



The Clubhouse, Harbour Street, Nairn, IV12 4PH
<http://www.nairnsailingclub.org/>

Nairn Sailing Club Constitution

Revised Jan 2021

Nairn Sailing Club ~ Rules

1. NAME

1.1. The club shall be called Nairn Sailing Club.

2. OBJECT

2.1. The object of the club shall be to encourage, advise and promote sailing and boating from Nairn and community participation in the same. The Club will promote the above objectives and operate itself, in safe and environmentally friendly manner.

3. PROPERTY & FUNDS

3.1. The property and funds of the Club cannot be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules and all surplus income or profits are reinvested in the Club.

3.2. The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, post event refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.

3.3. The Club may also in connection with the sports purposes of the Club:

3.3.1. Sell and supply food, drink and related sports clothing and equipment;

3.3.2. Employ members (though not for playing) and remunerate them for providing goods and services, on fair terms set by the Committee without the person concerned being present;

3.3.3. Pay for reasonable hospitality for visiting teams and guests;

3.3.4. Indemnify the Committee and members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets).

3.4. The Committee will have due regard to the law on disability discrimination and child protection.

4. MEMBERSHIP

4.1. Membership is open to all and no application for membership will be refused on other than reasonable grounds. 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. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating.

4.1.1. Ordinary Members (Family, Single and Intermediate) shall be entitled to all the privileges and amenities of the club and shall be eligible to hold office in the club and have the right to vote on all club matters. They shall be entitled to fly the Club Burgee.

- 4.1.2. Junior Members – age 12–17 years. 12's and under must be supervised by an adult, whilst participating in a club activity. With the adult taken out a supervisor's membership.
- 4.1.3. Intermediate Members (18–22 years of age inclusive, if in full time education, or a student)
- 4.1.4. Out of Port Members: Members living outside a 50-mile radius of Nairn or on the North side of the Moray Firth and not sailing from Nairn as ordinary members.
- 4.1.5. Temporary Members: (1 calendar month): As ordinary members.
- 4.1.6. Honorary Members may be proposed by the Committee for election at an annual general meeting in recognition of their services to the Club and/or Sailing. They shall be entitled to all the privileges of Ordinary members.
- 4.1.7. New family or single members to the club will be offered 1/2 price membership for their first year only.
- 4.1.8. Friend or Friends of NSC, can only join at the discretion off the committee, these members will **NOT** be eligible to hold office in the club, and **NOT** be able to vote on club matters.

5. ELECTION OF ORDINARY MEMBERS

- 5.1. Membership applications shall be decided by a simple majority vote of the committee.
- 5.2. Upon election to Membership the member shall be notified by the Honorary Secretary and furnished with a copy of the rules of the Club.
- 5.3. Entry and Subscription Fees shall be payable immediately upon such notification and, in any case, before the expiry of one calendar month after election, failing which, such election shall be considered null and void.

6. ELECTION OF OTHER MEMBERS

- 6.1. Candidates for Junior, Intermediate, Temporary, Out-of Port and Friends of Nairn Sailing Club membership, shall apply to the Honorary Secretary who shall have the powers to elect subject to final ratification by the committee.

7. ANNUAL SUBSCRIPTION FEES

- 7.1. Entry and subscription Fees will be fixed at a General Meeting of the Club.
- 7.2. Members who do not notify their resignation and who, after due notice from the Membership Secretary, still fail to pay their subscription, shall have their names erased from the list of members, unless they satisfy the Committee that they have sufficient excuse for failure to pay, of which the Committee shall be the sole and final judge.
- 7.3. Annual Subscription shall become due on 1st February and shall be paid to the Membership Secretary. Annual Membership fees paid by members are to be paid by the end of February or a £10 surcharge will be applied thereafter.

