

# **WEXFORD HARBOUR BOAT & TENNIS CLUB**

## **CONSTITUTION, RULES AND BYE LAWS**

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# **Constitution**

## **1. NAME AND OBJECTS**

- 1.1. The Club shall be known as Wexford Harbour Boat & Tennis Club.
- 1.2. The colours of the Club are white and crimson. The burgee of the Club shall be the Old Coat of Arms of the Town of Wexford.
- 1.3. The Club's purpose is the encouragement of sailing, other water sports and tennis in the community. The income and property of the Club shall be applied solely towards the promotion of these objectives.
- 1.4. The Club is fully committed to being inclusive to all and to safeguarding the wellbeing of its members. Every member of the Club shall at all times show respect and understanding for the rights, safety and welfare of other members and conduct themselves in a way that reflects the principles of the Club.
- 1.5. The club acknowledges its legal responsibilities under Child Protection legislation and aims to comply with the guidelines contained in the Code of Ethics and Good Practice for Children's Sport in Ireland.
- 1.6. The Club is part of the local community and will endeavour to support the community in all reasonable respects.

## **2. MANAGEMENT**

- 2.1. The business and affairs of the Club shall be under the jurisdiction and control of the Management Committee consisting of the Officers of the Club.
- 2.2. The officers of the Club shall be the Commodore, Vice-Commodore, Honorary Secretary, Honorary Treasurer, Boating Captain, Boating Vice-Captain, Tennis Captain and Tennis Vice-Captain as well as the previous year's Commodore.
- 2.3. The Commodore and Vice-Commodore shall serve in their respective capacities for a maximum of three consecutive years.
- 2.4. Vacancies in the Committee will be filled by co-option by a majority vote of the Management Committee.
- 2.5. At meetings of the Management Committee, five Officers of the Club shall constitute a quorum.
- 2.6. No member who is an employee may serve as an officer.
- 2.7. The financial year of the Club shall run from 1<sup>st</sup> of January to 31<sup>st</sup> of December each year.

## **3. DUTIES OF THE MANAGEMENT COMMITTEE**

The duties and responsibilities of the Management Committee shall be as follows:

- 3.1. To manage the club on a day to day basis in an efficient, responsible and financially viable manner.
- 3.2. To engage in strategic planning and policymaking and to ensure the long-term viability of the Club.
- 3.3. To make any capital commitments or disinvestments required subject to a limit of 50% of membership income in any one year. Amounts greater than this will require the approval of members in a General Meeting.
- 3.4. To employ all necessary staff and independent contractors.
- 3.5. To appoint sub-Committees and to define the scope of their authority.
- 3.6. To appoint the appropriate Child Safety Officers in accordance with best practice. Such persons shall be deemed, ex-officio, to be officers of the Club. Without obligation to do so, they shall be entitled to attend management committee meetings to discuss issues relevant to their responsibilities.
- 3.7. To set policies and procedures for the safe operation of the Club.
- 3.8. To set boat storage charges and any other ancillary fees and charges each year.

#### **4 MEMBERSHIPS**

Memberships will be for one year from their renewal date. The categories of membership shall be as follows:

- 4.1. Adult Member: A person over twenty five years of age, not in full time education.
- 4.2. Family Members: A *bona fide* couple, together with their children under twenty five years of age at their renewal date.
- 4.4. Senior Member: An Adult member who has been a member for 5 consecutive years and has attained the age of 65 years on their renewal date.
- 4.4. Family Senior Members: A *bona fide* couple, one of whom has been a member for 5 consecutive years, and who has attained the age of 65 years on their renewal date together with their children under twenty five years of age.
- 4.5. Honorary Member: A person who the Club wishes to acknowledge as having rendered exceptional service to the Club or whose distinguished position or public service would render special advantage to the Club. Honorary members will be proposed for election by the Management Committee and ratified by the membership at a General Meeting. However members who have membership for over 30 years and are aged 80 or over shall automatically be transferred to Honorary life Membership.
- 4.6. Student Member: A person over 25 years of age and in full-time education at their renewal date.
- 4.7. Junior Member: A person under 25 years of age on their renewal date. Parents or Guardians shall be responsible for all actions of Junior members under 18.

