OGA Legal Status - Bristol Channel Area Observations. Nov 2025

BC Area Committee members have reviewed the documentation generated by Georgina Tall, and presented a summary thereof at our recent AGM (26th Oct 25).

Members were asked to contribute to the discussions, and a few comments have been received.

Further review of the RYA web site, "Structures for Sports Clubs" (Muckle llp), and the OGA Gallagher and Beezley Insurance documents have led us to the view that: -

By and large we are in support of the position recommended by the GMC.

I.E. Remain as we are but include the various wordings recommended by the RYA in our formal documentation

The following aspects have helped to form our opinion: -

- The OGA is a Class Association and NOT a Sailing Club
- The OGA has no premises and very few physical assets (Gafflings excepted)
- The OGA does not to our knowledge have any formal employees (We are not completely familiar with the arrangements surrounding Elly's work on the website.)
- The fact that 71 % of RYA affiliated clubs (out of some 1500) are "Unincorporated" is comforting.
- We are of the view that a Class Association would struggle to convince the Charity's Commission that we warrant Charitable Status.
- In our OWN BC AREA, we view our exposure to be relatively small, however, we do have reservations regarding the "Mega events" held in the larger Areas (See below)

We have the following concerns: -

Interpretation of Current insurance Documents.

We are told that "The broker" has made statements to the effect that our insurance for both Directors and Officers and Public Liability does indeed cover us for "all negligence and fraud" regardless of an apparent opening in the policy to an alternative "Narrow interpretation".

Firstly, we question if the broker is the appropriate person / body to be making this statement – and furthermore, can this be obtained in writing, (from the appropriate body, surely the relevant underwriter?), and the narrow interpretation potential ruled out formally.

Mega Events.

Ever since we were involved in the RBC of 2023, we have had misgivings regarding the OGA's potential situation, were a disaster to take place. The harbour authority in Milford Haven took a bit of convincing to accept the position that each skipper has individual responsibility / liability.

We have researched the Fastnet Race disaster of 1979, and attach our findings as Appendix 1.

The findings corroborate the GMC's position of individual skipper's responsibility.

However, this analysis is now over forty years old, and we have concerns that our modern litigious society might take a different view.

One scenario we have in mind is that of the Parade of Sail in the river Orwell in 2023 associated with the party at the culmination of the RBC. A large fleet of Gaffers participated in the sail down river organised by the OGA (or did another sailing club take responsibility?)

We are all aware of the amazing rain storm that came in and engulfed the fleet. Visibility dropped to virtually zero.

I (AK) was on the southern shore of the Orwell watching the parade sailing downstream, and following the storm, I observed a large freight ship proceeding up the Orwell. I don't now recall the time interval between the parade, and the ship passing by, but I do remember thinking at the time that it was fortuitous that the freighter passed upstream after the parade. I pondered on what might have been the situation had the freighter been further upstream when the rain came in.

It is postulated that a catastrophe could have taken place, involving significant loss of life, and boat damage.

How might the OGA's position have been considered in this case by a Court of Law? and how might this impact on our insurance cover requirement?

Note: - It is unknow to us whether the timing of the parade and the arrival of the ship had indeed been addressed by the organisers. No criticism is implied: this is merely a statement of what was observed at the time. However, the scenario it presents is about as bad as it could be, and is maybe a good test case for our insurance cover.

Susanne Newbold / Andrew Kelland

President / Secretary BC Area

Appendix 1

Fastnet Race Liabilities

No specific legal liabilities or individuals/organizations were found to have been held legally responsible for the 1979 Fastnet Race disaster in a court of law. The official inquiry determined that participants go to sea in full knowledge of inherent dangers and the disaster was primarily caused by an unexpectedly severe and fast-moving storm.

The joint inquiry by the Royal Yachting Association (RYA) and the Royal Ocean Racing Club (RORC) concluded that while the sea is a deadly enemy, the sport of offshore racing should continue, provided that lessons were learned. The focus of the inquiry and subsequent actions was on implementing significant safety improvements and rule changes rather than assigning blame.

Key outcomes related to liabilities and responsibilities:

- **"The Skipper's Responsibility"**: The report implicitly reinforced the long-standing maritime principle of "the skipper's responsibility" for the safety of their vessel and crew.
- **No Fault Found in Forecasting**: The weather forecasting technology in 1979 was in its infancy, and the storm was an unusual event that was difficult to predict accurately with the available information and models. No liability was assigned to weather forecasters.
- **Focus on Systemic Change**: The disaster led to widespread changes in safety regulations and yacht design, including mandatory safety equipment (like VHF radios and storm jibs), pre-race qualifications for competitors, improved stability standards (like the ISO 12217-2 standard), and better search and rescue procedures.
- **Inquests**: Inquests were held into the deaths of the 15 competitors, which determined the cause of death (e.g., drowning or hypothermia), but these did not assign legal liability in the context of a lawsuit against the race organizers.

The event is widely remembered as a tragedy that transformed sailing safety standards worldwide, rather than a case with clear legal liabilities.