



CONSTITUTION

PAST COMMODORES

1950 – 1952	C J BENINGFIELD	1983 – 1984	F H REITZ
1952 – 1953	O J PRILLEVITZ	1985 – 1986	G J CARMAN
1953 – 1955	I J M WILLIAMS	1986 – 1988	R METCALF
1955 – 1956	P J MUSSON	1988 – 1990	R JUNG
1956 – 1957	C J BENINGFIELD	1990 – 1990	H VAN DER WAL
1957 – 1958	DR H L COHN	1990 – 1992	M D LAWSON
1958 – 1960	I J M WILLIAMS	1992 - 1994	D J WANTLING
1960 – 1961	D H CROXFORD	1994 – 1996	P R DUPREEZ
1961 – 1963	DR J E SEELIGER	1996 – 1998	L D H WOOLEY
1963 – 1965	I J M WILLIAMS	1998 – 1999	G J CARMAN
1965 – 1967	R R OLSEN	1999 – 2000	P R DU PREEZ
1967 – 1969	CMDR W B C EVANS	2000 - 2002	R G BARTHOLOMEW
1969 – 1970	J WHITE	2002 – 2003	G N SHAW
1970 – 1972	A BRUINS	2003 – 2005	M N THOMPSON
1972 – 1974	N P SHAW	2005 - 2007	F C SHEARAR
1974 – 1976	M A J LANGLEY	2007 - 2009	N LLOYD
1976 – 1978	N P SHAW	2009 - 2011	P COLLINGRIDGE
1978 – 1980	M A J LANGLEY	2011 - 2013	A J RISSIK
1980 – 1981	JF LARGIER	2013 – 2015	N CLARK
1981 – 1983	C LOXTON	2015 - 2017	B KEYTEL
		2017 – 2019	M RILEY
		2019 – 2021.	C TOMLINSON

HERMANUS YACHT CLUB - Constituted 1950 (last amended at AGM held 23 May 2021)

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CONSTITUTION OF THE HERMANUS YACHT CLUB

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(available on the Club’s website)

1. TITLE

The name of the Club shall be "THE HERMANUS YACHT CLUB" and the headquarters shall be at Stofvlei, Hermanus.

2. OBJECTIVE

The objective of the Club shall be the encouragement of boating and in particular the racing of sailing craft.

3. CLUB FLAG

- a) The Club Flag shall be "a flag halved light and dark blue horizontally with a seagull flying at centre".
- b) The Commodore's pennant shall be the same as the Club flag but shall be swallow-tailed.
- c) The Vice Commodore's pennant shall be the same as the Commodore's but shall bear one white disc against the hoist.
- d) The Rear Commodore's pennant shall be the same as the Commodore's but shall bear two white discs against the hoist.

4. MEMBERSHIP

A prerequisite for any class of membership, except Patrons and Social, shall be qualification in terms of Clause 2 of this Constitution, at the discretion of the Committee. (SGM 20 June 2009)

The members of the club shall consist of:

a) PATRONS

Any person who has rendered distinguished service to yachting or to the Club may be elected on a recommendation by the Committee at a General or SGM of the club as a Patron and shall thereupon become entitled without subscription to all privileges of membership.

b) LIFE MEMBERS

No further issuing of life memberships

c) ORDINARY MEMBERS

Men and women members who shall have been elected as such and shall have paid such entrance fees and subscriptions as shall be prescribed and due. In the case of applicants still undergoing formal education, training or performing active citizen force duties and who receive remuneration, which in the opinion of the Committee is not more than a token salary; the Committee shall be empowered to reduce the respective subscription at its discretion. *The Spouse or Spouse to be of an applicant or member is exempted/waived from also paying an entry fee for membership (AGM 24 May 1998)*

d) JUNIOR MEMBERS

Boys and girls between the ages of 8 and 21 years (previously 18 - SGM 20 June 2009) who shall have been elected as such and shall have paid such subscriptions as shall be prescribed and due, provided always that person under the age of 18 years shall not be permitted to enter the ordinary members' lounge, to vote at General Meetings of members, to introduce guests or visiting members, or to propose or second candidates for admission to membership or to the Committee. *Junior members of more than 3 years standing shall,*

on reaching the age of 21 years, be entitled to Ordinary Membership without the entrance fee, provided the Application is approved by the Committee. (AGM 29 April 1990)

e) HONORARY MEMBERS

It shall be within the power of the Committee to confer the honour of honorary membership upon any person, not being an ordinary member, as a mark of courtesy or compliment.

