

# **GEORGE LAKES YACHT CLUB**

## **CONSTITUTION**

### 3rd Edition adopted 23 June 2019

(This Constitution was approved at a Special General Meeting of members of the Club on the 04 December 2004.)

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## CONSTITUTION

### 1. NAME

The name of the Club shall be George Lakes Yacht Club. hereafter referred to as the Club.

### 2. CONSTITUTION

This constitution shall be binding on all members of the Club. This Constitution may be amended at any Annual or Special General Meeting of the Club by a vote of at least two-thirds of Voting members present provided that notice of the proposed amendments shall have been posted on the Club notice board not less than fourteen (14) days prior to the date of the meeting and special notice of the meeting and of the proposed amendments has been posted, or transmitted by electronic mail, to the last known address or electronic mail address, as is applicable, of each member not less than fourteen (14) days before the meeting.

### 3. OBJECT

3.1 The object of the Club shall be the promotion and encouragement of non powered watersport.

3.2 The Club's activities shall not be undertaken for the sole purpose of making a profit.

### 4. HEADQUARTERS

#### 4.1 Premises

The headquarters of the Club shall be at Island Lake near Wilderness, Western Cape Province.

#### 4.2 Notice Board

The official Club notice board shall be at the headquarters of the Club.

### 5. CLUB INSIGNIA

The Club flag shall be a pennant halved horizontally with white over blue and the Club colours shall be white and blue.

### 6. MEMBERSHIP

The membership of the Club shall be open to all persons who are interested in the object of the Club and who shall apply for and be accepted as members as specified hereinafter. Membership shall be in the following classes;

#### 6.1 Voting Members

##### 6.1.1 Ordinary Members

Ordinary Members shall be persons who have applied for and been accepted as Ordinary Members and have paid the required fees and subscriptions.

##### 6.1.2. Family Members

Couples and single parents and their dependents shall qualify for family membership. The parents shall be considered as Voting Members and the dependant children (irrespective of age) shall be considered as Junior Members of the Club.

##### 6.1.3. Veteran or Veteran Family Members

Persons over the age of 65 years or, in the case of a family, one member being over 65 years old shall qualify for Veteran Membership.

##### 6.1.4. Life Members

Voting Members who have been in good standing for at least ten years shall qualify for Life Membership. They shall apply to and be accepted by the Committee as Life Members and shall pay the stipulated fee.

##### 6.1.5. Honorary Life Members

Honorary Life Members shall be persons elected to this class of membership for outstanding services to the Club or sailing in general.

##### 6.1.6 Student Members

Student members shall consist of members who are over the age of 18 years and are enrolled as students in full time study at a University, Technicon or other institution of higher learning. Student membership is to be applied for on an annual basis and the committee to use their discretion in granting this membership.

#### 6.2. Associate Members

##### 6.2.1. Country, Country Family or Country Veteran Members

Persons or families who normally reside outside an 80-kilometer radius from the Club headquarters shall qualify for Country Membership.

##### 6.2.2. Junior Members

Persons less than eighteen years of age shall qualify as Junior Members. Junior Members shall automatically graduate to Ordinary Membership on the first of May following their eighteenth birthday and on payment of the appropriate annual subscription for the ensuing year. However, if engaged in full time study they may apply to remain as Student Members until completion of their full-time study

6.2.3. Visiting Members

Visiting Members shall be persons or families temporarily resident in the area and desirous of becoming Visiting members of the Club during their residence in the area. Such Visiting membership shall be limited to one month, which may be extended by further months at the Committee's discretion. Visiting Members shall not have the privilege of introducing guests to the Club.

6.2.4. Honorary Members

Honorary Members shall be persons elected to this class of membership for outstanding services to the Club or sailing in general. Such membership would normally be for one year only.

7. MEMBERS' GUESTS

Members shall be entitled to introduce guests to the Club without the payment of any fees. Such guests may not be introduced to the Club more than five times in one year, and should always be encouraged to apply for membership of the Club. Every member shall be responsible for the conduct of the guests introduced by him while on the Club's premises and shall ensure that such guests comply with all relevant provisions of the Club's Constitution, Rules and Bye-Laws, and shall be liable for any loss, damage or injury caused by such guest and shall indemnify the Club against any claims for loss, damage or injury made against the Club by such guest.

