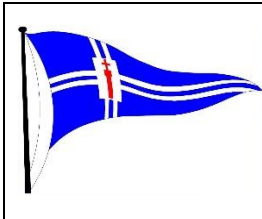


# CONSTITUTION OF WALVIS BAY YACHT CLUB

INSTITUTED 1962

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# WALVIS BAY YACHT CLUB CONSTITUTION

## 1. TITLE

The name of the CLUB shall be the **WALVIS BAY YACHT CLUB**, hereinafter called the "CLUB".

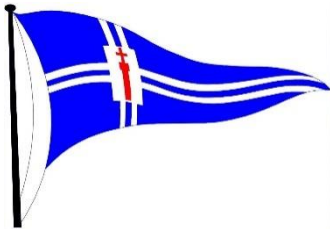
## 2. OBJECT

The object of the CLUB shall be the encouragement of amateur yacht sailing as well as all other water sports, the operation of sea-going motor craft in Walvis Bay and adjacent waters and to be a temporary home for visiting yachts and their crews.

## 3. HEADQUARTERS

The Headquarters of the CLUB shall be at Walvis Bay, Namibia.

## 4. CLUB FLAG



## 5. MEMBERSHIP

5.1. The Membership of the CLUB may be limited as to numbers and shall consist of:

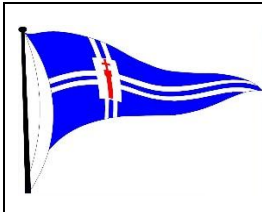
- i. Ordinary Members
- ii. Life Members
- iii. Honorary and Honorary Life Members
- iv. Temporary Members
- v. Junior Members
- vi. Family Members
- vii. Senior Members
- viii. Country Members
- ix. Dormant Members
- x. Commercial Members

Members' spouses/common law partners shall be considered Honorary Members.

5.2. Any person elected a Member of the CLUB ipso facto agrees to and shall be bound by the Constitution, Rules and Bye laws in force and any further Rules and Bye-Laws that may be promulgated from time to time.

5.3. Ordinary Members

- a. Any person desiring to join the CLUB as an Ordinary member, shall be proposed by two Members, to both of whom the candidates shall be personally known. His/her name, profession of business and such information as the Committee may require, together with the names of his/her proposer and seconder shall be signed on the CLUB'S nomination form.
- b. Candidates shall be introduced to one Flag Officer and two Members of the Committee before the date of ballot. The name, address and profession of the candidate and the names of his/her proposer and seconder shall be posted on the CLUB notice board for at least 14 (fourteen) days before the date of the ballot.



# WALVIS BAY YACHT CLUB CONSTITUTION

- c. An Ordinary Member who ceases to reside within Namibia shall cease to be an Ordinary Member and shall be entitled to Country Membership.
- d. The Committee shall be entitled to put such questions as it may think fit to such proposer and seconder or either of them concerning such candidate. Both the proposer and the seconder shall reply giving all material particulars as to their knowledge of such candidate.
- e. The election of Members shall be vested in the General Committee, who shall vote by ballot, two black balls to exclude. The Secretary shall notify every candidate of his/her election and furnish him/her with a copy of the Rules and Bye laws forthwith.
- f. No rejected candidate shall be again proposed until the expiration of twelve months from the date of his/her rejection.

## 5.4. Life Members

Any person who has been an Ordinary Member of the CLUB for 5 years, shall be allowed to compound all future annual subscriptions on a basis set out by the General Committee from time to time.

## 5.5. Honorary and Honorary Life Members

### a. Honorary Members

The Committee may elect as Honorary Members for such time as it shall think fit, and without entrance fee or subscription, Ambassadors, Ministers Plenipotentiary, Councillors and Secretaries of Embassies or Legations, Consuls of Career, and other distinguished persons, including the Members of any congress, conference, or other persons, whom the Committee thinks fit. Such Honorary Members shall not be entitled to vote at any Meetings of the CLUB.

### b. Honorary Life Members

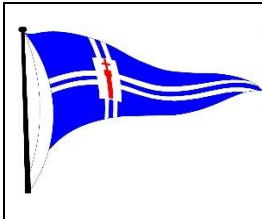
Any person who has rendered distinguished service to yachting or to the CLUB may be elected, on a recommendation by the Committee, at a General or Special General Meeting of the CLUB as Honorary Life Member, and shall thereupon become entitled without subscription, to all privileges of Membership.

