



Hythe Marina Association (HMA) Ltd

Rules

(A) NAME

The name of the Company is Hythe Marina Association (HMA) Ltd referred to herein as "HMA" and is a company registered in England and Wales number 06282349.

(B) MEMBERSHIP

1. The following may be admitted to membership of the HMA ("the Members") as Full Members
 - (a) All Residential Leaseholders
 - (b) All Berth Holders
 - (c) All Commercial Leaseholders, whether corporate or individual.
2. All others who are interested in Hythe Marina activities may be admitted as "Friends" or "Associates". Although such persons so admitted may attend company meetings they shall not be entitled to vote or speak at such meetings. Application to be a Friend or Associate shall be made in writing to the Membership Secretary of HMA and submitted on such form as the Directors require executed by him. The Membership Secretary will propose the application and two other directors will approve the application.
3. Persons may be elected at a General Meeting of the Association as Honorary or Life Members. Notice of the proposed election shall be given at least 21 days before the relevant meeting. Such Honorary or Life Members shall not be entitled to vote at the General Meeting but will be entitled to address the Meeting.
4. For the avoidance of doubt joint Leaseholders or joint Berth-holders will be treated as a joint Full Member and will be jointly entitled to one vote. A Commercial Leaseholder will be entitled to one vote per membership.
5. Application for membership shall be made in writing to the Membership Secretary of HMA and submitted on such form as the Directors require executed by him. The Membership Secretary will propose the application and a second Director will second the application. A third Director will approve the application.
6. If HMA shall refuse membership to any person the association shall not be obliged to give any reason for such refusal. However, any such refusal may be due to, but is not limited to, the following: Previous termination of membership, property maintained in a manner contrary to that required by the lease, conduct of applicant toward the HMA and its members, property used for improper purposes.
7. Every Member shall comply with the Memorandum and Articles of Association and Rules.

(C) TERMINATION OR SUSPENSION OF MEMBERSHIP

1. The Directors may terminate or suspend the membership of any member in their absolute discretion. Reasons for termination/suspension shall include but not be limited to failure to pay subscriptions within 30 days of the due date for payment, conduct inconsistent with the Memorandum and Articles of HMA and as provided for in Articles 5.1 to 5.4. of the Articles of Association, conduct tending to disrupt the efficient running of HMA.
2. In the event of suspension or termination of membership by the HMA the member shall have the right to appeal to the directors, in writing, within 28 days of the date of that termination. The appeal will be heard by a panel of 3 directors within a further 28 days and the decision determined on the facts and in accordance with the Rules relating to disciplinary action at (D) below.

(D) DISCIPLINARY ACTION – INVESTIGATION, DETERMINATION AND APPEAL

In the first instance, the panel will establish the facts surrounding the suspension or termination. The investigation may include one or more investigatory meetings (if necessary taking into account the statements of any available witnesses) or may involve data collection.

The member will be invited to a formal hearing at which he or she will be given the opportunity to state his or her case to test the evidence against him or her in cross examination and raise any relevant matter. The member will be given reasonable time to prepare for the hearing.

The member has a right to be accompanied by his or her "chosen companion" (this definition can include a solicitor or barrister as provided for by Articles of Association 5(4); this does not have to be a member of the HMA. Where a member chooses to be accompanied they should inform the person chairing the meeting, of whom will accompany them in advance of the meeting. Rights to be accompanied do not apply to investigatory meetings although this facility may be extended at the HMA's discretion.

HMA will arrange a date for the meeting to take place. If the member or the member's chosen companion cannot attend on the date proposed, he or she can offer an alternative time and date so long as it is reasonable and falls within five working days after the date proposed by HMA.

The chosen companion will be able to address the hearing, put forward the member's case, summarise it, respond to any views expressed at the hearing and confer with him or her, but cannot answer questions on his or her behalf.

The member will be notified in writing of HMA's decision within five working days of the hearing.

HMA prohibits any form of unauthorised audio or visual recording of meetings between the Directors and the member.

These same procedures will take place in the event of a written complaint received by HMA relating to a member.

(E) APPEALS FROM THE PANEL DECISION

A written summary of the disciplinary proceedings shall be kept. If the person whose membership has been terminated or suspended or who has a complaint determined wishes to appeal he may do so within 5 working days of the receipt of the decision handed down by the Directors by setting out the basis of his appeal in writing. This notice of appeal and a summary of the proceedings will be considered by the Chairman or Vice Chairman of HMA (who shall not have been involved in the panel concerned in the disciplinary proceedings or dealing the complaint in the first instance) on consideration of the papers. Any decision of the Chairman or Vice Chairman shall be final and shall be communicated to the appellant within 5 working days.

(F) SUBSCRIPTIONS

1. For Residential Leaseholders, Commercial Leaseholders and Associates:

Annual subscriptions shall be paid for the yearly period to run 1st January to 31st December in any given year. Any initial subscription paid after October 15th will cover the annual subscription for the following year.

The amount remains payable in full notwithstanding that during any given year they may cease to be a member.

The Committee shall fix the subscriptions in October of each year and they shall be due on 1st January of each year.

Any Member who fails to pay the annual subscription by 1st February shall be deemed to have resigned and their names will be removed from any future HMA communications

2. For Berth holders:

Annual subscriptions shall be paid for the yearly period to run 1st April to 31st March in the following year. Any initial subscription paid after January 15th will cover the annual subscription for the following year.

The amount remains payable in full notwithstanding that during any given year they may cease to be a member.

3. The Committee shall fix the subscriptions in January of each year and they shall be due on 1st April of each year.

Any Member who fails to pay the annual subscription by 1st May shall be deemed to have resigned and their names will be removed from any future HMA communications

(G) CHANGE OF THESE RULES.

The directors may at their sole discretion amend these rules at any time and advise the members accordingly.

THESE RULES ARE TO BE READ IN CONJUNCTION WITH THE MEMORANDUM AND ARTICLES OF ASSOCIATION OF THE COMPANY, COPIES OF WHICH ARE FREELY AVAILABLE ON THE COMPANIES HOUSE WEBSITE

21st May 2022