4.9. Pavilion Member: A person over 25 years of age who is only entitled to use the Club House. Pavilion members are not entitled to avail Club boating or tennis amenities or services except where the activity is part of a social event.

4.10. Country Members: Adults or Families whose principal private residence is outside County Wexford.

4.11. Temporary Member: The Management Committee shall have the power to elect Temporary Members. This membership shall be for the period set by the Management Committee. Temporary members whose period of membership has expired may be readmitted. Fees for Temporary Members shall be set by the Management Committee.

4.14. Associate Members: A member of recognised club or association supported by WHBTC who use some of the facilities of the Club for their activities and who are registered with the club annually subject to a fee determined by the Management Committee.

## **5. ANNUAL SUBSCRIPTIONS**

5.1. All categories of members except Honorary Members shall be obliged to pay an annual Club subscription.

5.2. All subscriptions shall be payable on the renewal date.

5.3. The amount of the Annual Subscription and Clubhouse Credits as well as any Registration fees shall be recommended by the Management Committee and ratified by the members at the Annual General Meeting. Discounts not exceeding 50% may be offered to Seniors, Country members and Juniors who have one parent as a full Adult member.

5.5. Penalties for late payment and Incentives for prompt payment of subscriptions shall be at the discretion of the Management Committee.

5.5. Any member whose subscription shall be unpaid 2 months after the renewal date shall cease to be a member of the Club.

5.6. The Management Committee may re-elect such member without re-nomination or re-posting after this period subject to payment of all subscriptions and other monies due to the Club and in addition to a fine to be decided by the Management Committee.

5.7. Notwithstanding 5.6 above, the Management Committee, in extraordinary circumstances, may decide all matters relating to subscription.

5.8. Payment of subscriptions shall be an acknowledgement by members that they accept

- The rules of the club.
- The codes of practice and safety statements approved by the Management Committee and published on the website.
- Storage of their data electronically.
- That all official club communications may be by electronic means.

- That their names, membership details, and – if they wish – their contact details are displayed on the clubs notice board.

## **6. ELECTION OF NEW MEMBERS**

6.1. Every candidate for admission to membership of the Club must be proposed and seconded by two voting members and balloted for by the Management Committee at their next meeting. Two-thirds majority shall elect the candidate.

6.2. The candidate shall complete and sign the Club application form and have same completed and signed by the proposer and seconder and send same, together with the appropriate Annual Subscription and Clubhouse Credit charges if appropriate to the Honorary Secretary who shall place same in a conspicuous place in the Club for at least two weeks before the date of election.

## **7. VOTING MEMBER**

Only the following shall be *voting members* and shall be entitled to attend and vote at all annual general and extraordinary general meetings of the Club:

- 7.1. Adult members.
- 7.2. Family members – both adult members shall be entitled to vote.
- 7.3. Senior members.
- 7.4. Family Senior members – both adult members shall be entitled to vote.
- 7.5. Honorary members.

## **8. TRUSTEES**

8.1. The Club shall have at least four Trustees.

8.2. Trustees shall be nominated by the Management Committee and be ratified by the members at the next Annual General Meeting.

8.3. Each Trustee shall remain in office for a period of ten years, unless they cease to be voting members of the Club, they resign, or are removed from office at a General Meeting of the Club.

8.4. The property of the Club shall be vested in such Trustees and they shall deal with such property as directed by Resolution of the Management Committee of which an entry in the minute book shall be sufficient evidence.

8.5. The Trustees shall be indemnified against such losses and expenses that may be incurred by them in their capacity as Trustees and by reason of same, by the voting members of the Club for the time being if the assets of the Club are insufficient.