## 5.6. Temporary Members

- a. Any person temporarily resident in Walvis Bay may be proposed by an Ordinary or Life Member, and seconded by another, as a Visiting Member of the CLUB, for a period not exceeding one month, by entry of his/her name, address and profession or occupation, and the names of proposer and seconder, in a book kept for the purpose, provided that not less than three members of the General Committee shall countersign such application. The said period may be extended on application to the committee without a new application to the Committee, without new proposal. The Member proposing such Visiting Member shall be liable for any debts incurred by the latter to the CLUB. Such Visiting Members have not the privilege of introducing guests or of voting at any CLUB meeting.
- b. The subscription payable by Temporary Members as referred to in Rule 8 of the amended Constitution of the CLUB shall be fifteen percent (15%) of the annual subscription as determined by the General Committee.
- c. Temporary Members visiting the CLUB for the purpose of sailing or related sport activities will pay 15% of the annual subscription fee pro rata for the duration of the visit.

## 5.7. Junior Members

- a. Junior Members shall be elected in the manner provided for the election of Ordinary Members, save that on the proposal form shall be stated the age of the candidate, which must not be less than 10 (ten) years and shall not exceed 18 (eighteen) years. They shall have no voice in the affairs of the CLUB. They shall use the CLUB only on such conditions as may be decided upon from time to time by the Committee. Every Junior Member, upon attaining the age of 18 (eighteen) years, shall be bound to present him-/herself for election as an Ordinary Member, without further entrance fee, before the next subscription falls due, failing which he/she shall ipso facto, cease to be a Member of the CLUB.
- b. A Junior Member who is either a Member of the Namibian Defence Force doing his/her initial training or who is undergoing approved tertiary education may remain a junior Member on



# WALVIS BAY YACHT CLUB CONSTITUTION

application until he/she has completed his/her military service or his/her tertiary training, as the case may be, but in any event not after not after completion of his/her 25<sup>th</sup> year of age. The annual subscription for such Junior Member shall be as from time to time decided by the General Committee.

## 5.8. Family Members

- a. Any person desiring to join the CLUB as a Family Member, shall be both (man and wife) of whom the candidates shall be personally known. His/her name, profession of business and such information as the Committee may require, together with the names of his/her proposer and seconder shall be signed on the CLUB'S nomination form.
- b. Candidates shall be introduced to one Flag Officer and two Members of the Committee before the date of ballot. The name, address and profession of the candidates and the names of his/her proposer and seconder shall be posted on the CLUB notice board for at least 14 (fourteen) days before the date of the ballot.
- c. A Current Ordinary Member who wishes to become a Family Member may do so without the above procedure being followed and the Ordinary Member would then require to pay the difference of membership fee so that his/her spouse can become a member.
- d. The Committee shall be entitled to put such questions as it may think fit to such proposer and seconder or either of them concerning such candidates. Both the proposer and the seconder shall reply giving all material particulars as to their knowledge of such candidates.
- e. The election of Members shall be vested in the General Committee, who shall vote by ballot, two black balls to exclude. The Secretary shall notify every candidate of his/her election and furnish him/her with a copy of the Rules and Bye laws forthwith.

## 5.9. Senior Members

A Senior Member shall be a person over the age of 60 as defined in the Namibian Constitution. The Annual Subscription payable by Senior Members shall be one half of that payable by Ordinary Members.

## 5.10. Country Member

Any person that does not reside within the borders of Namibia, shall be entitled to apply to become a Country Member.

## 5.11. Dormant Membership

A Dormant Member is a person who is an Ordinary Member of the CLUB and who intends to leave Namibia for any length of time but who wishes to remain a Member. The General Committee may convert Ordinary Membership into Dormant Membership upon receipt of an application by a Member to this effect. Dormant Membership is renewable when annual subscriptions are due and the amount payable is one fifth ( $\frac{1}{5}$ ) of the annual subscription payable by Ordinary Members. Dormant Members will revert to Ordinary Membership in the event of their return to Namibia without additional payment for the remainder of a CLUB financial year if they so desire and advise the Secretary accordingly; always provided that their subscriptions are not in arrears. No privileges are attached to Dormant Membership except those of free access to the CLUB premises and the introduction of guests.

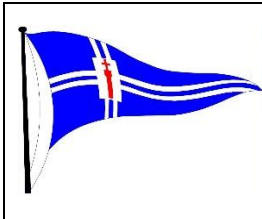
## 5.12. Commercial Members

A Commercial Member shall be any member who uses the club facilities as part of their day-to-day commercial activities, such as, but not restricted to, Tourist operations, Commercial Diving operations, Ferry and Marine/Ship repair services.

