

PRESTWICK SAILING CLUB CONSTITUTION November 2016

(Administrative note: This Constitution contains consolidated amendments made by the club on the dates given against each section.)

1. **NAME**

(Pre 1971)

The club shall be called the Prestwick Sailing Club with the headquarters in Prestwick.

2. **FLAGS**

(Pre 1971)

The Club Flags shall be a Burgee with a Mitre D'or on a blue ground and the Red Ensign.

3. **OBJECTS**

(1994)

The primary object of the club shall be to provide for, foster and encourage participation in sailing. The club will also encourage participation in other water sports activities but excluding those activities, which are primarily centred on motorised craft.

4. **MEMBERSHIP:**

(1980) (2005) (2010) (2013) (2015)

Membership shall comprise of:

a. Full Members: These shall be

- (i) Ordinary Members: Adult Members over the age of 21
- (ii) Family Members: Up to two adults. Their children aged 18 or under on 1st Jan for the current year shall be Cadets.
- (iii) Honorary Life Members: Full members on attaining their 70th birthday after 10 years continuous service or on a subsequent birthday after the same, shall be given Honorary Life Membership. They shall pay half membership fee annually until age 75, whence no further fees will be required. The onus will be on the member to apply and submit evidence as to age, the effective age to be as at January 1st of the appropriate season.
- (iv) Life Members: Any full member may, on paying such a lump sum as may be determined as appropriate by the Committee, become a life member with all the rights of full membership but with no further subscriptions due. They will be considered to be full members in respect of discipline.

b. Cadet Members:

- (i) Cadet: 18 years or under on 1st Jan for the current year
- (ii) Senior Cadet/Student: aged 19 to 21 or over 21 in full-time education on the 1st of January for the current year

c. Associate Members:

- (i) These shall be non-sailing members but, if elected, may serve as Social, Property, or Bar Convenors, or sit on these Committees.
- (ii) Family Associate Members: These shall be up to two adults and their children aged 18 or under on 1st Jan for the current year. These adult and child members shall be non-sailing members
- (iii) No application for Associate Membership shall be accepted if, at the time of application, the total number of Associate and Family Associate adult members exceeds 45% of the total voting membership of the club at the previous AGM.

d. Honorary Members: The Committee shall have the right to recommend to the Club in General Meeting suitable persons who have served the Club, or sailing in general, to be elected to Honorary Membership. Such persons, if elected, shall have the rights of Full Membership with the exception of voting rights.

e. Temporary Members:

- (i) Persons may be given on application temporary membership under such terms as the General Committee shall annually determine.
- (ii) Participants in open sailing events, having completed the relevant entry forms and paid the appropriate fees, shall be considered temporary members for the duration of the event.

f. Group Membership: Genuine groups may be granted membership under such terms as may be decided at a General Meeting and all such applications shall be dealt with in individually. There shall be special terms for groups from educational establishments, e.g. schools and colleges. Numbers of members in each category of membership shall be decided from time to time by the General Committee except where constitutional limitations have been imposed.

5. **VISITORS**

(1980)

Adult Members shall have the right to introduce visitors on such terms as the General Committee will decide from time to time. These terms shall be exhibited on the club notice board.

6. **VOTING RIGHTS**

(1980) (2014)

All paid up members of the age of 18 or over on the previous Jan. 1st shall have voting rights as follows:

- Each full Member shall have one vote.
- Cadet Members shall have no vote except in affairs of the Cadet Section. Each

- adult Associate Member shall have one vote
- Honorary Members shall have no vote
- Temporary members shall have no vote
- Group Members. Full Members within each group shall have one vote

7. **ADMISSION**

(2009) (2014)

- (a) Membership of the club shall be open to all interested in the sport of sailing on application, regardless of 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.
- (b) Membership subscriptions will be kept at levels that will not pose a significant obstacle to people participating.
- (c) An application for membership shall be in the form from time to time prescribed by the Committee, and shall include the name and address of the candidate.
- (d) Upon receipt of an application for membership, the Honorary Secretary shall enter such application in a Register of Candidates and the application shall be considered at the next meeting of the General Committee. The election of all classes of members is vested in the General Committee and shall be a simple majority vote of those of the Committee.
- (e) The Committee may only refuse any application for membership for good and sufficient reason such as conduct or character likely to bring the club or sport into disrepute or on the grounds that such membership would be prejudicial to the objectives of the club as set out in Rule 3 of this Constitution.
- (f) The Committee for good and sufficient reason such as conduct or character likely to bring the club or sport into disrepute may refuse renewal of any existing membership or terminate or suspend any membership provided that the member concerned shall have the right to be heard by the full General Committee before the decision is made. A final appeal against such a decision may be made to the club members and decided by a majority vote.

