advice or assistance on.

## **SECTION 6: MEETINGS OF THE CLUB**

53. An AGM of the Club shall be held each year in the month of December on a date to be fixed by the Committee. The Honorary Secretary shall, at least fourteen days before the date of such meeting or of any General Meeting as hereinafter mentioned, post or deliver to each member notice hereof and of the business to be brought forward thereat.
54. No business, except the passing of the Accounts and the election of the Officers, Committee, Trustees and Honorary Auditors, and any business that the Committee may order to be inserted in the notice convening the meeting shall be discussed at such meeting unless notice thereof be given in writing by a member entitled to vote to the Honorary Secretary at least twenty eight days before the date of the AGM.
55. The Committee may at any time, upon giving twenty one days' notice in writing, call a General Meeting at the Club for any special business, the nature at which shall be stated in the summons convening the meeting, and the discussion at such meeting shall be confined to the business stated in the notice sent to members.
56. The Committee shall similarly call a General Meeting upon a written request addressed to the Honorary Secretary by at least twelve members. The discussion at such meeting shall be confined to the business stated in the notice sent to members.
57. At every meeting of the Club the Commodore or, in his/her absence, a Chairperson elected by those present shall preside.
58. Twelve members entitled to vote and personally present shall form a quorum at any meeting of the Club.
59. Only Full and adult Full Family members shall vote at any meeting of the Club. Other members may attend, speak but are not entitled to vote.

60. Voting, except upon the election of members of the Committee, shall be by show at hands.
61. In the case of an equality of votes the Chairperson shall have a second or casting vote, on any matter other than the election of members of the Committee,
62. On any resolution properly put to a meeting of the club relating to the creation, repeal or amendment of any Rule, Byelaw or Regulation of the Club such Rule, Byelaw or Regulation shall not be created, repealed or amended except by a majority vote of at least two-thirds of those present and entitled to vote.
  - a. # Provided that no such change shall jeopardise the Club's status as a Community Amateur Sports Club within the meaning at the Finance Acts, or in any event alter its object or winding-up provisions.

## SECTION 7: DISSOLUTION OF THE CLUB

63. # If, upon the winding up or dissolution of the Club, there remains after the 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 Committee shall dispose of the net assets remaining to one or more of the following:
- (i) # to another Club with similar sports purposes which is a charity and / or
  - (ii) # to another Club with similar sports purposes which is a registered Community Amateur Sports Club (CASC) and / or
  - (iii) # to the sport's national governing body for use by them for related community sports.

## SECTION 8: BYELAWS

### 64. Categories of Membership

The present rights and privileges of each category of membership shall be as follows:

**A FULL MEMBER** shall have the full use of all the Club facilities subject to the provision of rule 9a.

**A FAMILY MEMBER (FULL, SOCIAL or CREW)**, his/her co-habitee (if any) and all the children within their guardianship under the age of eighteen shall have the full use of all the Club facilities subject to the provision of rule 9a and in particular Rule 45.

**A JUNIOR MEMBER** shall have the full use of all the Club facilities subject to the provision of rule 9a and in particular rules 45 & 74.

**AN ASSOCIATE CREW or SOCIAL MEMBER** shall have the full use of all the Club facilities subject to the provision of rule 9a.

**AN AFFILATE MEMBERSHIP** a member of any organisation that may be prescribed by the Committee and detailed in Appendix A to these byelaws but:

- a. Shall have no right to enter Club races or regattas unless specifically authorised by the Honorary Secretary or Committee.
- b. Shall have no right to introduce visitors to the Club or the facilities thereof.
- c. Shall have no right to take any part in the management at the Club.

- d. Is deemed to have notice at impliedly undertakes to comply with the Club rules, current Byelaws and Regulations as if he or she were a member of the Club and so far as the said Rules, Byelaws and Regulations may be deemed to apply to such Affiliate member.
- e. Shall be liable to be expelled from the Club premises or to be prohibited from using the Club facilities if, in the opinion of the Honorary Secretary, he or she shall not have reasonably complied with the above conditions.
- f. Currently accredited organisations with affiliate membership are detailed in Annex A.

**A LIFE MEMBERSHIP** on recommendation of the Committee, a General Meeting may elect a Member as a Life Member who shall have the full use of all the Club facilities subject to the provision of rule 9a.