f) VISITING MEMBERS

There is no longer a membership category of visiting members

g) SENIOR MEMBERS

Any person over 60 years of age who has been an ordinary member of the club for three years and who is no longer participating in active sailing, provided the applicant is approved by the committee and provided the applicant is not a lessee of a site. Any person over 60 years of age not already an ordinary member of the club may apply in terms of clause 5 for admission to membership as a Senior member provided the candidate has been a member of another recognised yacht club for 5 years.

h) FAMILY MEMBERSHIP

The Parents (Parent) and their Children/Legal Wards under the age of 21 years, and their Children/Legal wards between the age of 21 and 25 years who are full-time students or financially dependent on their parents (AGM 09 May 2010), or a Member and Spouse who have been elected. In all other respects the individuals comprising the Family unit will rank as Ordinary or Junior Members. The entrance fee for FAMILY membership may apply only on the simultaneous application by the Family (AGM 07 May 1995).

i) COUNTRY MEMBERS

Members who shall have been elected as such and shall have paid such entrance fees and subscriptions as shall be prescribed and due, provided that such members shall reside permanently outside the Western Cape and shall not be eligible for a cabin (as opposed to a caravan) site. Should such members change their residence to within the Western Cape, they shall change their status to Ordinary or Family membership, without the payment of an entrance fee. (SGM 20 June 2009)

j) PROSPECTIVE MEMBERS

Candidates for admission to membership shall be proposed and seconded by life and/or ordinary members of the club only. Paid officials of the Club are precluded from proposing and seconding candidates. Both the proposer and seconder shall be of not less than one year's standing, and both shall have known the candidate for at least one year. All three shall sign the application form. The proposer shall introduce the candidate (with his wife and family if applying for family membership) to a Flag Officer and another member of the committee, who together shall interview the candidate(s), and if satisfied shall countersign the application form. If not satisfied the application may be deferred for 30 days for further information from the candidate, the proposer or the seconder. The Secretary shall then display the form on the club notice board for not less than 21 days. The Committee at its first meeting thereafter shall elect to membership or reject the candidate, provided that its decisions shall be determined by ballot should a Committee member so request, in which case two black balls (adverse votes) shall exclude the candidate. Before the expiration of the 21-day period referred to above, the candidate shall lodge his entrance fee and subscription with the Secretary. Temporary membership shall be conferred upon the applicant upon receipt of the entry fee and the applicant shall have full use of the club in terms of the category of membership that has been applied for (SGM 20 June 2009). Should the candidate be rejected, these shall be returned to him, less any amounts, which

may be owing to the Club. A previous member in good standing at the time of his resignation shall be accepted to membership without entrance fee on rejoining.

k) PROSPECTIVE PROBATIONARY MEMBERS

Candidates who have no proposer or seconder shall be able to apply for Prospective Probationary membership. Members who shall have been elected as such and shall have paid such entrance fees and subscriptions as shall be prescribed and due, provided that such members shall not be eligible to vote at General Meetings of members or to propose or second new members. Full membership may be considered by the Committee 12 months after the Probationary Membership has been approved. Should full membership not be approved by the Committee, the entrance fee only shall be refunded. Should the candidate decide not to pursue full membership, the entrance fee shall not be refunded, except at the discretion of the Committee. The period of probationary membership shall be taken as full membership, should such membership shall have been approved by the Committee. (SGM 20 June 2009)

l) RESIGNATION

A member resigning at any time during the Club years must send written notice of resignation to the Manager and shall be liable for his or her subscription to the end of the financial year in which he or she ceases to be a member.

