

Name and purpose	<p>1. The name of the Club shall be the “East Lothian Yacht Club” (hereinafter referred to as “the Club”) and its objects shall be:</p> <ul style="list-style-type: none"> • The promotion of community participation in healthy recreation by providing facilities for sailing • To provide training in the sport of sailing and related activities, for all ages and in particular for young sailors. • To promote and facilitate sailing competition at all levels. • To provide and maintain facilities which shall include a suitable clubhouse, for the use of sailors and others. • To promote good relations with other organizations engaged in sailing related activities in general and in the North Berwick harbour area. • To provide social and other facilities for members as from time to time may be determined.
Burgee and insignia	<p>The Club’s Burgee shall be a blue-and-white pennant (white uppermost) with the outline of the Bass Rock superimposed thereon. The Club’s insignia shall be the Burgee.</p>
Officers	<p>2. The Officers of the Club shall be Ordinary or Senior or Family or Senior Family or Honorary (as hereinafter defined) and shall comprise a Commodore, a Vice-Commodore, one or more Rear Commodore(s) (hereinafter referred to as “the flag officers”), a Secretary and a Treasurer.</p>
Period of Office	<p>The Officers shall be elected at the Annual General Meeting in each year and shall hold office for a period of one year, retiring at the Annual General Meeting in each year. All Officers shall be eligible for re-election to the same office except that the Commodore and Vice-Commodore shall not be re-elected for a period exceeding two consecutive years and shall be ineligible for re-election to the same office for a period of one year after retirement.</p>
Duties of Secretary	<p>3. The Secretary shall:-</p> <ul style="list-style-type: none"> • conduct the correspondence of the Club; keep custody of Club documents; • keep full Minutes of all Meetings of the Club and the Committee of Management (as hereinafter defined and referred to as “the Committee”); • maintain contact with the Club’s legal advisers to ensure that the Club’s affairs are managed in accordance with current law; • maintain any such certificates or registrations, and complete any such non-financial returns, as may be required by law.
Duties of Treasurer	<p>4. The Treasurer shall:-</p> <ul style="list-style-type: none"> • keep such Accounts as are necessary to give a true and fair view of the financial state of the Club; • prepare annual Income & Expenditure Balance Sheets as at 31st October in each year and shall arrange for these, and the Accounts to be audited and thereafter presented to the Annual General Meeting in each year; • recommend to each Annual General Meeting a level of subscriptions and fees for the following year having taken the advice of the

- Committee;
- administer such insurance policies as may be required to fully protect the interests of the Club, its Officers and its members.
- Auditor
5. An Honorary Auditor shall:-
- be appointed at the Annual General Meeting in each year;
 - audit the annual Income & Expenditure Balance Sheets, and the Accounts of the Club and shall give such certificate as to the accuracy thereof as may be required by law;
 - if either unable or unwilling to act, inform the Committee who shall appoint a substitute to hold office until the termination of the next Annual General Meeting.
- Constitution of Management Committee
6. The affairs of the Club shall be managed by a Committee of Management (hereinafter referred to as “the Committee”) which shall consist of the Officers as defined in section 2 and not less than five and not more than ten Members (hereinafter referred to as the “ordinary Committee members”) entitled to vote at meetings of the Club.
- Period of Office
- The ordinary Committee members shall be elected at the Annual General Meeting in each year to hold office for a period of three years and shall be eligible for re-election.
- Quorum
- Six Committee members, one of whom must be a Flag Officer, shall constitute a quorum at a meeting of the Committee.
- Powers and Duties
- The Committee shall:-
- Meet periodically to manage the affairs of the Club according to the Constitution and Rules and shall apply the funds of the Club solely for the purpose of the Club. No surpluses or assets will be distributed to members or to any third parties which are not either charities or Community Amateur Sports Clubs nominated by a General Meeting;
 - Appoint such sub-Committees and may delegate such of its powers as it may deem necessary or expedient. Such sub-Committees shall contain at least one Officer of the Club;
 - disclose that it is acting as such when dealing with third parties;
 - enter into contracts as agent for the Club only as far as expressly or impliedly authorised to do so;
 - in pursuance of the authority vested in it, be entitled to be indemnified by the Members against any liabilities properly incurred by it or any member of the Committee on behalf of the Club. The limit of any Member’s indemnity in this respect shall be equal to that Member’s subscription then in force;
 - be entitled to nominate for election at any General Meeting of the Club such Honorary Members as it may deem fit who may be elected by two-thirds of those present and entitled to vote;
 - be entitled to provide craft and instructional and other facilities, to issue rules for the use thereof and to levy fees or charges therefor.
- Election to Committee
7. Candidates for election to the Committee shall be those members of the retiring Committee eligible to offer themselves for re-election and such other Members entitled to vote at General Meetings of the Club (as defined in Section 8) whose written nominations each bearing the signatures of a

