

Swansea Yacht and Sub Aqua Club

RULES

1. Name

The name of the Club shall be: -

"THE SWANSEA YACHT AND SUB AQUA CLUB".

2. Objects

The objects of the club are: -

(a) The furtherance and encouragement of Yachting, Boating and Sub Aqua Diving with their associated non political, sporting, recreational and social activities.

(b) To help provide people of all ages with the training, confidence, knowledge & skill to enjoy and confront as safely as possible the challenges of the sea.

(c) To provide and maintain a suitable clubhouse and Sub Aqua base at Pockett's Wharf, East Burrows Road, South Dock, Swansea and the marina at the River Tawe Swansea for the use of members.

(d) The club is a non-profit making organisation. All profits and surpluses will be used to maintain or improve the club's facilities. No profit or surplus will be distributed

3. Club Insignia

The Club Flag shall be the British Red Ensign, the Burgee to be a blue triangular flag with a maroon band from each corner to the centre, a yellow ship's wheel in the centre and the initials S.Y.S.A.C. in white on the hoist.

4. Membership

The Club shall consist of: -

Life Members, Honorary Members, Ordinary Members (aged over eighteen), Existing Ordinary Members (including their children who are either under eighteen years or students in full time education), Joint Members (including their children who are either under eighteen years or students continuing in full time education), Cadet Members (10-18 years or students continuing in full time education), Associate Members, Lunch Club Members, Local Social Members and Temporary Members (see paragraph 21).

Honorary Members, Cadets, Associate Members, Lunch Club Members, Local Social shall not be entitled: -

(i) To be members of the Executive Committee.

(ii) To take part in convening any General Meeting.

(iii) To vote at any General Meeting except in the case of Cadet Members who may elect from amongst themselves one representative who has the right to vote at a General Meeting.

(iv) To introduce any visitor to the club with the exception of Local social members and of Lunch Club members (who may introduce visitors to the club only during the lunchtime period).

(a) Life Members:

At a General Meeting, Life Members may be elected for services rendered to the State or Club or for any such other reason as the General Meeting shall determine and they shall not be liable to pay any joining fee or subscription, but so that the number of Life Members shall not be significant in proportion to the total membership of the Club.

(b) Honorary Members:

The Executive Committee shall have power to elect any person an Honorary Member of the Club for any period not exceeding twelve months. Honorary Members shall not be required to pay any joining fee or subscription, and shall be eligible for re-election.

(c) Ordinary Members:

Any persons over the age of 18 years shall be eligible to be Ordinary Members.

(d) Existing Ordinary Members: (Including their children who are either under eighteen years or students in full time education).

(e) Joint Members.

Joint Member to include two adult partners living together in the same household, including their children who are either under eighteen years or students continuing in full time education.

(f) Cadet Members:

Members who have attained their tenth birthday shall be Cadet Members until the end of the year in which they attain their eighteenth birthday or students continuing in full time education.

(g) Associate Members:

Persons working or living in close proximity to the Club being members of such Organisations or Community Residences as the Committee approve, (ii) Persons being members of another bona fide Yacht, Boat, Sub Aqua Diving Club or such other Club and (iii) Swansea Marina Berth holders, visitors and their crew during the period 1st May through 30th September and (iii) Boat owners introduced by local boat brokers (as defined by the Executive Committee from time to time) for a period of time as specified by the Executive Committee from time to time. May in the case of (i) upon a decision by the Executive Committee or in the case of (ii) and (iii) on proof of current membership of such other Yacht, Boat or Sub Aqua Club or berth at Swansea Marina be admitted to the Club as Associate Members. The annual subscription of an Associate Member who shall not be liable to pay any joining fee shall be such sum as the Executive Committee may from time to time determine and at the discretion of the Executive Committee an Associate Member may be allowed to pay a reduced subscription for any period less than a year. In addition to the exclusions in paragraph 4, Membership, sub paragraphs (i) - (iv) an Associate Member shall not take part in the management or vote at any ballot of the club or have any car parking facilities. At no time shall the number of Associate Members become more than 10% in proportion to the total membership of the Club

(h) Social Members

Any person who supports the objectives and goals of the club, who wishes to use the club's facilities to further their interest in the club's sporting activities. Social Members will not be entitled to use the car parking facilities.

(i) Overseas Members

Any Full & Joint member of the club who are travelling abroad for a period of 12 months or more, who do not wish to resign or lapse their membership. Overseas members shall not be entitled to vote at any AGM

(j) Persons who are been trained to dive by the diving section of the club and who join the club in the first year following their qualification duly stamped by the diving section membership secretary. Such members will pay a reduced subscription for the clubhouse membership and a reduced diving supplement for the first year of membership only which will be set annually by the executive committee. Newly Qualified diver member shall not take part in the management of the club or vote at any ballot of the club or have any car parking facilities or be eligible to serve in any capacity on any committee of the club. (including co-opted positions).

(k) Applicants for membership shall be proposed by one full member of the Club, and seconded by another, to both of whom the applicant shall be personally known. The application shall be made on the form prescribed by the Executive Committee which form shall bear the signature of the Proposer and Seconder and be sent to the Membership Secretary.

(l) The names of applicants for membership shall be placed before the Executive Committee, which shall have the right to accept or reject an application without giving any reason for its decision after the proposal form has been affixed to the Club's Notice Board for not less than 14 days. On election by the Executive Committee the name of the applicants shall be entered on the Register of Members. On election the new member shall be so informed in writing and requested to pay the joining fee and subscription to the Honorary Treasurer. On receipt of the joining fee and subscription the new member will be provided with a copy of the rules.

