

**ROYAL  
FOWEY YACHT CLUB**

**Rules  
(Revised 2024)**



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# ROYAL FOWEY YACHT CLUB

## **Late Patron:**

H.R.H. The Prince Philip, Duke of Edinburgh, K.G., K.T., O.M., G.B.E.

## **Club House:**

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Website: [www.rfyc-fowey.org.uk](http://www.rfyc-fowey.org.uk)

## PAST ADMIRALS

1963-1965	LT. GENERAL SIR FREDERICK BROWNING, G.C.V.O., K.B.E., C.B., D.S.O., D.L.
1976-1984	MAJOR D.R. CARTER, T.D.
1990-1996	L.P. MENDELS, M.B.E.

## PAST COMMODORES

1894-1911	EDWARD ATKINSON
1911-1944	SIR ARTHUR QUILLER-COUCH
1944-1962	GENERAL SIR FREDERICK BROWNING, G.C.V.O., K.B.E., C.B., D.S.O., D.L.
1962-1974	MAJOR D.R. CARTER, T.D.
1974-1979	DR. A.M. LUTHER
1979-1982	MAJOR O.J. LEWIS
1982-1987	D.F. RICKARD
1987-1992	A.G. WILLIAMS
1992-1994	L.H. ROBERSON
1994-1997	CAPT. J.G. WILSON, D.S.C., R.D., R.N.R
1997-2000	D.A. SIMPSON
2000-2005	G.R. COOMBS
2005-2010	A.G. WILLIAMS
2010-2011	G.R. COOMBS
2011-2014	R.N. DOIDGE-HARRISON
2014-2017	R.L. KIRKHAM
2017-2018	COLONEL G.B. SIMPSON
2018-2020	C. OGG
2020-2021	C. MORRIS
2021-	A. LUCK

Reciprocal arrangements have been made with the following Clubs:

Royal Bermuda Yacht Club  
Royal Bombay Yacht Club  
Royal British Virgin Islands Yacht Club  
Royal Channel Islands Yacht Club  
Royal Corinthian Yacht Club  
Royal Cornwall Yacht Club  
Royal Dart Yacht Club  
Royal Dorset Yacht Club  
Royal Hong Kong Yacht Club  
Royal Lymington Yacht Club  
Royal Melbourne Yacht Squadron  
Royal Naval Club & Royal Albert Yacht Club  
Royal Naval Sailing Association  
Royal Norfolk & Suffolk Yacht Club  
Royal Northern & Clyde Yacht Club  
Royal Perth Yacht Club of Western Australia  
Royal Solent Yacht Club  
Royal Southern Yacht Club  
Royal Thames Yacht Club  
Royal Western Yacht Club  
Hebe Haven Yacht Club  
Lymington Town Sailing Club  
Republic of Singapore Yacht Club  
Barbados Yacht Club  
Chichester Yacht Club

## FOREWORD

The forerunner to the Fowey Yacht Club held its first meeting in February 1890; it was then the Fowey Club. The Club House was 2 Dolphin Terrace in Trafalgar Square, the first Honorary Secretary was F.A. Allchin who was followed by Murray Rogers, and then in 1893 by A.T. Quiller-Couch, later Sir Arthur, known as 'Q'. The minutes and descriptions of Yacht Races, up to 1897, are in Q's handwriting.

In May 1894 the Club was renamed 'The Fowey Yacht Club'. Edward Atkinson was elected Commodore with Murray Rogers as Vice-Commodore. The subscription was two guineas inport and one guinea outport. A whisky and soda cost just 6d. In 1898 work began on the present Club House which was opened on 9<sup>th</sup> August with an 'At Home' accompanied by music from the Band of the Royal Marines. On that same day the Club held the first of its own regattas to be followed the next day by the usual Fowey Royal Regatta.

In 1905 permission was granted to the Club to include in its Insignia the Coronet of the Duke of Cornwall over the Shield of the Duchy of Cornwall. In 1907 His Majesty the King approved the use of the prefix "Royal" in the name of the Club and commanded that henceforth the Club be known as 'The Royal Fowey Yacht Club'.

On the death of the Commodore in 1911, Sir Arthur Quiller-Couch filled this post until his death in 1944 when he was succeeded by Lt. General Sir Frederick Browning, G.C.V.O., K.B.E., C.B., D.S.O., D.L., who upon retirement in 1962, was elected our first Admiral.

From the 1950s onwards Club facilities and various forms of membership were extended to ladies, but it was not until 1994 that ordinary membership became equally available. The Club has now around 800 members. The highlight of the year is Fowey Royal Regatta Week held during the third week of August.