8. ELECTION AND EXPULSION OF MEMBERS

8.1 Ordinary, Family, Veteran, Country and Junior Members

8.1.1 A person wishing to join the Club shall be proposed by a Voting member and seconded by another, both of whom shall have been members for not less than six (6) months and shall apply in such manner and furnish information as the Committee may from time to time determine. It shall be the proposer and seconder's responsibility to invite the prospective members to the Club and to introduce the prospective members to at least two members of the Committee.

8.1.2 The prescribed application form, properly completed, together with the required entrance fee and relevant pro rata annual subscription shall be handed or posted to the Secretary.

8.1.3 All proposals for membership shall be posted on the Club notice board for a period of not less than twenty one (21) days prior to being considered by the Committee. Any member having any information, which he considers relevant to such proposal, shall be entitled to bring such information to the attention of the Committee within such twenty one (21) day period. The provisions of this clause shall not apply to Visiting Members.

8.1.4 The election of members shall be vested in the Committee, who shall vote by secret ballot. A two-thirds majority of the members present at a properly constituted Committee meeting shall be required to approve a membership application. The Committee shall not be obliged to furnish reasons for any decision. The Treasurer shall notify applications of the decision of the Committee and if the membership application has been turned down refund the entrance fee and subscription. A rejected candidate may not be proposed again for at least six (6) months after his rejection.

8.1.5 Any person elected as a member of the Club shall be bound by the Constitution, rules and byelaws of the Club in force from time to time.

8.1.6 A member, other than an Honorary or Visiting Member, wishing to transfer from one class of membership to another may do so on application in writing to the Committee without the need of again complying with paragraphs 8.1.1 and 8.1.4.

8.1.7 No member shall have any right, title or interest in or to the property or funds of the Club.

8.2. Life Members

Life Members shall be members who have applied for and been accepted as Life Members and have paid the required fee for Life Membership.

8.3. Honorary Life Members

Honorary Life Members may be proposed by Voting Members of the Club for exceptional and distinguished services to the Club. Proposals for Honorary Life Membership shall be in writing with a motivation for the honour. Such proposals shall be supported by at least five Voting Members of the Club and shall be presented to the Committee for consideration. Award of Honorary Life Membership shall require an acceptance vote of at least two thirds of Committee members. The names of persons elected to such membership shall be made known to the Club at the next Annual General Meeting.

8.4. Visiting Members

Visitors to the area shall be introduced to at least one member of the Committee by a Voting Member of the Club. They shall as

Visiting Members be entitled to use the Club facilities after completing the prescribed application form and payment of the required fee and after their application form has been countersigned by a member of the Committee.

- 8.5. A member shall cease to be a member:
  - 8.5.1. upon his death or resignation:
  - 8.5.2. if his estate is sequestrated or he is convicted in a court of law of some grave offence, provided that in either case the Committee may reinstate him subject to such conditions as it deems fit if he applies for such reinstatement:
  - 8.5.3. if his membership is terminated in terms of any other provision of this Constitution.

9. ENTRANCE AND SUBSCRIPTION FEES

- 9.1. The entrance subscription and boat parking fees shall be as determined from time to time by the Committee provided that –
  - 9.1.1. A Member, other than an Honorary member or a Visiting member, shall not be required to pay any additional entrance fee when transferring from one category of membership to another
  - 9.1.2. The entrance fees, subscriptions, and boat parking charges so determined shall be subject to confirmation at a General Meeting to be held within three (3) months of such determination and shall be deemed to have been so confirmed, unless rejected by two-thirds majority of such a General Meeting. The Committee may waive the requirement that entrance fees be paid, or may reduce the amount of fees at such times or for such period as it determines, if it deems it appropriate.  
A member who resigns in good standing and subsequently re-applies for membership shall not pay an Entrance fee.
- 9.2. All subscriptions as determined by the Committee in terms of 9.1 shall be in respect of the financial year, and shall fall due on 1 August of that year and shall be paid in full within 30 days of due date.
- 9.3. Members elected to membership during the course of a year will be liable for a pro rata share of the annual subscription for the current financial year as from the first day of the month in which they are elected to membership.
- 9.4. Entrance and subscription fees shall be payable at the time of a person applying to join the Club.
- 9.5. The Committee shall be entitled, on good cause shown, to enable the subscription payable by any Member to be paid in installments over such period and upon such terms as the Committee may decide.
- 9.6. Any member intending to resign from the Club shall in writing notify the Treasurer of such resignation.
- 9.7. A Member who has been expelled or suspended, or who has resigned:
  - 9.7.1. shall remain liable for such payments, fees, subscriptions and boat parking fee charges still due and unpaid by him;
  - 9.7.2. shall not be entitled to recover any sums by reason of the termination or suspension of his membership prior to the end of the current financial year.
- 9.8. Any Member who fails to pay any amount owing to the Club, irrespective of the cause of the debt, within three (3) months of due date shall cease to be a Member of the Club and his name shall be posted on the Club notice board, provided that the Committee shall be entitled on good cause to grant a Member extended terms for the payment of his subscription or boat parking fee.
- 9.9. The Committee shall be entitled to impose such penalty in respect of overdue payments by members as it may consider appropriate in the circumstances.
- 9.10. The various classes of membership shall pay the following annual subscriptions, based on the basic subscription, rounded to the nearest R 5.00