(m) The spouse of a fully paid up Ordinary Member shall be included as a Social Member without payment of any fee.

(n) Membership of the Club and acceptance of its rules by the member will constitute consent to the holding of relevant personal data for the

purpose of the Data Protection Act 1984.

(o) The total membership of the club at any one time shall not exceed 1600 persons save that the Committee may review such limit at its discretion when appropriate, always provided that a Swansea Yacht & Sub Aqua Club trained diver or partner in a berthing arrangement shall be eligible for membership.

(p) Membership of the club is open and not unreasonably restricted on the grounds of sex, race or of political, religious or other opinions to any person who is prepared to accept and support the objectives of the club.

(q) Only voting members or Cadet members are permitted to join the Diving Section of the Club

(r) Every member shall be obliged to furnish the Club Office, or Honorary Secretary as appropriate with an up to date address which shall be recorded in the register of Members and any notices sent to such an address shall be deemed to have been delivered. Failure to comply may result in an administration charge as seen fit at that time.

5. Subscriptions

(a) There shall be a joining fee and annual subscription payable on March 1st in each year by all members, as determined from time to time by the Executive Committee. Any alteration in the yearly subscription shall only become operative from the 1st March following the Annual General Meeting at which the announcement is made. Save that the Executive Committee shall not be entitled to increase the membership subscription of any voting category of membership by more than 10% in any year unless such increase shall be sanctioned by a simple majority of members present at an Annual or Special General Meeting of the Club.

(b) Should a members' subscription not be paid by March 14th in any year, the Honorary Treasurer shall write to him or her requesting payment and if the subscription shall not be received by the treasurer by March 31st of that year, unless the member can provide an explanation acceptable to the Executive Committee he or she shall cease to be a member of the Club.

(c) There shall be a reduction in fees, as determined from time to time by the Executive Committee, for Old Age Pensioners with not less than 5 years membership, upon application by such members.

(d) Members joining the Club during December, January and February shall pay the full rate to take them to the 28th February of the following year.

(e) Berth holders, Divers and full members on the waiting list for a berth are required to spend an annual limit at the Galley and / or Bar (excluding functions or products not consumed at the clubhouse), during the period 1st November to 31st October of each year.

The annual limit is set by the executive committee and approved by members at the Annual General Meeting by a simple majority with a show of hands. If a member's spend fails to reach the annual limit, then the member will be surcharged the difference of the actual spend and the annual limit. If a member's spend does not reach the annual limit in 2 consecutive years, the surcharge will be doubled and remain at this rate until the annual limit is achieved. Members surcharged at the doubled rate will be called to an Executive meeting for an explanation.

Members are responsible to swipe their cards at the point of sale to record the transaction. A summary of member's spend will be made available periodically at the club office. A reward scheme will be implemented at the discretion of the Executive Committee.

(f) The use of the car parking facility will be primarily for the use of the Berth Holder and Diving Sections whilst using their boats or engaged in diving activities and an annual fee of £35 will be set for these sections. New full Members (who are not Berth Holders or members of the Diving Section who pay their diving supplement) and who join the club (or rejoin after resigning) will not be entitled to use the car park. The car park annual fee may be varied in November each year at the discretion of the Executive committee when the club fees are set.

6. Resignations

Any member may resign his or her membership by giving to the Honorary Secretary notice in writing to that effect on or before the last day of February. Failing which the member shall be liable for the subscription becoming due on March 1st following.

7. Officers

(a) The Officers of the Club shall consist of a Commodore, Vice Commodore, Rear Commodore, Honorary Treasurer, Honorary Secretary and Membership Secretary.

(b) The Commodore, Vice Commodore and Rear Commodore shall be deemed 'Flag Officers' of the Club, as defined by current flag etiquette.

(c) To hold such Office, The Commodore, Vice Commodore, Rear Commodore must have first served as Members of the Executive Committee for a period of not less than one year.

(d) The Commodore shall be elected for a period of two years and will retire at the expiry of that period of office. The retiring Commodore will not be eligible for election to any Executive Committee post until the second Annual General Meeting following their retirement.

(e) The Vice Commodore shall automatically be elected to the office of Commodore unless a proposal is received (countersigned by at least twenty-five club members) requesting that an election takes place at the Annual General Meeting.

(f) The Commodore shall be responsible for Staff Training and Health and Safety matters.

The Vice Commodore shall be responsible for the Clubhouse and Bar

The Rear Commodore shall be responsible for the Galley.

(g) Elections for Vice Commodore, Rear Commodore, Secretary, Treasurer and Membership Secretary shall take place annually. However, such Officers may continue to serve for an indefinite period, subject to the result of said elections

8. Annual Meeting

The Club year shall end on the last day of February. The Annual General Meeting shall be held at such time as the committee deem fit within three months of the first day of March in each year, but so that fifteen months shall not elapse without a General Meeting. Twenty one (21) days notice at least specifying the place, day, hour and business of the meeting shall be sent to each member. Nominations for Officers and Committee shall be sent to the Secretary, in writing, not less than five days before the date of such meeting, and shall contain the consent of the person nominated.

Provided that copies of outstanding Minutes from previous Annual General meetings and/or Special General Meetings are sent to all members with or before the notice calling the next General meeting, such Minutes may be taken "as read" at that meeting.

