

# DITTISHAM SAILING CLUB – RULES & CONSTITUTION v10 2019

## SECTION 1 - NAME AND PURPOSES

- 1 The name of the Club shall be Dittisham Sailing Club (hereinafter referred to in these rules as the Club).
- 2 The object of the Club is to provide facilities for, and to promote participation in, the amateur sport of sailing at Dittisham.

## SECTION 2 - OFFICERS

Officers  
of the Club

- 3 The Officers of the Club shall be Full Members of the Club and shall consist of a Commodore, Club Secretary, Sailing Secretary, Treasurer, Membership Secretary, Boat Park Officer, Boatswain, Quartermaster and Social Secretary. Officers shall be elected at the Annual General Meeting (AGM) in each year and shall hold office for one year, retiring at the termination of the AGM in each year. All Officers of the Club shall be eligible for re-election except that the Commodore may not stand for more than three consecutive years, after which he or she must stand down for one year before coming eligible for re-election.

### Duties of Secretaries etc.

Duties of  
Club Secretary

- 4 The Club Secretary shall:-
  - (a) Conduct the correspondence of the Club;
  - (b) Keep custody of all Club documents;
  - (c) Keep full minutes of all meetings of the Club and the Committee which shall be confirmed and signed by the appropriate Chairman upon the agreement of the Club or the Committee at the next meeting of the Club or the Committee;
  - (d) Maintain contact with the Club's Legal Advisor to ensure that the Club's affairs are managed in accordance with current law;
  - (e) Maintain any such certificates or registrations, and complete any such non-financial returns, as may be required by law.
- 5 The Treasurer shall:-

- Duties of Treasurer
- (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 reviewed at least once annually and shall thereafter cause the same to be presented to the Club at the Annual General Meeting.

6 The Reviewer shall:-

- Duties of Reviewer
- (a) Be appointed at the Annual General Meeting in each year and shall be an appropriately experienced/qualified member of the Club other than the Treasurer or other Committee members;
  - (b) The Reviewer shall review the accounts and Annual Balance Sheet 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;
  - (c) If either unwilling or unable to act, inform the Committee who shall appoint a substitute to hold office until the termination of the next Annual General Meeting.

7 The Membership Secretary shall:-

- Duties of Membership Secretary
- (a) Maintain and administer the database holding the relevant data of all members, including names and addresses, boats owned and allocated club facilities.
  - (b) Manage all new applications for membership and the annual renewals of existing members.

8 The Sailing Secretary shall:-

- Duties of Sailing Secretary
- (a) Coordinate preparation and production of the Annual Club Programme.
  - (b) Nominate Race Officers, Race Management Teams and Event Managers for all programmed events.

9 The Boat Park Officer shall:-

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| Duty of Boat Park Officer | (a) Manage the allocation of Boat Park spaces to the members.                                                                         |
|                           | 10 The Boatswain shall:-                                                                                                              |
| Duty of Boatswain         | (a) Manage the club's assets excluding the Boathouse and the club property.                                                           |
|                           | 11 The Quartermaster shall:-                                                                                                          |
| Duty of Quartermaster     | (a) Manage the Boathouse and the club property.                                                                                       |
|                           | 12 The Social Secretary shall:-                                                                                                       |
| Duty of Social Secretary  | (a) Plan, programme, and manage social events within the Club Programme, unless delegated to an Event Manager for specific occasions. |