proposer and seconder (also Members entitled to vote) shall have been received by the Secretary at least 6 clear days prior to the date of the Annual General Meeting in each year. All nominations shall be forwarded under sealed cover clearly marked "nominations" which shall be opened at a Committee meeting to be held on the date on which the period for nominations closes.

A list of nominees showing the respective proposers and seconders shall be displayed on the Club Notice Board immediately, provided that in the case of Flag Officers eligible and standing for re-election, nominations shall not be necessary and the Flag Officers shall be shown on the list of nominees as present holders of their respective offices.

If the number of candidates for election is greater than the number of vacancies then there shall be a ballot by secret ballot and in the event of a tie the candidate shall be determined by lot.

In the event of a casual vacancy on the Committee, it shall have power to appoint an acting Officer or ordinary Committee member to fill the vacancy until the next Annual General Meeting. If a vacancy should arise at an Annual General Meeting due to lack of nomination, the foregoing requirements for nominations shall be waived and such a vacancy may be filled by nomination and election at the Meeting.

Membership
Categories and
Voting Rights

8. There shall be the following categories of membership of the Club with power to vote at all Meetings of the Club and other rights, privileges, responsibilities and restrictions as defined hereunder:

(a) Ordinary Member - being a person who, at 1st January in each year, is 23 years of age or over. Former Junior Members remaining in full time education shall be eligible for a discounted membership rate until completion of their education course or attaining age 26 whichever comes soonest. The discounted rate shall be the same as the then current Junior Rate. An Ordinary Member shall be entitled to attend General Meetings and shall have one vote;

(b) Family Members - being two spouses or partners either of whom, at 1st January in each year, is 23 years of age or over. Family Members shall be entitled to attend General Meetings and shall have one vote each;

(c) Junior Member - being a person who, at 1st January in each year, is 17 years of age or over and under 23 years of age. A Junior Member shall be entitled to attend General Meetings and shall have one vote;

(d) Cadet Member - being a person who, at 1st January in each year, is 11 years of age or over and is under 17 years of age. A Cadet Member shall be entitled to attend General Meetings but shall have no vote;

(e) Senior Member - being a person who, at 1st January in each year, is 60 years of age or over. A Senior Member shall be entitled to attend General Meetings and shall have one vote;

(f) Senior Family Members - being two spouses or partners either of whom,

at 1st January in each year, is 60 years of age or over. Senior Family Members shall be entitled to attend General Meetings and shall have one vote each;

(g) Out-of-Port Member - being a person living at a distance of 50 miles or more from North Berwick who does not anticipate taking part in the next year's sailing programme. An Out-of-Port Member shall be entitled to attend General Meetings and shall have one vote;

(h) Out-of-Port Family Members being two spouses or partners who are living at a distance of 50 miles or more from North Berwick and who do not anticipate taking part in next year's sailing programme. Out-of-Port Family Members shall be entitled to attend General Meetings and shall have one vote each;

(i) Child Member being a child under 11 at 1st January each year who has a parent, grandparent or guardian who is an Ordinary, Family, Senior, Senior Family or Honorary Member. A Child Member will be entitled to attend General Meetings but will have no vote.

