

Constitution of the Carrick Castle Boat Club (Mooring Owners Association)

1. Origin and History

The Carrick Castle Boat Club was formed on 10th February 1989 as a Moorings Association.

2. Objects

The primary objective of the Carrick Castle Boat Club is to obtain mooring rights and co-ordinate and administer the use of moorings at Carrick Castle, Argyll.

Secondary objectives are to enhance the amenities available to, and to protect the rights of, members, in their pursuit of leisure boating activities.

3. Membership

Any person either already owning a mooring or with an interest in having a mooring at Carrick Castle is qualified to become a member. Members shall be entitled to all privileges and amenities of the association and shall have the right to vote on all matters at general meetings. There is only one vote per membership. Other persons may also apply for membership, at the discretion of the Committee.

Applications for membership shall be made to the committee. Upon election by the committee the new member will be given a copy of this constitution and the joining fee and first year subscription will be immediately payable.

4. Committee

The Committee shall consist of a minimum of three persons and three Committee members shall form a quorum at any meeting of the committee.

Committee posts will consist of, at least, Chairperson, Vice Chairperson, Treasurer and Moorings Officer. The Committee shall have the power to create further posts and co-opt additional members to its self.

Committee members shall retire at each General Meeting but shall be eligible for re-election.

The Committee shall have the right to exercise generally all powers competent to the Association its self, including power to enter into agreements on behalf of the association.

Any two or more of the Chairperson, Vice Chairperson, Treasurer and Mooring Officer will have the power to execute or sign deeds or documents as trustees for or on behalf of the Association.

5. Allocation.

The list of Mooring allocations will be held by the committee and maintained by the Mooring Officer or his or her Deputy. All members will qualify for an allocation and a waiting list will be used when necessary. Residents of the Carrick Castle area will be given priority on any such waiting list.

Mooring equipment must be laid at the allocated location and marked as required by The Crown Estate or its successors, within 6 months of allocation, or the allocation will be withdrawn.

6. Moorings

Members must comply with all instructions and regulations relating to the mooring of vessels in the area, or the allocation will be withdrawn.

Members, at all times, must keep their mooring(s) in good, safe and substantial order and condition and may not alter the position of the mooring(s) without the previous consent of The Crown Estate Commissioners obtained through the Association.

Members must permanently mark their moorings with a surface buoy to be maintained at all times unless the mooring tackle has been taken ashore for the winter.

For a mooring in service, it shall be further marked by attaching to and displaying upon the surface buoy or pick-up buoy a marker tag issued by The Crown Estate Commissioners and if at any time it be displaced, the member will be required to replace the same with a marker tag to be obtained from The Crown Estate Commissioners, through the Association, who reserve the right, at their discretion, to charge a fee for the provision of a replacement marker tag. All moorings must be used and have a vessel allocated to each mooring. The Crown Estate will no longer permit moorings to be unused by members and will withdraw a mooring allocation to a member if it remains unused. For a mooring not in service, the name of the boat normally occupying the mooring shall be marked on the keeper buoy with the maximum weight shown that the mooring was designed for. Moorings that do not display The Crown Estate mooring tag issued to a member for their mooring will be subject to a fine by The Crown Estate for each and every inspection where the tag has not been attached to the mooring buoy.

Members must insure their moored vessels with third party liability of an amount described in the Association rules or determined at a General Meeting. All moorings must be checked by an approved contractor for suitability of purpose before initial use and thereafter at least annually.

7. Arbitration

Application for a mooring allocation shall not be unreasonably withheld by the Committee or the Association to any applicant undertaking to comply with all instructions and regulations relating to the mooring of vessels in the area. If the Committee or the Association refuses an application, the applicant has the right to appeal to The Crown Estate Commissioners, 10 Charlotte Square, Edinburgh, EH2 4DR, whose decision shall be final.

8. Subscription and fees

A joining fee, at a level decided at the Annual General meeting, will be charged to all new members. This fee is non refundable and any resigned members reapplying for membership will be required to pay the joining fee at the level in force at that time.

The annual subscription to the association shall be decided at the Annual General Meeting. The subscription will become payable with the annual mooring fees as set by The Crown Estate, at a date decided by the Annual general meeting. Any amounts outstanding after this date will be subject to a late payment fee of 25% of the total annual subscription and fee. If payment has not been received after a period of 4 weeks of the original due date, then that membership will be deemed to have expired and any mooring allocations to that member withdrawn. Any existing mooring equipment left at the allocated location will be deemed as an illegal mooring by The Crown Estate and if not removed by the owner, it will be removed by the authorised agents of The Crown Estate and the cost will be charged to the owner.

9. General Meetings

An Annual General Meeting shall be held each year. A notice calling the meeting shall be

posted to all members at least 21 days prior to the meeting. Special General meetings may be called at any time by the Committee or by at least 8 members on written request to the Committee which request will state the purpose of the meeting and the term of any motion or motions to be submitted to it. Special General Meetings will be called within 28 days of such a request and notices of it will be posted to all members at least 14 days prior to it. A quorum at any General meeting will be not less than 6.

10.Accounts

Accounts and a statement of the affairs of the Association will be handed to members at the Annual General Meeting.

11.Winding Up

Should the Committee and Members of the Association wish to wind up the Association at any time, this shall only be decided at an Annual General Meeting or a Special General Meeting when a ballot of members will be organised and then it must be passed by a minimum of two thirds of the membership. Any member who has prepaid membership for the next year will be entitled to a refund, subject to the winding up having been decided prior to the start of the next subscription year. In the event that the Association still has funds in its bank account at that time, those funds will be given to the RNLI or its successors as a donation.