

## Constitution of Lough Erne Yacht Club

### Name

The name of the Club shall be “The Lough Erne Yacht Club”, hereinafter known as the Club. The Club may also be known by its original title, when founded in 1818, being:-

“The Subscribers to the Boat Races on Lough Erne for the encouragement of fast Sailing Boats and for the improvement of the Navigation of the Lake”.

### Objectives

1. The Club’s Objectives are to promote racing in sailing boats, and all forms of cruising, particularly on Lough Erne.
2. The Club shall, as far as reasonably practicable, carry out its business and activities safely
3. In furtherance of its Objectives, the Club shall:-
  - (a) Affiliate to the Royal Yachting Association (RYA), and The Irish Sailing Association
  - (b) Form relationships with other yacht clubs and appropriate bodies
  - (c) Operate an RYA Training Centre (TC)
  - (d) Make representations to national and local government and to other public and private bodies;
  - (e) Recognise and promote specific classes for sailing:- Fairy, J24, Sailing Cruiser (using RYA Portsmouth Yardstick handicap), Yeoman, GP14, Laser and Topper
  - (f) Organise sailing races and yachting events.
  - (g) Provide related social and other facilities to members.
  - (h) Ensure that it shall meet all the requirements of a Champion Club.
  - (i) Seek to ensure that the Fairy fleet is preserved as a viable racing fleet at Lough Erne Yacht Club
2. The assets and funds of the Club shall be used solely in the furtherance of the Objectives. The Club is a non profit-making organisation. All profits and surpluses will be used to maintain or to improve the Club’s facilities. No profits or surpluses will be distributed.

### Membership

1. Any person who shares the Objects may apply for membership of the Club, using an approved form and proposed and seconded by members with voting rights. Prior to consideration for election by the Committee, the form shall be displayed for a period of two weeks. Upon election and the timely payment of due subscriptions, each Member shall be allocated by the Committee to one of the categories listed below, and the Member be so notified and given a membership booklet.
2. An Adult Member is aged 19 years or over on 31<sup>st</sup> December of the following year, has one vote and is entitled to hold any office subject to the timely payment of due membership subscription.
3. A Family Member (comprising parents and any children aged under 19 years on 31<sup>st</sup> December of the following year), has two votes ( one for each parent or, in the case of a single parent one vote) Both parents may hold any office subject to the timely payment of membership subscription.

4. *A Junior Member is under the age of 19 years on 31<sup>st</sup> December of the following year and has joined in his/her own right and is not part of a family membership. In addition to the above, the application must be authorised by the parent or guardian, giving his or her full name and address. A Junior member has no voting rights.*
5. *An Honorary Life Member, whose membership subscription is waived, may be so appointed by the Committee and only in exceptional circumstances. An Honorary Life Member has one vote, as does his/her partner*
6. *A Temporary member may be elected by the Committee for a period not exceeding three weeks in any year at a fee set by the Committee  
The Committee may also grant temporary membership to persons participating in a yachting event organised by the Club. A Temporary Member has no voting rights.*
7. *Only a member who is in attendance may exercise a vote, proxy votes are not admissible.*
8. *An Adult, Family or Honorary Member may introduce visitors to the Club premises, and shall be responsible for their conduct and for entering their details in the Visitors Book. No person may be a visitor on more than seven occasions in any one calendar year.*
9. *The Club is fully committed to safeguarding the well being of its members.  
Every individual in the Club should, at all times, show respect and understanding for their rights, safety and welfare, and conduct themselves in a way that reflects the principles of the Club and the guidelines contained in the “Code of Ethics and Good Practice for Children’s Sport in Ireland”, copies of which are available at the Club.*
10. *Members, guests and visitors may use Club premises and facilities entirely at their own risk, and by implication also accept that the Club will not accept any liability for damage or loss of property or personal injury arising out of such use, whether suffered by or caused by members, guests or visitors, and whether or not the loss or injury could have been attributed to or was occasioned by default or negligence by any of the Committee or servants.*
11. *Membership implies consent to the holding of relevant personal data for the purposes of the Data Protection Act and an undertaking to comply with the Constitution and rules validly made by the Committee. Refusal or neglect to do so, or conduct unworthy of a member or injurious to the Club or its Objectives shall render the Member liable to expulsion by the Committee.*
12. *All Members shall carry evidence of membership while on the premises of the Club and an alphabetical list of the names and addresses of every official and Member shall be available on the premises for inspection by anyone authorised to do so. (e.g. a Police Officer)*