- a. Such membership shall be for meritorious conduct or exceptional service to the Club & shall be with full privileges & voting powers without payment of the annual subscription.
- b. The election shall be subject to a majority of not less than three quarters of the members entitled to vote at the meeting.
- c. The total number of such life Members shall not exceed 5% of the total of the Full membership classes as at 30th September.

**AN HONORARY MEMBER** on recommendation of the Committee, a General Meeting may elect an Honorary Member who shall have the full use of all the Club facilities subject to the provision of rule 9a.

- a. Persons so recommended may not be past or present members of the Club.



- b. The total of Honorary Members shall not exceed 6 persons or 5% of the capitated membership, whichever be the lesser.
- c. Honorary Membership may be withdrawn by the majority vote of an AGM or special general meeting (SGM), on recommendation at the Committee.
- d. Such members shall not be called upon to pay annual subscription fee.

**A SENIOR MEMBERSHIP** a Full Member, who does not berth a boat in Whitby Harbour, or an Associate member who has attained the age of sixty years, & whose age plus the number of years of continuous Full Membership totals not less than eighty years, may apply to the Committee for Senior Membership.

65. **Dogs**

No dogs maybe brought into the Club premises.

66. **Cars**

Cars may only be parked in areas designated for such parking so as not to cause an obstruction to other cars or to the approaches to the Club premises.

67. **Club Opening Hours**

The whole of the Club premises shall be open to members at such times as the Committee shall direct. The present hours of opening are as follows:

**Sunday to Thursday:** at any two members' request by arrangement with competent bar staff & the Honorary Secretary.

**Friday:** 20.00Hours to 23.30 Hours

**Saturday** 20.00Hours to 00.01 Hours

Other Friday & Saturday times are at the discretion of the Committee.

The ground floor facilities are available at all times.

**68. Sale of Intoxicating Liquor**

The permitted hours for the sale of intoxicating liquor are as follows: As permitted by the licence but within the hours at 67 above.

**69. Private Functions**

- a. The Committee may approve the use of the Club premises by a Member of the Club, for a private function personal to him/her. If such function is during usual opening hours, all Members are entitled to use all the Club facilities during the private event.
- b. Where the Committee have approved the use of the Club premises for a private function or meeting, which is to be held outside usual Club opening hours, then Club Members shall not have any right of access to the Club, other than the showers and toilets, whilst the function or meeting is in progress, unless they have been specifically invited to attend. Members have a right to use any part of the club, outside normal opening hours, during an authorised “folk week” event held in the club.
- c. The Past Commodores of Whitby Yacht Club may request the use of the Club premises once per year to hold their Annual Dinner, subject to the approval of the Committee, which shall not be unreasonably withheld.
- d. Other Organisations may request the use of the Club premises for meeting, training courses or other approved purposes subject to such conditions and fees as the Committee may stipulate. Such fees shall include a refundable security deposit of £100.
- e. Where the holding of a private function has been agreed by the Committee, a corkage charge will be made in respect of champagne and wine brought into the Club for consumption at the function. The rate shall be the profit on House Wine or Champagne / Cava excluding VAT.

- f. It is expected that following the use of the Club for a private function, the Lounge, toilets, and the Clubhouse generally will be left in a clean and tidy condition.
- g. The premises of the Club shall not be used for political purposes or for canvassing on behalf at any political party

**70. Visitors** (see also rule 17)

- a. Members may invite Visitors to the Club, who may each visit the Club on not more than four occasions in any year.
- b. Not more than five Visitors may be introduced by a Member on any one occasion.
- c. The restrictions in (a) and (b) shall not apply to Owner, Skippers and Crew of visiting yachts or powerboats.
- d. \*It is a legal requirement that ALL visitors to the Club shall be signed in by a WYC Member.

**71. Vessels on Club Premises**

In addition to the powers given to the Committee under Rule 15, and Rule 39 hereof if, at any time, any fees payable to the Club by any member or former member shall be three months or more in arrears and a vessel the property of a member or former member remains upon the Club premises, the Committee may:

- a. Move the vessel to any part of the Club premises without being liable for any loss or damage to the vessel howsoever caused.
- b. Give three months' notice in writing to the member or former member at his last known address as shown in the Club Register and thereafter sell the vessel and deduct any monies due to the

Club (whether by way of arrears or subscription or annual payments, mooring, dinghy park fees or otherwise) from the net proceeds at sale before accounting for the balance (if any) to the member or former member.