(j) Associate Member - being a person interested in, but unable to take a regular or active part in, sailing. An Associate Member may occasionally race but results will not count towards the official result. An Associate Member shall be entitled to attend General Meetings but shall have no vote;

(k) Reciprocal Member - being a person who is a Member of another club affiliated to the Royal Yachting Association or who is a personal member of the Royal Yachting Association and meets requirements previously approved by the Committee. Such a Reciprocal Member will have use of designated Club facilities for the duration of their agreed activities.

(l) Temporary Member – being a person who is 18 years or over deemed suitable and invited by the Committee to become a Temporary Member. Such a Temporary Member will have use of designated Club facilities for the duration of their agreed activities.

Rights and Responsibilities of Reciprocal and Temporary Members:-

- shall have no right of use of Club Boats unless the use is considered by the Training Officer to be a necessary part of their training programme ;
- shall have no right to introduce guests to the Club;
- shall have no vote nor right to take part in the management of the Club;
- is deemed to have notice of and impliedly undertakes to comply with the Constitution and Rules as if a Member of the Club and so far as the said Constitution and Rules may apply to such a Reciprocal or Temporary Member;
- shall be liable to be expelled from the Club if, in the opinion of any of the Officers, he or she shall not have complied with the foregoing conditions.

(m) Honorary Member - being a person who has rendered distinguished service to the Club or to the sport of sailing. An Honorary Member shall be entitled to attend General Meetings and shall have one vote.

The number of Members not entitled to vote shall not exceed 45% of the total number of Members.

Affiliate Organisations

An organization or club being suitable and invited by the Committee to become affiliated to the Club. Such an organisation shall have use of the Clubhouse and designated facilities for the duration of their agreed affiliated activities.

Admission of new Members

The Club will operate an open membership policy and membership shall be open to anyone supporting the objects of the Club regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs.

Applicants will be required to demonstrate that they support the objects of the Club by submitting an application with a covering letter, and may be interviewed by the Committee.

With the exception of Reciprocal, Temporary and Honorary Members, an application for membership shall be in the form prescribed by the Committee, shall include the name, address and occupation of the candidate and shall be in the hands of the Membership Secretary at least 14 days before the meeting of the Committee at which such application is to be considered.

The Membership Secretary shall arrange for each application for membership (except for Temporary and Honorary Members) to be prominently displayed on the Club Notice Board for at least 7 days before the meeting of the Committee at which such application is to be considered.

The election of all classes of members is at the complete discretion of the Committee, but the Committee may refuse membership only for good cause. The Membership Secretary shall inform each candidate in writing of the Committee's decision, send a copy of the Constitution and Rules and request payment for such subscriptions and fees as may be due. If membership is refused the reason will be explained to the applicant and they will have the right to be heard; accompanied by a friend if necessary

The Membership Secretary shall maintain an up-to-date Register of Members, a copy of which shall be prominently displayed on the Club Notice Board.

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.

Subscriptions

9. The annual subscription rates for each category of membership for the following year shall be proposed by the Treasurer at the Annual General Meeting in each year and approved by a majority of those present and entitled to vote. The Club will keep subscriptions at levels that will not pose a significant obstacle to participation in the sport. The rates shall become operative on the date of the Annual General Meeting and must be paid within six weeks thereof. In the event of a member's subscription remaining unpaid eight weeks after a formal request for payment by the Membership Secretary or other Committee Member empowered by the Committee, membership may be cancelled without further notice provided that the Committee may at its discretion re-instate such member upon full payment of the arrears.

No member whose subscription is in arrears shall be awarded any points or prizes in any sailing event nor shall they be entitled to vote at any meeting. Members elected after 31st August in each year shall be charged one-half of

the relevant subscription rate.

Members'
Conduct

10. Every member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with, the Constitution and Rules. Any refusal or neglect to do so or any conduct which is found to be unworthy of a member or otherwise injurious to the interests of the Club, shall render a member liable to sanction or expulsion as provided for in the Regulations in the Appendix.

