

BYE LAWS OF Leicester Sailboard Club

ADOPTED: 01/05/2016

PART 1: INTERPRETATION

1 INTERPRETATION

1.1 These Bye Laws are made pursuant to Article 13.4.2.

1.2 In these Bye Laws, unless the context requires otherwise:

Articles	means the articles of association of the Club from time to time and Article refers to a particular provision in them;
Boating, Windsurfing and Stand Up Paddle Boarding	means sporting, recreational and other activities carried out in water-borne craft of any description powered by the wind or by mechanical means
Bye Laws	means these bye laws of the Club made pursuant to Article 13.4.2, and Bye Law refers to a particular provision in them
Club Facilities	means the Club Cabin, the Launching Area, the Kings Lear Lake managed in accordance with the Leicester County Council Lake Licence, Windsurfing and Stand Up Paddle Boarding Equipment belonging to the Club (whether for a fee or without charge), the Rescue Boat and Chemical Toilet and Wash Hand Basin (whether for a fee or without charge) at the Club Cabin from time to time;
Club Cabin	means the Club Cabin situated at Kings Lear Lake, Watermead Park, Wanlip Road, Leicester LE7 1PD
Club Member	means a company member of the Club, as that term is defined by section 112 of the Companies Act 2006, and Club Membership shall be interpreted accordingly.

Associate Member	means a member of the Club who is not a Club Member and therefore neither has no voting rights at general meetings nor any other rights to which members of companies are entitled under the Articles or the Companies Acts, and Associate Membership shall be interpreted accordingly;
Fees	shall have the meaning given in Bye Law 6.1
Member	means all members of the Club
Royal Yachting Association	means the Royal Yachting Association, company limited by guarantee registered in England and Wales with registered company number 00878357.

1.3 These Bye Laws are supplemental to the Articles. Nothing in these Bye Laws is intended to contradict the Articles or the provisions of the Companies Acts and, in the event of any inconsistency between any provision of these Bye Laws and any provision of the Articles, the Articles will prevail.

1.4 Unless the context otherwise requires words or expressions contained in this document bear the same meaning as in the Articles.

1.5 Unless expressly provided otherwise, a reference to a statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time, taking account of any subordinate legislation from time to time made under it, and any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts.

PART 2: MEMBERSHIP

2 MEMBERSHIP

2.1 Article 11.5 gives the directors the power to create different classes of Membership, and to decide who will be eligible for admission to them and what their rights and obligations will be.

2.3 There shall be the following classes of Club Membership:

2.3.1 Full Members;

2.3.2 Family Members

3 ELIGIBILITY FOR MEMBERSHIP

3.1 **Full Membership** is open to any individual aged 18 or over who is interested in the sport of Windsurfing and/or Stand Up Paddle Boarding. Full Members are **Club Members** with the right to attend and vote at general meetings in accordance with the Articles and the Companies Acts.

3.2 **Family Membership** is open to each of the members of a family grouping of one or two adults, together with any number of children within their guardianship under the age of 18, who are interested in the sport of Windsurfing and Stand Up Paddle Boarding. The family grouping will pay a single family subscription. The adult who pays the subscription will be the "lead adult" and will be a **Club Member**. Each other member of the family grouping will be an **Associate Member**. Only the lead adult will be a Club Member and, as such, will have and may exercise all the rights and privileges of Club Membership. For the avoidance of doubt, only the lead adult will have the right to receive notice of, and to attend and vote at, any general meeting.

3.3 **Temporary Membership** is open to members of another RYA recognised clubs or organisations. Temporary Members are **Associate Members**, and as such have no right to attend or vote at general meetings.

3.4 For the avoidance of doubt, where the type of Membership available to, or subscription payable by, an individual is related to age it will be determined by the age of the individual on the date of registration of his Membership, or its renewal date.

4 BECOMING A MEMBER

4.1 An application for Membership shall be in the form from time to time prescribed by the directors, and shall include the name and address of the applicant.

4.4 Upon receipt of an application for Membership, the Secretary shall enter the details of the application in a register of applicants

4.5 The directors have sole discretion to decide whether or not to accept an application for Membership.

4.6 The Secretary shall inform each applicant in writing as to whether or not the applicant's application for Membership has been approved by the directors, and the Secretary shall provide successful applicants with a copy of the

Articles and these Bye Laws, and the Secretary shall also request payment of any applicable fees.

4.8 Every successful applicant shall, upon becoming a Member, provide the Secretary with an up-to-date address/contact details which shall be recorded in the register of Members, a clear copy of their windsurfing and/or stand up paddle boarding public liability insurance certificate, a signed statement confirming that they have received and understood a current copy of the Club Articles, Bye-Laws and Risk Assessment. Any notice sent by the Secretary to the applicant's address shall be deemed to have been duly delivered.