## 5.13. Guests

The introduction by Members of persons, including those who may be eligible for Membership, as guests on the CLUB premises is permitted. Persons eligible for Membership, however, may not habitually make use of CLUB premises and the Committee may forbid the introduction of any person as a guest for any reason appearing to them sufficient. A Member introducing a guest shall forthwith enter his/her name in a visitor's book provided for the purpose.

Every Member introducing a guest shall be responsible for the conduct of such guest while in the CLUB.



# WALVIS BAY YACHT CLUB CONSTITUTION

## 6. ABUSE OF MEMBERSHIP

No person shall be eligible to be or to continue as a Member of the CLUB who, in the opinion of the Committee, abuses the Privilege of Membership.

## 7. ENTRANCE FEE AND SUBSCRIPTION

From the first day of April in any one year the annual subscriptions payable by Members. The fee shall be laid down by the General Committee before the 31<sup>st</sup> of March of each year. The entrance fee is payable on the acceptance of the member by the CLUB together with a pro-rata subscription for the current year of membership.

## 8. SUBSCRIPTION DUE AND PAYABLE

- a) Annual subscriptions fall due on the 1<sup>st</sup> of April of each year and are payable in full within 3 months of this date.
- b) No member shall have any voting power after this payment deadline date until the payment of his/her annual subscription.
- c) No Member who has not paid his/her annual subscription within the 3 (three) months after it became due shall be allowed to continue as a Member. Acceptance of subsequent subscriptions shall be at the discretion of the General Committee.

## 9. CLUB OFFICERS

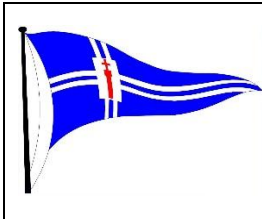
The Officers of the CLUB shall be:

- COMMODORE (FLAG OFFICER)
- VICE COMMODORE (FLAG OFFICER)
- REAR COMMODORE (FLAG OFFICER)
- HONORARY TREASURER
- HONORARY SECRETARY

Only Ordinary Members who permanently reside within the District of Erongo are eligible to be elected to CLUB Officers rank and may be non-boat owners.

## 10. THE GENERAL COMMITTEE

- a) The Management of the affairs of the CLUB, subject to these Rules and Bye-laws shall be vested in the General Committee consisting of the Officers of the CLUB (ex officio) and 2 (two) elected Members with power to co-opt. They shall meet at least every 3 (three) months, a quorum at any meeting of the General Committee shall be 4 (four) Committee Members. The qualification for election to the General Committee or any of the offices detailed in Rule 9 with exception of Honorary Secretary and Honorary Treasurer, shall be a minimum of 2 (two) years Membership of the CLUB.
- b) The Committee shall have the power to make, amend and rescind Bye-laws for the regulation of the affairs of the CLUB, so long as such Bye-laws are not in conflict with any Rules and Regulations of the CLUB. Such Bye-laws shall be posted on the notice board in the CLUB-house for the information of the Members.
- c) The Committee may appoint a Secretary and such staff as required for the efficient running of the CLUB and fix their remuneration and duties.
- d) Only Ordinary/Senior Members are eligible to the General Committee.
- e) Neither the General Committee nor any of its Members shall be held liable for any losses the CLUB may suffer directly or indirectly from any action taken or omitted by the General Committee or any of its Members, negligence excluded.



# WALVIS BAY YACHT CLUB CONSTITUTION

## 11. INTERIM VACANCIES

The General Committee may fill any vacancy that may occur in their body by resignation or otherwise, of any elected Member during the year of office.

## 12. VACANCIES IN OFFICES

Should any of the offices referred to in Rule 9 become vacant during any year after the Annual General Meeting of the CLUB, the General Committee shall have power, if necessary, to fill such office temporarily, but shall, in any event, take steps without delay to call a Special General Meeting for the purpose of electing an officer to fill the vacancy.

## 13. NON-ATTENDANCE AT MEETINGS OF COMMITTEE

Any Member of the General Committee who has failed to attend 3 (three) consecutive Meetings, not having received leave of absence, shall, unless he/she shall upon request furnish a reasonable excuse, ipso facto vacates his/her seat.