The Club enjoys a superb waterfront setting in one of the country's most beautiful and secure harbours. Members are proud to sail under the Red Burgee bearing the Arms of the Duchy of Cornwall surmounted by the Coronet of the eldest son of the Sovereign. In addition, members owning registered yachts can have the distinction of wearing the Red Ensign defaced with the same Insignia.

# **RULES**

## **Section 1 – Name and Objects**

1. The name of the Club shall be ‘The Royal Fowey Yacht Club’ (hereinafter referred to in these rules as ‘the Club’).
2. The Club Burgee shall be red with a shield bearing the arms of the Duke of Cornwall (sable, fifteen bezants in pile) surmounted by the Coronet of the eldest son of the Sovereign.
3. The object on which the Club is formed is to promote and facilitate the sport of yachting and also to provide social and other facilities for members as may be from time to time determined.

## **Section 2 – Officers**

4. (a) The Officers of the Club shall be a Commodore, Vice-Commodore and up to four Rear Commodores (known as the Flag Officers), Honorary Secretary, Honorary Treasurer, and two other officers with such areas of responsibility as the Management Committee (‘the Committee’) shall from time to time decide, all of whom shall be elected annually at the Annual General Meeting. Nominations for each such office, duly proposed and seconded, with the consent of the nominee, shall be received by the Honorary Secretary in writing not less than fourteen days before the Annual General Meeting, and a list of all nominations, together with proposers and seconders, shall be exhibited on the Club notice board for seven days prior to such meeting. In the event of there being more than one nomination for any office the election shall be by ballot.  
(b) In the event of any vacancy occurring in any such office during the year, the Committee may make an appointment by election. Any Officer so elected shall resign at the next Annual General Meeting, but shall be eligible for re-election.  
(c) The Club may also in the Annual General Meeting elect an Admiral of the Club to hold office. Such appointment shall be non-executive and shall not carry election to the Committee.  
(d) Flag Officers: No Member may hold the office of Commodore, Vice Commodore or Rear Commodore for more than three years consecutively.  
Officers: With the exception of the Honorary Secretary and Honorary Treasurer, no Member may hold any single Officer position for more than four years consecutively.  
Flag Officers and Officers retiring from any such appointment after three or four years, respectively, of consecutive office, shall not be eligible for re-election to the office they have vacated for a period of twelve months.  
(e) No one shall be appointed as an Officer of the Club unless he or she is a member of at least two years standing.
5. The Honorary Secretary shall:-
  - (a) Maintain a database of the Club membership in accordance with current data protection legislation;
  - (b) Conduct the correspondence of the Club;
  - (c) Keep custody of all Club documents;
  - (d) Keep full minutes of all meetings of the Club, the Committee and sub-committees which shall be confirmed and signed by the appropriate Chairman upon the agreement of the Club, the Committee or sub-committees at the next following meeting of the Club, the Committee or sub-committee;



- (e) Administer such employment formalities as may be agreed by Committee and/or required by law.
  - (f) Maintain contact with the Club's Legal Advisor to ensure that the Club's affairs are managed in accordance with current law;
  - (g) Maintain any such certificates or registrations, and complete any such non-financial returns, as may be required by law.
6. The Honorary Treasurer shall:-
- (a) 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;
  - (b) Cause all returns as may be required by law in relation to such accounts to be rendered at the due time;
  - (c) Prepare an Annual Balance Sheet as at 30 September in each year and cause such Balance Sheet (and accounts as necessary) to be audited, or reviewed, or be subjected to an Independent Financial Review at least once annually and shall thereafter cause the same to be exhibited in the Club premises at least fourteen days before the date of the Annual General Meeting.
  - (d) Administer such insurance policy or policies as may be needed fully to protect the interests of the Club, its Officers and its members.
7. The Auditor or independent reviewer shall:-
- (a) Be appointed at the Annual General Meeting in each year;
  - (b) The Auditor or independent reviewer, who may be a full Member of not less than 5 years standing, shall audit or review the accounts of the Club when called upon to do so and shall give such certificate of assurance as to the accuracy of the said accounts as shall be required by law or by the Committee.

### **Section 3 – Membership**

8. There shall be the following categories of membership with power to vote at all meetings of the Club, providing that their subscription is fully up to date and all outstanding dues paid, as indicated hereunder. The rights and privileges of each category of members are as defined in the latest edition of the byelaws of the Club.
- AN ORDINARY MEMBER** – being a person who, at the date of election, is over the age of eighteen shall have one vote.
- AN UNDER 40 MEMBER** – being an Ordinary Member who is over the age of 18 but under the age of 40, shall have one vote.
- A CADET MEMBER** – being a person who, at the date of election, is over the age of twelve and under the age of eighteen shall have no vote.
- AN HONORARY MEMBER** – who pays no entrance fee or subscription shall have no vote.
- A TEMPORARY MEMBER** – as defined from time to time by these Rules or Bylaws made thereunder - who shall have no vote.
9. The Committee is authorised to set the amount of any agreed entrance fee and the period over which it is payable, but may not increase the entrance fee by more than 15% in any one year without prior approval of a General Meeting.