8.6. The Trustees shall not be members of the Management Committee.

## **9. DUTIES OF THE COMMODORE**

- 9.1. The Commodore shall, wherever possible, preside at all Management Committee and General Meetings of the Club and shall give his casting vote in the event of a tied vote.
- 9.2. The Commodore shall ensure that all members comply with the rules of the Club.
- 9.3. The Commodore, in consultation with the Management Committee, shall allocate specific responsibilities in relation to the management of staff of the Club, in relation to promoting a safe environment and in relation to strategic matters affecting the Club to members of the Management Committee.
- 9.4. The Commodore or his representative shall represent the Club at official functions.
- 9.5. The Commodore shall report to the members at all general meetings.
- 9.6. The Commodore shall call a meeting of the Management Committee with the Club Trustees at least once a year.

## **10. DUTIES OF THE VICE-COMMODORE**

- 10.1. The Vice-Commodore shall deputise for the Commodore.
- 10.2. The Vice-Commodore shall manage the Club property – with the exception of the Club boats which shall be managed by the Boating Captain – and the environs of the Club with the assistance and co-operation of the Management Committee, the staff, the Sub-Committees and the members.

## **11. DUTIES OF THE HONORARY SECRETARY**

- 11.1. The Honorary Secretary shall call meetings as provided by the Rules and keep proper minutes of such meetings.
- 11.2. The Honorary Secretary shall keep a register of members of the Club.
- 11.3. The Honorary Secretary shall on behalf of the Management Committee ensure that all correspondence is dealt with efficiently.
- 11.4. The Honorary Secretary shall on behalf of the Management Committee liaise with the Club Solicitor and Statutory Bodies when necessary.

## **12. DUTIES OF THE HONORARY TREASURER**

- 12.1. The Honorary Treasurer shall administer the financial affairs of the Club and, in particular, shall keep full and detailed accounts, books and records showing the financial affairs, receipts and disbursements of the Club to be duly audited by the Club auditors for presentation to the Annual General Meeting. These accounts shall be kept and made available to the Revenue Commissioners on request.
- 12.2. The Honorary Treasurer shall ensure that all Bank Accounts are kept in the name of the Club, clearly identified as such, in such bank as the

Management Committee shall from time to time determine. All cheques shall be signed as authorised by the resolution of the Committee.

12.3. The Honorary Treasurer shall present bi-monthly management accounts to the Management Committee.

12.4. The Honorary Treasurer shall ensure that all monies due to the Club are collected promptly and that all liabilities are discharged as directed by the Management Committee and shall liaise with financial institutions on behalf of the Club.

### **13. DUTIES OF THE BOATING AND TENNIS CAPTAINS**

13.1. The Captains and their Vice Captains will be responsible for promoting their sport within the Club.

13.2. They will at all times encourage safety in their sport.

13.3. The Boating and Tennis Captains shall chair meetings of their respective subcommittees and report to and liaise with the Management Committee on their behalf. The proceedings of these meetings shall be minuted.

13.4. The Captains shall hold regular committee meetings and should keep interested members informed of progress and plans for their sport.

13.5 The Captains shall each call a general meeting not more than 6 and not less than 2 weeks before the Club AGM at which the Captain and Vice-Captain for the following year shall be elected, subject to ratification by the AGM.

### **14. BOATING SUBCOMMITTEES**

On the advice of the Boating Captain, the Management Committee will appoint such committees as it deems appropriate covering such areas as:

- Repair and maintenance of the Club fleet
- Organisation of events
- Training
- Junior Activities

### **15. TENNIS SUBCOMMITTEES**

On the advice of the Tennis Captain, the Management Committee will appoint such committees as it deems appropriate covering such areas as:

- Organisation of events
- Training
- Junior Activities

### **16. AUDITORS**

16.1. The Management Committee shall ensure that the Club Auditor issues an audited statement of the affairs of the Club for the financial year for

consideration by the Management Committee and for presentation and approval by the members at the Annual General Meeting.