11. Guests to the Clubhouse shall be permitted only upon the introduction of and in the company of a Member entitled to vote at meetings of the Club. No Member shall introduce more than three guests to the Clubhouse on any one day and the same guest shall not be introduced more than twice in the same month. The introducing Member shall, immediately upon the introduction of the guest, enter his or her own name, the guest's name and address and the date of admission in a Visitors' Book which shall be kept for the purpose. No guest shall be supplied with alcohol in the Clubhouse unless on the invitation of and in the company of a Member.

Limitation of
Liability

12. Members, their guests and visitors are bound by the following which shall be displayed in the Clubhouse:

- Members, their guests and visitors may use the Clubhouse and its facilities at their own risk and impliedly accept that
 - (a) the Club will not accept any liability for any damage to or loss of property belonging to members, their guests and visitors; and
 - (b) the Club will not accept any liability for personal injury arising out of the use of the Clubhouse or any other facilities either sustained by or caused by Members, their guests and visitors whether or not such damage, loss or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the Officers, the Committee or employees of the Club.
- Membership of the Club and acceptance of the Constitution and Rules by a Member shall be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Act 1984.

Sale and Supply
Of Alcohol

13. The purchase of alcohol for the Club and the sale or supply thereof shall be under the sole control of the Committee.

No member of the Committee and no manager or employee of the Club shall have any personal interest in the sale of alcohol therein or in the profits arising from such sale.

No alcohol shall be sold or supplied in the Clubhouse to any person under the age of 18 years.

No alcohol shall be sold or supplied in the Clubhouse for consumption off the premises.

Property

14. All heritable property belonging to the Club shall be held in the name of the Commodore, Secretary and Treasurer for the time being as Trustees *ex officio* for behoof of the Club.

The Club shall have power to purchase, feu, lease, exchange or otherwise

acquire any land, buildings, or other heritage of any tenure to be held for, used or occupied for the purposes of the Club.

The Club shall have the power to sell, alienate, let, exchange or otherwise dispose of or transfer all or any part of the heritable property of the Club in consideration of payment therefor.

The Club shall have power to borrow or raise money with or without granting security therefor. The power to borrow or raise money not exceeding £10,000 in any one financial year without granting security may be exercised by the Committee on behalf of the Club. In the event of the amount to be borrowed or raised exceeding £10,000 in any one financial year, or if security over any of the property of the Club requires to be granted, the Committee shall secure at a General Meeting the prior approval of a simple majority of the Members present and entitled to vote. Any borrowing or any security shall be taken or granted in the name of the Commodore, Secretary and Treasurer for the time being as Trustees *ex officio*.

Annual General Meeting

15. An Annual General Meeting of the Club shall be held on such a day as shall be determined by the Committee. The Secretary shall give at least 14 clear days' written notice (hereinafter referred to as the "Calling Notice") to all Members of the date of the Meeting and of the business to be dealt with.

No business except the approval of the Balance Sheet and Accounts, the election of the Officers, Committee and Honorary Auditors and any business that the Committee may order to be inserted in the Calling Notice shall be discussed at the Meeting unless written notice thereof is given to the Secretary at least 6 clear days prior to the date of the Meeting by a Member entitled to vote.

20 Members entitled to vote and personally present shall form a quorum at an Annual General Meeting.

General Meetings

16. The Committee may at any time, upon giving 21 clear days' written notice to all Members, call a General Meeting of the Club for any special business, the nature of which shall be detailed in the notice and discussion at such a Meeting shall be confined to that business.

The Committee shall similarly call a General Meeting within 21 days of the Secretary receiving a written request for such signed by at least 12 Members entitled to vote. Discussion at such a Meeting shall be confined to the business detailed in the notice.

12 Members entitled to vote and personally present shall form a quorum at a General Meeting called under this section.

Voting

17. At all General Meetings of the Club:-

- The Commodore whom failing the Flag Officer next in seniority or, in their absence, a Chairman elected by those present shall preside;
- Voting shall be by show of hands except in the election of members to the Committee which shall be by secret ballot;
- All motions shall be carried by a simple majority of those present and entitled to vote except as otherwise directed;
- In the event of an equality of votes, the chairman of the Meeting shall

have a casting vote except in the election of members to the Committee.