10. (a) The Committee is authorised to set the rates of subscriptions for each financial year but may not increase subscriptions for Ordinary Members by more than 15% in any one year without prior approval of a General Meeting. The current rate of entrance fees and subscriptions shall be exhibited on the Club notice board.
  - (b) Subscriptions (pro rata to the end of the Club's financial year) and any entrance fees are payable on election: thereafter subscriptions are payable on 1 October in each year. Members who, in accordance with the resolution passed at the August 2013 General Meeting, have elected to make interest-free loans to the Club and are, in return, entitled to "special consideration" under the terms of their loan arrangement, may be excused payment of membership fees during the period that the loan remains outstanding. Members entitled to "special consideration" under Rule 10(b) shall not, during the period of their loan agreement under that Rule, be deemed to have defaulted on their subscription payment as at 1st February (Rule 20 refers).
  - (c) The subscription for Ordinary Members who
    - i) reside for eight months or more (within the Club's financial year) outside the County of Cornwall and
    - ii) whose current membership of the Club commenced before 1st October 2021 and
    - iii) who, at 5th March 2022, paid subscription at the OUTPORT members rateshall be at the LEGACY OUTPORT members rate set from time to time by the Committee.
  - (d) Ordinary Members who are absent from the United Kingdom for at least eleven and half months of any financial year may apply to be Overseas Members. The subscription shall be at the overseas membership rate.
  - (e) For Under 40 Members the subscription shall be at the under 40 membership rate.
  - (f) For Cadet Members the subscription shall be at the cadet membership rate.
  - (g) For Members who have attained the age of 65 and whose combined age and years as a full subscription paying Ordinary Member of the Club exceeds 90 may apply for a reduction in their membership subscription.
11. Every Member shall furnish the Honorary Secretary with up-to-date fixed and mobile telephone numbers, residential and email addresses (if owned), which shall be recorded in the Club's records and any notice sent to either address shall be deemed to have been duly delivered.
  12. Members consent to the use of such data for the management of the Club and associated Club activities.

### **Election and Retirement of Members**

13. No person shall be eligible for election to membership who shall either have:
  - (i) failed to secure election on a previous proposal,
  - or (ii) been expelled from membership,
  - or (iii) suffered his/her membership to lapse, through non-payment of a subscription,without an interval of two years elapsing following his/her failure to secure election, expulsion or lapse of membership as the case may be, provided that the Committee may in their absolute discretion waive this restriction of eligibility if they consider there are special circumstances which warrant such waiver.

14. On completion of the Club Application form and payment of a deposit (determined by the Committee) the prospective Member will be enrolled as a Temporary Member for a period which shall not exceed four weeks. During the period of temporary membership he/she will become acquainted with the Club and its members (and in order, if he/she has not already done so, to obtain a proposer and seconder who shall be Ordinary Members of at least two years standing and having separate memberships).
15. The completed Membership application form shall include the name, residential and email addresses, fixed and mobile telephone numbers, the occupation of the candidate(s) and banking details together with such other information as the Committee shall from time to time require together with the signatures of the proposer and the seconder along with a fully completed Direct Debit mandate. The Committee may require from the proposer such further information concerning the candidate as they think desirable and may defer the proposal for such times as may in consequence be necessary.
16. Upon receipt of an application for membership, the Honorary Secretary shall enter such application in a Register of Candidates and shall cause the proposal form to be prominently displayed in the Club premises for at least ten days before the meeting of the Committee at which such application for membership shall be considered.
17. Any Ordinary Member who wishes to object in respect of a proposed candidate must inform the Honorary Secretary in writing of the grounds of his/her objection not less than twenty-four hours before the date of the meeting at which the candidate is to be considered.
18. The election of all classes of members is vested in the Committee and shall be a simple vote by ballot. To be elected at least 75% of the votes cast are to be in the applicant's favour.
19. On the election of each new Member, the Honorary Secretary shall inform him/her in writing and furnish him/her with a copy of the Rules and Byelaws of the Club. If the amount due on admission be not paid within one month from the date of election, the election shall be void, unless cause for the delay be shown to the satisfaction of the Committee.
20. A Member desirous of retiring from membership shall give notice in writing to the Honorary Secretary at least fourteen days before the end of the financial year (30 September) and shall not then be liable to pay the subscription for the following year. Upon re-application by a past Member the Committee may, at its discretion, excuse payment of an entrance fee.
21. Any Member failing to make payment of his/her annual subscription before 1 February shall have his/her name posted in the Club for four weeks, after which his/her name shall, at the discretion of the Committee, be removed from the list of members. A Member shall not be permitted to take part in any debate or proceeding of the Club until his/her subscription for the current year has been paid.

