



**The RULES
and
STANDING ORDERS
of
MIDLAND SAILING CLUB**

As revised at the 2016 Annual General Meeting

Midland Sailing Club is a company limited by guarantee, registered in England and Wales number 03252078, registered office at Icknield Port Road, Ladywood, Birmingham B16 0AA.

The Rules of Midland Sailing Club

1. Interpretation

These rules are made the under the Memorandum and Articles of Association of Midland Sailing Club, a company limited by guarantee and having no share capital registered in England and Wales. In all cases the Memorandum and Articles of Association take precedence. The interpretation of the rules by the Committee of Management shall be binding.

2. Burgee

The Club burgee shall be red with a white Greek cross. When in overseas waters the following burgee may be flown – a red burgee with a Greek cross and a white chevron pointing towards the staff.

3. Membership categories

3.1 Full Members who shall have voting rights may be admitted at the discretion of the Committee of Management in the following categories:

3.1.1 Adult Members who shall have attained the age of eighteen years at the date of election and who intended to participate in the sporting activities of the Club.

3.1.2 Family Members who shall include one or two adults (as may be) who shall be Full Members, together with their children or wards (if any) who shall not have reached the age of eighteen, or in the case of those who shall be in full time further or higher education and not in receipt of a salary or wage and who shall not have reached the age of twenty two, at the date when subscriptions fall due and who shall have the status of Junior Members, and who intend to participate in the sporting activities of the Club.

Non-participating members of the family are entitled to be members of the Friends and Supporters of MSC for no additional fee.

3.2 Associate Members who shall not have voting rights, may be admitted at the discretion of the Committee of Management in the following categories:

3.2.1 Junior Members who shall not have reached the age of eighteen at the date when subscriptions fall due, and who intend to participate in the sporting activities of the Club.

3.2.2 Student Members who shall be in full time further or higher education and not in receipt of a salary or wage, and who intend to participate in the sporting activities of the Club.

3.2.3 Affiliated Membership without voting rights may be granted by the Committee of Management to members of organisations and associations with similar objectives to those of the Club including the Friends and Supporters of MSC

3.2.4 Social Members who shall be persons with an interest in the objects of the Club. Social Members shall not sail at the Club. No new social members will be admitted after 9 March 2016.

3.2.5 Honorary Membership may be granted by the Committee of Management to any individual in recognition of exceptional achievement or contribution to the Club or sailing generally.

3.3 Temporary Membership may be granted in all categories of membership at the discretion of the Committee of Management.

4. Application for membership

Every candidate for membership shall be signed by the candidate and proposed by one, and seconded by another full member with voting rights.

Applications for membership shall be in the form prescribed by the Committee of Management and shall be displayed on the notice board for at least ten days prior to consideration by the Committee of Management.

Applications for Junior membership shall be subject to the written consent of the child's parent or legal guardian.

5. Subscriptions

The Annual Subscription and other fees and charges shall be resolved from time to time by the Members in General Meeting and shall be posted on the notice board in the Clubhouse.

The scale of annual subscriptions shall remain in force until varied by a Resolution of the Full Members, but the Committee of Management may:-

- a) Increase, reduce or temporarily suspend the joining fees payable by any category of Member on their admission or transfer, if at any time or times it considers such a course to be in the best interests of the Club.
- b) Make Resolutions for the payment of subscriptions and other fees and charges by instalments and in the case of any particular Member or candidate for membership waive, modify or postpone the payment of a joining fee.
- c) On the readmission of a person who, having previously been a Member and having discharged all his liabilities to the Club, desires to re-join, accept a reduced joining fee or waive the payment of a joining fee.

d) Increase, reduce or temporarily suspend storage fees.

6. Admission of Members

No person shall be admitted to membership, or be admitted to any of the privileges of membership, without an interval of at least two days between the nomination or application for membership and admission, nor may any person becoming a Member without prior nomination or application be admitted to the privileges of membership without an interval of at least two days between becoming a Member and admission.

7. Classes

Any monohull sailing dinghy, windsurfer or model yacht may be sailed at the Club.

8. Admission of visitors.

No visitor shall be admitted to the Clubhouse unless accompanied by a Member. No visitor shall be introduced after 10.00 p.m. or remain on the Club premises after the member introducing him has left.

The following persons cannot be admitted as visitors: those who have been refused election; those who have been expelled from the Club; those who, having been Members, have left with their subscriptions or other fees and charges in arrears. No member may introduce the same guest more than six times in any one year, except by special permission obtained from the Committee of Management.

Family members are entitled to bring their children to the Club an unlimited number of times.

The Committee of Management reserves the right to limit the number of guests that any Member may introduce at any one time.

9. Conduct of Members

Every Member, upon election and thereafter, is deemed to have notice of and to have undertaken to comply with the rules, bye-laws and sailing instructions of the Club.