- c. Alternatively, if the vessel is unsalable, after giving notice in writing as aforesaid, dispose of the vessel 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.
- d. Further, the Club shall at all times have a lien over members' or former members' boats parked or moored on the Club's premises or Club moorings in respect of all monies due to the Club, whether in respect of arrears of mooring fees or subscriptions or otherwise. Provided always that: Proper evidence is available to show that all reasonable steps have been taken to trace a member or former member and that when and if the vessel is sold the proceeds of sale (unless any indebtedness by the member or former member to the Club) shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he be the said member or former member or otherwise) for a period of six years.

## 72. **Communication**

The primary means of communication between Whitby Yacht Club and its members is by email unless a specific request for communication by paper copy is received from a member to the Honorary Secretary before 31st January each year.

## 73. **Workboat**

The use at the workboat by Members is controlled by the Workboat Protocol as detailed in Annexe B.

#### 74. Children

- a. As a family club children are welcome in Whitby Yacht Club. Parents/guardians must take sole responsibility for the welfare and behaviour of their children (<18 years old) on club premises. The club, its officers, members and employees are not responsible for supervision and control of children.
- b. \*No person under 18 years old is allowed to purchase or obtain alcoholic drinks at the bar. Proof of age will be requested from anyone who appears to be < 18 years old.
- c. \*Children under 16 years old, unaccompanied by a responsible adult, are not allowed in WYC Bar when it is being used primarily for the supply of alcoholic drinks. Unaccompanied children under 16 year old, attending training courses / club events are allowed into the other parts of WYC club premises.
- d. \*Children under 16 years old, unaccompanied by a responsible adult, are not allowed in WYC premises between midnight (00.00hr) and 05.00 hr.
- e. \*Children under 16 years old must not be allowed to drink beer, wine or cider (or other alcoholic drinks), even if accompanied by a responsible adult, and even if they are having a meal in the Club.
- f. Children must not be allowed on the outside Club balcony unless accompanied by a parent/guardian.
- g. Any club member tutoring children under the age of 18 must have read and understood the Child Protection Policy as detailed on the RYA website at [www.rya.org.uk](http://www.rya.org.uk)
- h. If parents / guardians object to their child being photographed at club events they must inform the Honorary Secretary in writing.

75. **Smoking**

No person may smoke within the club premises.

76. **Barring of Members from the Club**

Any committee member has the right to require a member or guest to vacate the club immediately if a member's behaviour is deemed injurious or unworthy to the club or anyone or anything within the club. The person taking such action must report the matter to the Honorary Secretary at the earliest opportunity for the full committee to investigate and record the incident in its minutes and determine what further action to take under rule 16. It is also to be understood that illegal activities or behaviour may render a member to be reported to the police. Club employees, if threatened and working in the absence of a committee member, are also empowered to seek assistance from the police and must also report the matter to the Honorary Secretary.

77. **End of Rules**

Incorporated for ease of editing document if other rules added

## **ANNEXE A**

### **Affiliate Organisations & Persons**

- a. Members of Whitby RNLI crew, committee & national staff.
- b. Members of RYA affiliated organisations.
- c. Crew of RNLI & private yachts harbouring in Whitby on passage.
- d. Accredited staff, artists & audiences participating in events sponsored by WHITBY FOLK WEEK LTD

## ANNEXE B

### Work Boat Protocol

1. The WYC work boat is available for use by all members of WYC with the express permission of an Officer of the Club who will check from the boat's records to verify that it is in a seaworthy condition before granting permission.
2. Having obtained such permission any potential user of the work boat must first undertake an Induction Course in order to familiarise himself/herself with the operation of the workboat. The induction Course shall be given by any one of the following Club Officers
  - a) Commodore
  - b) Vice-Commodore
  - c) Rear Commodore Power (RCP)
  - d) Any person appointed by the Committee to carry out this task. All of which must have completed an induction course themselves.
3. Satisfactory completion of the induction Course shall allow the user (being the 'Authorised User') to take the workboat out by himself/herself or with others aboard. The boat must not be used for fare paying passengers. The authorised user must be a member of Whitby Yacht Club. The authorised user may invite immediate family members or other members of the club on board.