5. GENERAL MEETINGS

- a) The Annual General Meeting of the Club shall be held before the 30th of June each year. The Club's accounts shall be closed annually on the last day of February and copies of the certified accounts for the year under review shall be sent to members with the notice of the Meeting.
- b) At least 14 days clear notice shall be given of any General Meeting. Such notice shall be emailed to members to their address as registered with the Secretary, and shall set out the business to be transacted at that meeting. The 14 days shall commence from the sent date on such email.
- c) At all General Meetings twenty members eligible to vote shall form a quorum. The Commodore, or in his absence the Senior Flag Officer, or failing these a Committee Member present shall preside at all General Meetings, except in the case of meetings convened under requisition from members when the meeting shall elect a Chairman.
- d) Only fully paid-up Ordinary Members, Life Members, Patrons, Honorary Members and Honorary Life Members may vote at General Meetings.
- e) The Office-bearers of the Club shall be elected at the Annual General Meeting and should the number of nominations exceed the number of vacancies, a ballot shall be taken. Nominations for Office-bearers of the Club proposed and seconded by two other members of the Club and accepted by the nominee shall be handed to the Secretary two weeks before the Annual General Meeting and shall be displayed on the notice board of the Club.
- f) Special General Meetings may be called by direction of the Committee or upon a requisition in writing delivered to the Secretary and signed by at least 10 members qualified to vote at meetings. Should the motion not be carried at a meeting requisitioned by members, the signatories shall be jointly and severally liable for the costs incurred by calling the meeting.

6. ALTERATIONS TO CONSTITUTION

No alterations, addition to or deletion from this Constitution shall be allowed except by a majority of not less than two-thirds of the members present at the meeting and eligible to vote at an Annual or Special General Meeting of the Club, and no resolution involving such alteration to, addition to or deletion from the Constitution shall be put at such meeting unless notice thereof shall have been given in terms of clause 5.

7. FLAG OFFICERS

The Flag Officers of the Club shall be:

- a) The Commodore
- b) The Vice Commodore
- c) The Rear Commodore

Elected at the Annual General Meeting. Flag Officers are to retire annually and no Flag Officer shall be allowed to retain his rank for more than two consecutive years, but will be eligible for promotion or demotion to a different Flag Rank. Should any Flag Office become vacant, a Special General Meeting shall be called within thirty days of the vacancy occurring, to fill the office. No member shall be eligible for election to Flag Rank until he has served as a member of the Committee for at least one year. No member shall be eligible for election as Vice Commodore until he has served as Rear Commodore for at least one year. No member shall be eligible for election as Commodore until he has served as a Flag Officer for at least one year.

8. GENERAL COMMITTEE

The Office-bearers of the Club shall be:

- a) Commodore
- b) Vice Commodore
- c) Rear Commodore
- d) Chairman of Sailing and Safety Boats
- e) Chairman of Entertainment and Catering
- f) Chairman of House and Buildings
- g) Chairman of Grounds and Sailing Assets
- h) Chairman of Youth Sailing and Sail Training
- i) Treasurer
- j) Public Relations Officer
- k) Two other members

All of who shall comprise the General Committee – herein and throughout this Constitution referred to as “the Committee”. The Vice Commodore and Rear Commodore respectively may simultaneously hold office as Chairman of a sub-committee; in such cases the number of other members shall be increased so that the total number of Committee members is no less than ten.

9. GENERAL COMMITTEE ELIGIBILITY

No member of less than one year’s standing as such shall be eligible for election to the Committee. All office-bearers shall retire annually but shall be eligible for re-election subject to the provisions of clause 13 in regard to Flag Officers. All office bearers shall, however, remain in office until their successors have been elected.

10. CLUB MANAGEMENT

The general management of the Club shall be vested in the Committee with the assistance of four sub-committees, namely:

- a) Sailing Sub-Committee
For all matters relating to the sailing programme, racing and results, trophies, bridge and sailing office, safety and safety equipment, management of jetty's and the hard, moorings, parking of boats and trailers, mast locker and boat shed.
- b) Entertainment and Catering Sub-Committee
For matters relating to entertainment, catering and galley.
- c) House and, Buildings Sub-Committee
For matters relating to the Club house, wardroom, changing rooms, ablutions and other buildings
- d) Grounds and Sailing Assets Sub-Committee
For matters relating to the caravans, cabins, mobile homes, tent parks, lawns, grounds, water supply, sanitation, parking of cars and the maintenance of jetty's and the hard.
- e) Sailing Sub-Committee
For matters relating to junior sailing, training, club juniors boats and the juniors room.