### **Membership Subscription and Fees**

1. *The membership subscription, entrance fee and other charges and fees shall be set by the Committee and notified to members. Membership subscription and other fees shall not be increased by more than inflation plus 3% from one year to the next without the consent of a General Meeting. The Committee shall be guided in making such increases by the current rate of inflation and justification for such an increase.*
2. *All properly invoiced fees and charges must be paid within one calendar month from the date of the invoice*

*The Committee may cancel membership where payments due are in arrears. The Hon. Treasurer, acting on behalf of the Management Committee, shall have the authority to defer or agree to stage payments of monies owing provided that any member undergoing temporary financial difficulty personally requests such deferment or staging of payments. Such a facility shall be specific to a particular financial period and shall not constitute a precedent in any way.*

*3. Reduced Membership fees may be applied to Senior citizens, Junior Members, and those in full time education.*

*4. A Member joining the Club after 1 August and before 1 October shall pay half the year's membership subscription, and if after 1 October shall pay the full year's subscription which shall be credited for the whole of the following year's subscription.*

*5. A Member who anticipates inability to use the Club or its facilities for the whole of any one year may be excused payment of the membership subscription provided that timely written notice is given to the Honorary Secretary. A member wishing to be re-instated during the year in question shall pay such portion of the subscription, as the Committee shall require.*

#### **Flag Officers and Flags**

*1. The Flag Officers of the Club shall be the Admiral, whose office is titular, the Commodore, Vice-Commodore and Rear Commodore.*

*2. The Burgee shall be white with a dark blue cross, in the centre of which a red castle. The Admiral's flag is square, the Commodore's a swallow-tailed burgee, and the Vice-and Rear-Commodore's the same, differentiated by one or two blue balls respectively.*

#### **Management and Committee**

*1. It shall be the duty of the Commodore, under the guidance of the Secretary and Treasurer, to ensure that all aspects of Club business are conducted fully in accordance with such procedures as have been adopted by the Management committee. To this end the Secretary shall issue to all committee members a copy of such procedures within 28 days of each Annual General Meeting.*

*2. A Management Committee led and chaired by the Commodore shall manage the Club's pursuit of its Objectives. Where necessary the next Flag Officer in seniority present or a member so elected may take the chair.*

*3. The Management Committee of the Club shall take due regard of the Registration of Clubs (Northern Ireland) Order 1996 and Regulations made under this Order including those on Accounts and on the sale of intoxicating liquor and other relevant legislation, such as the Children (Northern Ireland) Order 1995 regarding training.*

*4. The Management Committee shall comprise the Commodore, the Vice Commodore, the Rear Commodore, the immediate Past Commodore, the Hon. Secretary, the Hon. Treasurer, the Marina secretary, the Youth Co-ordinator, the Recruitment & Social Programme Co-ordinator(s), the Publicity officer, the Premises officer, the Bosun, the Fleet Captains of each Class recognised by the Club, and two active sailing members one male and one female, (both being a Junior member in their own right or a Junior member as part of a Family membership.)*

*5. The Management Committee may set up subordinate sub-committees and devolve to them such powers as it shall see fit and shall set their terms of reference. Their*

*membership may include members who are not members of the Committee. The Committee's business and that of its sub-committees shall be conducted in accordance with Standing Orders made by the Committee.*

*6. The Management Committee shall set-up three sub-committees:-*

*a) A Finance and General Purposes Committee*

*This committee will be chaired by the Commodore and members will be, the Admiral, the Vice-Commodore, the Rear Commodore, the immediate Past Commodore, the Hon. Secretary, the Hon. Treasurer, the Marina secretary and the Premises officer. All matters involving expenditure must in the first instance, be referred to this sub-committee, and should the amount involved exceed a total of £5000-00, it shall be referred to a General Meeting.*

*All purchases for the Club shall use an Order Form authorised by this sub-committee and bearing signatures approved by the Committee.*

*The Finance and General Purposes Committee shall be responsible for Club Boats,(including the Safety and Workboats) and their equipment.*