4. If the boat is used for a purpose other than official club business then the club member will be required to pay the insurance excess in the event of a claim.
5. To comply with harbour legislation, any user of the workboat shall maintain a listening watch on VHF Channels 11 and 16. It is therefore required that at least one person on board the workboat has a valid maritime radio operator's certificate. The satisfactory operation of the radio must be checked before leaving harbour.
6. The Check List provided on board the workboat must be completed before and after every trip. The completed checklist shall be left in the file provided on board.
7. The 'Authorised User' must replace any fuel used. (Estimated 1 gallon per hour) except when on Club business (e.g. laying buoys).
8. Any 'Authorised User' shall be responsible for ensuring every person on board wears a life jacket.
9. The maximum number of persons on board at any given time shall be six including the 'Authorised User'. Please note: Persons under 18 or over 76 are not insured whilst on board the boat.
10. Without express permission from an Officer of the Club the cruising area of the Work boat when being used by an 'Authorised User' will be an area west of a line drawn from the Whitby East Pier and the Whitby North Cardinal Mark (Whitby Bell Buoy) and a line drawn from the Whitby North Cardinal Mark and Sandsend Ness.

11. Without express permission from an Officer of the Club the boat must not be used in darkness or when sea and wind conditions render its use inadvisable. These weather conditions are as published by Whitby Harbour Department.
  
12. The 'Authorised User' shall return the workboat to its home berth and shall leave the workboat in a clean condition taking care to ensure the boat is well secured to the Pontoon and well fendered to prevent chafing with the pontoon and other vessels.
  
13. Any incidents or faults arising with the workboat either in connection with the 'Authorised User's' use of the workboat or otherwise, shall be reported to the RCP but if not available to another Officer of the Club immediately on return.

## Annexe C

### Membership Secretary

1. Oversee the efficient running of the Club Membership system.
2. In consultation with the Club Committee, administer the Subscription Rate/Fees and oversee the Collection of Fees.
3. Maintain a register of Club Members
4. Maintain a register of Club Boats
5. Assist the Club's Honorary Secretary with the preparation and running of the Club's Annual General Meeting
6. Mail out membership details and Year Books as required.

## Record of Updates to WYC Rules:

**When amending any rule, care should be taken that such an amendment does not vary the meaning or intent of any other rule.**

Date	Changes
27th September 2008	<p><b><i>Rules adopted by Special General Meeting</i></b></p> <p>*Clauses marked with an asterisk are mandatory to satisfy the requirements of the Licensing Act.</p> <p>#Clauses marked are mandatory for qualification for Community Amateur Sports Club (CASC) status.</p>
2008 AGM	Amendment to <b>rule 41 (b)</b> – disposal of club assets
2009 AGM	<p><b><i>Rules adopted at Annual General Meeting</i></b></p> <p><b>Rule 57</b> amended –Bye laws adopted Section 8.</p>
4 <sup>th</sup> December 2011 AGM	<p><b><i>Rules adopted at the Annual General Meeting</i></b></p> <p><b>Rule 6</b> – terms of reference for club auditors.</p> <p><b>Rule 30</b> – committee members to pay a full adult voting subscription.</p> <p><b>Rule 31</b> – regarding retirement of serving committee members be deleted from the rulebook.</p> <p><b>Rule 55c</b> – right of trustees to attend committee meetings.</p> <p><b>Rule 75</b> – request for paper copy communications to honorary secretary before 31<sup>st</sup> January each year.</p> <p><i>At this time rule numbers containing no rule were deleted as being redundant and existing rules renumbered consecutively.</i></p>
9 <sup>th</sup> December 2012 AGM	<p><b><i>Rules adopted at the Annual General Meeting</i></b></p> <p><b>Rule 74 (a – h)</b> – Children – New rule added.</p> <p><b>Rule 64</b> – Rule amended to include cross reference to the new (74) rule on children.</p>