The Annual Balance Sheet, Certified Audited Accounts and Proposed Budgeting Profiles for the year ahead shall be exhibited in the Club premises at least fourteen days before the date of the Annual General Meeting. The Secretary shall display the last day for any new Annual General Meeting proposals to be included in the agenda on the notice board at least 14 days before that day.

9. Management

The Management of the Club shall be conducted by the Executive Committee as hereinafter defined. Quarterly forums will be held so that members can be kept up-to-date with, and be able to discuss what is happening and planned within the sphere of the Club.

10. Executive Committee

(a) The Executive Committee shall consist of twelve members, at least eight of which must be either Berth Holders or Divers (or both).

(b) The Executive Committee shall be constituted as follows:

(i) Six Club Officers as defined in Rule 7(a) above.

(ii) Two members of the berth holders section as defined by Rule 10A(a) below and elected at a general meeting of the Berth Holders Section.

(iii) Two members of the diving section as defined by Rule 10B(a) below and elected at a general meeting of the Diving Section. (iv) Two Ordinary Members appointed by the whole of the club at the Annual General Meeting.

(c) (i) Ordinary members of the committee shall be elected for a period of two years and will not be eligible for re election until the second Annual General Meeting following their retirement.

(ii) Two Berth Holders and Diving representatives of the committee shall be elected by Berth Holder members and the Diving members at their respective Annual General Meetings. The elected representatives can remain for a maximum period of five years and will not be eligible for re election until the second Annual General Meeting following their retirement.

(d) At least one Berthing, Diving and Ordinary Executive Committee Member will be elected each year in order to replace either the longest serving Member, or the Member with the least votes who represented the respective section.

(e) Before any election to the Executive Committee, a candidate must declare if they are a member of more than one section at the general

meeting of the relevant section at which the election is held and to the Executive Committee if successfully elected.(f) Life Members of the Club may not serve on the Executive Committee.

(g) If a member of the Executive Committee is absent for three consecutive meetings without a satisfactory explanation to the Honorary Secretary, it shall be considered that he or she wishes to resign from the Executive Committee.

(h) The Executive Committee shall have power to fill vacancies in office until the next Annual General Meeting and shall also have power to co-opt members with special qualifications for such time as they think necessary but such members will have no vote at any Executive Committee Meeting.

(i) The Executive Committee shall meet at least bi-monthly, or at any time upon the written request of seven members of the Executive Committee.

(j) The Senior Flag Officer present shall preside at all Committee Meetings, and if none are present then the Committee shall vote a Chairperson from among their number.

(k) All Committee decisions shall normally be made by a show of hands, but the chairperson shall have the power to take a ballot. Any such ballot shall be made by each member on a separate unidentifiable slip of paper scrutinised by two members of the Committee. In the event of a tie the Chairperson of the meeting shall have a second or casting vote.

(l) The Committee shall appoint Sub-Committees should they deem it necessary from other members of the Committee with powers to co-opt any other members of the Club. The Officers of the Club are ex-officio members of all Sup-Committees.

(m) The Committee by a simple majority may, and shall at the requisition of any twenty five ordinary members stating the business for which it is required, instruct the Honorary Secretary to call a Special General Meeting of members and such notice calling a Special General Meeting shall be sent through the post at least twenty-one clear days before the date of the proposed meeting. When the Special General Meeting is to be held at the request of twenty-five members the Honorary Secretary shall include with the notice a copy of their original submission, their printed names, their signatures and the membership numbers of them all.

(n) The Membership Secretary shall keep a list of names and addresses of all members.

(o) The Honorary Secretary shall keep a true record of the Minutes of all Meetings, copies of these various Committee Minutes to be maintained and displayed at the Clubhouse for the information of members, and perform any other duties as are required by these rules and by resolution of the Committee.

(p) The Honorary Secretary may appoint an Honorary Minutes Secretary to assist them in the keeping of minutes of meetings. The Honorary Minutes Secretary may attend meetings as requested by the Honorary Secretary but can take no part in the meeting apart from recording the minutes.

(q) Before members apply for a position on the Executive Committee they must have a proven record of active and enthusiastic participation in the clubs activities, both ashore and afloat. They must have shown a willingness and desire to promote the interests of the club by assisting in its various site and maintenance works and to have supported wholeheartedly its social functions. They shall have been fully paid up members of the club for at least one year before the date of the Annual General Meeting at which they seek election.

(r) Any person's known to have criminal records shall not serve on the Committee.

Rule 10A. Berth Holders Section Committee

(a) 'Berth Holder' is defined as a fully paid up member of the Club and who is also the holder of a current Berthing Agreement.

(b) The Berth Holders Committee shall consist of the following Offices:

(i) Chairperson

(ii) Secretary

(iii) Treasurer

(iv) Berthing Master

(v) Yard Manager

(vi) At least two ordinary Berth Holder Section Members

(c) Elections for the above Offices shall be made by a general meeting of the Berth Holders Section and shall take place annually at least one calendar month prior to the Clubs Annual General Meeting.

(d) The Berth Holder Section Committee may have additional Members as required by that Committee, but such Members are deemed 'co-opted' and do not have a vote.

(e) Life Members may serve in any capacity on the Committee.

Rule 10B. Diving Section Committee

(a) 'Diver' is defined as a fully paid up member of the Club and who has also paid their Diving Supplement.