Voting Members	Ordinary Members	Basic Fee
	Family Members	1.5 basic fee
	Veteran Members	0.5 basic fee
	Veteran Family	0.75 basic fee
	Student Members	0.3 basic fee
Life Members	10 times basic fee in one payment	
Associate Members	Country Members	0.5 basic fee
	Country Family Members	0.75 basic fee
	Country Veteran Members	0.25 basic fee
	Junior Members	0.3 basic fee
	Visiting Members	0.3 basic fee per month

- 9.11 Entrance Fee
  - 9.11.1 All classes of membership except Honorary, Junior or Visiting Membership: Basic Fee.
  - 9.11.2 Junior Membership: 0.3 times the Basic Fee
  - 9.11.3 Student, Honorary, Visiting members: No entrance fee.

10. CLUB RECORDS AND ACCOUNTING

10.1. The Committee shall keep records of the Club's affairs. Such records shall as a minimum address the following matters:

10.1.1 Minutes of all Committee Meetings and General Meetings, together with all reports tabled at such meetings by the respective Members of the Committee or other parties. These shall be signed by the Commodore for identification purposes and affixed into a minute book. The minutes shall record the attendance and apologies, the existence of the necessary quorum, and all resolutions proposed to the meeting together with the results of voting thereon.

10.1.2 A register of Members containing applicable membership data.

10.1.3 All original application forms duly signed, containing both past and present members.

10.1.4 A register of external persons that the Club maintains contact with.

10.1.5 Copies of incoming and outgoing correspondence between the Club and its Members and the Club and external persons including sponsors, other clubs and sailing associations

10.1.6 The current and prior Constitutions, rules and byelaws of the Club and all current forms in use by the Club.

10.1.7 Club newsletters.

10.1.8 Press cuttings in which the Club is mentioned

10.1.9 Record of hiring out of the Club premises

10.1.10 Sailing records, including results and prizes.

10.2. Wherever feasible, in addition to paper based records, the Committee shall cause that electronic records are kept and that secure backup copies are made.

10.3. The Committee shall cause that financial books of account be kept by a qualified and experienced bookkeeper, and that annual financial statements and income tax returns be prepared by a qualified and experienced accountant in accordance with generally accepted accounting practice and taxation legislation. Such persons may be Members of the Club but not also of the Committee, and may be engaged by the Committee on such fee basis as the Committee may agree to. The Treasurer shall co-ordinate information flow between the Committee and the said persons, and shall receive and present reports from them for the purposes of Committee and General meetings.

10.4 The annual financial statements prepared in accordance with 10.3 shall be presented to the Annual General Meeting by the Treasurer for adoption. If required by a two thirds majority of those present at such meeting, the Committee shall cause the said annual financial statements to be reviewed by an independent professional accountant in accordance with the rules of his professional association governing such review work, and shall thereafter inform the Members of the outcome of such review. This may be done at the subsequent Annual General Meeting.

10.5. The Committee shall operate a Club banking account with such bank or banks as the Committee may decide. All cheques drawn on account of the Club shall be signed by at least two (2) of three (3) appointed signatories on the Committee. The Commodore shall be one of these three approved signatories. The Committee shall register with the said bank or banks for internet banking, and in lieu of cheques may make electronic fund transfers. These shall be authorised on the bank's secure electronic platform by two of three appointed signatories.

10.6. The Club's financial transactions shall be conducted by means of the Club's bank account or accounts. However it shall be permissible to transact using the Club's petty cash for specific events or purposes approved by the Committee.