	<p><b>Rule 45</b> – Rule amended to give committee powers to charge corkage on any bottle of alcohol brought into the club for personal consumption.</p> <p><b>Rule 69b</b> – Clarification of ‘Folk Week’ exempt.</p> <p><b>Rule 12a</b> – Amendment to rule to require display of membership application after consideration by committee.</p> <p><b>Rule 9d</b> – Amended to remove requirement to pay the retail price index surcharge when joining after 1<sup>st</sup> November or to participate in a RYA training course.</p>
29 <sup>th</sup> January 2013	<p><i>General Editing by Committee Members in preparation for publishing on WYC webpage</i></p> <p>Section 2: <b>Rule 3</b> : Title of rule added as “Number of Officers and Election”</p> <p><b>Rule 3b</b> used to define abbreviation AGM to mean Annual General Meeting. Annual General Meeting replaced by AGM in subsequent rules.</p> <p><b>Rule 3d</b> typographical error referring to rule 18 in previous version instead of 16 corrected</p> <p>Section 3: <b>Rule 8</b> given a descriptive title “Membership Fee and Qualification for Membership” summarising the content of sub-clauses (a) – (d)</p> <p>Section 4: <b>Rules 34, 35, 41, 49, 50, 57 &amp; 61</b>: Chairman changed to chairperson and “his” replaced by “his/her” to include description of officers of either gender in accordance with current equality legislation.</p> <p>Section 5: <b>Rule 52</b> given a descriptive title: “52. Indemnity, Liability and Rights of Trustees”</p> <p><b>Rule 70b</b> changed from “four” visitors to “five” visitors to be consistent with rule 17 and rules appropriately cross referenced.</p>
25 <sup>th</sup> June 2013	<p>Annex B – <i>Work Boat Protocol changes agreed at the May 2013 committee meeting</i>. The outdated protocol was removed from this Club Rules Document and both the club rules and the work</p>

	boat protocol published as separate club rule documents on the WYC website / club rules
08/12/2013 AGM	<p data-bbox="448 365 1435 449"><i>Rule changes and new rules adopted at the 82nd Annual General Meeting 2013 - Sunday 8th December 2013</i></p> <p data-bbox="448 506 1435 674"><b>Amendment to Rule 12b:</b> The rule has been formulated in response to a motion passed at the 2012 AGM that new members no longer are required to have a printed copy of the club rules as they are available on the club website.</p> <p data-bbox="448 730 1435 898"><b>Addition to rule 9b:</b> {From Section 3: Membership}: “The joining fee will not be charged for members of other RYA registered clubs” inserted to encourage members of other yacht and sailing clubs to also join WYC.</p> <p data-bbox="448 955 1435 1171"><b>Addition to rule 9a:</b> {For Section 3: Membership}: “Cruising members, wishing to gain experience of club racing, may participate in a total of three pursuit races without incurring the annual boat registration fee for racing” to encourage new skippers who have not registered for racing to do so.</p> <p data-bbox="448 1228 1435 1486"><b>Amendment to rule 16:</b> {For Section 3: Membership} - The aim of the amendment is to provide the committee with other sanctions which may be more appropriate than expulsion, prevent an expelled member having automatic right to subsequently re-join, &amp; protect the club’s finances in the event of expulsion.</p> <p data-bbox="448 1543 1435 1892"><b>Creation of new rule 75:</b> {For Section 8: Byelaws} - No person may smoke within the club premises added to make the club rules compliant with UK law “The Smoke-free (Premises and Enforcement) Regulations 2006” and the PUBLIC HEALTH, ENGLAND, The Smoke-free (Signs) Regulations 2007. No-smoking signs in premises there shall be displayed in a prominent position at least one no-smoking sign which— (a) is at least A5 size;</p>