### **Conduct of Members**

22. Every Member, upon election and thereafter, is deemed to have notice of, and impliedly undertakes to comply with, the Club Rules and the current Byelaws and Regulation of the Club.

Any refusal or neglect to do so, or any conduct which, in the opinion of the Committee, is either unworthy of a Member or otherwise injurious to the interests of the Club, shall render a Member liable to expulsion by the Committee.

23. (a) Should the Committee receive a report regarding the conduct or action of a Member, whether within or without the Club, which appears to them to be likely to injure the interest or good name of the Club, or if any Member refuses or fails to submit to and comply with the Rules and Byelaws of the Club, the Committee shall be summoned to consider the case, and if the Member complained of shall not explain his/her conduct to the satisfaction of the Committee, before which the Member shall have an opportunity of appearing on seven days' written notice, the Committee may, if two-thirds of the Committee agree, expel the Member and erase the name of the Member from the list of members or may, if they think fit, call upon him/her to resign. The Committee may in lieu of expulsion impose suspension of membership for such a period of up to 12 months' duration as they deem appropriate. The written notice required to be given to a Member under this rule shall contain a statement of the matter to be considered by the Committee sufficient to indicate to the Member the conduct, act or omission which is to be the subject of consideration.
- (b) The Committee may, at its discretion, delegate this procedure to be carried out by a minimum of two Officers of the Club. In such a case those Officers will make a recommendation for approval or rejection by the Committee.
24. A Member expelled or ceasing to be a Member of the Club shall forfeit all right to and claim upon the Club and its property and funds.
25. Any Member shall be entitled on reasonable notice to the Honorary Secretary to inspect a copy of the Rules and of the Byelaws and current entrance fees and subscription rates which shall be kept available at the Club premises and on the Club website.
26. Guests
  - (a) Members, other than Temporary Members, may bring with them occasionally to the Club as guests, ladies and gentlemen who are in no ways ineligible for membership.
  - (b) Temporary Members may not introduce guests to the Club
  - (c) The Member introducing any guest or guests must enter the names and addresses of all such guests in the Guest book together with his or her own name.
  - (d) Members bringing guests to the Club must remain in their guests' company while they are at the Club.
  - (e) No Member may introduce more than four guests on any one occasion and the same person may not be introduced as a guest more than eight times in any membership year unless prior written consent has been obtained from the Committee.
27. 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 Committee or by the Honorary Secretary upon the instructions of the Committee.
28. A Member shall not cause any communication in whatever form to be exhibited on Club notice boards, websites, newsletters or premises without permission of the Honorary Secretary.

29. Members shall pay all charges incurred by them before leaving the Club premises. The Bar Manager is not authorised to give credit or open an account with any Member.
30. All suggestions shall be deposited in the Suggestion Book/Box and signed by the Member.
31. Complaints of any nature relating to the management of the Club premises shall be addressed in writing to the Honorary Secretary. Under no circumstances shall an employee of the Club be personally reprimanded by a Member.
32. An Officer or any other person who has received the authority of two members of the Committee may temporarily expel a Temporary Member who has the right to the use of the Club premises under Byelaw 1.

### **Limitation of Club liability**

33. All references to the Club in this rule shall mean each and every individual member, guest or visitor of the Club from time to time.

Members, their guests and visitors are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises:

Members of the Club, their guests or visitors may use the Club premises, and any other facilities of the Club, entirely at their own risk and impliedly accept:

- (a) The Club will not accept any liability for any damage to or loss of property belonging to members, their guests or visitors to the Club.
- (b) The Club will not accept any liability of personal injury arising out of the use of the Club premises, any other facilities of the Club either sustained by members, their guests or visitors or caused by the said members, guests or visitors whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of them, the Officers, Committee, Trustees or employees of the Club.

34. Membership of the Club and acceptance of these rules by the Member will be deemed to constitute consent to the holding of relevant personal data by the Club in compliance with current data protection legislation.

### **Section 4 – Management Committee**

35. The Committee shall consist of the Officers and three Ordinary Members of the Club (of at least two years standing) elected at the Annual General Meeting each year to hold office for a consecutive period not exceeding three years.
36. At the Annual General Meeting each year one of the Ordinary Members shall retire in order of election. In the case of equal seniority the order of retirement shall, failing agreement between the members concerned, be determined by lot. Members retiring under this Rule shall not be eligible for re-election to the Committee as an ordinary member until the Annual General Meeting next following the meeting at which they retire.