8. **SUBSCRIPTIONS**

(1984)

Entrance Fees, Annual Subscriptions and Berthing Fees shall be determined at the AGM. Annual Subscriptions and Berthing Fees shall be payable on 1st February. Persons are not eligible to place any boat in the compound until all due fees are paid. Members failing to notify the Honorary Secretary in writing of their intention to resign by the last day of April, and having failed to pay their annual subscription by that date, shall be deemed to have resigned and shall forfeit all rights of membership. Such persons may re-apply for membership in accordance with paragraph 7 of the Constitution.

9. **LEVIES**

(1984)

- a. If the General Committee propose the raising of a levy they must call a General Meeting of the members to approve this proposal.
- b. In the event of any General Meeting of the members agreeing to a levy being imposed, such a levy must be paid in full by the due date agreed at the meeting. Members who have no voting rights shall not be levied, i.e. Honorary Members and Cadet Members.
- c. Any person first joining the club after the date of imposition of a levy shall not be liable for that levy.

10. **SUSPENDED MEMBERSHIP**

(1984)

Members leaving the club for an extended period of time for a reason considered valid by the General Committee, and after having notified the Honorary Secretary in writing in advance, may have their membership temporarily suspended.

11. **OFFICERS OF THE CLUB**

(2010)

The Commodore, Vice Commodore and Sailing Captain (who shall be Flag Officers) and the Honorary Secretary and Honorary Treasurer. The Commodore, Vice Commodore and Sailing Captain shall not hold the same office for more than three consecutive years. These Flag Officers shall not be eligible for re-election to the same office for a period of two years.

12. **GENERAL COMMITTEE**

(1997) (2005) (2010) (2015) (2016)

The General Committee shall be comprised of the Officers of the Club, the Training Officer, Safeguarding Officer, the Convenors of the Bar, Property and Social Committees, (when the Convenors of these Committees are elected) together with no more than four full members. The full members shall not hold the same office for more than two consecutive years, or be eligible for re-election to the same office for a further two years.

13. **ELECTION OF OFFICERS AND GENERAL COMMITTEE**

(1984)

All Officers and General Committee Members shall be elected at the AGM. Nomination for Commodore shall be made by the General Committee. The General Committee's nominations for all Officers and Committee Members shall be posted on the club notice board at least 35 days before the date of the AGM, and shall not be subsequently revised by the General Committee. Additional nominations for Officers (other than Commodore) and Committee Members shall be made in writing to the Honorary Secretary not less than 21 (twenty one) days before the AGM. No Member may be proposed for office without obtaining his prior consent. All nominations shall be contained in the Agenda circulated with the notice convening the AGM.

14. **MANAGEMENT**

(1993)

a. The affairs of the Club shall be managed by the General Committee who shall have all the necessary powers to achieve the objects of the Club. In particular they will have the power to enter into lease agreements for both heritable and moveable property. They shall also have the power to borrow funds up to a maximum of 25% (twenty five percent) of the balance on Capital Account at the end of the preceding financial year. Such borrowing powers shall only be taken after consultation with the membership.

(1971)

b. The Committee shall have power to co-opt to fill casual vacancies on the Committee or among the officers. Such service shall not count where a time limit for the tenure of the post exists.

(1997)

c. The Committee shall meet from time to time as may be necessary, normally once a month. Four Members present shall form a quorum. Meetings shall be called by

circular except in an emergency.

(1971)

d. The Committee shall have power to make rules and regulations and to revoke and alter the same in accordance with the general rules and objects of the Club.

(1971)

e. The Committee shall have the power to appoint Sub-Committees, from their own number or otherwise, to assist them and to co-opt Members for special purposes.

(1980)

f. The Committee shall have disciplinary power including power of expulsion by a majority of two thirds at a meeting convened for this purpose and attended by at least 75% of the full Committee to which the person or persons shall be invited. A Member so expelled shall have the right of appeal to another meeting of the General Committee convened in the same terms as the first one, and to a General Meeting of the club and have the right of attendance at these meetings.

(1996)

g. In addition to any powers given to the Committee 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 the Member or former Member remains upon the Club premises, the Committee may:

- (i) Move the vessel to any other part of the Club premises without being liable for any loss or damage to the vessel howsoever caused.
- (ii) Give one month's 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 of subscription or annual payments, dinghy park fees or otherwise) from the net proceeds of the sale before accounting for the balance (if any) to the Member or former Member.
- (iii) Alternatively, if the vessel is unsaleable, 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.
- (iv) Further the Club shall at all times have a lien over Members' or former Members' boats parked on the Club's premises in respect of arrears of berthing 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 (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.

These shall be Sub-Committees of the General Committee.

15.1 Sailing Committee

The Sailing Committee should consist of the Sailing Captain, Deputy Sailing Captain, Sailing Secretary, Cadet Captain and not less than three other Full members (including, {ex-officio} the Training Officer).

15.2 Cadet Committee

The Cadet Committee should consist of the Cadet Captain, Deputy Cadet Captain and not less than two other Full members and not less than two Cadet members.