### **SECTION 3 - MEMBERSHIP**

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| Categories and votes of Membership | 13 There shall be the following categories of membership with power to vote at all meetings of the Club as indicated hereunder.                                                                      |
|                                    | (a) <b>A SINGLE MEMBER</b> – being a person who, at the date of election, shall have attained the age of eighteen years and shall have one vote.                                                     |
|                                    | (b) <b>A FAMILY MEMBER</b> - which expression shall include one or two co-habiting adults and all children within their guardianship under eighteen years of age. Both adults will each have a vote. |
|                                    | (c) <b>A STUDENT MEMBER</b> - being a person who, at the date of election, is over 18 and under 30 and is in full time education and shall have no vote.                                             |
|                                    | (d) <b>A SOCIAL MEMBER</b> - such a member shall be one who at the commencement of the subscription year joins the Club other than as a Sailing member or a Family member.                           |
|                                    | (e) <b>AN HONORARY LIFE MEMBER</b> – A special honour granted for services to the Club in accordance with Rule 43. Shall have one vote.                                                              |
|                                    | (f) <b>A TEMPORARY MEMBER</b> - The terms of a Temporary Member shall be at the discretion of the Committee.                                                                                         |

- (g) Single Membership, Family Membership and Honorary Life Membership shall constitute Full Membership referred to in paragraph 3

Rights and  
privileges of  
Members

14 The rights and privileges of each category of membership shall be as follows:-

- (a) **A SINGLE MEMBER** shall have the full use of all the Club facilities.
- (b) **A FAMILY MEMBER**, his/her co-habitee (if any) and all the children within their guardianship under the age of eighteen shall have the full use of all the Club facilities.
- (c) **A STUDENT MEMBER** shall have the full use of all the Club facilities but shall not hold keys to the boathouse nor take out club boats without the direct supervision of an adult.
- (d) **AN HONORARY LIFE MEMBER** shall have the full use of all the Club facilities.
- (e) **A SOCIAL MEMBER** shall have the full use of the Club-house facilities but not be eligible for allocation of a space in the Boat Park.
- (f) **A TEMPORARY MEMBER** (which expression may include members of another RYA recognised Club or organisation) shall have the full use of Club facilities but:-
- (i) Shall have no right to enter Club races or regattas unless specifically authorised by the Secretary or Committee.
- (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 any Byelaws or Regulations as if he or she were a member of the Club and so far as the said Rules, Byelaws and Regulations 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, in the opinion of the Secretary, he or she shall not have reasonably complied with the above conditions.

Membership  
Entrance and

15 The rate of Entrance and Subscription fee for each category of Membership shall be proposed by the Committee to the members at

## Subscription Fee

the Annual General Meeting 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.

Membership of the Club shall be open to anyone interested in the sport of sailing on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. Membership may however be limited according to available facilities on a non-discriminatory basis.

The Club Committee may refuse membership or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal of membership may be made to the members.

By accepting an offer of membership, members confirm that they hold the level of third party insurance agreed by the committee, currently £3 million, in respect of any boat they intend to sail from, or keep, at Dittisham Sailing Club.

(Note - Club boats are insured for members to use as specified in the club rules')

Members shall also make the following annual payments:-

(a) An annual boat park fee of such a sum as the Committee shall from time to time prescribe which shall entitle a member to a space in the Club's boat park.

(b) All members shall pay the Entrance fee (if any) and their first annual subscription upon election to the Club and thereafter on the first day of January in each year. Provided that a member elected after the first day of August in any year shall pay the annual subscription applicable for that year less £20 and that a member elected after the first day of November in any year shall not be required to pay any subscription in respect of the year of election, but shall pay, on election, the Entrance fee and the annual subscription in respect of the year following election.

Members' duty to provide an up to date address 16

Every member shall furnish the Membership Secretary with an up-to-date address which shall be recorded in the Club Database and any notice sent to such address shall be deemed to have been duly delivered.