The Chairman of each Sub-Committee shall be elected at the Annual General Meeting. Sub-Committees themselves shall have the power to co-opt. Members of the Committee may be appointed to serve on Sub-Committees. The Commodore shall be an ex officio member of all Sub-Committees.

The General Committee shall have the full power to:

- a) Transact all business of the Club which does not specifically, in terms of this Constitution, require the sanction of a General Meeting,
- b) make, amend and rescind rules for the conduct of the Club provided that such rules are not in conflict with the Constitution,
- c) receive, approve, amend or overrule any report or recommendation of any subcommittee, or to refer any proposal back to such sub-committee for further consideration,
- d) settle all matters in dispute, which must be submitted to it in writing. The complainant or complainants or the person or persons against whom any complaints are made may appeal to a General Meeting of the Club against the decision of the Committee. Notice of intention to appeal must be given in writing to the Secretary within fourteen days of the date of the written advice of the Committee's decision. In the event of the appeal being rejected by the General meeting, the complainant(s) shall be liable for all the costs incurred,
- e) Expel or suspend for such periods as it may think fit, any member whose conduct is, in its opinion, injurious to the character of the club. Such member shall have the right to appeal to a General Meeting of the Club against the decision of the Committee. Notice of intention to appeal must be given in writing to the Secretary fourteen days of the date of the written advice of the Committee's decision. In the event of the appeal being rejected by the General Meeting, the member concerned shall be liable for all the costs incurred,
- f) Elect candidates for admission as members,
- g) Dismiss and record as "in bad standing" from the membership roll the name of any member who shall have failed to pay any debt due by him or her to the Club which has remained unpaid for a period of twelve months from date of invoice.
- h) Appoint additional sub-committee and delegates and to give them such powers as may be necessary from time to time,
- i) Appoint and control the paid employees of the Club, to determine their duties and fix their remuneration and conditions of employment, and to terminate the appointments of such paid employees or to dismiss them,

- j) Fill up any vacancies in the Committee other than the Flag Officer and to co-opt additional members,
- k) Authorise by resolution any two members of the Committee to sign on behalf of all the members of the Club all Powers of Attorney, contracts, agreements or other deeds or documents authorised by the Committee for signature,
- l) Vote from Club funds such amounts as they may decide as an honorarium or bonus to officials or staff, or as subscriptions to any charitable or other fund, or for out of pocket expenses incurred by Club officials on Club business,
- m) Limit the membership of the Club from time to time,
- n) Effect insurances and invest Club funds,
- o) Expend Club funds for the upkeep, extension or improvement of the Club's property, equipment and furniture and for general expenditure in connection with the affairs of the Club, payment of interest on loans, and prizes for Club competitions. All capital expenditure involving more than R100 000-00 (AGM 22/05/16) in the aggregate in any one financial year shall require the consent of two-thirds of the members present and eligible to vote at a General Meeting of the club,
- p) Fix the annual subscriptions of members and the entrance fees of new members in line with the anticipated increase in the operating expenses of the Club as may be determined by increases in the Consumer Price Index and other relevant factors,
- q) Allocate upon such conditions as the Committee may decide the cabin, caravan, mobile home and camping sites, and to impose charges for the hire of these facilities or any other service or facility that the Club may have available,
- r) Deal with any condition or circumstances arising for which no specific provision is made in these clauses.
- s) Raise interest on any debt due from any member which has remained outstanding for a period of 90 days from date of invoice for which the said member has not reached a formal payment arrangement with the club. The interest rate shall be 1.5% per month compounded monthly.
- t) Attach assets located on the club grounds of a member dismissed in bad standing in order to settle any amounts due by such member.

11. PURCHASE AND ALIENATION OF PROPERTY

Notwithstanding anything to the contrary contained or implied in this Constitution the Committee shall not be entitled to purchase, sell or otherwise alienate or encumber immovable property of the Club without the consent of two-thirds of the members present and eligible to vote at a General Meeting of the Club.