37. Candidates for election to the Committee (not being Officers of the Club) shall be those members of the retiring Committee eligible to offer themselves for re-election and such other Ordinary Members whose nominations (duly proposed and seconded in writing by Ordinary Members of the Club) with their consent shall have been received by the Honorary Secretary at least fourteen days before the date of the Annual General Meeting in each year. Such nominations, together with the names of the proposer and seconder shall be posted in the Club premises at least seven days prior to the date of the Annual General Meeting.
38. If the number of candidates for election is greater than the number of vacancies to be filled then there shall be a ballot.
39. If the number of candidates for election is equal to or less than the number of vacancies to be filled then all candidates shall be deemed to be elected if two thirds of those present at the Annual General Meeting, and entitled to vote, vote in favour of such election.
40. In the event of the ballot failing to determine the members of the Committee 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.
41. Notwithstanding Rule 35 if, for any reason, the Committee deems it desirable to second to the Committee an ordinary Member to provide skills or services of which the Committee has a particular need, the Committee may co-opt an Ordinary Member to fill such a need until the next following Annual General Meeting. Any co-opted Member shall be eligible for election as a Member of the Committee at such a meeting.
42. The Committee shall normally meet every month, or when considered necessary by a Flag Officer or the Honorary Secretary, making such arrangements as the conduct, place of assembly and holding of such meetings. The Commodore or, in his absence, the senior Flag Officer, shall preside.
43. Voting (except in the case of an election of a proposed new Member or of a resolution relating to the expulsion of a Member) shall be by show of hands. In the case of equality of votes the Commodore or Chairman (as the case may be) shall have a second and casting vote.
44. Six members personally present shall form a quorum at a meeting of the Committee, one of whom must be a Flag Officer.

#### **Powers of the Committee**

45. The Committee shall manage the affairs of the Club according to the Rules and shall cause the funds of the Club to be applied solely to the objects of the Club or for a benevolent or charitable purpose.
46. The Committee shall make such Byelaws and Regulations as it shall from time to time think fit and shall cause the same to be exhibited in the Club premises for fourteen days before the date of implementation. Such Byelaws and Regulations shall remain in force until approved or set aside by a vote of a General Meeting of the Club.

47. The Committee may appoint such sub-committees as it may deem necessary and may delegate such of its powers as it may think fit upon such terms and conditions as shall be deemed expedient and/or required by the law. Such sub-committees shall consist of such members of the Committee or of the Club as the Committees may think fit.
48. A member of the Committee, of a sub-committee or any officer of the Club, in transacting business for the Club, shall disclose to third parties that he/she is so acting.
49. The Committee, or any person or sub-committee delegated by the Committee to act as agent for the Club or its members, shall enter into contract only as far as expressly authorised, or authorised by implication, by the members. No one shall, without the express authority of the membership in General Meeting, pledge the credit of the membership.
- 50.1 In pursuance of the authority vested in the Committee by members of the Club, members of the Committee are entitled to be indemnified by the members of the Club against any liabilities properly incurred by them or any one of them on behalf of the Club wherever the contract is of a duly authorised nature or could be assumed to be of a duly authorised nature and entered into on behalf of the Club.
- 50.2 The limit of any individual Member's indemnity in this respect shall be a sum equal to one year's subscription at the then current rate of that category of membership unless the committee has been authorised to exceed such limit by a General Meeting of the Club.
- 51.1 The Committee may nominate for election at an Annual General Meeting such Honorary Members as the Committee may think fit. The total of such Honorary Members shall not, however, at any time, exceed fifteen, but the Committee shall have the power to admit Honorary Members in excess of this number in exceptional circumstances.
- 51.2 The election of Honorary Members shall be put to the vote at the Annual General Meeting and such Honorary Members shall be duly elected if two thirds of those present, and entitled to vote, vote in favour.
- 51.3 Ex officio Honorary Membership of the Club shall be offered to persons holding the following positions: the Patron of the Club, the Harbour Master of Fowey, the Vicar of Fowey, the Coxswain of the Fowey Lifeboat. A person holding an ex officio Honorary Membership shall relinquish that membership at the time when he or she ceases to hold the office qualifying them for that Honorary Membership.

### **Purchase and supply of excisable goods**

- 52.1 The purchase for the Club of excisable goods and the supply of the same upon Club premises shall be exclusively and solely under the control of the Committee, or of a special sub-committee appointed by the Committee.
- 52.2 Intoxicating liquor may only be sold for consumption on the Club premises to persons over the age of eighteen who are entitled to the use of the Club premises in pursuance of the Rules, Byelaws and Regulations for the time being in force. No Member under the age of eighteen may purchase or attempt to purchase intoxicating liquor within the Club premises nor may a Member

under the age of sixteen purchase or attempt to purchase tobacco or cigarettes within the Club premises.