(b) The Diving Section Committee shall consist of the following Offices:

(i) Chairperson

(ii) Secretary

(iii) Treasurer

(iv) Diving Officer

(v) Training Officer

(vi) At least two ordinary Diving Section Members.

(c) Elections for the above Offices shall be made by a general meeting of the Diving Section and shall take place annually at least one calendar month prior to the Clubs Annual General Meeting.

(d) The Diving Section Committee may have additional Members as required by that Committee, but such Members are deemed 'co-opted' and do not have a vote.

(e) Life Members may serve in any capacity on the Committee

11. Expulsion

If at any time a full meeting of the Executive Committee held at the Clubhouse shall be of the opinion that the just and rightful interests of the Club so requires, they may by letter invite any member to resign from the Club, within a time limit specified by such a letter. In default of the member's resignation the question of his or her expulsion shall be submitted to a Special Executive Meeting to be held within three weeks after the date specified in such letter as the date before which the member shall have been invited to resign. The member whose expulsion is being considered shall have notice of such meeting and of the grounds which are considered to merit expulsion. The member shall be allowed to be accompanied by a friend, representative or advocate and be allowed to offer at such meeting any explanation of his or her conduct verbally or in writing, and if two thirds of the members present shall vote for his or her expulsion he or she shall thereupon cease to be a member of the Club. The voting at any such Executive Committee Meeting shall be by ballot. It shall be in the power of the Executive Committee to exclude such member from the Clubhouse until such Executive Committee Meeting shall be held.

Expulsion Appeal

After a period of five years from the date of their expulsion under rule 11 an expelled person may reapply for membership of the club providing the original expulsion was not for a criminal act or actual violence against any person. An expelled person applying to rejoin the club must inform the Committee that they were expelled and the reasons for that expulsion. The application will be considered at the next regular Executive Committee meeting and will require a two thirds majority of the committee for the application to be considered by the membership. If the committee agrees to consider the application the persons name will be displayed on the club notice board for a period of eight weeks clearly stating that this is an application from an expelled member and the reason for the expulsion. At the first scheduled Executive Committee meeting after the eight week notice period the Executive Committee will consider the application and if a two thirds majority (by secret ballot) agree the expelled member will be permitted to join.

12. Finance

(a) The Executive Committee shall be authorised to open Bank Accounts in the name of the Club, such accounts being subdivided into the

following three accounts, held at the same bank and are to be independently audited annually by the clubs auditor: -

(i) Berth Holders Section Account

(ii) Diving Section Account

(iii) House Account

(b) Any other accounts will be kept independently of the above but will be audited simultaneously of the main club audit.

(c) For the purposes of setting annual fees peculiar to each section (e.g. Berthing Fees for Berth Holders, and Diving Supplement for Divers), each Section Committee shall call a General Meeting of the Section Members to be held prior to 30th November annually. At such meeting, the Section Committee shall propose the relevant fee(s) for the following year. Approval of the proposed fees shall be by simple majority of Members present.

(d)

(i) The Club shall have a first and paramount lien on any member's vessel and/or other property whilst in or on the Club's hard standing, mooring or premises for all monies from time to time owing to the Club in respect of such vessel and/or other property. (ii) The Club may sell in such manner as the Executive Committee determine any property on which the club has a lien if such a sum in respect of which the notice has been given to the Member or to the person entitled to such property in consequence of the death or bankruptcy of the member, demanding payment and stating that if the notice is not complied with such property may be sold.

(ii) The net proceeds of the sale, after payments of the costs shall be applied in payment of so much of the sum for which the lien exists as is presently payable, and any residue shall be paid to the person entitled to such property at the date of the sale.

(e) The Executive Committee may invest any monies belonging to the Club in such interest bearing investments as they may in their discretion think fit, and may from time to time realise or vary such investments and may charge the same as security in respect of any borrowing made on behalf of the Club. Such investments may be made in the name of the Trustees of the Club, or at their discretion in the name of the Club's Bankers as nominees. Independent professional advice shall be taken on all investments

(f) The Honorary Treasurer shall keep correct accounts of all monies received and paid out and shall prepare an annual account and balance sheet setting forth the assets and liabilities of the Club as at the last day of February each year.

(g) The Executive Committee shall cause the accounts to be independently audited by the Club Auditors appointed by a simple majority at each Annual General Meeting and the same shall be available on request at least 14 days before each Annual General Meeting.

(h) Neither the Clubs Executive Committee nor any sub-section committee of the club shall have the power to borrow money from any sources outside the Club without the approval of a simple majority of members of the whole club at a Special or Annual General Meeting.

Rule 12A. Finance - Berth Holders Section

(a) The Berth Holders Section Committee must convene at least bi-monthly for (inter alia) the purpose of discussing the Section Accounts.

(b) The Berth Holders Account shall consist of all the income of the Berth Holders Section. All expenditure from the Berth Holders Section shall be met from this Account. Any profit and depreciation relating to the Berth Holders Section will accumulate in this Account.

(c) The Berth Holders Section may draw payments up to a value of £5,000 by two signatures from any Officer of the Berth Holders Section Committee. The Treasurer of the Executive Committee must countersign cheques over this amount. Multiple cheques shall not be raised for a single item in order to evade the restriction detailed above.

(d) A commitment to purchase shall be regarded as an actual payment in terms of the authority that is required.

(e) Capital expenditure greater than £5,000 will require the approval of a General meeting of the Berth Holders Section, at which a two-thirds majority will be required in order to approve the spending.