15.3 Bar Committee

The Bar Committee should consist of the Bar Convenor and not less than three, nor more than five members.

15.4 Property Committee

The Property Committee should consist of the Property Convenor and not less than three members.

15.5 Social Committee

The Social Committee should consist of the Social Convenor and not less than three members.

Convenors of the above Sub-Committees shall use their best efforts to achieve the necessary numbers for their Committees. In Committees 3, 4 and 5 there must be a majority of full members not including the ex officio members. The Commodore and Honorary Secretary shall be ex officio members of each Committee. The Sailing Captain shall be an ex officio member of the Cadet Committee. The Cadet Captain shall be an ex officio member of the Sailing Committee. The Honorary Treasurer shall be ex officio member of the Social and Bar Committees.

16 **CLUB FUNDS** (1971)

These shall be administered by the General Committee in accordance with the general rules and objects of the club, but the approval of the club in General Meeting shall be necessary for any new major developments.

17 **BOOKS AND ACCOUNTS** (1971)

The Honorary Secretary shall keep a record containing the minutes of the meetings of the General Committee, together with a list of Club members and these shall be available to members at all times.

The Honorary Treasurer shall keep accounts and books showing the financial affairs and intrusions of the club, including a cashbook. These books and accounts shall be brought to a balance on 30th September and shall be audited and an abstract printed in the circular convening the AGM. An Honorary Auditor shall be appointed at each AGM.

18 **ANNUAL GENERAL MEETING**
(1971)

The AGM of the Club shall be held during November at such time and place as the General Committee may determine.

19 **GENERAL MEETING**
(1971)

An Extraordinary General Meeting shall be summoned by the Honorary Secretary within 28 days of the receipt of a request from the General Committee, or a requisition signed by no less than 6 voting members. Notices calling all General Meetings of the Club shall be sent to each voting member by the honorary Secretary at least fourteen (14) days prior to such meeting stating the business, time and place.

Chairman: At all General Meetings the senior Flag Officer present shall preside and if no Flag Officer be present the meeting shall elect a Chairman. The Chairman shall have a casting vote as well as a deliberative vote.

Quorum: At all General Meetings a quorum shall be 20% (twenty percent) of the total of ordinary members and family members (family member will be counted as one unit for this purpose).

(1993)

Procedures at General Meetings: General Meetings shall be conducted in accordance with the standing orders drawn up by the Committee, kept by the Honorary Secretary and available for inspection by the members at any time.

20 **ALTERATION TO THE CONSTITUTION**
(1980)

The Constitution may only be altered at a General Meeting of the Club. Any voting member wishing to propose an alteration or addition to the Constitution shall give notice of such in writing to the Honorary Secretary at least 21 (twenty one) days before the General Meeting. The Honorary Secretary shall intimate such proposal in the circular convening the Meeting. Any such proposal or amendments thereto approved at a General Meeting shall be immediately effective.

21 **EXCISABLE LIQUOR**
(1980)

- a. The purchase of excisable liquor for the club and its supply shall be exclusively controlled by the General Committee.
- b. No member of the General Committee or governing body and no manager or servant of the Club shall have any personal interest in the sale of excisable liquor therein or in the profits arising from such sales.
- c. No excisable liquor shall be sold or supplied for consumption to any person under the age of 18.

- d. No excisable liquor shall be sold or supplied for consumption outside the premises, except to a member for his own consumption.
- e. Hours of opening of the bar shall be determined by the General Committee subject to the Licensing (Scotland) Act 1976 or by such act as shall replace it.
- f. Visitors shall not be supplied with excisable liquor in the club premises unless on the invitation of, and in the company of a members, and that member shall upon the admission of such a visitor, or immediately upon his being supplied with such liquor, enter their own name and the name and address of the visitor in a book, which shall be kept for this purpose and which shall show the date of each visit.

22 **FREEDOM FROM LIABILITY**
(1971)

No member shall have any claim against the Club, its Officers or Office Bearers or against any individual member acting in an official capacity for the Club, in respect of loss, injury or damage whatsoever caused, or arising from, any accident or misadventure happening in the Club premises or precincts. This freedom from liability shall not be claimed if there is any insurance cover in operation, which would provide compensation for an injured member.

23 **DISSOLUTION**
(1971)

In the event of the Club ceasing to exist, the Committee shall, after realising all assets and paying all debts, place any money remaining in the care of a firm of lawyers, instructing them:

- a. To pay any interest annually to the National Playing Fields Association for Scotland.
- b. To hand over the balance to any bona fide sailing club established in Prestwick within a period of seven years - the money to be handed to the club in the second year of its existence.
- c. If no such club be founded within the period of seven years, the money remaining to be handed over the National Playing Fields Association for Scotland, or if it no longer exists, to some similar body making money available for outdoor recreation whom failing to the R.N.L.I.

This version dated 24th November 2016
Amended as per the AGM November 2016

Chris Clow, Hon Secretary.