



# CONSTITUTION

OF THE  
LERWICK  
BOATING  
CLUB

## NAME AND OBJECT

1. The name of the Club is "The Lerwick Boating Club."
2. The objects for which the Club is formed are:-
  - 2.1 To promote the sport of boating.
  - 2.2 To provide instruction in sailing, particularly for young people.
  - 2.3 To support the continuation of the Shetland Model Sailing Boat as a racing boat.
  - 2.4 To provide hospitality and facilities for visiting yachts.
  - 2.5 To promote the use of Lerwick as a centre for ocean cruising and racing.
  - 2.6 To provide social and other facilities for club members and their guests

## MEMBERSHIP

3. The following classes of membership are available:-
  - 3.1 **Ordinary Membership.** Any person who has attained the age of 18, of either sex, whether the owner of a yacht or boat or not, who is keen and interested in boating is eligible for ordinary membership. An ordinary member shall be entitled to the full amenities of the Club.
  - 3.2 **Junior Membership.** Any person under the age of 18, whether the owner of a yacht or boat or not, who is keen and interested in boating is eligible for junior membership. Persons under the age of 18 years shall not be supplied with alcoholic liquor.  
A Junior Member shall be entitled to use the Club premises to a limited extent at the discretion of the Committee.
  - 3.3 **Temporary Membership.** The committee may admit to temporary membership any person who is a member of a sailing, yachting or rowing Club affiliated to the Shetland Inter-Club Yachting Association, Shetland Yoal Rowing Association, the Royal Yachting Association or the equivalent National body of any other country, or who is the owner or crew of any yacht visiting Lerwick or a visitor with an interest in the sport of boating. The name and address of each temporary member and the date on which temporary membership was granted shall be entered in a book to be kept for this purpose. No person may be admitted as a Temporary Member for a period or periods totalling more than **twenty eight** days in any one year.

- 3.4 Joint Membership.** The partner of an ordinary member or an honorary member shall be eligible as a candidate for Joint membership.
- 3.5 Honorary Membership.** The Committee may elect as Honorary Members any person or persons who have performed some outstanding service to the Club or its objectives.
- 3.6 Associate Membership.** Any person who is a paid up member of another club whose activities are water based. An associate member shall be entitled to use the club facilities but will not have voting rights at an Annual General Meeting (herein after referred to as AGM) or an Extraordinary General Meeting (herein after referred to as EGM).

#### **ADMISSION OF MEMBERS**

4. Every candidate for Full, Joint or Associate membership shall complete a membership application form which will be sent to the Honorary Secretary.
5. Membership shall be open to anyone and no application for membership will be refused on other than reasonable grounds (i.e. the Committee believes membership is likely to be contrary to the best interests of the club). There will be no discrimination on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex; sexual orientation, political or other opinion.
6. The Committee meets on a monthly basis. After the Committee meeting the Honorary Secretary shall forthwith send to the candidate at the address given upon their application of membership, a request for payment of their entrance fee (if any) and first annual subscription.
7. Upon payment of the entrance fee (if any) and first annual subscription a candidate shall become a member of the Club.

## **REMOVAL OF MEMBERS**

8. Any member wishing to withdraw from the Club shall notify the Secretary of their intention in writing before the AGM or they shall be liable for their subscription for the current subscription year.
9. In the event of a grave breach by a member, of Regulations and/or Bye laws of the club or of conduct on the part of a member, on the Club premises or elsewhere, which in the opinion of the Committee is either unworthy of a member or otherwise injurious to the interests of the Club, the Committee shall consider the member for expulsion provided that, the Committee follows the following procedure:
  - 9.1 The member shall be given the option of resigning immediately or having their case considered at a Committee Meeting. It shall be in the powers of the Committee to suspend such a member from the Clubhouse, until the Committee meeting shall be held.
  - 9.2 The time to elapse between suspension and the Committee meeting shall, under any circumstances, not exceed four weeks.
  - 9.3 The name of the member shall be removed from the list of the club, for the reasons to be stated at the Committee meeting.
  - 9.4 The member whose expulsion is under consideration shall have the right to state their defence at the Committee meeting, verbally or in writing.
10. The vote at the Committee meeting, on a resolution for expulsion shall be by secret ballot and the resolution shall only be carried if not less than three-quarters of the members of the Committee present vote in favour of the resolution.
11. A minimum of 10 Committee members, are necessary to vote on a resolution for expulsion.