53. Subject to the requirements of the licensing authorities, the Committee shall cause the Club bar to be opened at convenient times (and such times shall be prominently exhibited in the Club premises) for the sale of excisable goods to persons who are entitled to the use of the premises of the Club in pursuance of these rules (except Cadet Members as aforesaid) provided that visitors' names and addresses and the name of their introducer shall have been entered in the Visitors Book upon entry to Club premises.
54. No person shall take a commission, percentage or other such payment in connection with the purchase of the excisable goods for the Club. Any profit deriving from the sale of such goods shall (after deduction of the costs of providing such goods for the benefit of the Club) be applied to the provision of additional amenities or the purchase of property to be held in trust for the benefit of the Club.
55. Proper accounts of all purchases and receipts shall be kept and presented at the Annual General Meeting in each year and such information as the Honorary Secretary or auditors may require shall be furnished to enable any statutory return or statement and the payment of excise or other duty or tax to be made.

#### **Section 5 – Trustees**

- 56.1 The Trustees of the Club shall be appointed by the Committee.
- 56.2 There shall be a maximum of 4 and a minimum of 2 Trustees who shall be proposed from time to time as necessary by the Committee from among the ordinary members of the Club who are willing to be so appointed for a period, not exceeding 5 years, or until they shall resign by notice in writing given to the Committee or until a resolution removing a Trustee from office shall be passed at a meeting of the Committee by a simple majority of Committee members voting. Any completed period shall be renewable at the discretion of the Committee.
- 56.3 No more than one Officer of the Club shall be a Trustee at any time.
- 56.4 On a Trustee ceasing to act the Committee shall direct the remaining Trustees to appoint the new Trustee and the Trustees shall duly appoint the person or persons so nominated by the Committee to fill the vacancy. For the purpose of giving effect to any such nomination, the Hon Secretary shall complete the formalities of appointing the new Trustee and shall duly appoint the person or persons so nominated by the Committee.
57. All property of the Club, including land and investments, shall be held by the Trustees on trust for the use and benefit of the Club.
58. The Trustees shall in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the members of the Club in acting through the Committee and subject to Rule 60.2 shall have power to sell, lease, mortgage or pledge any Club property so held for the purpose of raising or borrowing money for the benefit of the Club in compliance with the



members' directions (which shall be duly recorded in the Minutes of the proceedings of the Committee) but no purchaser lessee or mortgagee shall be concerned to enquire whether any such direction has been given.

59. The Trustees shall be fully and effectually indemnified by the Committee on behalf of the members of the Club out of the assets of the Club from and against any liability, costs, expenses and payments whatsoever which may be properly incurred or made by them in the exercise of their duties or in relation to any property of the Club vested in them, or in relation to any legal proceedings, or which otherwise relate directly or indirectly to the performance of the functions of a Trustee of the Club.
- 60.1 (To be incorporated in every contract, lease, licence or other agreement entered into by the Trustee of the Club). The liability of the Trustees for the performance of any contractual or other obligation undertaken by them on behalf of the Club shall be limited to the assets of the Club.
- 60.2 No sale or disposal or charge of the whole or any part of the Club's land, buildings, property assets [or moorings], rights of access or foreshore and river rights and easements shall be made without the approval at a General Meeting of the Club of at least seventy-five per cent of the ordinary members voting, in person, by post or by proxy. The total of those voting must be at least sixty per cent of the Club's Full membership.

#### **Section 6 – Meetings of the Club**

61. An Annual General Meeting of the Club shall be held each year in the month of March on a date to be fixed by the Committee. The Honorary Secretary shall at least twenty-one days before the date of such meeting or of any General Meeting as hereinafter mentioned post or deliver to each Member notice hereof and of the business to be brought forward thereat.
62. No business, except the passing of the Accounts and the election of the Officers, Committee, Trustees and Honorary Auditors, and any business that the Committee may order to be inserted in the notice convening the meeting shall be discussed at such meeting unless notice thereof be given in writing by a Member entitled to vote to the Honorary Secretary at least forty-two days before the date of the Annual General Meeting.
63. The Committee may at any time, upon giving twenty-eight days notice in writing, call a General Meeting of the Club for any special business, the nature of which shall be stated in the summons convening the meeting, and the discussion at such meeting shall be confined to the business stated in the notice sent to members.
64. The Committee shall similarly call a General Meeting upon a written request addressed to the Honorary Secretary by at least thirty members. The discussion at such meeting shall be confined to the business stated in the notice sent to members.
65. At every meeting of the Club the Commodore or, in his absence, the senior Flag Officer present shall preside.