	<p>(b) displays the no-smoking symbol; and  (c) contains, in characters that can be easily read by persons using the entrance, the words—  “No smoking. It is against the law to smoke in these premises”.</p> <p><b>Creation of new rule 76</b> {For Section 8: Byelaws} – Creation of right of committee member to bar members exhibiting hostile / inappropriate behaviour from using the club and right of club employees to call in assistance from police to ensure the club complies with applicable UK laws e.g. The licencing act 2003, The misuse of drugs act 1971, The smoke free regulations 2006, Health and Safety at work act 1974.</p> <p>General editing of Section 8 to provide titles to rules to improve clarity to the growing number of disparate accumulated byelaws. This includes the final entry closing the numbering of the rule document.</p>
14/01/2014	Rebuilding of WYC web site forum was required after a software failure destroyed all previously stored files on the web site. Opportunity taken to create a separate entry on the web forum for (a) club rules and (b) work boat protocol.
06/12/15	Annexe B – Workboat Protocol AGM Agreed changes to remove reference to Mooring Secretary & Flag Officers
18/02/2016	<p><b><i>Rule changes adopted at the 85th Annual General Meeting 2016 - Sunday 11th December 2016</i></b></p> <p>To remove the addition to the then rule 30 (now rule 28) brought in 2011  <b>“Rule 30 – committee members to pay a full adult voting subscription”</b>  As this unfairly causes both adult members of a cohabiting couple serving on committee to pay full membership. It was brought in to prevent a misconception that non-voting family membership individuals could serve on committee.  For clarification the term now used is ‘adult Full Family Member’ instead of merely ‘Family Member’. This has necessitated changing all references to Family Member as appropriate in</p>

rules: 3a, 7b, 28, 29, 33, 49, 59 & 64.

To enable the committee to function each elected adult member of committee, even if there are two adult members from the same Full Family Membership, shall have one vote in committee.”

4. a Add in reference to Membership Secretary whose responsibilities are detailed in Annex C.

6. a Removal of requirement for honorary auditors to be full members. Honorary Auditors do not sit on committee and because the accounts are eventually voted on by full members at the AGM as long as the Honorary Auditors are members of the club they do not need voting rights to perform their duty.

12. b Removal of reference to Webmaster as we no longer have this position.

General errata to rules:

2. ‘Object’ replaced by Objects.

7f. At replaced by of in two places.

7g. Life Member added

7h. Senior Member added

10. ‘Membership’ replaces ‘Honorary’ & ‘. . . deemed to have’ replaces ‘. . . deemed In have’.

12a. ‘Honorary /’ deleted.

12b. ‘WYC’ deleted.

21, 74h & 76. ‘Honorary’ added to ‘Secretary’.

25. ‘under Rules 22 and 23’ corrected to ‘23 and 24’.

49. ‘time to lime’ replaced by ‘time to time’

68. ‘Intoxication’ replaced by ‘Intoxicating’

69a. ‘It such . . .’ replaced by ‘If such . . .’

Annexe C Membership Secretary [added]



11/01/2018	<p><b><i>Rule changes and new rule adopted at the 86th Annual General Meeting 2017 - Sunday 10th December 2017</i></b></p> <p><b>Rule Change 5c</b> (From Section 2: Officers) - Revision of the financial year end from 31<sup>st</sup> December to 30<sup>th</sup> September was initiated to facilitate members appraisal of and voting on a full years' accounts at the December held WYC Annual General Meeting.</p> <p><b>Rule Change 8a</b> (From Section 3: Membership) - In a bid to attract new members and compete with other sports clubs where joining fees are becoming increasingly outmoded, dispense entirely with any form of joining fee linked to WYC membership. All terms/clauses describing or linked to the joining fee have been removed from <b>rules 8a; 9b; 9c; 9d; 14; Sect 8 Byelaws-64d</b></p> <p><b>New Rule 8e</b> (Add to Section 3: Membership) - Any person participating as crew on any WYC registered boats in designated WYC races (excluding Open races) on four or more occasions during a season, will be required to submit a membership application to the Club, requesting as a minimum Associate Crew Membership.</p> <p>This new rule introduced in recognition of crew as a valuable resource to procure and retain as WYC members. Also providing a more equitable arrangement in respect of existing WYC members with regard to payment for the use of club related facilities.</p> <p><b>Rule Change 12a</b> (From Section 3: Membership) - To permit basic details of applicants for WYC Membership to be disseminated electronically to members. Reasoning is a greater reach to members, many of whom do not have ready access to the Club noticeboard. A hard copy to be incorporated in collective mailings of 'copy emails' to members who opt for communications by Royal Mail.</p> <p><b>General errata to rules:</b> 43. 'nested' replaced by 'vested'</p> <p><i>Above changes ref M Hall - Hon Sec 2017</i></p>
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