10.7. The Club's financial year end shall be 30 April each year.

11. COMMITTEE

11.1. The affairs of the Club shall be managed by a Committee which shall consist of –

11.1.1. The President

The President shall act as the trustee of the Club, and shall preside at all social functions. The President shall chair all General meetings. The President may be present at all Committee meetings with a voice and a vote in matters discussed.

11.1.2. The Flag Officers, being the Commodore, Vice-Commodore and Rear-Commodore

The Commodore shall be the chairman of the Committee and is responsible for the overall well being and running of the Club. The Commodore shall be an Ex Officio member of all sub committees that may, from time to time, be formed and shall have a voice and vote in matters discussed.

The Vice Commodore shall be responsible for the house, grounds and equipment of the Club, and shall be responsible for the management and allocation of boat sheds in accordance with the provisions of the Club's bye laws.

The Rear Commodore shall be responsible for all sailing matters of the Club.

- 11.1.3. A Treasurer,  
The Treasurer shall control the Club finances in accordance with the provisions of clause 10.3 and 10.4 and shall maintain the records itemised in clauses 10.1.2 and 10.1.3 which deal with membership matters.
- 11.1.4. A Secretary,  
The Secretary shall handle correspondence and keep a record of the Club's affairs in accordance with clause 10.1, other than the correspondence and records for which the Treasurer is responsible.
- 11.1.5. A Bosun,  
The Bosun is responsible for the operation and maintenance of all Club, Bridge and Rescue vessels and sailing equipment.
- 11.1.6. A Public relations officer,  
The public relations officer shall be responsible for promoting the Clubs interests and publicizing all official Club events. The public relations officer is responsible for producing all Club newsletters and reports for relevant local publications.
- 11.1.7. A Steward,  
The Steward shall be responsible for the operation of the galley and all Club catering.
- 11.1.8. A Development Officer  
The development officer shall be responsible for recruitment and training of new sailors, especially junior sailors. The development officer is responsible for operation and maintenance of all Club training boats, and also for liaison with the South African Sailing Development officer.
- 11.1.9. And two Committee members if deemed necessary, who may be co-opted.
- 11.2. The Committee shall be elected annually at the Annual General Meeting provided that:
- 11.2.1. only Voting members, who have been members of the Club for at least one year, shall be members of the Committee;
- 11.2.2. at least two of the Flag Officers shall have been members of the Committee for, at least, one year;
- 11.3. The Committee shall meet once a month or more often if necessary and shall keep proper minutes of its proceedings.
- 11.4. A quorum of the Committee shall consist of five (5) members, at least one of whom shall be a Flag Officer.
- 11.5. The Commodore or in his absence another Flag Officer present shall act as chairman at committee meetings. The chairman shall have a casting vote.
- 11.6. Decisions of the Committee shall be taken by consensus where ever possible. In the absence of consensus, the matter in question shall be put to the vote, and the votes shall be counted. The majority vote shall be regarded as the decision of the Committee and shall be binding on all members of the Committee. In the event of the votes for and against the matter being equal, the chairperson shall have a second or casting vote.
- 11.7. A Committee member shall cease to hold office if -
- 11.7.1. he ceases to be a member of the Club;
- 11.7.2. he resigns from office;
- 11.7.3. the Committee by the decision of three-quarters of its members resolves that his membership of the Committee should for good reason terminate such as a dereliction of his duties as a Committee member provided that the Committee member shall have the right to appeal to a Special General Meeting of members convened for such purpose against such decision.
- 11.8. Not later than 15 May each year the Committee shall cause a notice calling for nominations for the Committee to be posted on the Club notice board and sent to all Voting Members. Notice may be given to the member by electronic mail, in which event it shall not be necessary to mail a notice to such members.
- 11.8.1. Nominations for the Committee shall be in writing, shall be signed by the Proposer, Seconder and the Nominee, and shall be lodged with the Secretary of the Club by not later than commencement of the Annual General Meeting at which the election is to take place. Only Voting Members shall be eligible to nominate or second Committee Members.
- 11.8.2. If no nominations for a vacant position are received, a vacancy shall be declared.
- 11.9. Any vacancy occurring on the Committee during its term of office may be filled by co-opting a Voting Member to the vacant position. Such co-opted member shall hold office until the next Annual General meeting. Members shall be informed of any co-option as soon as practically possible.
- 11.10. It shall be permissible for the Development Officer or other member or members of the Committee to be directly or indirectly linked to

an independent sailing school that has been permitted by the Committee to operate on the Club's premises in terms of a written agreement. Where a conflict of interest may arise regarding any matter before the Committee, such Committee members shall not participate in any vote thereon, and any other Committee member, acting solely or with the support of other Committee members, may require the said members to be recused from the matter in question.