66. Thirty members entitled to vote and personally present shall form a quorum at any meeting of the Club.
67. Only Ordinary Members shall vote at any meeting of the Club. Honorary Members may attend but are not entitled to vote.
68. Voting, except upon the election or expulsion of members of the Club or if a ballot is required (see Rule 38), shall be by show of hands.
69. In the case of an equality of votes the Chairman shall have a second or casting vote on any matter other than the election or expulsion of members of the Club.
- 70.1 Other than for Rule 60.2, 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 shall require a majority of at least two-thirds of those present and entitled to vote.
- 70.2 In the case of any amendment or repeal of any part of Rule 60.2, the voting requirements set out in Rule 60.2 shall apply.

#### **Section 7 – Dissolution of the Club**

71. If, upon the winding up or dissolution of the Club, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall be divided in proportion to their current annual subscription amongst those Ordinary Members who became Members of the Club before 29th March, 2014, or who have been Members for more than five years. If after such sale there shall be a deficiency such deficiency shall be made good by Ordinary Members pro-rata to their Annual Subscription.

#### **Section 8 – Administration of Rules and Byelaws**

72. No rule shall be rescinded or altered, and no new rule shall be made except at an Annual General Meeting or a General Meeting convened for the purpose. Members having any suggestions to make for the alteration of a rule shall address their communications to the Honorary Secretary if the alteration is proposed to be made at an Annual General Meeting by 1 January in any year or at least sixty-one days before the date fixed for the Annual General Meeting whichever is the later or if the alteration is proposed to be made at a General Meeting at least twenty-eight days before the date fixed for the meeting. All duly proposed alterations whether by way of omission, addition or amendment(s) to such alterations, which may be proposed and seconded shall be put to the vote of the meeting, and provided that a show of hands or, if demanded, on a ballot of two-thirds of the votes of those members present and voting shall be cast in favour of any such proposed alteration, then the same shall be deemed to be carried with immediate effect.
73. Byelaws made by the Committee may lay down conditions upon which any game may be played in the Club premises and may prohibit any games, the playing of which are unlawful or would in the opinion of the Committee be injurious to the interests of the Club.

74. The Committee shall be the sole authority for the interpretation of these Rules and of the Byelaws made from time to time by the Committee; and the decision of the Committee upon any question of interpretation shall be final and binding on the members.

### **Section 9 – Byelaws**

Subject to revision by the Committee. (See Rule 46)

1. The present rights and privileges of each category of membership shall be as follows:-

**AN ORDINARYMEMBER** shall have the full use of all the Club facilities.

**A CADET MEMBER** shall have the full use of all the Club facilities subject only to Rule 54.

**AN HONORARY MEMBER** shall have the full use of all the Club facilities.

**A TEMPORARY MEMBER** may include the following:

- (a) A Member of a Club affiliated to the Royal Yachting Association (a list whereof is contained in the year book of the said Association) or by any other national yachting authority which is a Member of the International Sailing Federation (ISAF) and also any Member of the crew of a vessel belonging to a person so qualified (but only in so far as a Member of a crew is concerned whilst the vessel of which he/she may be a crew Member is within the precincts of the Fowey river), may be authorised to use the premises of the Club on the said persons identifying themselves and signing their names in the Book kept for the purpose and no such authorisation shall extend or be extended to more than seven days in any period of thirty days.
- (b) Any person who is a competitor, race administrator, committee and safety boat crew in a race sponsored by or organised on behalf of the Club, and any person who is a member of the crew of such a competitor (who are not qualified under Byelaw 1a above) may be authorised to use the Club premises on the days which such races start and finish. Such persons must enter their names in a Book kept for this purpose, all such entries being countersigned by a Member of the Club.
- (c) Any person assisting officially in the organisation or conduct of a race organised on behalf of the Club is considered to be a Temporary Member of the Club on the days on which the race starts and finishes.

**A TEMPORARY MEMBER** shall have full use of the Club facilities but:

- (i) Shall have no right to introduce visitors to the Club or the facilities thereof.
- (ii) Shall have no right to take any part in the management of the Club.
- (iii) Is deemed to have notice of and impliedly undertakes to comply with the Club rules and current Byelaws as if he/she were a Member of the Club and so far as the said Rules, and Byelaws may be deemed to apply to such Temporary Member.
- (iv) Shall be liable to be expelled from the Club premises or to be prohibited from using the Club facilities if he/she shall not have reasonably complied with the above conditions (see Rule 32).