5 RIGHTS AND PRIVILEGES OF MEMBERSHIP

5.1 The rights and privileges of each class of Membership shall be as follows, subject in each case to the provisions of the Articles and these Bye Laws:

5.1.1 Club Members and Family Members inc Associate Members shall have the full use of all the Club Facilities;

5.1.3 Temporary Members shall have full use of the Club Facilities, but they:

- (a) shall have no right to enter Club races or regattas unless specifically authorised by the Secretary or a Director;
- (b) shall have no right to bring guests to the premises of the Club;
- (c) shall have no right to take any part in the management of the Club;
- (d) are deemed to have notice of and impliedly undertake to comply with the Articles and these Bye Laws; and shall be liable to be expelled from the Clubhouse and/or prohibited from using the Club Facilities if, in the opinion of the Secretary or a Director, they have not reasonably complied with the conditions set out in the Articles and these Bye Laws in force from time to time.

5.2 Applicants for Membership whose applications have not yet been approved shall have no rights or privileges whatsoever in relation to the use of the Club Facilities.

6 MEMBERSHIP SUBSCRIPTIONS AND FEES

- 6.1 The following fees (the **Fees**) shall be payable by Members, as applicable in accordance with this Bye Law 6 an annual subscription fee in respect of their Membership;
- 6.2 The Fee rates for each class of Membership shall be proposed by the directors to the Club Members at the AGM in each year. Any proposed changes shall be approved by a majority of those present and entitled to vote and shall become operative on the first day of January in the year following.
- 6.3 The current Fee rates shall be prominently displayed in the Clubhouse and on the Club's website.
- 6.5 Subject to Bye Laws 7.1, 7.2 and 7.3 all Members shall pay the applicable Fees for their first year of Membership within one calendar month of becoming a Member, and thereafter on the first day of January in each year.

7 EXCEPTIONS TO THE REQUIREMENT TO PAY FEES

- 7.1 Any person who becomes a Member after the first day of June in any year shall pay half the annual subscription fee applicable for that year.
- 7.2 Any person who becomes a Member after the first day of November in any year shall not be required to pay any subscription in respect of the period between becoming a Member and 31 December in that year, but they shall be required to immediately pay the applicable Fees in respect of the coming year commencing on the first day of January.
- 7.3 A Member who, for any reason, anticipates inability to use the Club Facilities for the whole of any one year shall be excused payment of Fees for that year, provided that notice in writing is given to the Secretary before the last day of November in the previous year.
- 7.5 Any Member whose fees have been suspended pursuant to Bye Law 7.4 shall have no rights to use any of the Club Facilities for the duration of the year in respect of which Fees have been suspended. A Member wishing to be reinstated during the year in question shall pay such portion of the applicable Fees as the directors shall require.

8 TERMINATION OF MEMBERSHIP

- 8.1 If a Member fails to pay any applicable Fees that are due within one calendar month of becoming a Member, their Membership shall be automatically terminated.
- 8.2 A Member wishing to cancel their Membership shall give notice in writing to the Secretary before the last day of November and shall not then be liable to pay the subscription for the following year. A Member who retires in accordance with this Bye Law shall not be entitled to have any part of their Fees refunded.
- 8.3 The directors may cancel, without notice being given, the Membership of any Member whose Fees are more than three months in arrears (in whole or in part), provided that the directors may, at their sole discretion, re-instate any such Member upon payment of arrears. No Member whose Fees are in arrears (in whole or in part) may enter any Club event or regatta or (if applicable) vote at any general meeting.
- 8.4 Appeal against termination or non-renewal of Membership may be made to the Club Members by submitting a written notice to the Secretary, who shall, upon receipt of such a notice, include the appeal on the agenda for the next general meeting.
- 8.5 Any person who has been expelled from Membership shall not be entitled to have any part of their Fees refunded and must immediately return any trophy or trophies held.

9 CONDUCT OF MEMBERS & DISCIPLINARY ACTION

- 9.1 Every Member is deemed to have notice of, and undertakes to comply with, the Articles and these Bye Laws.
- 9.2 Any breach of Bye Law 9.1 or any conduct which, in the opinion of the Directors, is either unworthy of a Member or otherwise injurious to the interests of the Club, shall render a Member liable to disciplinary action by the directors, which may include expulsion or non-renewal of Membership.
- 9.3 Before taking any disciplinary action against a Member, the Directors shall ask the Member in question to provide a written explanation of their conduct and shall

give the Member the opportunity to explain their conduct to the Directors or to voluntarily cancel their Membership.

9.4 The Directors (or any person to whom the directors shall delegate this power) may temporarily suspend or exclude a Member from particular training sessions, racing and/or wider Club activities, if they consider in their sole discretion that such action is in the best interests of the Club.

9.5 A Member shall not knowingly remove, injure, destroy or damage any property of the Club and shall make restitution for the same if called upon to do so by the directors or by the Secretary upon the instructions of the Directors.