*The Finance and General Purposes Committee shall nominate, to the Management Committee, a Bosun who will be responsible for the day to day care of the Club boats and shall report to the Finance and General Purposes Committee*

*The Finance and General Committee shall nominate, to the Management Committee, A Premises officer, whose duties will be similar to those of the Bosun, but in respect of the Club premises.*

*b) A Sailing Committee*

*This Committee will be chaired by the Vice-Commodore and members will be, the Youth Co-ordinator, the Fleet Captains of each Class recognised by the Club, the Bosun, the Club Coach, the Principal of the Recognised Training Establishment and the Publicity officer.*

*This Committee will be responsible for Sailing activity afloat and also ashore, in matters that do not fall into the area of responsibility of the Premises Committee, (see below) e.g. on land teaching, course planning, on Shore Race/Regatta organisation, beachmaster etc. Where there is an apparent overlapping of areas of responsibility, the Vice and Rear Commodores, or their appointed deputies will liaise accordingly.*

*c) A Premises and Social Development Committee*

*This Committee will be chaired by the Rear-Commodore and members will include, the Premises officer, the Catering officer, the two Junior representatives from the Committee, the Marina secretary, the Fleet captains, and the Recruitment and Social Programme Co-ordinator(s)*

*This committee will be responsible for the care and regular maintenance of the Club grounds, jetties, buildings, etc, and for the day to day management of the Premises.*

*The Premises Committee shall also be responsible for social activities in the Club including the Bar and Kitchen premises and equipment.  
Members or Classes organising a Social event on Club premises must liaise the Premises Committee.*

- 7. The Quorum for the Management Committee and all sub-committees shall be one quarter of all members entitled to be present. The minimum shall be three such members.*
- 8. One person may occupy two or more posts in a Committee. No member whose membership subscription is in arrears may be a member of the Management Committee, or any sub-committee*
- 9. Any Member may request that he/she be allowed to address the Management Committee on any matter pertaining to the Club which he/she believes should be drawn to its attention. Any such request should first be submitted to the Commodore in writing.*
- 10. The members of the Management Committee shall be elected at the Annual General Meeting for a period of office of approximately one year, that is until the following Annual General meeting. In the event of a casual vacancy the Management Committee may co-opt a member eligible to serve to fill the vacancy until the next AGM.*
- 11. Sub-Committees may co-opt additional members for a period of up to three months. Co-option for periods greater than three months must first of all be approved by the Management Committee*
- 12. The Management Committee shall meet at regular intervals. The Management Committee shall manage in accordance with the Constitution, shall cause the funds of the Club to be applied solely to the Objects, and shall ensure that such accounts and records as are necessary are kept.*
- 13. Where appropriate, the Management Committee shall prepare and effect development plans and no project should be accepted without a statement of expected life and annual maintenance costs. The Management Committee shall take reasonable action to provide members with regular information on Club business.*
- 14. The Management Committee, where reasonable and appropriate, shall make Bye-Laws, Rules, Sailing Instructions, Codes of Conduct, Standing Orders, Duties and Job Descriptions for Committee posts,*
- 15. The Management Committee and any Sub-Committee may invite any member to be present and to take part in a discussion.*
- 16. Any member of the Management Committee or of a Sub-Committee who has a financial or other interest or a relationship relevant to the matter under discussion shall declare it and withdraw from the building.*
- 17. In pursuance of the authority vested in the Management Committee by members of the Club members of the Management Committee are entitled to be indemnified by the members 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 and entered into on behalf of the Club. The limit of an individual member's indemnity in this respect shall be a sum equal to one year's membership subscription at the then current rate unless the Management Committee has been authorised to exceed such limit by a General Meeting.*