- Alterations to Constitution 18. Any proposed amendments of, additions to or deletions from the Constitution and Rules shall be intimated in writing by the Secretary to all Members. No such amendments, additions or deletions shall be made except at a General Meeting called in accordance with Section 16 and upon a two-thirds majority of those present and entitled to vote.
- Craft Register 19. Every craft belonging to the Club or to Members shall be registered in a book to be kept for the purpose by the Secretary. The Register shall state (where appropriate) the name of each craft, owner's name and distinguishing number. It is the responsibility of each owner to furnish the Secretary with details of any changes.
- Racing Rules 20. Except as varied by the Committee, all races and Regattas shall be sailed under RYA and ISAF rules, copies of which shall be available in the Clubhouse for the use of Members. Class flags shall be as determined by the Committee and shall conform as nearly as possible to those currently applicable under RYA rules.
Any alterations to the normal sail area of a handicap yacht or dinghy shall be notified to the Race Secretary at least 24 hours prior to the start of a race.
- Dissolution of Club 21. The Club shall be dissolved only following an unanimous vote by a quorum of Members present and entitled to vote at an Annual or other General Meeting called in accordance with Sections 15 or 16. In the event of the dissolution of the Club, its affairs shall be wound up. Unused grant funds shall be returned to the contributor under the Terms and Conditions which apply to the grants concerned. After satisfaction of all its debts and liabilities, any assets then remaining shall not be distributed amongst the Members but shall be donated to the North Berwick branch of the Royal National Lifeboat Institution. If such donation cannot be given effect to, it shall be made to some other charitable body connected with the provision of aid to sailors.

Signed on behalf of the Club:

Hugh Marston, Commodore

(dated) 15February 2010

APPENDIX TO THE CONSTITUTIONCOMPLAINTS & DISCIPLINARY PROCEDURE

- Intimation of Complaints
1. Any complaint about a member of the Club shall be intimated in writing to the Secretary and shall give full details of the place, date and time, the nature of the conduct complained of, the persons involved and witnesses. The Secretary shall:
- acknowledge receipt of the complaint;
 - inform the member complained of that a complaint has been received;
 - notify both complainer and member of the procedures that will be followed;
 - table the complaint at the next appropriate meeting of the Committee.
- Complaints Sub-Committee
2. The Committee shall:
- minute that a complaint has been made but shall not discuss it;
 - form a Complaints Sub-Committee (hereinafter referred to as "the CSC") comprising one Flag Officer and two other Ordinary, Family, Senior or Senior Family members of the Club none of whom shall have had any prior involvement with the complaint or the conduct complained of. The Secretary shall attend all meetings of the CSC only to take notes and minutes and shall have no vote. The CSC shall have full powers to deal with a complaint as detailed in Section 7 hereof;
- Complaints Officer
- appoint a Complaints Officer who shall be an Ordinary, Family, Senior or Senior Family member of the Club who shall have had no prior involvement with the complaint or the conduct complained of.
- Duties of Complaints Officer
3. The Complaints Officer shall:
- interview the complainer, the member complained of and any witnesses;
 - keep full notes of all interviews;
 - compile a written report and present the same to the CSC within 30 days of his or her appointment together with a recommendation as to whether the complaint should be dismissed or should be taken further.
- Dismissal of Complaint
4. Within 7 days of receipt of the Complaints Officer's report the CSC shall meet to determine if the complaint is to be dismissed or if there is a case to answer such that a Hearing shall be required. In the event of the complaint being dismissed, it shall advise the Committee, the complainer and the member complained of.
- Case to Answer
- In the event that the CSC finds there is a case to answer, it shall:
- fix a date for a Hearing which shall take place within 30 days;
 - notify the date to the Committee, the complainer, the member complained of and any witnesses;
 - give the facts of the case as placed before it by the Complaints Officer to the complainer and the member complained of;
 - advise any witnesses that they must attend the Hearing.
- If the Hearing date is unsuitable for the member complained of, he or she shall so advise the CSC in writing within 7 days of the date of notification but shall offer three alternative dates for a Hearing to take place within 21 days of the original date. The CSC shall choose one of the three alternative dates and

notify all relevant persons as provided for above.

