



SOCA Member's Rights and Duties

SOCA is a Sailing Club founded in Hertfordshire, which is affiliated to the RYA. The purpose of the Club is to extend nautical knowledge and promote the enjoyment of sailing in a social environment.

This guidance considers some of the rights and duties of Club members.

It should be noted that the Club's governing documents will govern the relationship of the members. It is such documentation that sets out the contractual relationship between the members. Members are therefore advised to ensure that they have sight of and understand the club's governing documents.

On payment of the annual membership fee, the member and their family will:

- receive regular details via Email and various social media platforms with details all the upcoming sailing, training, and social activities, plus sailing stories and regular columns
- be able to attend, free of additional charge, our monthly meetings and hear presentations on a variety of sailing topics
- chat and learn from other members at social and monthly meetings
- speak to boat owning members about potential crewing opportunities

Admission of Members:

A person does not have an automatic right to become a member of a private members club, such as SOCA, and no matter how eligible an applicant may be, the Club may refuse membership to that applicant, provided that the club is not a Community Amateur Sports Club and/or in receipt of funding streams that have an open membership requirement and provided also that the club does not discriminate on the basis of one or more of the protected characteristics under the Equality Act 2010. The Club need not give a reason for the refusal; however the decision by a club to refuse an applicant's membership should be made:

- honestly, without bias and not capriciously;
- when the Club has more than 25 members, without discrimination.

On becoming a member of a club, the new member will have in effect entered into a contractual relationship with each and every existing member of that club. The terms of the contract are contained in the Club's governing documents.

Membership may be restricted by adopting a criterion of eligibility; if the applicant is able to meet the criteria they may become a member, alternatively if they are unable to meet the criteria, membership may be refused.



The Club does not require that applicants for membership must be proposed and seconded.

Fees and subscriptions:

Members have a duty to pay the fees and subscriptions as agreed annually at a general meeting of the club. Subscription fees are due on notice of appointment to the club and membership commences on payment of the subscription. Subscription fees are paid in consideration of the enjoyment of benefits and privileges of membership.

Membership fees will be agreed at the Club's AGM, where annual fees for Full and Country membership will be decided for the upcoming year.

Control of club affairs:

Members who wish to be involved in the day-to-day management of club business may put themselves forward to be elected onto the Committee. The Rules provide for a limited period of time that a person may sit on the Committee without reelection, this will normally be done at the Annual General Meeting, so as to prevent a small fraction running the club for their own interests.

A dissatisfied member should question the Committee and raise motions at General Meetings. Where there has been a breach of a rule or incorrect procedure at meetings, a member may seek the assistance of the court, as the club may be held to be in breach of contract.

Voting:

Although all members have a right to attend General Meetings, a member must look to the class of membership to establish their right to vote at General Meetings.

Other duties as provided for in Rules:

The Rules may require members to undertake specified duties or tasks at the club.

Members generally have the right to use any of the Club equipment as provided for in the Club Rules.

Resignation:

A member has a right to resign and, unless provided for otherwise in the Rules, is affected by the Secretary receiving the communication from the member notwithstanding the feelings of the Committee and general membership. Once the resignation has been received by the Secretary, it can effectively be revoked by contacting the Secretary using the same process as that which would be used by a new member. The remaining membership period, (without the need to pay any new/additional fees), will be the same as before resigning.

A member may also be deemed to have resigned if their conduct sufficiently demonstrates their intention to no longer be a member of the club. This is a question of



fact in every case, however, non-payment of fees for a period of two years, without explanation, will be deemed to be sufficient demonstrable conduct.

A member who resigns during the year may not claim a refund.

A person who has resigned yet seeks membership of the club again must contact the Secretary using the same procedure as a new member.

The member will be liable for contracts entered into by the club for the members during their period of membership, but not contracts entered into after resignation.

Suspension:

Suspension deprives a member of their rights at a club and therefore can only be enforced as detailed in the Club Rules, Policies and Procedures.

However, where a club suspects a member of wrong-doing towards the club, the suspected member may be suspended for a short period of time to enable investigations to be undertaken. The Club will only suspend a member where the allegation against them is of a serious nature.

Expulsion:

Expulsion permanently deprives a member of their rights at the club and therefore can only be enforced as detailed in the Club Rules, Policies and Procedures.

Expulsion requires a positive act by the Club rather than a lapse in attendance or participation in Club activities by the member.

Where the Club Rules Policies and Procedures do provide for expulsion, the club will act:

- in good faith and without malicious intention
- in strict compliance with the Rules; Policies and Procedures
- in accordance with the laws of natural justice, i.e. the right to a hearing by an unbiased tribunal, a notice of the charges of alleged misconduct, and a right to reply to the charges.

If the Club does not operate its expulsion policy in accordance with these guidelines, an expelled member may apply to the court seeking a declaration or injunction that their membership continues and the club may be ordered to pay damages to the member.

If you have any queries, questions or comments on the information contained in this document please contact commodore@socasailing.org.uk.