16.2. The Auditors shall be appointed at the Annual General Meeting.

## **17. AFFILIATED BODIES**

To ensure that the Club follows the best practice it shall work closely with the appropriate Sports Governing Bodies; namely Irish Sailing and Tennis Ireland.

## **18. VISITORS**

18.1. The Management Committee shall have the right to admit visitors to the Club.

18.2. Members may introduce guests to the Club occasionally.

18.3. The names of such visitors shall be entered in the visitor's book as provided.

18.4. All Members should seek to ensure that the Club and its facilities are only used by fully paid up members or Visitors.

## **19. LICENSING LAWS**

19.1. The Club complies with the provisions of Section 56 of the Licensing Act of 1927 as amended as outlined in the detailed Rules.

19.2. The Management Committee may alter or add to the Rules for the purpose of complying with the provisions of the Registration of Clubs Act 1904 - 1999 or of any statute amending same.

## **20. DISCIPLINE, SUSPENSION AND REMOVAL OF MEMBERS**

20.1. The Management Committee will have the power to suspend temporarily or to remove from membership of the club, or to remove from the premises of the club any member guilty of conduct which, in the opinion of the Committee, is harmful to the club.

20.2. The Management Committee, in conjunction if they so wish with any advisors, shall investigate and deal with all matters relating to discipline, suspension and expulsion of members, with due regard to a member's natural rights under the law of the land. Every effort should be made by the Management Committee and members to resolve issues as quickly as possible in an amicable manner for the betterment of the Club and its members, thus avoiding if possible any escalation to a formal investigation.

20.3. Any complaints of a disciplinary nature must be expressed in writing in order to be considered by the Management Committee on a formal basis.

20.4. Should the Management Committee determine that the case only requires a change of policy or procedure, this will be implemented as soon as reasonably practicable and the members involved notified.



20.5. Should the Management Committee decide to proceed with an investigation, it shall be undertaken by a special disciplinary committee appointed by the Management Committee. Such a disciplinary committee should not include any member who may have any vested interest in the issue concerned. The disciplinary committee investigation shall be conducted in confidence and shall ensure that all relevant aspects of the issue are heard and understood.

Alternatively the Management Committee may decide to appoint a single arbitrator to review the matter and make recommendations.

20.6. Following a full investigation the disciplinary committee/arbitrator shall make recommendations to the Management Committee on what disciplinary action if any should be taken against the member. Recommendations may include:

- No action.
- Verbal or written reprimand.
- A period of suspension of membership
- Termination of membership

20.7. The member shall have the right to appeal the decision to the full Management Committee. The member, if he/she so wishes may be accompanied by a colleague, who is also a member of the club. Only the Management Committee may make the final decision.

20.8. Should the Member wish, they may appeal to an Extraordinary General Meeting. Such appeal must be notified to the Secretary of the Management Committee within seven days of notification of the Management Committee's decision. On receipt of such a notice of appeal, the Management Committee shall convene a General Meeting of the Club within one month and present a summary of its case and the notice of appeal to the members. The members shall either ratify the Management Committees decision or overturn it.

20.9. During the period of suspension and following an expulsion the member shall not be entitled to enter upon the Club property nor shall the member be entitled to a refund of any part of the Annual Subscription or other fees paid to the Club.

20.10. Any member found to have deliberately interfered with, damaged or removed club equipment from the club premises without authorisation by the Management Committee, shall have their membership suspended immediately pending further investigation.

## **21. ANNUAL GENERAL MEETING**

21.1. The Annual General Meeting shall, save in exceptional circumstances, be held within three months of the financial year end.

21.2. At least twenty one days' notice of the Annual General Meeting shall be given to the voting members of the Club, who are the only persons entitled to attend and vote at the Annual General Meeting.