(f) Capital expenditure greater than £10,000 can only be approved without prior reference to a general meeting in an emergency, as decided by the Berth Holders Section Committee and with its Officers unanimous support. In this event the Berth Holders Committee must call a Special General Meeting of the Berth Holders Section to explain the expenditure. Such Special General Meeting must be called within 7 days of the Committee Meeting wherein the emergency capital expenditure was approved, giving at least 7 days notice to Berth Holders Section Members.

(g) If the Berth Holders Section fails to provide a profit or break even at the end of any six-month period, the Berth Holders Committee must call a Special General Meeting of the Berth Holders Section with proposals to the Berth Holders that would return the Berth Holders Section to solvency. Such Special General Meeting must be called within 7 days of the Committee Meeting wherein the financial circumstances mentioned within this Paragraph arise, giving at least 21 days notice to Berth Holders Section Members.

(h) The accounts for the Berth Holders Section shall be produced and prominently displayed in the Clubhouse each month.

Rule 12B. Finance - Diving Section

(a) The Diving Section Committee must convene at least bi-monthly for (inter alia) the purpose of discussing the Section Accounts.

(b) The Diving Section Account shall consist of all the income of the Diving Section. All expenditure from the Diving Section shall be met from this Account. Any profit and depreciation relating to the Diving Section will accumulate in this Account.

(c) The Diving Section may draw payments up to a value of £1,000 by two signatures from any Officer of the Diving Section Committee. The Treasurer of the Executive Committee must countersign cheques over this amount. Multiple cheques shall not be raised for a single item in order to evade the restriction detailed above.

(d) A commitment to purchase shall be regarded as an actual payment in terms of the authority that is required.

(e) Capital expenditure greater than £2,000 will require the approval of a General meeting of the Diving Section, at which a two-thirds majority will be required in order to approve the spending.

(f) If the Diving Section fails to provide a profit or break even at the end of any six-month period, the Diving Section Committee must call a Special General Meeting of the Diving Section with proposals to the Members that would return the Diving Section to solvency. Such Special General Meeting must be called within 7 days of the Diving Section Committee Meeting wherein the financial circumstances mentioned within this Paragraph arise, giving at least 21 days notice to Diving Section Members.

(g) The accounts for the Diving Section shall be produced and prominently displayed in the Clubhouse each month.

Rule 12C. Finance - Club / Executive Committee

(a) The Executive Committee must convene at least bi-monthly for (inter alia) the purpose of discussing the House Accounts.

(b) The House Account shall consist of all the income of the Club (including membership fees) apart from the income of the Berth Holders Section and Diving Section. All expenditure for the Club apart from the expenditure of the Berth Holders Section and Diving Section shall be met from this Account. Any profit and depreciation relating to the Club will be accumulated in this Account.

(c) Should the Executive Committee Treasurer's countersignature be required by any other Section in pursuance of the Rules, such signature can only be withheld if the expenditure requested would, in the opinion of the Treasurer, compromise the financial viability of any Section or the overall Club.

(d) If such countersignature is withheld, an Emergency Meeting of the Executive Committee must be called within seven days, at which the relevant Section Committee shall be requested to attend. Should such an Emergency Meeting be convened the following shall apply.

(i) All Members of the Executive Committee and only Officers of the relevant Section Committee shall be voting members. At least a two-thirds majority of total votes shall be required in order to approve the requested expenditure.

(ii) Only the subject of the relevant expenditure shall be discussed at the meeting.

(iii) The Executive Committee shall not approve any such expenditure if it is of the view that it would compromise the solvency of the Club or any Section.

(e) If the Emergency Meeting fails to result in an amicable resolution, the relevant Section may call a Special General Meeting of the whole Club at which a two thirds majority of Members' votes shall be required in order to approve the requested expenditure. Such Special General Meeting, if deemed necessary, shall be called within 7 days of the Emergency Meeting giving at least 21 days notice to Members.

(f) The Executive Committee shall have the power to borrow funds from another Section, but this will require the agreement of that Section's Committee, by a two-thirds majority of voting members.

(g) In the event that such a request is made, a Special General Meeting of the whole Club shall be convened in order for the Executive

Committee to explain to the Membership why the borrowing is required and with proposals to the Members to return the Club to solvency, and for the Members to then decide on the appropriate course of action. Such SGM must be called within 7 days of the request being made, giving at least 21 days notice to Members.

(h) The Executive Committee cannot undertake any capital expenditure greater than £1,000 without the approval of the general Club at a forum or Special General Meeting. Should capital expenditure greater than £3,000 be required, such approval must be sought at a Special General Meeting. In either case, a two-thirds majority shall be required in order to approve the expenditure.

(i) If the Club fails to show a profit at the end of any six-month period, the Executive Committee must call a Special General Meeting with proposals to return the Club to solvency, and for the Membership to decide on appropriate action. Such Special General Meeting must be called within 7 days of the relevant Executive Committee Meeting wherein the financial circumstances mentioned within this Paragraph arise, giving at least 21 days notice to Members.

(j) The accounts for the Club shall be produced and prominently displayed in the Clubhouse each month.

13. Trustees

(a) There shall be not more than three Trustees of the Club. The Trustees of the Club shall be elected by the members and shall continue as such until their several successors are appointed or until death, resignation or withdrawal or until the members shall at any Annual General Meeting or Special General Meeting resolve to remove them which by such means they shall have power to do. The members shall also have the power of appointing new Trustees at any Annual General meeting or Special General Meeting.