9.6 A Member shall not cause any communication in whatever form to be exhibited on Club notice boards or premises without permission of the Secretary.

9.7 A Member shall settle any indebtedness for refreshment or otherwise before leaving the Club premises, or in accordance with any Club Rule relating to the settlement of such indebtedness.

9.8 All suggestions shall be entered in the suggestion book and signed by the Member.

9.9 Complaints of any nature relating to the management of the Club shall be addressed in writing to the Secretary. Under no circumstances shall a servant of the Club be personally reprimanded by a Member.

10 GUESTS

10.1 Temporary Members shall complete and sign a Temporary Booking Form in the presence of a Club Member before making use of Club Facilities, the Launching Area or the Kings Lear Lake. Temporary Memberships can only be issued twice to the same person in any one year.

10.2 A member of any club affiliated to the Royal Yachting Association (a list of which is published by the Royal Yachting Association) may be authorised to use the Club Facilities by any Director subject to completing a Temporary Membership Form.

10.3 The Secretary or any other person who has received the authority of two directors, may expel, temporarily or permanently, any person who has the right to the use of the Club Facilities under this Bye Law 10.

11 LIMITATION OF CLUB LIABILITY

11.1 Members use the Club Facilities entirely at their own risk and accept that:

11.1.1 the Club will not accept any liability for any damage to or loss of property belonging to Members;

11.1.2 Members are responsible for any injury, damage or loss to the extent caused by their own actions or omissions.

11.1.3 Membership and acceptance of the Articles and these Bye Laws will be deemed to constitute consent to the holding of relevant personal data for the purposes of the Data Protection Act 1998 (as amended).

11.2 Bye Law 11.1 shall be exhibited in a prominent place within the Clubhouse:

PART 3: MANAGEMENT

12 OFFICERS

12.1 Only Club Members shall be eligible to stand for election as Officers, to be appointed in accordance with Article 6.

12.2 The Secretary shall:

12.2.1 keep a register of Members' names and addresses, including the class of Membership for each Member;

12.2.2 conduct the correspondence of the Club;

12.2.3 keep custody of all Club documents;

12.2.4 keep full minutes of all directors' meetings, general meetings (including AGMs), and meetings of any committees established by the directors from time to time, and all minutes shall be confirmed and signed by the Commodore upon the agreement of the Directors, Club Members, or relevant committee (as appropriate) at the next following directors' meeting, general meeting, or relevant committee meeting;

12.2.5 administer such insurance policy or policies as may be needed fully to protect the interests of the Club, its directors, Officers, employees, and Members;

12.2.6 maintain contact with the Club's legal advisor to ensure that the Club's affairs are managed in accordance with all applicable laws; and

12.2.7 maintain any such certificates or registrations, and complete any such non-financial returns as may be required by law.

12.3 The Treasurer shall:

12.3.1 cause such books of account to be kept as are necessary to give a true and fair view of the state of finances of the Club, in compliance with all legal requirements applicable to companies;

12.3.2 cause all returns as may be required by law in relation to the accounts of the Club to be rendered at the due time; and

12.3.3 prepare annual report and accounts as at company accounting reference date in each year and cause such report and accounts as necessary to be audited at least once annually and shall then cause the same to be exhibited in the Clubhouse and placed on the Club's website for at least fourteen days before the date of the next AGM.

13 DIRECTORS

13.1 The board of directors shall consist of the Officers and not less than three nor more than five Club Members elected at the AGM each year to hold office until the termination of the next following AGM. A retiring Commodore shall serve as an ex officio director in the year immediately following his retirement.

13.2 The directors may at any time co-opt any individual who is a Club Member to fill a vacancy in their number.

13.3 At the AGM each year all Directors shall stand down before seeking to be re-elected.

13.4 Candidates for election as directors (not being Officers) shall be those Club Members whose nominations (duly proposed and seconded in writing by other Club Members) have (with their consent) been received by the Secretary at least twenty eight days before the date of the AGM in each year.

Such nominations, together with the names of the proposer and seconder shall be posted on the Club's website at least fourteen days prior to the date of the AGM.

- 13.5 If the number of candidates for election as directors at any AGM is equal to or less than the number of vacancies to be filled then all candidates shall be elected if two thirds of those present in person or by proxy and entitled to vote at the AGM vote in favour of such election.
- 13.6 If the number of candidates for election as directors at any AGM is greater than the number of vacancies to be filled then there shall be a ballot. If the ballot fails to determine the directors to be appointed because of an equality of votes, the candidate or candidates to be elected from those having an equal number of votes shall be determined by lot.
- 13.7 The directors shall meet regularly making such arrangements as the conduct, place of assembly and holding of such meetings as they wish, in accordance with the provisions of the Articles.
- 13.8 The quorum for meetings of directors shall be three directors.