## **EQUAL OPPORTUNITIES**

12. In order to make boating an activity that is genuinely open to anyone who wishes to take part and to provide the framework for all to enjoy the

sport, the Club is committed to the principle of equality of opportunity and aims to ensure, wherever practicable, that we promote and facilitate access to boating and club facilities, on an equal basis, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political or other opinion.

13. The Club has adopted the Shetland Sailing Centre /RYA "Equal Opportunities Policy".

## **DISSOLUTION**

14. The winding-up of the Club's activities, or the Club as whole, shall be affected only at an AGM or at an EGM to be called for the purpose, provided that the proposal shall be approved only if THREE QUARTERS or more of the voting members present at the meeting vote in favour.
15. If, upon winding up or dissolution of the Club there remains after the satisfaction of all the Club's debts and liabilities any assets or property whatsoever, the same shall be given or transferred to some other organisation or organisations having objects (that is, aims and activities) similar to the objects of the Club, such organisation or organisations to be determined by members of the Club by Resolution passed at a General meeting at or before the time of dissolution, and in so far as effect cannot be given to such provision then to some charitable objects.

## **SAFEGUARDING CHILDREN**

16. The Club is fully committed to safeguarding the welfare of all children in its care. It recognises the responsibility to promote safe practice and to protect children from harm, abuse and exploitation. The Club has adopted the Shetland Sailing Centre/RYA "Child Protection Policy and Procedures".

## **ANNUAL SUBSCRIPTIONS**

17. The annual subscription, payable on first admission to the club and at the AGM each year., shall be such sums as may from time to time be agreed at the AGM.

18. No member will in any year be entitled to any of the rights or privileges of membership until the appropriate annual subscription for that year and all arrears, if any, have been paid.
19. Any member who has not paid his subscription one month after the AGM shall be requested in the name of the Committee to pay the same within fourteen days. If their subscription is not paid by two months after the AGM, their name may be removed from the list of members by the Committee and they will not be entitled to use the amenities / facilities of the club, participate in any club event/regatta or vote at any meeting. A members name may be restored at the discretion of the Committee.
20. Any non-member regularly sailing or rowing in club training / events / points races will normally be expected to join the club and pay the appropriate annual membership fees.
21. A member who joins after 30<sup>th</sup> September in any year shall pay half of the normal subscription only in respect of the period between their election and the AGM following.

## **COMMITTEE**

- 19 The officers of the Club shall consist of a Commodore, a Vice-Commodore, a Rear-Commodore, an Honorary Secretary, an Assistant Honorary Secretary, an Honorary Treasurer and Assistant Honorary Treasurer who shall be elected at the AGM in each year to hold office until the conclusion of the next AGM. The Retiring Officers shall be eligible for re-election.
- 20 No Candidate for election to any office (other than the retiring officers) shall be proposed unless the name of such candidate and of his proposer shall have been sent to the Honorary Secretary two weeks before the Annual General Meeting.
- 21 The Committee shall consist of the officer's ex-officio and not more than eight members of the Club elected by the Club in General Meeting to hold office until the conclusion of the next AGM.

- 22 Candidates for election to the Committee shall be those members of the retiring Committee who shall offer themselves for re-election and such other members of the Club whose nominations are duly proposed and seconded by Members of the Club.
- 23 If a casual vacancy occurs by death or resignation the Committee may co-opt a member to fill the vacancy.
- 24 If the number of candidates duly proposed and seconded exceeds the number of vacancies to be filled the election shall be by ballot.
- 25 Notice of each Committee meeting shall be given to each Committee member in writing.
- 26 A quorum of 8 committee members shall be required before any business is transacted at a Committee meeting.