(b) Liability of Trustees. All property of the Club shall be vested in the Trustees representing and acting for the whole of the Members of the Club. The Trustees shall be indemnified against risk and expense out of the Club property. The Trustees may when authorised thereto by the Executive Committee hold, purchase, sell, exchange, mortgage, and charge or lease any land or buildings or build upon the land or alter and pull down buildings and again rebuild. The Trustees may when authorised thereto by the Executive Committee obtain advances of money for the purposes of the Club upon the security of bonds or agreements or promissory notes or certificates of indebtedness or mortgages or charges of real or personal property of the Club or bills of sales on all or any of the goods and chattels of the Club upon such terms as to interest and as to the time and manner of repayment of principal as the Executive Committee may determine.

14. Rules

A copy of the Rules shall be made available on the club website (www.sysac.org.uk) or a paper copy will be available from the office if requested, to each member on joining the Club. As payment of the subscription entitles the member to enjoy benefit of the Club, so also it shall distinctly imply his or her submission to the rules and to any byelaws made by the Committee in conformity with the Rules. Any member(s) not in compliance with the rules may be suspended from entering the club house, or any other part of the club premises and asked to appear before a full meeting of the Executive Committee. The member shall have notice of such meeting and of the rules (or byelaws) that the Executive Committee consider the member to have infringed. The member shall be allowed to be accompanied by a friend, representative or advocate and be allowed to offer at such meeting any explanation of his or her conduct verbally or in writing. The Executive Committee may apply a sanction in the form of suspension from entering the clubhouse or other parts of the club premises (or the suspension of other rights and benefits) to the member for whatever period they feel appropriate.

15. Alteration to the Rules

No rule shall be altered or suspended or new rule made except at an Annual General Meeting or Special General Meeting of members of the Club. The majority to alter, suspend or add to the rules shall be in the proportion of two to one on a show of hands. Every proposal to alter, suspend or add to the rules must be notified to the Secretary 14 days before the notification to the members of such Annual or Special General Meeting and the effect notified to all members in the Notice convening the Meeting. Upon any alteration, or amendment or addition to the Rules, the Secretary shall, where necessary, give written notice of the alteration, amendment or addition to the Chief Constable, the Town Clerk and the Clerk to the Magistrates within 21 days of the said alteration, amendment or addition.

16. Berthing

Berths owned or administered by the Club are subject to the conditions as shown on the Annual Berthing Agreement, and as amended from time to time by the Executive Committee. Non-compliance with such conditions may lead to the withdrawal of berthing rights from the member by the Executive Committee. Debenture holders in the Marina (Tawe River) shall be consulted about any alteration to the rules affecting them. Only they shall vote on changes affecting their moorings. It shall be the duty of the member holding the Annual Berthing Agreement to ensure that any person(s) having an interest in a boat moored with the Club whether partner(s), shareholder(s) or stakeholder(s) of whatsoever kind, shall also be a voting member of the Club. Non-compliance with such conditions may lead to the withdrawal of berthing rights from the member by the Executive Committee.

17. Quorum

A Quorum shall be as follows: -

(a) At all General Meetings and Berth Holders Meetings held under paragraph 12(b) - twenty five (25).

(b) At Executive Committee Meetings - eight (8),

(c) At Sub-Committee Meetings a majority of the members of the Sub-Committee.

18. Use of Club Premises

(a) The Executive Committee shall have power to make from time to time such Regulations for the use of the Club premises as it may think fit.

(b) The Executive Committee shall have absolute discretion to prohibit any games being played on the Club premises which they may deem to be unlawful or undesirable or injurious to the interest of the Club.

(c) The Executive Committee shall have power in its absolute discretion to close the Club premises at any time for any purpose and for any period.

(d) Every member shall before leaving the Club premises pay any charges incurred whether on his or her own account or for a visitor and no credit shall be permitted.

(e) The Committee shall have power to appoint, pay, and dismiss any staff as they may deem necessary and may elect any servant an Honorary Member of the Club during tenure of office, or for such shorter time as they think fit.

19. Supply of Intoxicating Liquor

(a) The permitted hours for the sale of intoxicating liquor shall be fixed by the Executive Committee who may from time to time alter the hours fixed provided that: -

(1) The hours fixed shall not on any day be longer or begin earlier or end later than the general licensing hours for the time in force.

(2) Written notice of the hours so fixed by the Executive Committee shall be signed by the Secretary of the Club and shall be sent to the Licensing Division, Environment Department, The Guildhall, Swansea as under Part 2 of Schedule 8 of the Licensing Act 2003.

(a) The supply to the club and the sale by the Club of intoxicating liquor and tobacco shall be under the sole control of the Executive Committee who for this purpose shall constitute the Wine Committee of the Club and no person shall receive at the expense of the club any commission percentage or similar payment on or with reference to the purchase of intoxicating liquor or tobacco by the Club.

(b) No person shall directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to members or guests, apart from any benefit accruing to the Club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the Club.

20. House Management

(a) All arrangements for the management of the Clubhouse including the conduct of members therein shall be in the hands of the Executive Committee.

21. Temporary Members

(a) Visiting Yachtsmen and their crew members staying within ten miles of the Club Headquarters may be admitted to the Club as Temporary Members after the expiration of an interval of not less than two days between the time when a form of nomination has been handed to the

Honorary Secretary signed by one member as proposer and another as seconder and assented to by two members of the Executive Committee.
(b) Temporary Members shall pay in lieu of joining fee and subscription such fee as the Executive Committee may from time to time determine for each month or part of a month.