## 12. POWERS OF THE COMMITTEE

The Committee shall have power -

- 12.1. to buy, sell, let, hire, exchange, transfer, receive by way of donation or otherwise, movable and immovable property, including debentures, stocks and shares.
- 12.2. to borrow money on the security of immoveable property, and pass mortgage bonds on the same, provided that all loans shall first be approved by the Club in a general meeting;
- 12.3. generally to deal with the property and funds of the Club for the purposes of the Club, provided that capital expenditure exceeding 50% of the Clubs annual income shall first be approved by the Club in a general meeting;
- 12.4. to institute and defend legal proceedings in the Club's name and perform all legal acts and execute such legal documents as may be necessary;
- 12.5. to make, amend and rescind rules and bye-laws not inconsistent with this Constitution for the regulation of the affairs of the Club; all such rules and bye-laws shall be notified to members as soon as possible after adoption by means of publication in the first newsletter following adoption and shall be recorded by the Secretary in a book kept specially for that purpose. A copy of the Club Bylaws shall be permanently posted on the Clubs notice board;
- 12.6. to co-opt additional members for the purpose of serving in a temporary capacity on the Committee or any sub-committee;
- 12.7. to appoint sub-committees, consisting of a convenient number of members, for any special purposes;
- 12.8. to consider and decide applications for membership;
- 12.9. to arrange terms of reciprocity and affiliation with other clubs, should they consider it in the interests of the Club;
- 12.10. to determine, from time to time, all fees by each class of member in accordance with the provisions of clause 9 and 13.1.3
- 12.11. to appoint and terminate the employment of staff for the Club and to arrange their conditions of employment and remuneration;
- 12.12. generally to administer and manage the affairs of the Club;
- 12.13. to review decisions of the Disciplinary Sub Committee in terms of 21.2 and to hear appeals in terms of 21.3
- 12.14. to appoint the Club's bookkeeper, accountant and any person appointed to review the annual financial statements.

## 13. GENERAL MEETINGS

- 13.1. The Annual General Meeting of the Club shall be held during June of every year on such date and place as the Committee may determine for the purpose of -
  - 13.1.1. presentation and acceptance of the annual report of the outgoing Committee;
  - 13.1.2. presentation of the financial statements for the preceding financial year ended 30 April;
  - 13.1.3. confirmation of the entrance fees, subscriptions and boat parking fees for the current financial year in accordance with the provisions of clause 12.10;
  - 13.1.4. election of a President, and introduction of Honorary Life members, if any;
  - 13.1.5. election of the Committee for the ensuing year;
  - 13.1.6. general business.
- 13.2. Special General Meetings of the Club may be held at any time determined by the Committee, provided that the Committee shall convene a Special General Meeting if requested thereto in writing by not less than ten (10) Voting members stating the purpose of the meeting.
- 13.3. A Special General Meeting shall have the power to raise, discuss and decide only such specific matters as have been set out for consideration in the notice of the meeting.
- 13.4. General Meetings shall be convened by the Committee, who shall give notice thereof on the Club notice board and in writing to all members; such notices shall be displayed and posted, as the case may be, not less than 21 (twenty one) days prior to the holding of the meetings and shall set out the agenda. Notice may be given to the member by electronic mail, in which event it shall not be necessary to post a notice to such member.
- 13.5. A quorum shall consist of not less than ten (10) Voting Members and Two Flag Officers of the Club present in person. No business shall be transacted at any general meeting unless a quorum is present, provided that if a quorum is not present at an Annual General Meeting within 15 minutes of the time stipulated for the meeting, the meeting shall stand adjourned to the same time the following week and the Voting Members then present shall form a quorum
- 13.6. The President, or in his absence the senior flag officer present shall preside as chairman at every general meeting.