#### ***MANAGEMENT OF CLUB PREMISES***

- 27 The Committee shall manage the business and affairs of the Club according to the constitution and shall apply the funds of the Club to the objects of the Club, except that the approval of a general meeting shall be required for the purchase, sale, lease, exchange or other acquisition or disposal of any heritable property rights or privileges in relation to the purposes or objects of the Club or the granting of any securities, heritable or otherwise over the property of the Club. The Committee shall hold meetings for these purposes at intervals of not more than three calendar months or more frequently as may be required.
- 28 The Committee may establish sub committees and appoint other officials as they consider necessary from time to time for the effective management of the Club. The duties, powers and responsibilities of such sub-committees and officials shall be as defined in byelaws.
- 29 The Committee shall make, alter and repeal such byelaws, rules and regulations as they think fit for the management of the Club, provided these are not contrary to these rules or to the current Licensing (Scotland) Act. A copy of the current Byelaws shall be displayed on the Club notice board at all times.

- 30 Each member, other than a Junior Member, shall have the privilege of introducing not more than five visitors to the Club premises at one time and shall be responsible for the conduct of such visitors. Upon the admission of each visitor to the Club premises the member introducing him shall enter his own name and the name and address of the visitor and the date of the visit in a book to be kept for that purpose. A visitor shall not be supplied with excisable liquor in the Club premises unless on the invitation and in the company of the member who has introduced him.
- 31 No office-bearer or ordinary member of Committee and no Club Steward or servant employed in the Club shall have any personal interest in the sale of excisable liquor therein or in the profits from such sale.
- 32 No excisable liquor shall be sold or supplied in the Club premises for consumption off the premises.
- 33 The Committee shall be empowered to act on behalf of the Club in the employment of such staff as they consider necessary or convenient for the efficient running of the Club.
- 34 The members of the Committee, shall by virtue of their office be also deemed to be appointed Trustees and all property and assets heritable or otherwise of the Club shall be vested in them on behalf of the members of the Club.
- 35 The Committee shall be empowered on behalf of the Club to borrow from such sources as it considers appropriate such amounts as are required from time to time for the purposes of the Club.

### **BOOKS AND ACCOUNTS**

- 36 Correct books and accounts shall be kept showing the financial affairs and intromissions of the Club. The Accounts shall be closed each year as at 31<sup>st</sup> January and a balance sheet prepared as at the same date. A qualified Accountant shall be appointed at each AGM to prepare a set of accounts.. The Committee shall be empowered in the event of a casual vacancy to appoint an Accountant to hold office until the next AGM. All moneys received on behalf of the Club shall be banked in one or more Banking



Accounts at such Financial Institution as the Committee shall from time to time determine. Such Accounts shall be operated upon by any two of the following office-bearers viz: Commodore, Vice- Commodore, Rear-Commodore, Honorary Secretary, Assistant Honorary Secretary, Honorary Treasurer and Assistant Honorary Treasurer.

- 37 All accounts incurred on behalf of the Club shall be passed for payment by any two office bearers.
- 38 All purchases over the value of £20 shall be covered by an official purchase order, issued prior to the purchase by a Committee member.

### **GENERAL MEETINGS**

- 39 An Annual General Meeting (AGM) shall be held at some place in Lerwick to be named and on some day in the month of March, April or May, to be fixed by the Commodore. The Honorary Secretary shall at least twenty eight days clear before the date of such meeting cause a notice to be inserted in the Local Press giving notice of such meeting.
- 40 No business shall be transacted at any AGM unless the requisite quorum is present when the meeting proceeds to business. Twelve Ordinary Members of the Club shall constitute a quorum for all purposes.
- 41 Any substantive motions for discussion at an AGM must be notified in writing to the Honorary Secretary at least fourteen days clear prior to the date of the meeting, all such motions to be displayed on the Club notice board for at least ten days prior to the meeting.
- 42 The Committee may, on giving fourteen days' notice, call an Extraordinary General Meeting (EGM) of the Club for any specific business, the nature of which shall be stated in the summons convening the meeting, and the discussion at such meeting shall be confined to that business only.
- 43 The Committee shall also call an EGM on the written request of at least twelve Ordinary or Joint Members.