10. Members must discharge every expense incurred by themselves and their guests before leaving the Clubhouse.

11. Children will be admitted to the Club only if under adequate supervision.

12. No unauthorised gambling shall be permitted.

13. No dogs will be allowed on the Club premises unless under complete control, and (with the exception of guide dogs) under no circumstances in the Club rooms.

14. No newspaper or periodical, or other Club property may be removed from the Clubhouse, and Members are requested to return newspapers, periodicals, books, etc. to their proper places after they have finished with them.

15. 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 and impliedly accept that:

a) The Club shall 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 shall 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 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 or the members of the Committee of Management or an employee of the Club.

16. Use of Club Premises

The Club shall be available for members until 11.00 p.m. daily, but no member shall sail on the reservoir or use the reservoir grounds after legal lighting up time, except for the express purpose of entering or leaving the Club premises, unless authorised by the Committee of Management to do so.

The changing rooms are available at all times solely for the purpose of changing before and after sailing. No items made of glass or china are to be taken into the toilets, shower areas or changing rooms at any time. Smoking is prohibited in the toilets, shower areas and changing rooms.

The Club room, kitchen and lounge bar are only available for use during organised Club events.

17. Insurance

Any Member bringing a boat or windsurfer or model yacht to, or sailing a boat or windsurfer or model yacht at Midland Sailing Club, or allowing it to be sailed by another person, shall insure that boat or windsurfer or model yacht against third party risks with a reputable insurer for not less than £2,000,000. A written declaration that such insurance has been undertaken and remains in force shall be produced to a member of the Committee of Management on demand.

The Committee of Management may at their discretion bar a Member from the use of his boat on Edgbaston Reservoir or withhold the allocation of points for participation in Club racing if the Member concerned has not satisfied them that the insurance has been effected.

18. Security

Members with keys to appropriate areas are responsible for seeing that all light, power and water is turned off before they leave the premises, and that all doors and windows and the gate are securely fastened.

Members must ensure that all boat sheds are closed and secured as soon as practicable after sailing has finished.

19. Personal property on Club premises

a) The written consent of the Harbourmaster must be obtained before any boat or windsurfer is left at the Club premises and before any trailer is left at the Club premises. All storage space will be re-allocated annually by the Committee of Management and the Harbourmaster may re-arrange such storage space allocated although reasonable notice will normally be given..

b) Except as is provided, Members may not leave any property including motor vehicles on the Club premises for any period otherwise than during such time as such Member is lawfully and properly upon such Club premises.

c) No Member will bring onto or permit to be brought onto the Club premises any article or thing which is dangerous or potentially dangerous or which could or may be a nuisance or annoyance or embarrassment to the Club.

d) All Members on leaving membership of the Club for any reason whatsoever must remove all property belonging to them or brought onto the Club premises by them or their guests (including boats, windsurfers, trailers and motor vehicles) from the Club premises within 21 days of their membership ceasing.

20. Abandoned property on Club premises

In addition to the powers given to the Committee of Management under the Articles of Association, 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 boat, windsurfer or trailer the property of a Member or former Member remains upon the Club premises, the Committee of Management may:-

a) Move the boat, windsurfer or trailer to any other part of the Club premises without being liable for any loss or damage to the boat, windsurfer or trailer howsoever caused.

b) Give one month's notice in writing to the Member or former Member at his last known address as shown in the register of Members and thereafter sell the boat, windsurfer or trailer and deduct any monies due to the Club (whether by way of arrears of subscription or annual payments, storage fees and other charges) from the net proceeds of sale before accounting for the balance (if any) to the Member or former Member.

c) Alternatively, if the boat, windsurfer or trailer is unsaleable, after giving notice in writing as aforesaid, dispose of the boat, windsurfer or trailer in any manner the Committee of Management may think fit and deem the cost of so doing and any arrears as aforesaid to be a debt owing to the Club by the Member or former Member.

d) Further the Club shall, at all times, have a lien over Members' or former Members' boat, windsurfer or trailer stored on the Club's premises in respect of all monies due to the Club whether in respect of arrears of storage 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 boat, windsurfer or trailer is sold the proceeds of sale (less 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.

21. Car parking

Cars shall not be parked in the fenced area surrounding the Clubhouse until after the end of sailing activities for the day.

22. Purchase and supply of excisable goods

a)..The purchase for the Club of excisable goods and the supply of the same upon Club premises shall be exclusively under the control of the Committee of Management, or of a sub-committee appointed by the Committee of Management.

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 of the Club premises in pursuance of the Rules 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 age of sixteen purchase or attempt to purchase tobacco or cigarettes within the Club premises.

b) Subject to the requirements of the licensing authorities, the Committee of Management shall cause the Club bar to be opened 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 of 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.

c)..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 of the Club.

d)..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 Company Secretary or Honorary Secretary or Auditor 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.

23. Participants in Club events

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 and to purchase intoxicating liquor for consumption on the premises by such person or his guest, within a period of 24 hours before and after the race in which they are competing.