Application for 17

An application for membership shall be in the form from time to time

membership		prescribed by the Committee, and shall include the name, address, and occupation of the applicant.
Retirement of a member	18	A member desirous of retiring from membership shall give notice in writing to the Membership Secretary before the last day of November 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, waive any Entrance Fee.
Arrears of Subscription	19	A member who has not paid their annual subscription by 14 February is deemed to have resigned and their membership will be automatically cancelled.
<b>Conduct of Members</b>		
Under-taking by members to comply with rules	20	Every member, upon election and thereafter, is deemed to have notice of, and undertakes to comply with, the Club Rules and any Byelaws and Regulations of the Club.
Disciplinary action against members	21	Any breach of Rule 20 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 disciplinary action by the Committee, which may include suspension for a specified period of time or expulsion.
		Before taking such disciplinary action against a member, the Committee shall call upon such member for a written explanation of the member's conduct and shall give the member full opportunity of making explanation to the Committee, or of resigning.
		A Resolution to apply any sanction shall be carried by a simple majority vote by those members of the Committee present and voting on the Resolution.
		Appeal against suspension/expulsion may be made to the members in General Meeting.
		Upon suspension/expulsion the member/former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith.
		Upon expulsion of a member, the Committee may dispose of the former member's boat and/or trailer in accordance with Rule 59.
Guests in the Club	22	Members shall enter the names of all guests in the Visitor's Book.

Not more than [three] guests may be introduced in any one day and the same guest may not be introduced more than 3 times in any calendar year.

Damage to Club property	23	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 Secretary upon the instructions of the Committee.
Exhibiting of notices	24	A member shall not cause any communication in whatever form to be exhibited on Club notice boards or premises without permission of the Secretary.
Complaints	25	Complaints of any nature relating to the management of the Club premises shall be addressed in writing to the Secretary.
Members of other RYA Clubs	26	A member of any Club affiliated to the Royal Yachting Association (a list of which is published by the said Association) may be authorised to use the premises of the Club by any member of the Committee of the Club. Such authorisation shall specify between which dates the said person may so use the premises.

#### **Limitation of Club liability**

Limitation of Club liability	27	All references to the Club in this Rule shall mean each and every individual member of the Club from time to time.
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Members are bound by the following Rule which shall also be exhibited in a prominent place within the Club premises:-

Members of the Club 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.

(b) The Club will not accept any liability for personal injury arising out of the use of the Club premises, any other facilities of the Club either sustained by members or caused by the said members 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 Servants of the Club.

Data Protection	28	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 for the purposes of the Data Protection Acts.
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## SECTION 4 - MANAGEMENT COMMITTEE

Constitution of Committee	29	The Management Committee (herein referred to as 'the Committee') shall consist of the Officers ex officio, and not less than three Full Members one of whom should be a representative of the starting box, one a cruising member and one a junior sailing representative who shall be elected at the Annual General Meeting each year to hold office until the termination of the next following Annual General Meeting.
Candidates for election to Committee	30	Candidates for election to the Committee shall inform the Secretary at least twenty eight days before the date of the Annual General Meeting in each year. Such nominations, will be notified by the Secretary in the calling notice at least three weeks prior to the date of the Annual General Meeting.
Election of Committee by ballot	31	If the number of candidates for election is greater than the number of vacancies to be filled then there shall be a ballot.
No contest for election	32	<p>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.</p> <p>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.</p>
Casual vacancy	33	If, for any reason, a casual vacancy shall occur, the Committee may co-opt a Full member to fill such a vacancy until the next following Annual General Meeting.
Committee Meetings	34	The Committee shall meet at least every 3 months making such arrangements as to the conduct, place of assembly and holding of such meetings as it may wish. The Commodore or in his absence a Chairman elected by those present shall preside.
Voting at Committee	35	Voting (except in the case 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.
Quorum	36	Six members personally present shall form a quorum at a meeting of the Committee.