- 44 The Commodore or, if absent, the senior Office-Bearer present shall take the chair at every *General Meeting*, but if no such Office-bearer is present within thirty minutes from the time appointed for holding the meeting, the Members of the Committee present shall choose one of their number to take the chair, or if there is only one Committee member present he shall take the chair. If no member of the Committee is present the Ordinary Members of the Club present shall choose one of their number to take the chair.
- 45 At a *General Meeting* of the Club each member (other than an associate member, a temporary member or a junior member) shall have one vote. Associate members, temporary members and junior members shall be entitled to attend a *General Meeting* but shall have no vote. In case of equity of votes the chairperson shall have a second or casting vote.
- 46 Notice of any alteration or addition to the constitution intended to be proposed by a member of the Club shall be given to the Secretary in writing fourteen days in advance if the same is to be proposed at the *AGM* or any *EGM* and full particulars of any such proposed alterations or additions shall be displayed on the Club notice board for at least ten days prior to the meeting.
- 47 All such proposed alterations or additions and any amendments to them which may be proposed and seconded shall be put to the vote of the meeting, and provided that on a show of hands, or if demanded on a poll, a majority of two-thirds of those members present and voting shall be cast in favour of any proposed alterations or additions or amendments then same shall be determined to be carried.

## **BYE LAWS**

### **Bar Rules**

- 1 No person may consume on the premises any alcoholic liquor not purchased from the club.
- 2 Children under the age of 14 will only be permitted to enter the bar if under the supervision of an adult member who will take responsibility for them.
- 3 No alcoholic liquor will be served to persons under the age of 18.
- 4 The Clubhouse shall be open at those times that the Committee may decide.
- 5 Access to certain events may be restricted at the discretion of the Committee in the interests of comfort or safety.
- 6 The bar shall be open for the sale of alcoholic liquor only at times agreed by the Committee.
- 7 Duty bar staff shall have the authority to evict from the Clubhouse or to refuse to serve persons who they consider are acting unreasonably and to close the bar earlier than the published closing time should circumstances dictate, such powers not to be used unreasonably.
- 8 Members on official duty and any Officer of the club shall have the right to request any individual to give their name or show other proof of identity as a means of establishing the membership or otherwise of such an individual.
- 9 The Club shall not be responsible for the loss of or damage to any property belonging to members or their guests from any cause whatsoever.
- 10 Members and guests shall be dressed appropriately for the circumstances prevailing in the bar at the time.
- 11 Any complaints regarding any official or staff that the club may from time to time employ must be made to an Officer of the club. In no circumstances may a member deal with any complaint direct with such officials or staff.
- 12 No animals other than guide dogs shall be permitted in the bar.
- 13 No notices other than boating or club-related notices shall be posted anywhere in the club without the endorsement of a Committee member, who shall indicate such endorsement by initialling the notice.

## Club Officials

- 1 The following appointments will be made by the Committee, the appointees drawn from any class of membership, other than Temporary :-
  - 1.1 **Fleet Captains** for each of Shetland Models, Yachts and Dinghy fleets. The duties of the Fleet Captain will include organising starting, timekeeping, guard boats, publicity and maintaining race records.
  - 1.2 Race Officer / **Fleet Starter /Timekeeper** for each of Shetland Models, Yachts and Dinghies.
  - 1.3 **Sail Training Co-ordinator** who will be responsible for coordinating and promoting Sail Training.
  - 1.4 **Racing Coach** who will coordinate activities of club racing boats
  - 1.5 **Yoal Officer** who will co-ordinate and promote the activities of the yoal.
  - 1.6 **Measurer and Handicapper**
  - 1.7 **Gear Officer** who will coordinate the maintenance of all club equipment, and ensure the availability of consumables and spares.
  - 1.8 **Buildings Officer** who will coordinate the maintenance of all Club buildings.
  - 1.9 **Entertainments Officer** who will organise all social functions in the Club and maintain a bookings diary for club premises.
  - 1.10 **Publicity Officer** who will be responsible for liason with press and preparing newsletters.
  - 1.11 **Fundraising Officer** who will be responsible for all general and specific fundraising for the Club.

All of the above officers will establish working groups drawn from the membership to assist with their duties, and will report on their activities to the main committee as required by the Committee.