## 14. ACCOUNTS AND AUDIT

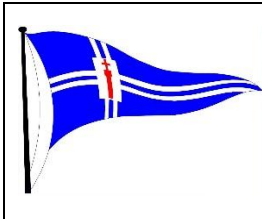
- a) The General Committee shall appoint an Accountant to audit the accounts and balance sheet of the CLUB and fix his/her remuneration. Such Accountant shall not be an Officer of the CLUB, or Member of the General Committee.
- b) The Banking account of the CLUB shall be kept in such Bank or Banks as the Committee may from time to time decide. All payments on account of the CLUB shall be authorised by at least two of the authorised signatories of the CLUB, or, in the absence of any of these, in such a manner as the Committee may direct.

## 15. SUB-COMMITTEES

The General Committee may appoint Sub-Committees, consisting of a convenient number of Members, for any special purpose.

## 16. EXPULSION, SUSPENSION, FORFEITURE OR RIGHTS

- a) **Expulsion**  
If any Member shall be found by the Committee, after due enquiry, to have been guilty of ungentlemanly or improper conduct, it may by resolution to expel such Member from the CLUB, and he/she shall thereupon forfeit all right, claim or privilege upon the CLUB or its property.
- b) **Suspension**  
If any Member shall be found guilty by the Committee, after due inquiry, of ungentlemanly or improper conduct, it may by resolution suspend that Member from the CLUB for any period, with the forfeiture of such privileges as the Committee may determine.
- c) **Forfeiture of Rights**  
Any Member who shall be convicted in a Court of Law of any grave offence, or whose name shall be officially published as an insolvent, shall ipso facto cease to be a Member of the CLUB and shall forfeit all rights or claims upon the CLUB or its property, provided, however, that any Member disqualified by insolvency may be reinstated by the Committee subject to such conditions as the Committee may determine.
- d) Should any Member incur any liability other than his/her subscription to the CLUB, and fail to discharge such debt on due notice, the Committee shall have the power to deal with such Member under Rule 8 as though such debt were an annual subscription remaining unpaid on 30<sup>th</sup> of June.



# WALVIS BAY YACHT CLUB CONSTITUTION

## 17. APPEAL TO GENERAL MEETING

Any Member who may think him-/herself personally aggrieved by any decision of the CLUB or Committee or Sub-Committee thereof (other than a decision of the Sailing Committee) may appeal against the same in writing, and the Committee shall summon a Special Meeting of the CLUB to consider such appeal, provided that it is received within 10 (ten) days after notification of such decision to such Member and the decision of such Special Meeting shall be final.

## 18. RESIGNATION

Any Member desiring to withdraw from the CLUB shall be permitted to do so upon notifying the Secretary in writing not later than the 31<sup>st</sup> of March, prior to that year in which retirement is desired, and upon payment of all liabilities due by him/her to the CLUB.

## 19. ANNUAL GENERAL MEETING

- a) The Annual General Meeting of the CLUB shall be held as soon as possible after the 1<sup>st</sup> of October of each year but not later than the 31<sup>st</sup> of December each year. A Special notice and the Agenda of such meeting shall be posted on the CLUB notice board and to the last known address or email address of each Member not less than 14 (fourteen) days before such meeting.
- b) Nominations for Officers and Members of the General Committee shall be lodged with the Secretary, duly proposed and seconded, and with the Nominee's consent 8 clear days before the meeting. The names of the Nominees and their Proposer's and Seconders' names shall then be posted on the CLUB notice board for scrutinizing 8 (eight) days prior to the Annual General Meeting.
- c) Any Member not elected to the nominated position shall be eligible, if he/she so desires for any other office. In case of need, the Committee shall be empowered to accept nominations until such time as the meeting is held.

## 20. CHAIRMAN

At all Meetings of the CLUB, or of the General Committee, the Senior Flag Officer, or, failing him/her a Chairman to be elected by those present, shall preside, such Chairman shall have, in addition to a deliberative, a casting vote in the event of equality of voting.