## **Powers of the Committee**

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| Management of Club by Committee         | 37 | 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 purposes of the Club or for a benevolent or charitable purpose nominated by General Meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Appointment of sub-Committees           | 38 | 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. Officers of the Club shall be ex officio members of all such sub-Committees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Disclosure of interest to third parties | 39 | 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 is so acting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Limitation of Committee's authority     | 40 | 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 contracts 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, borrow money or incur debts on behalf of the Club or its membership.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Members' indemnification of Committee   | 41 | <p>In pursuance of the authority vested in the Committee by members of the Club, members of the Committee shall be indemnified by the members of the Club out of the assets of the Club from and against any liability, costs, expenses or payments whatsoever which may be properly incurred or made by them or any one of them in the exercise of their duties 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.</p> <p>Should the assets of the Club be insufficient to satisfy such liability, costs, expenses or payments the Committee shall be entitled to a personal indemnity from the individual members of the Club.</p> <p>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.</p> |
| Contractual                             | 42 | The Committee shall endeavour to ensure that the following clause is                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Liability incorporated in every contract, lease, licence or other agreement entered into by the Committee and/or Trustees of the Club, as appropriate.

“The liability of the [Committee/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.”

Nomination of Honorary Life Members by Committee 43 The Committee may nominate for election at an Annual General Meeting such Honorary Life Members as the Committee may think fit. The total of such Honorary Life Members shall not, however, at any time, exceed 5 per cent of the total number of members.

The election of Honorary Life Members shall be put to the vote at the Annual General Meeting each year and such Honorary Life Members shall be duly elected if two thirds of those present, and entitled to vote, vote in favour of election.

#### **SECTION 5 – TRUSTEES**

Number of and terms of reference 44 There shall be four Trustees of the Club who shall be appointed from time to time as necessary by the Committee of the Club from among Full, Family or Honorary Life Members who are willing to be so appointed.

A Trustee shall hold office until he shall resign by notice in writing given to the Committee or until a resolution removing him from office shall be passed at a meeting of the Committee by a majority comprising two-thirds of the members present and entitled to vote.

Property of Club vested in Trustees 45 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 it is necessary and practicable, on trust for the use and benefit of the Club. In the event of the death, resignation, or removal from office of a Trustee, the 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 such nomination. For the purpose of giving effect to any such nomination, the Secretary for the time being is hereby nominated as the person to appoint new Trustees of the Club within the meaning of Section 36 of the Trustee Act 1925 and he shall by Deed duly appoint the person or persons so nominated by the Committee.

Powers of Trustees 46 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 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 Committee's 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.

Indemnity of Trustees from Club 47

In pursuance of the authority vested in the Trustees by the members of the Club, the Trustees shall be indemnified by the members of the Club out of the assets of the Club from and against any liability, costs, expenses or payments whatsoever which may be properly incurred or made by them or any one of them in the exercise of their duties or 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.

Should the assets of the Club be insufficient to satisfy such liability, costs, expenses or payments the Trustees shall be entitled to a personal indemnity from the individual members of the Club. 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 Trustees have been authorised to exceed such limit by a General Meeting of the Club.

## **SECTION 6 - MEETINGS OF THE CLUB**

Annual General Meeting 48

An Annual General Meeting of the Club shall be held in each calendar year on a date to be fixed by the Committee. The Secretary shall at least three weeks before the date of such meeting post or deliver to each member notice hereof and of the business to be brought forward thereat.

Business at Annual General Meeting 49

No business, except the passing of the Accounts and the election of the Officers, Committee, Trustees and Reviewers, 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 Secretary at least forty two days before the date of the Annual General Meeting.

Special General Meeting 50

The Committee may at any time, upon giving twenty one days' notice in writing, call a Special General Meeting (SGM) 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.

Special General Meeting upon request of members	51	The Committee shall call a Special General Meeting upon a written request addressed to the Secretary by at least 10 members. The SGM must be called within 21 days of a request. The Committee shall give twenty one days' notice in writing of any such SGM. The discussion at such meeting shall be confined to the business stated in the notice sent to members.
Chairman at Meetings	52	At every meeting of the Club the Commodore or, in their absence, a Chairman elected by those present shall preside.
Quorum at Meetings	53	Fifteen members entitled to vote and personally present shall form a quorum at any meeting of the Club.
Entitlement to vote at Meetings	54	Only Full members shall vote at any meeting of the Club. Other members may attend but are not entitled to vote.
Voting at Meetings	55	Voting, except upon the election of members of the Committee, shall be by show of hands.
Equality of Votes	56	In the case of an equality of votes the Chairman shall have a second or casting vote, on any matter other than the election of members of the Committee.
Voting on Rule Change	57	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.