## **Racing**

1 The Club will endeavour to organise races for:-

1.1 Shetland Models

1.2 Dinghies

1.3 Yachts

1.4 Class racing for any class able to show evidence of at least 6 boats willing to compete on a regular basis.

2 If less than 4 boats start any three consecutive races in a race series, the Committee shall be empowered to terminate the series.

3 The Race Officer / Fleet Starter / Timekeeper and the Fleet Captain or their nominees, and one skipper shall have the final decision as to whether conditions are suitable for racing.

4 The Race Officer / Starter or his nominee shall be responsible for advising Port Control in advance of the course to be used.

5 Races other than yachts and keel boats races shall only commence with adequate guard boat cover.

## **Use of Club Boats**

The use of Club Boats will normally be restricted to Club Members

### **1 Guard Boats**

1.1 A list of persons approved to take command of club guard boats, all of whom shall have successfully completed appropriate RYA approved training and attained the age of 16 years, shall be maintained by the Committee.

1.2 Club guard boats shall only be used whilst under the command of such an approved person.

1.3 Club guard boats shall be suitably crewed for the circumstances prevailing.

1.4 All guard boat crews shall wear approved buoyancy aids and protective clothing suitable for the weather conditions prevailing.

- 1.5 The person in command of each guard boat shall be responsible for properly securing the boat and all gear on completion of each use.
- 1.6 Use of the Club's boats for purposes other than guard boats shall only be with the prior consent of the Committee.
- 1.7 A functional V.H.F. hand set shall be carried on each guard boat.
- 1.8 Club guard boats will be operated at all times in accordance with the appropriate risk assessments / sections of the Club's Safety Policy as detailed in the RYA training.

## **2 Sailing Dinghies**

- 2.1 The Club's sailing dinghies shall only be used when approved guard boat cover is available.
- 2.2 The Club's sailing dinghies shall only be taken out under the supervision of persons approved for the class of dinghy.
- 2.3 Persons crewing club dinghies shall wear approved buoyancy aids at all times, and shall be suitably clothed for the weather conditions prevailing.
- 2.4 Club sailing dinghies will be operated at all times in accordance with the appropriate risk assessments / sections of the Club's Safety Policy and in accordance with club sailing instructions.

## **3 Yoal**

- 3.1 All persons in the yoal shall wear approved buoyancy aids at all times, and shall be suitably clothed for the weather conditions prevailing.
- 3.2 The under-16 yoal crews must have an appropriately approved adult present in the yoal at all times
- 3.3 The yoal will be operated at all times in accordance with the appropriate risk assessments / sections of the Club's Safety Policy

## **Boat Store**

- 1 The Boat Store will only be used for the storage and maintenance of club boats and gear, except with the consent of the committee.

## **Boat Ramp**

- 1 The order of priority for allocation of places on the ramp shall be as follows:-
  - 1.1 Boats owned by the Club.
  - 1.2 Members boats competing regularly in club races.

- 1.3 Other boats competing regularly in club races.
- 1.4 Other members' boats.
  
- 2 Requests for places must be made to the Committee no later than 1<sup>st</sup> April each year. Requests for places will only be considered valid if accompanied by payment in full.
- 3 The boat ramp is to be kept tidy at all times with all gear stowed within boats where possible. Gear no longer in use should be removed.
- 4 All boats stored on the ramp are at the owners' sole risk.
- 5 The committee will agree annual ramp fees and submit these to the AGM for ratification. To secure ramp space(s) fees are payable in advance.
- 6 At the discretion of the Committee, boats in respect of which rents have not been paid may be removed at the owner's cost.

### **Membership Discount Schemes**

- 1 A special family membership fee, agreed at AGM, exists in respect of any two Ordinary and/or Joint Members and one or more Junior Members ordinarily resident in the same household.
  
- 2 A special membership fee, agreed at AGM, exists in respect of any Ordinary or Joint Member who is defined as a disabled person under the Equality Act (2010)
  
- 3 An Ordinary or Joint member shall pay a reduced annual subscription, agreed at AGM, following their attainment of statutory retiring age.

### **Sail Training**

Sail Training, other than introductory sessions, will only be available to persons who are already, or have applied to become Ordinary, Joint, Temporary or Associate Members, as appropriate, of the Club.