21.3. The notice of meeting may be sent electronically to members. It is the responsibility of members to ensure that the Club has up-to-date member contact details.

21.4. Notices of motions and nominations of Officers and members of the Management Committee must be made to the Honorary Secretary in writing or by email at least 10 days before the date of the Annual General Meeting.

21.5. Such notices and nominations shall be promptly posted on the Club Notice Board.

21.6. Notices of motion and nominations not made as required cannot be considered at the Annual General Meeting.

## **22. EXTRAORDINARY GENERAL MEETING**

22.1. Extraordinary General Meetings of the Club may be called at any time by direction of the Management Committee or on a requisition to the Honorary Secretary signed by at least 20 members entitled to vote at such a meeting stating the business to be brought forward, and this matter then shall be the only business considered at the meeting.

22.2. On receipt of such requisition it shall be the duty of the Management Committee to have an Extraordinary General Meeting called within one month.

22.3. Fourteen days' notice of every General Meeting convened shall be given to members entitled to vote by a circular specifying the time and place of such meetings and the business to be transacted.

## **23. VOTING AT GENERAL MEETINGS**

23.1. No proxies shall be allowed.

23.2. Voting shall be either by a show of hands or by ballot.

23.3. A majority of one shall be sufficient to decide any question under discussion unless a greater majority is required by the constitution of the Club.

23.4. In the event of a tie the Chairperson shall exercise a casting vote.

23.5. An election for candidates for membership of the Management Committee shall be by ballot.

## **24. MINUTE BOOKS**

24.1. The Club shall keep a Minute Book recording the minutes of all General Meetings and also a Minute Book recording the minutes of all Management Committee meetings.

24.2. The appropriate minutes shall be made available prior to the meeting and when adopted as being a correct record, shall be signed and dated by the Chairperson.

## **25. CHANGE OF CONSTITUTION**

25.1. No clause of the Club Constitution shall be repealed or altered or a new clause added except at a General Meeting and by consent of at least two-thirds of the voting members present at such Meeting.

25.2. Written notice of the proposed changes must be sent to the members by the Honorary Secretary with the names of the Proposer and Seconder attached at least two weeks prior to the meeting at which same is to be considered.

25.3. The Honorary Secretary shall place the proposal on the Club Notice Board.

## **26. RULES AND BYE-LAWS**

26.1. The Management Committee shall have the power from time to time to make such Rules and Bye-laws as it considers necessary and to alter and repeal same.

26.2. Notice of such must be posted on the general notice board in the clubhouse.

26.3. All changes must be brought before the following Annual General Meeting for ratification by a simple majority and for inclusion in the Rules and Bye laws under the appropriate heading.

## **27. WINDING UP OR DISSOLUTION**

27.1. If upon the winding up or dissolution of the Club there remains, after satisfaction of all its debts and liabilities, any property whatsoever, it shall not be paid to or distributed among the members of the Club.

27.2. Instead, such property shall be given or transferred to some other club or clubs having main objectives similar to the main objectives of the Club.

27.3. Members of the Club shall select the relevant club or clubs at or before the time of dissolution, and if and as so far as effect cannot be given to such provisions, then the property shall be given or transferred to some charitable object.

# **RULES AND BYE LAWS**

## **A) AGM AGENDA**

The Agenda for Annual General Meeting should include some or all of the following:

1. Apologies
2. Minutes of last Annual General Meeting
3. Matters arising
4. Commodore's Report
5. Treasurer's Report
6. Subscriptions
7. Motions
8. Ratification of rules and byelaws if any
9. Election of members of the Management Committee.
10. Election of the Auditors
11. Any other business.