## **SECTION 7 - DISSOLUTION OF THE CLUB**

Dissolution of the Club	58	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 to or distributed amongst the members of the Club. The Committee shall dispose of the net assets remaining to one or more of the following: (i) to a charity and/or (ii) to another Club with similar sports purposes and/or (iii) to the sport's national governing body for use by it for related community sports.
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## **SECTION 8 - MISCELLANEOUS**

Abandoned Boats and/or Trailers	59	If, at any time, any fees payable to the Club by any member or former member (whether by way of arrears of subscription or facilities fees,
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dinghy park fees or otherwise) shall be one month or more in arrears and/or a boat and/or trailer the property of a member or former member remains upon the Club premises one month or more after the club has given the member or former member notice to remove the vessel then the member or former member shall remove the boat and/or trailer from the Club immediately. If the member or former member fails to remove the boat and/or trailer then the Committee may:-

(a) Move the boat and/or trailer to any part of the Club premises without being liable for any loss or damage to the vessel howsoever caused.

(b) Give three months' notice in writing by registered post to the member or former member at his last known address as shown in the Club Register and thereafter sell the boat and/or trailer and deduct any monies due to the Club from the net proceeds of sale before accounting for the balance (if any) to the member or former member.

(c) Alternatively, if the boat and/or trailer is unsaleable, after giving notice in writing as aforesaid, dispose of the boat and/or trailer in any manner the Committee may think fit and deem the cost of doing and any arrears as aforesaid to be a debt owing to the Club by the member or former member.

(d) The Club reserves the right to charge storage for the boat and/or trailer until such time as the owner collects the boat and/or trailer or until notice has been served under Rule (b) above.

**PROVIDED ALWAYS THAT:-**

Proper evidence is available to show that all reasonable steps have been taken to trace a member or former member and that, when and if the boat and/or trailer is sold, if the Club is unable to account to the member or former member for the balance of the proceeds of sale pursuant to Rule (b) above then the balance of the proceeds of sale shall be placed upon bank deposit account and retained against the eventuality of a claim by the owner (whether he be the said member or former member or otherwise) for a period of six years.

Lien

60

In addition to Rule 59 the Club shall at all times have a lien over members' or former members' boats and/or trailers parked on the Club's premises in respect of all monies due to the Club, whether in respect of arrears of facilities fees or subscriptions or otherwise and shall be entitled to retain possession of the boat and/or trailer until such time as all monies due to the Club have been paid in full.

Boat Park Allocations	61	Space in the Boat Park is allocated by the Boat Park Officer on an annual basis and will generally adhere to the 'first come first served' principle. However, boat park spaces may also be allocated on the basis of the level of members' active participation in club activities during the previous year, as reflected in attendance at work parties, safety boat rota and other organised club activities.
	62	Further guidance on members' responsibilities regarding the spaces allocated to them can be found in the 'Management of the Boat Park' section.
Use of Safety Boats	63	No member may use a Safety Boat unless authorised to do so by the Race Officer of the Day or the Event Manager. Further guidance is provided in the 'Club, Safety Boat and Club Boats Operating Procedures' section.
	64	Should a Safety Boat or its engine be damaged by a member who is not authorised, the person concerned may be held responsible for the repair costs involved.
Use of Club Boats	65	No member may use the Club Boats without first contacting and gaining approval from the appropriate guardian. They may only be used during a programmed Club Event when appropriate safety cover is in place. Further Guidance is provided in the 'Club, Safety Boat and Club Boats Operating Procedures'.
Byelaws	66	The Club may adopt such Byelaws or Regulations as it considers appropriate for the good management of the Club and its facilities.
Acknowledgement	67	The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.