- 13.7. The chairman may, with the consent of any meeting at which a quorum is present and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting, other than the business left unfinished at the meeting at which the adjournment took place. In the event of a meeting being adjourned, notice of the adjourned date for the meeting shall forthwith be placed on the Club notice board.
- 13.8. At any general meeting, a resolution put to the vote of the meeting shall be decided by Voting Members on a show of hands, save that the election of Committee members at Annual General Meetings shall be by ballot. A declaration by the chairman that a resolution has on a show of hands been carried, or carried unanimously, or by a particular majority, or rejected, and an entry to that effect in the book containing the Minutes of the proceedings of the meeting shall be conclusive evidence of the fact, without proof, of the number or proportion of the votes recorded in favour of or against such resolution. In the case of an equality of votes, the chairman of the meeting shall be entitled to a second or casting vote.
- 13.9. Every Voting Member present at any general meeting shall have one vote. Other classes of members may attend and with the consent of the chairman address the meeting, but shall not have any vote.
- 13.10. A member who is eligible to attend and vote at an Annual General Meeting but who will not be able to attend the Annual General Meeting shall be entitled to cast a special vote in regard to the election of Committee members in accordance with the following provisions:
- 13.10.1. the member shall submit a signed proxy authority to a Voting Member attending the meeting in person;
- 13.10.2. the proxy vote shall be counted at the time of counting the votes cast at the Annual General Meeting at which the relevant election takes place, by the adjudicators who are appointed at the meeting for the counting of the votes.
- 13.10.3. A Voting Member may only carry one proxy vote.
14. PROHIBITION AGAINST THE USE OF THE CLUB FOR BUSINESS
- 14.1. No Member shall use the Club address on any communication intended to appear in any newspaper, periodical or publication, or for use on radio or television, except such communications as may be authorized in writing by the Committee, nor shall any member use the Club address for business purposes.
- 14.2. No Member shall carry on any business activities from the Club premises unless authorized in writing by the Committee.
- 14.3. No person shall be eligible to be or continue as a member of the Club who, in the opinion of the Committee, abuses for business reasons the privileges of membership.
15. MISCELLANEOUS PROVISIONS
- 15.1. It shall be the responsibility of every Member to advise the Treasurer in writing of any change in his or her addresses.
- 15.2. Any notice or communication of whatever kind to a member shall, on being posted, bearing such address as at the time of posting is recorded in the Club's records or transmitted by electronic mail to such an e-mail address as is recorded in the Club's records, be deemed for all purposes to have been received by such member within seven days of its being placed in the mail.
- 15.3. The accidental omission to give notice of any meeting to any person or persons entitled to be present there at shall not invalidate the proceedings at that meeting.
- 15.4. Any making, alteration or repeal of a bye-law by the Committee shall be notified on the Club notice board for a period of two weeks and shall only on the lapse of such period become effective and binding.
- 15.5. Club members shall be entitled to attend all committee meetings as observers without either voice or vote at such meetings. They shall however leave the committee room if so requested by the chairman.
- 15.6. Should a member fail to discharge a debt owing by him to the Club on due date, he may be treated by the Committee as a member who has failed to pay his subscription on due date.
16. LEGAL STATUS
- 16.1. The Club shall be a body corporate and shall have an identity and existence distinct from its members or office-bearers.
- 16.2. The Club shall be able to institute and defend legal proceedings and execute all legal acts in its own name.
- 16.3. The Club shall continue to exist notwithstanding changes in the composition of its membership or office bearers.
- 16.4. The members or office-bearers shall have no rights in the property or other assets of the Club solely by virtue of their being members or office bearers.
- 16.5. The Club chooses domicilium citandi et executandi at its Club premises, Island Lake, Wilderness.
- 16.6. All legal documents shall be executed on behalf of the Club by the Commodore or failing him the next Flag Officer available.
- 16.7. The Club's income and property are not distributable to its members or office bearers, except as reasonable compensation for services rendered.
- 16.8. No member, nor any guest shall have any right of action against the Club for any damage suffered by him through any default or