(c) Boat owners introduced by local boat brokers (as defined by the Executive Committee from time to time) for a period of time as specified by the Executive Committee from time to time.

(d) The Executive Committee shall be empowered to invite Officers of the Navy, Army, Air Force and Civil Service visiting the neighbourhood on duty to make use of the Club as Temporary Members during their stay without payment of joining fee or other fee or subscription subject to an interval of not less than two days between nomination and election as provided by sub-paragraph (a) of this Rule.

(e) The Executive Committee may at any meeting on due notice elect any persons as Temporary Members for such periods and upon such conditions as they may deem proper provided always that an interval of not less than two days shall elapse between nomination and election as prescribed by sub-paragraph (a) of this Rule.

(f) Temporary Members shall not be entitled to take part in the management, vote at any meeting or ballot or act as an officer or on the Committee of the Club and shall not have any claim upon or be entitled to participate in any of the effects or property belonging to the Club.

(g) The Executive Committee may remove any name from the list of Temporary Members provided that six members are present at the meeting when the removal of any name is proposed and that at least two thirds of those voting is in favour of such removal.

(h) At no time shall the number of Temporary Members become significant in proportion to the total membership of the Club.

22. Visitors

(a) A Member introducing any person as a Visitor shall enter the name and address of such person in a book to be kept for that purpose.

(b) No Visitor so introduced shall pay for any food or drink supplied by the Club and any such payment shall be made by the introducing member. All visitors shall leave the Club before or at the same time as the introducing member.

(d) No person who has been refused membership of the Club shall be admitted to the Club premises.

23

Any person who is a competitor in any race sponsored or organised by or on behalf of the Club, or in a race starting from the River Tawe, and any person who is a member of the crew of such competitors for the purposes of the race is entitled to use the Club premises within a period of twenty four hours before and after the race in which they are competing.

24

A member of any Club recognised by the Royal Yachting Association and B.S.A.C. (a list whereof is contained in the Year Book of the said Association) may be authorised to use the premises of the Club by any member of the Executive Committee of this Club. Such authorisation shall specify between which dates, not being more than 14 days apart, the said person may so use the premises.

25.

Intoxicating liquor may be sold only to those persons over the age of 18 who are entitled to the use of the premises of the Club in pursuance of Rules 22 and 23.

26.

The Honorary Secretary or any other person who has received the authority of two members of the Executive Committee may expel temporarily or permanently any person who has the right to the use of the Club premises only under Rules 22 and 23.

27.

Smoking is not permitted on the balcony in front of the clubhouse or any part of the steps leading to it.

28. Byelaws

(1) The Executive Committee shall from time to time make, repeal and amend all such Byelaws and Regulations (not inconsistent with these Rules) as they shall think expedient for the internal management of the Clubhouse and well being of the Club. All such Byelaws and Regulations shall be binding upon the members until repealed by a resolution of a General Meeting of the Club. Any member ceasing to belong to the Club by death, resignation or expulsion, or should be compound with his or her creditors shall not (except as regards any debt owing to the members by the Club) have any claim or be entitled to participate in any of the effects and property of the Club, or to have any part of the annual subscription returned.

(2) In the interest of the Health and Safety, dogs belonging to members, guests, and visitors must be properly supervised and on leads at all times, fouling of any areas within the precincts of the Club will not be permitted.

29. Dissolution

The Club may be dissolved upon a resolution to that effect passed by a majority of not less than two thirds of the members present and voting at a General Meeting of the Club or Special General Meeting called for that purpose, of which at least twenty one days notice shall have been sent to all members of the Club by the Honorary Secretary. Such resolution may give instruction for the disposal of any assets held by, or in the name of the Club provided that if any property remains after the discharge of all debts and liabilities, such property shall not be paid to, nor distributed among the members, but shall be given or transferred to an organisation having similar aims and objectives.

30.

Members who are Instructors (those who has attended a recognized British Sub Aqua Club or Royal Yacht Association Instructor Training Course) and wish to act as instructors within the club will be required to give their permission for their criminal record to be checked through the Criminal Records Bureau

CLUB BYE-LAWS

These Bye-Laws are in addition to, and should be used in conjunction with, the Club Rule Book, Mooring Conditions and the Marina and Boatyard Guide which shall form part of these Byelaws except that items marked with an Asterix (*) therein are advisory only. The Bye-Laws may be amended, or added to, from time to time. Updated Bye-Laws will be permanently attached to the Official Notice Board.

Hon Secretary

BOATYARD AND SLIPWAY

1. MOORING HOLDERS are entitled to use the yard and slipway according to the advertised conditions. A copy is available on request.

2. COMMERCIAL CONTRACTORS Crane Hire operators etc. are not allowed in the yard, except with the prior consent of Yard Management, Bason or Committee. Commercial fees are by prior agreement.

3. THE EXECUTIVE COMMITTEE may at its discretion add 10% to any outstanding account after due notice has been given...

4. The committee reserve the right to fine any member in serious default of these Byelaws to any amount up to a maximum of £50 for each offence, and or suspension of mooring rights.