### **General Meetings**

1. All Official meetings of the Club shall be “Non-Smoking”
2. A General Meeting is a meeting to which all members with voting rights are called by due Notice posted by the Honorary Secretary no less than 14 days before the date of the meeting and containing the agenda and any motions or proposals to be determined by the Meeting.
3. A General Meeting may discuss any matter relevant to the Club’s business but may not determine a matter on which due Notice has not been given. A member may submit a motion for discussion at the AGM. Such a motion must be received by the Honorary Secretary in written form, (verbal, telephonic or e-mail submissions will not be accepted), at least 8 weeks prior to the advertised date of the AGM. It must be clear and concise and be seconded by another voting member. Any supporting argument submitted with the motion will not be published in the notice of AGM or in the agenda of that AGM.
4. An Annual General Meeting shall be held in the three months following the end of the financial year on a date fixed by the Management Committee. Its business shall include election of a new Management Committee and reports from the out-going Management Committee presented by the Commodore, Honorary Secretary and Honorary Treasurers.
5. The Management Committee may call other General Meetings. A General Meeting shall be called by the Honorary Secretary on receipt of a written request signed by a number of Members not fewer than 30 or one fifth of those entitled to vote, whichever ever be lesser. Such request shall be received by the Hon. Secretary eight weeks before the date of the Meeting and include details of the motions or proposals about which due Notice is to be given.
5. The Management Committee shall make Standing Orders for General Meetings. A two-thirds majority of those present, entitled to vote and voting, shall be required to determine a motion or proposal at a General Meeting.
6. This Constitution shall only be amended by a General Meeting

### **Trustees, Property and Assets**

1. There shall be at least four Trustees of the Club who shall be appointed from time to time as necessary by the Management Committee from among Adult, Family or Honorary Members who are willing to be so appointed.
2. A Trustee shall hold office during his or her lifetime or until she or he shall resign, by notice in writing to the Management Committee, or until a resolution removing him or her from office be passed at a meeting of the Management Committee by a two thirds majority of those present and entitled to vote.
4. All the property of the Club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as is necessary and practicable, on trust for the use and benefit of the Club.
5. On the death, resignation or removal from office of a Trustee, the Management Committee shall nominate a new Trustee in his place, and shall as soon as possible thereafter take all lawful and practicable steps to procure the vesting of all Club property into the names of the Trustees as constituted after nomination.
5. 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 Management Committee; and 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 Management Committee's directions (which shall be duly recorded in the Minutes) but no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.*

*6. The Trustees shall be indemnified by the Management Committee 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 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 the Trustees. (To be incorporated in every contract, lease, licence or other agreement entered into by the Trustees).*

*7. 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.*

#### **Dissolution**

*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 not be paid or distributed among the Members but shall be given or transferred to some other institution or institutions with similar objects, such to be determined by a General Meeting at or before the time of dissolution and if and so far as, effect cannot be given to such provision then to some charitable object.*

#### **APPENDIX A: Child Protection Policy**

*We in Lough Erne Yacht Club ("the Club") are committed to a practice, which protects children from harm. Members, instructors, coaches and volunteers or helpers in the Club accept and recognise their responsibilities under the Children (Northern Ireland) Order 1995 about safeguarding children and are also committed to follow the guidelines as published in the "Code of Ethics and Good Practice for Children's Sport in Ireland" (published by The Sports Council N.I. & The Irish Sports Council) and we will endeavour to carry out the letter and the spirit of these regulations and guidelines by:-*

- (i) having an awareness of the issues, which cause children harm.*
- (ii) adopting child protection guidelines for Members, instructors coaches and volunteers/helpers.*
- (iii) providing information about child protection and good practice to Members, children, parents, instructors, coaches and volunteers or helpers.*
- (iv) sharing information about concerns with children, parents and others who need to know.*
- (v) following carefully the procedures for the recruitment and selection of instructors coaches volunteers or helpers and the management of the Club.*
- (vi) being involved in training.*
- (vii) keeping child protection policies under regular review.*
- (viii) providing information as required to the Management Committee of the Club and to the Royal Yachting Association (Northern Ireland Council).*

#### **APPENDIX B: Code of Conduct**

*Code of Conduct for Members, Instructors, Coaches and Volunteers or Helpers  
These guidelines have been produced to help protect anyone working with young people in Lough Erne Yacht Club and should be followed at all times. If you have any*

*queries regarding these you should contact any Member of the Management Committee or the person(s) responsible for Child Protection.*

*1. Always be publicly open when working with the younger person. Avoid situations where you and an individual younger person are completely unobserved.*

*2. If physical contact is necessary, it should be done openly. Care is needed as it is difficult to maintain hand positions when providing manual support if the younger person is constantly moving. Some parents are becoming increasingly sensitive about touching younger persons and their views should always be carefully considered.*