- neglect of the Club or its servants.
- 16.9. On approval by the Committee any member of the Committee or a Sub-Committee, agent or servant of the Club, shall be indemnified out of the Club's funds against all costs, charges, expenses, losses and liabilities incurred by him in the conduct of the Club's business or in the discharge of his duties.
- 16.10. No such person (see clause 16.6) shall be liable for the acts or omissions of any other such person by reason of his having joined in any receipt of money not received by him personally, or for any loss on account of defect of title to any property acquired by the Club or on account of the insufficiency of any security in or upon which any monies of the Club shall be invested or for any loss incurred upon any ground whatsoever other than his own wilful acts of default.
17. RULES AND AMENDMENTS
- 17.1. The Committee shall have power to make rules relating to the conduct of its own proceedings or the proceedings of the Club in general meetings, provided that any rules so made may be amended by a vote of at least two-thirds of Voting Members present at the meeting.
- 17.2. If any dispute should arise at any committee or general meeting in regard to the interpretation of the constitution, the chairman of the meeting shall rule thereon, provided that such ruling may be amended by a vote of at least two-thirds of Voting Members present at the meeting.
18. DISSOLUTION
- 18.1. The Club may be dissolved, or merged with another club with similar purposes and objects, in each case only -
- 18.1.1. on a resolution passed by not less than two-thirds of Voting Members present at a duly constituted general meeting of members; or
- 18.1.2. on an application to the Supreme Court by any Voting Members on the grounds that the Club has become dormant or is unable to fulfil its purposes and objects,
- 18.2. On merger, the assets of the Club shall accrue to the club with which the merger is effected.
- 18.3. On dissolution, the assets of the Club shall be realized by a liquidator appointed by the general meeting or the court, as the case may be, and the proceeds shall be donated to such club having similar objects to this Club as the meeting or court may decide.
19. LIABILITY OF MEMBERS.
- 19.1. The liability of Club members shall be limited to the amounts which may be owing by them to the Club.
- 19.2. The Club's office-bearers shall not be personally liable for any loss suffered by any person as a result of an act or omission which occurs in good faith while the office-bearer is performing functions for or on behalf of the Club
20. LOSS, DAMAGE OR ACCIDENT.
- 20.1. Damage to Club Property.  
A member shall make good or pay for the repair of damage done to Club property by the member or guests introduced to the Club by the member.
- 20.2. Damage to Members' Property.  
The Club shall not be responsible for any damage or loss to any property of any member or members' guests.
- 20.3. Injury to Persons.  
The Club shall not accept any liability for injury to members or their guests on Club property, including but not limited to, boats, jetties, buildings or playgrounds.
21. DISCIPLINARY PROCEEDINGS
- 21.1. There shall be a Disciplinary Sub-Committee which shall -
- 21.1.1. consist of the President or in his absence a Flag Officer (who shall act as chairman of the sub-committee) and such number of Voting members as may be appointed by the Committee from time to time;
- 21.1.2. have power to inquire into and decide on charges against members, and to impose such penalty, including fines, as they deem fit including the right to suspend or expel members who have duly been found guilty of -
- 21.1.2.1. a willful breach of the provisions of this Constitution or of the bye-laws made hereunder;
- 21.1.2.2. conduct prejudicial to the interests or reputation of the Club; or
- 21.1.2.3. conduct unbecoming a reasonable person; or
- 21.1.2.4. non-payment of any amount owing by a member to the Club including any fine imposed by the sub-committee;
- 21.1.3. have power to summarily suspend a member pending an enquiry in terms of 21.1.2 if the Committee considers that the circumstances warrant such a suspension provided that the enquiry in terms of 21.1.2 shall in that event take place within 21 days of such suspension.

- 21.2. All suspensions exceeding three (3) months in duration, expulsions and fines exceeding Fifty Percent (50%) of subscriptions current from time to time for Voting Members shall be subject to automatic review by the Committee.
- 21.3. An appeal shall lie from any decision or order made by the disciplinary sub committee to the Committee, provided that -
  - 21.3.1. a notice of appeal shall be lodged with the Secretary within seven (7) days of the date of the decision or order appealed against;
  - 21.3.2. the quorum of the Committee at the hearing of such appeal shall be five (5); and the Committee shall have the power to confirm, alter or set aside in any manner whatever any such decision or order.
- 21.4. A member summonsed to appear before the Disciplinary Sub-Committee shall be notified in writing by registered mail to their address fourteen (14) days prior to the hearing.
- 21.5. The decision of the Disciplinary Sub-Committee will be given in writing to the member.
- 21.6. Junior Members must have a guardian present at the hearing.
- 21.7. Members may have a representative present at a hearing if they so wish.
- 21.8. Members shall not be entitled to professional legal representation at any disciplinary hearing or at the appeal from its findings unless the chairman of the tribunal concerned so rules.

22. INTERPRETATION

- In this constitution and any bye-laws thereunder, unless repugnant to the context -
- 22.1. the singular shall include the plural and vice versa;
  - 22.2. the masculine gender shall include female gender;

September 2004  
Amended June 2016

DAVID LAING  
Commodore



27/06/16

Amended June 2019

DAVID LAING  
Commodore



24/06/19