

Members of the Solent Gaffers committee have spent considerable time investigating the question of how to manage risk and liability throughout the OGA, with engagement with other major stakeholders.

1. OGA-wide initiative

An AC meeting scheduled for 18th November, billed as 'Legal Status', has been widely interpreted as a meeting to answer the question:

• *Should the OGA incorporate?*

The idea being that incorporation, whether as a company or a charity, would provide limits to member liability.

We have explored this question with a number of other OGA areas, as well as the RYA's legal advisor.

Incorporation would provide increased protection from legal challenge, for individual members and committee members.

It is now clear that there are other changes that should be made to how the OGA operates, that would substantially reduce members' exposure and would be easier and quicker to implement. For example through updating the OGA's rules and contracts, as well as more formally assessing the risks associated with our events.

These changes both reduce the exposure of participants to risk and demonstrate that we are taking reasonable care. They apply equally to an unincorporated, or incorporated, organisation.

So the Solent Gaffers committee's view is that, rather than starting an incorporation process now, the GMC should be assigned a broader task, such as:

• *To address concerns about risk and liability across the OGA, as a matter of urgency. (GMC to report progress monthly)*

There remains a case for incorporation, which may be revisited as part of this process, once the initial steps have been taken. The most obvious advantage is that legal action against an incorporated OGA, would usually be brought against the organisation, rather than against individual members, which is the case today.

In addition to improving the position on liability, the process of incorporating would encourage the OGA to revise its management structures and reporting, which have not kept up with 60 years of development. Addressing these problems is important and should be scheduled, but is not so urgent.

While running an incorporated organisation increases the administrative load, this can be thought of as 'irksome', rather than overwhelming.

2. Solent Gaffers initiative

The Solent Gaffers committee recognises the value of addressing these concerns centrally and has members ready to be directly involved in this process, to help determine the scope and priorities and contribute to delivery.

The Solent Gaffers committee also recognises that we have a duty of care to ourselves and our members. We must take responsibility for ourselves. We know that others, such as the East Coast Gaffers, have already undertaken considerable work in this area. So we shall implement a parallel process of reducing our own exposure to risk and liability for the 2026 sailing season. This will be a priority for us over the next few months, lead by Grant Morris and starting today.

We expect there to be an overlap between what we do locally and the central activities. We shall happily scale back our efforts, when we can get what we need from the central work. Equally we shall make our work available to others and hope to be able to use what has already been done elsewhere.