- Witnesses 5. The notification to witnesses shall not contain any information other than the date and time of the Hearing , that a complaint has been received, the place, date and time of the conduct complained of and that their attendance is required.
- Conduct of Hearing 6. At a Hearing, the CSC shall:
- hear first the complainer and any witnesses who appear from the information given by the Complaints Officer to support the complainer;
 - hear next the member complained of and any witnesses who appear to support him or her;
 - be entitled to question any person who appears, allow the member complained of to cross-examine any person who has been so questioned and be entitled to ask such person to clarify what he or she has said;
 - ensure that the member complained of is present throughout the Hearing;
 - ensure that full notes are taken or that the Hearing is tape-recorded;
 - have up to 3 days from the conclusion of the Hearing to reach its decision which shall be intimated immediately in writing to the complainer, the member complained of and the Committee.
- Powers of Complaints Sub-Committee 7. The CSC shall have the following powers:
- to dismiss a complaint on the grounds that there is no case to answer or that it is too trivial to warrant action or that the complaint is not proven;
 - in the event that it finds that a complaint is proven, to admonish, suspend for a maximum period of 60 days the membership of, or terminate the membership of, any person who has appeared before it including the complainer and any witnesses.
- In the event of suspension of membership, the member shall be barred from entering and using the Club's premises and facilities.
- Appeal 8. Any member who has been admonished or whose membership has been suspended or terminated shall have a right of appeal against the CSC's decision. Any notice intimating an appeal must be received in writing by the Secretary within 14 days of the date on which notification of the CSC's decision is given and shall state the ground of appeal. Upon receipt of a valid notice of appeal, all disciplinary measures shall be suspended pending a determination and the Committee shall:
- meet within 7 days;
 - call a General meeting of the Club in accordance with Section 16 of the Constitution & Rules
 - ensure that the Calling Notice contains a copy of the CSC's decision and a copy of the notice of appeal.
- Conduct of Appeal 9. The General Meeting to consider an appeal shall be conducted in accordance with the Constitution & Rules except that:
- The Complaints Officer and the members of the CSC shall not be entitled to vote;
 - the Flag Officer member of the CSC shall not be entitled to preside at the meeting;

- voting shall be by secret ballot.

Upon the conclusion of any debate, the Complaints Officer and the members of the CSC shall be entitled to summarise their positions and the appellant shall likewise be entitled to summarise his position immediately prior to the chairman summing up and putting the matter to a vote.

The decision of a simple majority of those present and entitled to vote shall be final.

- Representation 10. Any member complained of and any appellant shall have a right to be represented by another member of the Club. Members accept that all meetings of the Committee, the CSC and General Meetings to consider appeals are closed meetings of the Club and no member shall have a right of external representation at such meetings. Details of a member's representative must be received by the Secretary at least 2 clear days prior to such meetings. Where a member is represented, only the representative shall be entitled to present the member's case except that the member may be questioned and cross-examined on his or her own behalf.
- Further Complaints 11. In the event that one or more complaints are received against the member complained of after the complaints procedure has been started, they shall be dealt with as separate complaints by separate Complaints Sub-Committees who shall not be made aware of the reports and decisions of prior Sub-Committees unless these have found the complaints proven in which case prior proven complaints may be taken into account when determining their decisions.
- Retention of Records 12. All notes, records and minutes of every complaint proceedings shall be retained by the Secretary for a minimum period of 5 years after the date of final determination.
- Notice 13. For the avoidance of doubt, all correspondence and notices under these procedures shall be deemed to have been duly delivered if it is sent to the address recorded in the Register of Members.
- Summary Termination of Membership 14. In the event of a member being convicted in Court of a crime relating to his or her activities within the Club, or while on Club business or while representing the Club, the Committee shall be entitled to summarily terminate membership without invoking the foregoing procedures.