8. FLAG OFFICERS

- 8.1. The Flag officers of the club shall consist of Commodore, Vice Commodore and Rear Commodore.
- 8.2. The Commodore shall be elected for one year and may be re-elected for a maximum of one further year.
- 8.3. The Vice Commodore and Rear Commodore shall be elected for two-year terms and may be re-elected.
- 8.4. The Flag Officers shall be ex-officio members of all Committees.
- 8.5. Members taking part in sailing activities or when using the Club Premises shall promptly attend to the instructions of the Flag officers.

9. HON. SECRETARY and HON. TREASURER

- 9.1. The Hon. Secretary and Hon. Treasurer, who may be one and the same person, shall be elected at an Annual General Meeting and shall hold office for three years. They shall be eligible for re-election.

10. COMMITTEE

- 10.1. Attendance at meetings: The failure of a committee member to attend three consecutive Committee Meetings without reasonable explanation will be requested to stand down from said Committee.

10.2. The affairs of the Club shall be managed by a Committee consisting of the Flag Officers, the Hon. Secretary, The Hon. Treasurer and seven Ordinary members. The ordinary members shall be elected for a term not exceeding three years and shall be eligible for re-election.

10.3. The committee shall have the power to co-opt new members only in the event of any such vacancies occurring between elections. Any such appointments shall come up for ratification at the next AGM. A member elected or co-opted to fill a vacancy shall serve for the remainder of the original appointment.

10.4. The Chair shall be taken at all meetings by one or the commodores, whom failing the members present shall elect a Chairman.

10.5. Five members of the Committee shall constitute a Quorum.

10.6. The committee shall have the power to frame or alter rules, such rules to be ratified at the next AGM.

11. ANNUAL GENERAL MEETING

11.1. The Annual general Meeting shall be held in November, on such a day as the Committee may appoint, at least fourteen days written notice being given to members.

11.2. The quorate number for an AGM will be 24 members.

12. ACCOUNTS

12.1. The Club's Financial Year shall be from 1st September to the last day of August and the Account shall be submitted to the Annual General Meeting.

13. EXTRAORDINARY GENERAL MEETING

13.1. An extraordinary General Meeting shall be called at any time by the Committee, or at the written request of six Ordinary Members, such requests to contain terms of any motion or motions to be submitted to the Meeting.

13.2. Notice of such Meeting to be placed on the notice board at least fourteen days before the date of the Meeting.

13.3. Twelve Members shall be the required quorum at a Special General Meeting, and no resolution shall be carried unless supported by a minimum of two thirds of the Members present and voting.

14. SUSPENSION AND EXPULSION

14.1. In the event of a grave breach of the Rules by a Member, of Regulations and Bye laws of the club, or of conduct on the part of a Member on the Club premises or elsewhere, being in the opinion of the club injurious to the character or interests of the Club. The Committee after giving such Members reasonable opportunity of stating his or her defence shall have the power to suspend or expel the said member.

14.2. Should the offence be of such gravity as to warrant, in the opinion of at least two thirds of the Committee expulsion from the Club, the member shall be given the option of resigning immediately or having his or her case considered at an Extraordinary Meeting in accordance with the provision of rule 13. It shall be in the powers of the Committee to suspend such a member from the Clubhouse, until General meeting shall be held. The time to elapse between suspension and the Special General Meeting shall, under any circumstances not exceed six weeks. The Notice of the meeting shall set forth the terms of the resolution to be proposed, Vis: -That the name of the Member shall be removed from the list of the club for the reasons to be stated by the club committee at the said Meeting. The member whose expulsion is under consideration shall have the right to state his or her defence to the Special General Meeting verbally or in writing. The voting shall be by ballot and if two thirds of the members voting at the Meeting shall vote for the expulsion such Member shall cease to be a member of the club.

15. INTERPRETATION OF RULES

15.1. The Committee shall be the sole authority for the interpretation of these Rules and any Bye Laws made thereunder. The Decision of the Committee on any question of interpretation or any matter affecting the Club and not provided for by these rules or the Bye Laws shall be final and binding on the Members.

16. LICENCING

16.1. No Member of the Committee or governing body and any Manager or servant employed in the Club shall have any personal interest in the sale of excisable liquor therein or in the profits arising from such sale.