2. No dogs or other animals are allowed in the Club House. If circumstances permit, dogs may be allowed on the terrace provided they are kept on a leash and under proper control of a responsible person.
3. Young persons under sixteen years may, in normal circumstances be admitted to the Club premises, except the bar area during bar opening hours, provided they are accompanied by and under the control of an adult.
4. Persons over the age of sixteen years and under the age of eighteen years may be admitted to the bar during permitted hours provided they are accompanied by an adult.
5. The Club premises shall be open to members at such times as the Committee shall direct.
6. The Bar Manager is authorised to make cash advances, not exceeding £50.00 for Ordinary Members only by debit card.
7. The Club does not accept any responsibility for boats left on the Club frape or moored on the pontoon and/or the sea wall, or left on the Club premises. No boats, other than the Club dinghy, may be left on the frape, sea wall or pontoon overnight.
8. An acceptable standard of dress, including footwear, is expected at all times on the terrace and within the front rooms (the Bar, Dining Room and J Room). Wet clothing, swimwear and the like are not acceptable. Members and their crews on coming ashore are expected to make full use of the changing rooms if necessary.
9. The Sailing Sub Committee shall ensure that crews of Club Tender are suitably trained and qualified for their duties.
10. On any special occasion, the Committee may restrict access, either on payment or otherwise, to the whole of any specific part or parts of the Club premises. The Committee will decide the circumstances which constitute a 'special occasion'.
11. No furniture, book, paper, periodical, pamphlet or other Club property may be removed from Club premises without the prior permission of the Commodore, or Honorary Secretary.
12. Allocation of Club Moorings, Engine and Fuel Store spaces and Dinghy Racks on the Terrace are vested in the Committee. Club moorings are maintained by the Fowey Harbour Commission but managed by the Club. Allocation of all Moorings, Dinghy Rack and Engine Store spaces are by position on a waiting list. Entitlement to a Club Mooring, Dinghy rack and Engine store space ceases on the cessation of the entitled Member's membership.

Rules for the administration and use of Club Moorings, Dinghy Rack and Engine Store space will be published by the Club, and amended as necessary from time to time, such Rules to be administered by the Sailing Sub-Committee. A Member not abiding by these Rules may forfeit entitlement to a Club Mooring, Dinghy Rack or Engine Store space.

13. Conversation on mobile devices is not permitted in the bar area or in the dining room.

14. No food or drink which has been brought into the Club from elsewhere may be consumed on the premises, except when no catering provision is being offered by the Club.
15. No smoking in any form, including electronic smoking, will be allowed within the Clubhouse or within marked areas of the terrace.
16. Use of Membership Swipe Cards:
  - (a) Cards must be pre-loaded by Debit Card. The minimum load will be £20 or as agreed by the Committee. Cash or credit cards will not be accepted for loading cards.
  - (b) Member bar prices will only be applied when using these cards.
  - (c) No credit will be extended and cards cannot be used in part payment of bar purchase.
  - (d) Only members may use their card. Lost cards must be reported immediately. A charge will be applied for replacement cards.
  - (e) A Member may ask for repayment of any balance on their membership card within 6 months of ceasing to be a Member. Any balance not so claimed shall be treated as a donation to Club funds.
  - (f) The card remains the property of the Club. The Club does not accept any liability for lost or misused cards and any consequences thereof.
17. The Club is required to comply with the General Data Protection Requirements (GPDR) and the Committee shall be responsible for the preparation, maintenance and administration of an appropriate Data Privacy Policy which will be available to all members. Personal details of members will be collected via the membership application or received in writing or by email by the Honorary Secretary. The minimum required information is name and address, e-mail address, telephone number, date of birth and banking details. Additional information relating to expertise or willingness to volunteer will be collected with the member's consent. For the effective running and promotion of the Club all members will be considered to have been made aware of, and accepted, such policy. Members must advise the Honorary Secretary, in writing or by e-mail, of any required changes to their personal details. The Club will use e-mail as the principal method of communicating with members about membership matters and the Club's activities. The Club may arrange for photographs to be taken and displayed in member newsletters and/or the Club's website and social media. The Club will maintain records of those who have indicated their willingness to assist the Club. The Committee will conduct an annual review of the data it is maintaining in order to ensure continued compliance with GPDR.
18. When the Club premises are unavailable Club notifications, including formal notices required under Club rules, will be posted on the member section of the Club website.
19. Members may, at the discretion of the Committee, make payment of the annual subscription by up to 10 monthly instalments, subject to an administration charge to be advised by the Committee. Should membership be terminated for any reason prior to payment of the full annual subscription, the balance of the annual subscription still outstanding at the date of cessation of membership shall forthwith become due and payable to the Club.

02/03/2024

**By Order of the Management Committee  
Honorary Secretary**