## **B) SUMMARY OF APPLICABLE LICENCING LAWS**

Section 56 of the Intoxicating Liquor Act, 1927, as substituted by section 26 of the Intoxicating Liquor Act 1988 and amended by section 5 of the Intoxicating Liquor Act 1995, the Intoxicating Liquor Act 2000 and the Intoxicating Liquor Act 2019

(1) Subject to the exceptions specified in subsections (2) and (3) of this section, no excisable liquor shall be supplied for consumption on the club premises to any person (other than a member of the club lodging in the club premises) or be consumed on those premises by any person (other than such a member) -

a) At any time on Christmas Day, or

b) On any other day, outside the hours specified in respect of that day in section 2(1)(b) (as substituted by section 3 of the Intoxicating Liquor Act, 2000).

(2) Nothing in the rules of the Club shall operate to prohibit the supplying for consumption on the club premises of excisable liquor to any person or the consumption of excisable liquor on those premises by any person-

a) on Christmas Day, between 12.00 midday and 10.00 p.m., or

b) on any other day, for one hour after the expiration of any period in respect of that day during which it is lawful for the club to supply any excisable liquor for consumption on the club premises,

if in each case the excisable liquor is –

(i) ordered by or on behalf of that person at the same time as a substantial meal is so ordered, and

(ii) consumed by that person during the meal or after the meal has ended.

(3) The Management Committee shall secure the due observance of the provisions of the Registration of Club (Ireland) Act 1904 as amended and of the Intoxicating Liquor Acts and of any conditions attached to any registration Certificate issued to the Club.

No visitor shall be supplied with exciseable liquor in the Club premises unless on the invitation and in the company of a member and that the member shall upon the admission of such visitor to the Club premises or immediately on him being supplied with a drink enter his own name and the name and address of the visitor in a book kept for the purpose and which shall show the date of such visit.

No excisable liquor shall be sold or supplied for consumption outside the premises of the Club except to a member of the Club between the hours of 8 o'clock in the morning and 10 o'clock in the evening.

No excisable liquor shall be sold in the Club premises to any person under the age of eighteen years.

No member of the Management Committee or any other committee in the Club or Trustee of the Club and no manager or employee shall have any personal interest in the sale of excisable liquors therein or the profits arising from such sale apart from any benefit accruing to the Club as a whole.

### **C) PERSONAL PROPERTY**

Neither the Club nor the Management Committee nor any other Committee shall be responsible for any personal belongings of members or visitors brought to, kept at, or left on the premises of the Club (either in the Clubhouse or outside in the Car Park or elsewhere in the Club premises). This rule shall not prejudice any claims by the Club against Insurance Companies in case of Fire or when otherwise covered by insurance.

Persons leaving boats and other equipment on the Club premises do so at their own risk. The Management Committee, its servants or agents are entitled from time to time to move same without incurring liability of any kind, always exercising due care.

Boats left on Club property for which no storage charges have been paid for at least one year may be deemed to be abandoned and thereby fall into the ownership of WHBTC.

Unmarked property left in the club may, subject to reasonable efforts to establish ownership, be disposed of by the club as it sees fit.

### **D) STANDING BYE LAWS ENACTED UNDER RULE 26**

1. Parking of vehicles is not permitted in the Club boat-yard. Vehicles may be brought into the yard when necessary for loading/unloading etc. but must be removed as soon as practicable. The gate must be closed following entry or exit.

2. Irish law requires the wearing of a floatation device when on board any small boat. The Club also requires all members on the pontoon or in marked areas to wear one.
3. Tennis Members are responsible for paying green fees for guests they bring on court.
4. A level 2 Power Boat certificate or equivalent, or approval by direct assessment from a club instructor is required to operate any club powerboat with an installed engine capacity of over 10hp (that is: capable of over 17 knots). This will ensure that the boat is insured. Note that those under 16 years cannot drive such boats by law and are not insured.
5. A level 1 certificate is required to drive a powerboat under 10hp. The driver must be over 12 years old.
6. Use of kill cords is mandatory at all times while underway.
7. Only trained operators may use the crane and their names must be registered with our insurers.