24. Complaints

Complaints of any description should be made to the Honorary Secretary of the Club who will enquire into the matter. Under no circumstances must any complaint be made direct to a Club employee.

25. Data Protection Act

The Club is registered under the Data Protection Act and such personal data may be kept as may be required by law or considered necessary for membership records and the efficient management of the Club.

26. Safety

It is the responsibility of all persons to ensure that adequate personal buoyancy is worn while afloat at all times.

27. Amendment to Rules

Amendments to these Rules may only be made by a General Meeting of Full Members of the Club in accordance with the Articles of Association. Any Full Members wishing to propose any alteration or addition to the Rules of the Club shall give notice thereof in writing to the Honorary Secretary in time to be included in the notice convening the General Meeting at which the proposed alteration or addition is to be discussed.

Standing Orders

of

Midland Sailing Club

1. Annual General Meeting

The Annual General Meeting of the Club will normally be held in the month of March.

2. Nominations for the Committee of Management

The nominations of the Committee of Management shall be placed on the Club noticeboard twenty-eight days prior to the Annual General Meeting.

Other nominations received by the Honorary Secretary which comply with the requirements of Article 40 shall be placed on the Club noticeboard as soon as practicably possible.

3. Election of Commodore, Vice Commodore and Rear Commodore

The Commodore, Vice Commodore and Rear Commodore shall not hold their office for more than two consecutive years.

4. Notice of Meetings

Notice of General Meetings may be served by email in accordance with Article of Association 11, provided that the Member has consented to receive notices by email, and has provided the Membership Secretary with an email address for this purpose.

5. General meetings - Resolutions

The Committee of Management may propose resolutions to be put before the Full Members in General Meeting which will be included in the notice convening the Meeting.

Any Full Member shall have the right to propose a Resolution to be put to the Annual General Meeting, provided that it is seconded by another Full Member, and notice of the Resolution is received in writing by the Honorary Secretary in time to be included in the notice convening the Annual General Meeting at which the proposed Resolution is to be discussed.

A Full Member has the right to raise any matter under “Any Other Business” and the Chairman shall allow reasonable time for discussion but no formal resolution shall be put to the Meeting except in accordance with these Rules.

6. General Meetings - conduct of debate

The Proposer of a Resolution, who must be a Full Member, may speak once and for not more than five minutes and may sum up for not more than three minutes before the Resolution is put to the vote.

Before the Resolution may be discussed it must be seconded and the Seconder, who must also be a Full Member, may speak for not more than three minutes and may not speak again on the original Resolution.

Any other Full Member may speak once on the original Resolution for not more than three minutes.

Any Full Member may propose an amendment to a Resolution provided that the amendment is seconded by a Full Member, is clearly worded and does not substantially alter the purpose of the original Resolution and is not in the judgement of the Chairman a counter-proposition.

The Proposer and Seconder of any amendments may speak once for not more than three minutes each.

Any amendment validly proposed as above, shall, after discussion, be voted upon before the Resolution that it seeks to amend. Any Full Member may speak once upon the amendment for not more than three minutes.

Any Full Member may propose that the Resolution or the amendment or the amended Resolution under discussion shall be put to the vote and if properly seconded by a Full Member the Chairman shall put the said Resolution, amendment or amended Resolution to the vote without allowing further discussion except to allow the Proposer of the original Resolution to sum up if appropriate.

7. Declaration of interest

Members shall declare any financial or other interest that they may personally have in any matter considered by a meeting at which they are present other than the

consideration of subscriptions, fees and charges to members. Members having declared an interest may not take part in the decision making process other than the provision of factual information, and may be requested to withdraw during discussion of the relevant business at the discretion of the Chairman of the meeting.

8. Sailing Committee

The Committee of Management shall appoint a Sailing Committee as a sub-committee of the Committee of Management consisting of the Vice-Commodore, Sailing Secretary, Harbourmaster and such other members as it thinks fit to ensure the effective representation of all classes and training activity.

The Sailing Committee shall publish Club Sailing Instructions in accordance with the provisions of the Racing Rules of the International Yacht Racing Union and the prescriptions of the Royal Yachting Association.

The Sailing Committee so appointed shall be responsible for convening such Race Committees as may be needed, including Protest Committees.

9. Presidents

There shall be a President of the Club and not more than six Vice-Presidents. These Offices shall not carry ex-officio membership of any committee. These positions shall be filled by invitation and those so invited shall be persons who have been Members with voting rights for not less than ten years, and have during their active membership rendered valuable service to the Club. The tenure of the appointment shall be for life or until resignation. The Committee shall be empowered to extend invitations to those qualified.

10. Amendment to Standing Orders

Amendments to these Standing Orders may only be made by a General Meeting of Full Members of the Club in accordance with the Articles of Association. Any Full Members wishing to propose any alteration or addition to the Standing Orders of the Club shall give notice thereof in writing to the Honorary Secretary in time to be included in the notice convening the General Meeting at which the proposed alteration or addition is to be discussed.