*3. Where possible allow parents of younger persons to take responsibility for them in changing rooms. If groups are to be supervised in changing rooms, always ensure that adults work in pairs and that gender is appropriate. If travelling to another venue is necessary, make sure that written permission is given by the parents. Parents should be asked to ensure that younger persons are collected on time.*

*4. Where mixed groups of younger persons travel to another venue to represent the Club they should always be accompanied by at least one male and one female adult.*

*5. All should respect the rights and dignity and worth of all and treat everyone with equality.*

*6. All should place the well-being and safety of the younger person above the development of performance. They should follow all guidelines laid down by the RYA (including the instructor: pupil ratio) and be adequately insured. Always make sure that you are working at a level commensurate with your instructor qualifications. If you are proved negligent the Club's insurance may be invalidated.*

*7. Members working with younger persons should hold appropriate qualifications in instructing, coaching, leadership, officiating etc.*

*8. Adults should ensure that the activities which they direct or advocate are appropriate to the age, maturity, and ability of the participant e.g. they should not break rules on suitable participation for age groups. Training activities should include clear progressions and instructors should keep a clear record of all activity undertaken, clearly planning for future activity. It is advisable to keep a record of activity in a book kept for that purpose.*

*They should ensure that all participants know to inform the instructor of any injury or illness before, during or after the activity.*

*9. Adults should always promote the positive aspects of sailing and never condone rules violations, bad sportsmanship or use of prohibited substances.*

*4. Adults should consistently display high standards of personal behaviour and appearance as well as appropriate dress, language, and respect for equipment and facilities. It is not acceptable for adults responsible for younger persons to consume alcohol. Adults should never encourage younger persons to drink alcohol.*

*11. Adults should never overtly criticise participants or officials judgements or use language or actions, which may cause the younger person to lose self-esteem or confidence.*

*All Members must also be aware that as a general rule it does not make sense to: spend amounts of time alone with younger persons away from others.*

*take younger persons alone on car journeys, however short, or to take younger persons to your home.*

*If it should arise that such situations are unavoidable they should only take place with the full knowledge of someone in charge in the Club and/or a person with parental responsibility for the younger person.*

*Instructors and volunteers/helpers should be aware that normal car insurance does not cover them for transporting younger persons to and from other venues.*

*All instructors and volunteers or helpers should try to be on time; and inform an appropriate person if ill or unable to attend an activity.*

**Members should never!**

*Engage in rough physical or sexually provocative games including horseplay.*

*Share a room with a younger person.*

*Permit or engage in any form of inappropriate touching.*

*Permit younger persons to use inappropriate language unchallenged.*

*Make sexually suggestive comments to younger persons, even in fun.*

*Allow allegations made by a younger person to go unchallenged, unrecorded or not acted upon.*

*Do things of a personal nature that a younger person can do for themselves.*

*Agree to meet a younger person on your own.*

*If you accidentally hurt a younger person, or cause distress in any manner, or the younger person appears to respond in a sexual manner to your actions, or misunderstands, or misinterprets something you have done, report the incident to a colleague supported by a brief written report of the incident as soon as possible.*

*Parents or carers should be informed of the incident.*

**Emergency action and First Aid**

*All Members, instructors and volunteers or helpers should be prepared with an action plan in the event of an emergency. This will include:*

*Access to first aid equipment.*

*Telephone contact if the participant is a minor.*

*Telephone contact to the emergency services*

*All accidents, injuries and any untoward event should be recorded in the activity record book along with a witness statement if thought necessary.*

*An attendance book must be kept for each recognised club activity with the presence of each participant noted appropriately. An incident book must be used to record accidents, injuries and any untoward event.*

*Training activities outside the usual recognised Club activities will not be covered by Club insurance if the details have not been notified in writing to the Committee in advance. It is the responsibility of the parents to check that the Training activity is covered by the necessary insurance*

***End of Constitution and Appendices – as revised AGM January 2001 and AGM 24th February 2002 and AGM 26th January 2003 and AGM 7<sup>th</sup> December 2003, AGM December 2005, AGM December 2006, EGM on 5<sup>th</sup> August 2007, and the AGM on 9<sup>th</sup> December 2007***