12. RULES

All rules and regulations made by the Committee shall be binding on the members of the Club, until rescinded by the Committee or by a resolution passed at a General Meeting of the Club.

13. COMMITTEE MEETINGS

At all meetings of the Committee five physically present shall form a quorum and the Chairman shall have a casting vote as well as a deliberative vote. Members joining meeting by remote mechanisms will be considered as present at the meeting and entitled to the same rights as any physically present member. The Committee shall meet at least once in each Calendar month. Any Committee member absenting himself or herself without leave from three consecutive meetings of the Committee or of any sub-committee shall cease to be a member of such Committee or Sub-committee.

14. NON LIABILITY OF COMMITTEE MEMBERS

No member of the Committee shall be answerable for or liable to make good any loss occasioned or sustained by any cause, howsoever arising, save and except such loss as shall arise from or be occasioned by his own personal and wilful dishonesty. No member of the Committee shall be liable for any act of dishonesty committed by another member of the Committee unless he was privy thereto. The members of the Committee shall be indemnified out of and by the Club funds against all claims and demands of whatever nature that may be made upon them arising out of the exercise or purported exercise of any of the powers conferred upon them by this Constitution.

15. SUBSCRIPTIONS and SPECIAL LEVIES

- a) The Club's financial year shall be from the first day of March to the last day of February and a year's subscription shall cover that period. Members elected after 31st October in any season shall pay one half the yearly subscriptions. Save in the case of new members the annual subscription shall be due and payable on the 1st day of March in each year. The names of all members whose subscriptions are in arrears for two months shall be submitted to the Committee, who may give such member who is in arrears notification thereof, and any such member failing to pay his or her subscription within thirty days thereafter shall cease to be a member of the Club, provided, however, that the Committee may re-admit such member upon his or her payment of arrears subscriptions and any other fees payable by him or her had he or she not ceased to be a member. All members of the Club shall keep the Secretary informed of their addresses from time to time, and the Secretary shall keep an official register of members and their addresses.
- b) Special Levies may be proposed from time to time to address abnormal financial requirements. Any special levy requires approval in a General Meeting of the members and shall subsequently be invoiced to the members on the membership roll of the club at the time of approval of the levy. Any Special Levy raised will be classified as the same class of debt as the Subscriptions.

16. BORROWING POWERS

The Committee may, on being authorised thereto by a resolution passed by a majority of not less than two-thirds of the members present and eligible to vote at any General Meeting of the Club, borrow such sum or sums as may be required for the proper upkeep of the club, or for additions or improvements to the Club's property upon such terms, conditions and security as may by such resolution be fixed or otherwise as the Committee in its discretion thinks fit, provided always that due notice of such resolution be given as provided for in clause 5 stating the amount proposed to be borrowed and the purpose of the loan. No member shall be liable for more than his or her proportionate share of any debt incurred under this clause and no debt shall be so incurred until the lender's notice has been drawn to this clause.

17. LEGAL STATUS

The Club shall be a body corporate with perpetual succession and shall, subject to the provisions of clause 24 hereof, be capable in law of suing and being sued in its corporate name and of acquiring, holding and alienating property and performing all such acts as are necessary or incidental to the carrying out of its objects and the performance of its functions and duties in terms of this Constitution.

18. TRUSTEES

The Trustees of the Club shall be the Commodore and Vice Commodore. The whole property of the Club both movable and immovable at present belonging to or hereafter acquired by the Club shall be vested in the present Trustees and their successors in office in trust for the Club. In any legal proceedings the Club shall sue or be sued in the name of the Trustees.

19. MANAGER

The Committee shall have the power to appoint a Manager and determine his or her remuneration and duties. The Manager shall:

- a) attend all meetings and take minutes of their proceedings, which shall be signed by the Chairman, after the same have been confirmed at the ensuing meeting,
- b) keep a database containing the names and addresses of all members of the Club, in which database shall also be entered the date when each member was admitted to the Club or ceased to be a member of the Club,
- c) act as Cashier and be responsible for all money received on account of the Club and shall deposit same in a bank account in the name of the Club,
- d) arrange for the registration of all property belonging to the Club and for registration and safe custody of all documents, title deeds and insurance policies relative thereto. A copy of the inventory shall be attached to the annual audited Statement of accounts,
- e) attend to all other matters of Club administration as the Committee may decide from time to time.