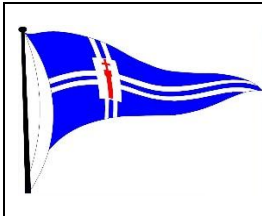
## 21. BUSINESS OF ANNUAL GENERAL MEETING

The Business of the Annual General Meeting shall be as follows:

- a) Presentation of the Annual Report of the General Committee.
- b) Presentation of the Treasurer's professionally Verified Accounts and Balance Sheet for the year ended on the 31<sup>st</sup> of March preceding.
- c) Election of President, Vice Presidents, and Honorary Life Members, if any.
- d) Election of 3 Trustees.
- e) Election by ballot of Officers and General Committee
- f) General Business

## 22. SPECIAL GENERAL MEETING

The General Committee may, and upon requisition signed by not less than 12 Ordinary Members, shall call a Special General Meeting of the CLUB of which not less than 14 days' notice shall be given by posting on the notice board in the CLUB-house and to the last known address or email address of each member. Such notice and requisition shall state the business for which such meeting is called and the discussion and motion or amendments shall be confined within the scope of such notice.



# WALVIS BAY YACHT CLUB CONSTITUTION

## 23. QUORUM

A quorum at any General Meeting of the CLUB shall consist of not less than 15 Members or 20% whichever is the lesser.

## 24. MAJORITY

Except where otherwise in these Rules specially provided, a decision or resolution of a General Meeting of the CLUB or for the General Committee shall be by Majority of those present and voting thereat.

## 25. AMENDMENTS OF RULES

No motion involving an amendment of, or addition to, these Rules or any of them shall be put from the Chair at any meeting of the CLUB unless notice thereof shall have been posted on the notice board in the CLUB-house not less than 14 days prior to the date of such meeting and special notice of the meeting and of the proposed amendment has been posted to the last known address of each Member not less than 8 days before such meeting. No such motion shall be declared carried unless a majority of not less than two thirds ( $\frac{2}{3}$ ) of those present and voting shall be in favour of it.

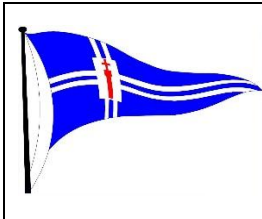
## 26. CHAIRMAN'S RULING

If any question or dispute should arise at any General Meeting of the CLUB or at any meeting of the General Committee as to the interpretation or meaning of these Rules, or any of them, the Chairman of such meeting shall rule thereupon, provided however, that any Member then present and objecting to or aggrieved by such ruling may demand to have such ruling submitted to each meeting, which shall finally decide such question or dispute by resolution.

## 27. TRUSTEES

- a) The property of the CLUB and such business as hereinafter defined shall be vested in 3 Trustees.
  - b) Only Members on good standing who have previously or currently held a position on the committee shall be eligible as Trustee of the CLUB. No Trustee shall be a sitting Member of the General Committee.
- c) It shall be the duty of the Trustees to safeguard together with the General Committee the well-being of the CLUB. To this end it shall be compulsory for any General Committee to obtain beforehand the approval of the Trustees for the following:
  - i. The acquisition or disposal of fixed property.
  - ii. The borrowing or lending of money.
  - iii. In the event of the CLUB being without a properly constituted General Committee the Trustees shall have the right to convene a Special General Meeting for the purpose of having a General Committee elected. Until such time that a General Committee has been duly elected the Trustees assume the duties assigned to the General Committee by the Constitution of the CLUB.
- d) The Trustees shall have the right to attend all Meetings of the General Committee and notice of any meeting of the General Committee shall be served on the Trustees at least 7 days before the date of any meeting.
- e) The Trustees have no vote at any meeting of the Committee except for business defined under Rule 27 (c). Any proposal in respect of such business requires a majority of 2 Trustees voting for or against it.





# WALVIS BAY YACHT CLUB CONSTITUTION

## **28. ACTIONS-AT-LAW**

- a) The Commodore, for the time being, shall be the person to sue and defend in all suits or actions for and behalf of the CLUB, and service of all process may be made upon him/her.
- b) No Member or guest shall have any right of action against the CLUB for any damage suffered by him/her through any default or negligence of the CLUB or its servants. For the purpose of this Rule the term "Members" shall include Honorary, Visiting or Reciprocity Members.

## **29. GRATUITIES**

No Member of the CLUB shall give gratuities to CLUB servants, but payment for specific work done by them, not conflicting with their Ordinary duties to the general body of Members, is permitted.

## **30. PROHIBITION OF USE OF CLUB ADDRESS**

No Member shall use the CLUB address on any communication intended to appear in any newspaper or other publication, except such communications as may be authorized by the General Committee.

## **31. DESTRUCTION OF CLUB PROPERTY**

No Member of the CLUB shall destroy, mutilate, or without the sanction of the CLUB, wilfully, remove from the CLUB-house, upon any pretext whatsoever, any newspaper, book, pamphlet or other property of the CLUB, under pain of being dealt with by the Committee under the provisions of Rules 16 (a) or 16 (b).

