

Area Secretary and Vice President's presentation for EC AGM

Legal entity of the OGA:

Can I ask for a show of hands for those who have heard or read anything about this topic recently?

The current situation and status:

- The OGA is (what is called) an unincorporated association in the eyes of the law. ie, it cannot own property (boats and trophies) and its members and therefore committee members can be seen to be liable for any frap ups and foul ups should they occur and any prosecutions take place. On the face of just that, it's a bit grim.
- HOWEVER. With the appropriate insurance cover and procedures, the liability can be almost reduced to zero as we would be seen to be acting in a reasonable manner, I say almost, as we all know what happens with insurance. AND I have been assured recently that we have sufficient insurance cover so as to be able to sleep at nights!!
- Following several months of investigations into the topic of legal entity, several options have come to the fore, and it now appears that one of two have been seen as the way forwards.
- **1. "Incorporate by guarantee" in other words**, to be a limited company by guarantee which could limit the company's liability to let's say £1. That company would be the new legal entity as opposed to any one or more members or officers as now. This company would have directors who would be protected as would be the officers, but it is just possible that they could, in very serious events still face prosecution. A concern about following this path is that the burden of administration would increase as we would be under the rules and regulations of Companies House.
- **2. Remain unincorporated**, but by following the RYA legal dept guidance: various areas such as constitution, rules, risk assessments and contracts can be rewritten, tightened, put in place and reviewed regularly so as to reduce risk and therefore liability. Fortunately for us on the EC we have been doing RAs for 10 years and this will become an OGA wide system/procedure whatever happens! All these would be combined with current insurance cover, regularly reviewed and checked so as they effectively give us the same protections.
- To help the AC get to a point where they can decide which way to go, a number of members from the EC SO and SW areas with Georgina Tall as our in house legal adviser got together on Zoom and met on two occasions. We have been in

discussions with the RYA legal dept this week and we have had a clear statement from their Kate Appleby which I want to share with you all on the screen.

- Following that group's meeting on Thursday night when we shared this with Colin Stroud, he informed us that he has had the same assessment of the situation from Bristol Channel area. At the end of that meeting, there was a general feeling that we should follow the RYA advice supplemented by further discussions with the RYA which I will be doing with the Solent Sec, Grant Morris and the SW sec, David Patuck next week.
- This is a very thorny subject and there have been many hours spent getting to this point over the past 8 months. It is our hope that at end of the extraordinary AC meeting on the 18th November, the AC shall have settled on a way forwards for the GMC to pursue.

Are there any thoughts on these two options please?

Notes following area AGM on 8th November:

1. Only 3 people had read anything other than those on the committee.
2. Mike Beckett and Colin Stroud in attendance.
3. 3 or 4 questions were answered successfully by me.
4. The general feeling I took away from the meeting was that the East Coast regard option 2, remaining unincorporated BUT putting into place all procedures listed by the RYA's Kate Appleby as set out in her notes to Grant Morris at the start of November.