All cheques drawn on account of the Club shall be signed by the Secretary and countersigned by one of two Committee members as appointed by the Committee. Cheques in excess of R1000 shall be countersigned by the Commodore. The Manager, if a member, forfeits all voting rights for the term of appointment.

20. TREASURER

The Treasurer shall be responsible for the preparation of the books of the Club and operate the Club's bank account in such manner as the Committee may direct. The Treasurer shall lay before the members of the Club financial statements of account at each Annual General Meeting.

21. ACCOUNTANT

The accounts of the Club shall be reviewed independently by a Chartered Accountant who shall be appointed at the Annual General Meeting and whose remuneration shall be fixed by the Committee.

22. TROPHIES

Only life, ordinary and junior members of the Club shall be allowed to take possession of floating trophies against signature. Members are responsible for all trophies in their possession, and shall return them in good and polished condition when called upon by the Chairman of Sailing or by any other person appointed to do so. In the event of a floating trophy being lost or damaged, the member concerned shall replace it or have it repaired at his expense, to the satisfaction of the Committee. Anyone wishing to donate a trophy to the Club may only do so with the permission of the Committee and upon such conditions as the Committee may decide.

23. RACING

All races shall be conducted in accordance with the sailing rules as may from time to time be authorised by the Committee. The Skipper of any boat participating in any race conducted under the auspices of the Club for a Club trophy shall be member of the Club.

24. DAMAGE TO CLUB PROPERTY

A member shall be liable to make good any damage done to the property of the Club, whether such damage can be done by the member personally or by any one or more of his or her guests.

25. OWNERS' RISK

Members' property is at owners' risk and all persons entering the Club and its property and using its facilities do so entirely at their own risk and indemnify the Club, its owners, employees and agents from any claims whatsoever for loss or damage to property or any injury to, or death of, any person howsoever such claim may arise. The Club accepts no liability for damage to or loss of members' property in the Club buildings or on the Club grounds, or afloat. The Club accepts no liability in respect of accidents on Club property or afloat.

26. VISITORS

No person may be introduced to the Club as a guest more than six times in any one year. A member introducing a guest should enter his or her name in the visitor's book provided for the purpose. The member introducing a guest shall be responsible for the conduct of such guest. Only members of the Club shall be permitted to pay for accommodation or refreshment supplied on Club premises, except during regattas.

27. RECIPROCITY WITH OTHER CLUBS

The Committee may at their discretion and gratis or upon such terms as may be deemed adequate, grant to members of other Yacht Clubs full temporary rights of membership in all cases where similar terms of reciprocity are extended by any other such Yacht Club to members of the Hermanus Yacht Club.

28. TRANSFORMATION POLICY (NOTE - THIS WAS VOTED IN AT THE 2018 AGM BUT NOT INSERTED. SO DOES NOT NEED REPROPOSAL IN 2021)

Under no circumstances, shall anyone be offered or refused membership of the club on the basis of race or gender. The constitution and by-laws shall be applied equally to all members regardless of race or gender.

Under no circumstances, shall anyone be offered or refused a place in the Youth Training Programme on the basis of race or gender. The same shall apply in terms of ability/disability within reasonable confines of the physicality of the sport.

HYC will use only demographically neutral advertising spaces for Youth Training, e.g. municipal building, post offices, public websites etc. A bursary fund will be maintained for the Youth Training program. Bursaries will be available to youth wishing to enrol in the program but lacking the necessary funding to participate.

29. INTERPRETATION

In case of doubt as to the meaning of any clause, rule, regulation or by-law, the interpretation of the Committee shall be binding upon members.

30. DISSOLUTION OF CLUB

The Club shall be deemed to be dissolved if the membership falls below 20. The affairs of the Club shall be wound up by public auction and the proceeds of the sale shall devolve upon NSRI Hermanus. No part of the assets of the Club shall be distributed among members. (AGM 23 May 2021)