## **32. SUGGESTIONS AND COMPLAINTS**

All suggestions by Members shall be entered in a book kept for the purpose and shall be considered by the Committee at its next meeting. All complaints shall be made in writing to the Committee.

## **33. RECIPROCITY OR AFFILIATION**

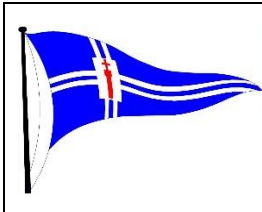
The Committee shall have power to arrange terms of Reciprocity or affiliation with other clubs, should they consider it advisable to do so in the interests of the CLUB. Reciprocity Members of such clubs shall sign the appropriate book on making use of the CLUB.

## **34. CLUB CONSULS**

The Committee shall have power to elect CLUB CONSULS in various Districts. Only Members or Honorary Members shall be eligible for such appointments.

## **35. BOAT SHEDS**

Boat Shed facilities are provided for active CLUB members. The allocation of boat shed facilities to CLUB Members in good standing is at the discretion of the General Committee and is subject to annual revision. The annual rent for the boat shed facilities is to be paid in advance. The rate will be set by the Flag Officers and General Committee annually. Members who cease to be active boating/sporting members of the CLUB shall forfeit the right to retain a boat shed and shall vacate their shed with 3 (three) months of being given written notice by the CLUB to do so, failing which the CLUB shall have the right to remove and dispose the contents and reallocate the shed to another deserving member.



# WALVIS BAY YACHT CLUB CONSTITUTION

## 36. BYE-LAWS

- 36.1. The wearing of wet suits and/or sailing apparel is not permitted in the CLUB-house other than in the change rooms.
- 36.2. Members shall be suitably dressed after 20h00.
- 36.3. The Committee may from time-to-time reserve and/or close to Members the use of any portion of the CLUB premises.
- 36.4. All Members and guests within the CLUB premises shall give their names on request.
- 36.5. No liquor may be sold to Members for consumption off the CLUB premises.
- 36.6. No Member or guest under the age of 18 years is permitted to enter the bar or may be served with alcoholic liquor.
- 36.7. No boating equipment or gear of any description other than wearing apparel may be brought into or stored in the CLUB-house or change rooms.
- 36.8. Dogs are permitted to the CLUB grounds only on a leash, but under no circumstances are they permitted in the CLUB buildings.
- 36.9. Dinghies and other small craft brought up for any length of time must not be left on the beach but may be placed on the site provided for that purpose.
- 36.10. No open or half-decked small craft may proceed beyond a line drawn from Pelican Point light house to Bird Island unless prior permission has been obtained from the Port Captain.
- 36.11. All craft operating from the Yacht Club premises shall carry a life jacket for every person on board. Failure to observe this will result in strict disciplinary action being taken by the Committee.
- 36.12. No Member's craft may exceed a speed of 6 knots whilst inside the Yacht berthing area
- 36.13. Any Member who uses a CLUB mooring without the previous written permission of the General Committee, shall at the request of such Committee remove his/her craft forthwith, failing which the Committee shall be empowered to return the offending boat to its own or any mooring at the owner's risk and expense. The General Committee shall further have the right to re-allocate moorings as they think fit, provided that no craft be moved without reasonable notice being given to the owner. A private mooring may only be placed with the written consent of the Committee.
- 36.14. No Member may use CLUB premises for building or rebuilding any craft without prior permission of the General Committee.
- 36.15. No Member may berth any small craft on the boat park without having first had permission granted by the Committee.
- 36.16. No small craft may continue to occupy a boat shed or shelter if the Committee considers that occupation is not justified.
- 36.17. All yachts or other craft on the register of the CLUB away from moorings between sunset and sunrise must show continuously the appropriate navigation lights as required under the Rule of the Road at Sea.
- 36.18. The Owner of a pleasure craft shall pay a levy of N\$300.00 (or more if justified) to the CLUB in the event of any rescue work having been done in respect of such craft by Members of the CLUB unless prior arrangements have been made. [This rule shall not apply during officially organized regattas.]
- 36.19. No smoking is allowed anywhere inside the CLUB building.
- 36.20. The CLUB facility is not to be used for commercial offloading of fish.
- 36.21. No activities detrimental to the wellbeing of the surrounding nature, will be allowed.