5. After 6 months, at the Committee's discretion, a member may be asked to remove his/her boat from the yard

6. CHARGES must be paid in advance, or immediately on request.

7. NON MOORING HOLDER MEMBERS are allowed to use according to the advertised charges and conditions.

8. NON MEMBERS are allowed to use according to the advertised charges and conditions.

9. LAUNCHING and recovery of boats has priority — no other use is allowed whilst in progress.

RIVER MARINA

1. BERTHS are supplied subject to conditions as shown on the Annual Berthing Agreement, and Marina and Boatyard Guide.

2. BERTHS may not be loaned or sublet.

3. THE EXECUTIVE COMMITTEE may at its discretion add 10% to any outstanding account after due notice has been given..

MEMBERSHIP (see also Application Form notes)

CADET MEMBERS

From the age of 10 until the end of the year in which they attain their 18 birthday

2. SINGLE MEMBERS

Aged over 18 years and deemed to include dependants and children including those who are either under 18 or students in full time education. Unable to introduce visitors to the Club on more than six occasions in any year.

3. EXISTING ORDINARY MEMBERS

Includes their children who are either under 18 years or students in full time education. Existing is defined as membership existing at 31 January 1997. The Spouse or Partner of an existing ordinary member is included as a social member without payment of any fee i.e. is not a full member with voting rights etc. But payment of an additional charge bestows these rights. Existing members may continue as they are or opt to become Joint members.

4. JOINT MEMBERS

Includes their children who are either under 18 years or students in full time education (by definition persons applying for membership after 1 February, 1997 cannot apply under the existing ordinary member category) Joint Membership carries full voting and other rights for both parties. Existing Members may become Joint Members upon payment of an additional charge.

5. BERTH HOLDERS ON THE WAITING LIST.

All current and future members who are on the waiting list must spend a minimum of £50 per annum in the clubhouse. Those members who do not spend the minimum amount of £50 will be subject to a loyalty charge. The loyalty charge applied will be the deficit between the actual amount spent and the £50 loyalty rule.

DIVING SECTION

SPECIAL NOTE FOR DIVERS please consult British Sub Aqua Club Regulations for the Diving Code of Practice.

2. THE DIVER'S TRAINING COURSE fees and/or the cost of the Royal Yachting Association Course fees may be abated against the membership joining fee always provided that the applicant for membership has been trained by the club and membership is taken up immediately after such training course completion and no similar assistance is available elsewhere.

3. For those wishing to be diving members of the Club there shall be an Annual membership subscription comprising full Club membership, as appropriate under paragraphs 4 and 5 of the rules, plus such additional, separate amount as the Diving Section may decide from time to time.

4. Only a fully paid up member of the club who has also paid the additional amount decided by the Diving Section shall be eligible to vote at Diving Section meetings, and such members must be affiliated through Branch 99 of BSAC.

CAR PARKING

1. New Members joining the Club from the 18 February 1999 and living in the area defined by the City and County of Swansea as within the "Maritime Quarter" shall not be entitled to use the Club's Car Parking facilities

SUBSCRIPTIONS

1. With effect from 1 March 1999 the reduction in fees determined by the Executive Committee under paragraph 5 (c) of the Subscriptions Rules shall be pegged at the level of reduction applying in the March 1998 to February 1999 year, namely £27.50 in the case of Ordinary Members and £37.50 for Joint Members

2. The amount payable under 5(d) of the rules shall be pro rata for either fifteen, fourteen or thirteen months as appropriate.

CLUB FUNCTIONS

1. Permission must be obtained at least four weeks before the function, and is granted only at the discretion of the Executive Committee.

2. Applications must be in writing, and contain details of the function and the number of guests expected. All catering shall be provided by the Club.

3. Alcoholic drinks must not be brought into the Club.

4. The member is responsible for the conduct of guests, and any wilful damage will be put right at the member's expense. All members and guests are required to leave the clubhouse within 30 minutes of the bar closing.

5. The Visitors Book must be signed by the member on behalf of (x) number of guests.

6. The downstairs bar will only be used if the Executive Committee thinks it viable and the function will be restricted to the "below decks" (basement) area.

7. Bar extensions can only be obtained under the most exceptional circumstances. The Secretary will decide whether to apply and requires four weeks notice if an application is deemed appropriate.

8. Nothing in these Bye-laws is to be taken as contrary to the Club Rules.

9. Members not part of the function have the right of entry to any part of the Club.

10. Where fee paying courses or events are held by outside bodies, the Club may make a charge for use of facilities, as determined by the Executive Committee. The charge shall be payable in advance.

HOUSE MANAGEMENT

1. DOGS are not allowed in the Clubhouse except "blind-dogs"

2. OVERALLS muddy wellingtons or dirty clothing must not be worn in the clubhouse

3. CHILDREN must leave the clubhouse by 9.30 p.m., must not be allowed to cause a nuisance, are not allowed upstairs unless accompanied by parents, and are not allowed to play darts, pool, or use the gaming machines.

4. DIVING GEAR boating gear, air bottles, wetsuits etc. must not be brought into the clubhouse.

5. CARS The car park is for the use of members only. A deposit is payable for car park cards. Existing Ordinary Members are entitled to one car park card and Joint Members to two car park cards.

6. EXCESSIVE NOISE must not be made by members at the bar or upstairs when meetings or lectures are taking place or when leaving the club.

7. MEMBERS must leave the bar area clear after being served, and drinking up time should not be exceeded after bar closing time.

8. EVENTS Paragraph 23 of the Rules shall include in addition to "any race" any Diving, Fishing or similar activity in which the Club has an interest under its paragraph 2 of the Rules "objectives".

9. Only food and drink purchased in the galley and bar can be consumed in the clubhouse.