16.2. A visitor to the Club shall not be supplied with excisable liquor unless in the company of a member, and that Member, shall upon the admission of such visitor to the Club premises or immediately upon his being supplied with such Liquor, enter his own name and the name and address of the visitor in a book which shall be kept for the purpose and which shall show the date of each visit. The same person cannot be signed in as a guest more than six times in any one year. No excisable liquor shall be sold or supplied in the Club premises for consumption by him or to a person holding a certificate or wholesalers excise licence for the sale of such liquor.

16.3. No Alcoholic liquor shall be sold or supplied in the club to any person under 18 years of age. Under the Provisions of the Licensing (Scotland) Act 2005 the permitted hours for sale of alcohol are: Friday & Saturday: 8.00 pm – 11.30 pm.

17. INSURANCE FOR CLUB EVENTS

17.1 Third Party minimum insurance of £3,000,000 is required for Members' vessels to participate in club activities.

18. PAYMENT OF FEES DUE ON BOATS AND EQUIPMENT

18.1. If at any time any fees payable to the club by any member shall be three months or more in arrears:

18.1.1. The Committee shall be entitled to move the boat or equipment to any other part of the premises without being liable for any loss or damage to the boat howsoever caused.

18.1.2. The Committee shall be entitled upon giving one month's notice in writing to the member or former member, at his last known address shown in the register of members, to sell the boat or equipment and to deduct any monies due to the club (whether by way or arrears of subscriptions or mooring, yard fees or otherwise) from the net proceeds of sale before accounting for the balance (if any) to the member or former member.

18.1.3. Alternatively, any boat which in the opinion of the Committee cannot be sold may, upon such notice as aforesaid, be disposed of in any manner the Committee may think fit and any expenses recovered from the member or former member.

18.2. Further the Club shall, at all times, have a lien over members' or former members' boats or equipment parked or moored on the club premises or club moorings in respect of all monies due to the club, whether in respect of arrears, mooring, yard fees or subscriptions or otherwise.

19. SAFETY AND ENVIRONMENT

19.1. Members or other persons Boats or Equipment left on Club premises or involved in club activities shall comply with Club safety and environmental standards and shall be subject to any charges or controls set out by the Management Committee. Change of ownership of equipment on club premises shall be advised as soon as possible to the Management Committee.

20. INCOME

20.1. All income from where so ever derived shall be applied solely for the purpose of the Club as set forth in this Constitution provided that nothing herein shall prevent the payment in good faith of reasonable and proper remuneration to any Member of the Club for out-of-pocket expenses. Thereafter, all profits and surpluses will be used to improve the Club's facilities.

21. DISSOLUTION

21.1. The Club may at any time be dissolved by a resolution passed by a Three-Fourths majority of those present and voting at an Extra-ordinary General Meeting called for this specific purpose and of which at least Twenty-one days' notice shall have been sent to ALL Members of the Club. Such resolution shall require to direct that all assets held by or in the name of the Club shall be applied:

21.1.1. Firstly, to settle all debts and liabilities of the Club;

21.1.2. Secondly, after setting all liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:

21.1.2.1. To another Club with similar sports purposes which is a registered charity and/or;

21.1.2.2. To another Club with similar sports purposes which is a registered CASC and/or;

21.1.2.3. To the Club's governing body for use by them for related community sports.

21.1.3. Thirdly, no assets shall be paid to or distributed between members.

22. VOTING ON RULE CHANGE

22.1 On any resolution properly put to a meeting of the Club relating to the creation, repeal or amendment of any Rule, Byelaw or Regulation of the Club such Rule, Byelaw or Regulation shall not be created, repealed or amended except by a majority vote of at least two-thirds of those present and entitled to vote. Provided that no such change shall jeopardise the Club's status as a Community Amateur Sports Club within the meaning of the Finance Acts, or in any event alter its purposes or winding-up provisions.

23. PRIORITY

23.1 Where there is any conflict between any of the above Rules interpretation of all the Rules must be consistent with the statutory requirements for CASCs (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002).