

Royal Naval Sailing Association
10 Haslar Marina
Gosport
PO12 1NU

Miss Joanne Reid
Registration Unit
Charity Commission
PO Box 211
Bootle
L20 7YX

29 August 2017

Dear Miss Reid,

Thank you for your initial response, JR/5100262/C-456103-/RTN dated 19 July 2017, in which you seek additional information in support of our application to register as a charity. My responses below address each of your points in turn:

1. The proposed application is to establish a CIO. We note that the RNSA is an existing member association. Is it intended that the assets and liabilities of the existing Association will be transferred to the CIO?

Response – It is intended that the assets and liabilities of the existing Association will be transferred to the CIO, subject to members' approval.

Has the membership of the Association formally resolved to wind up and pass the assets to the CIO? If so please provide a copy of the members' resolution. This is particularly the case as existing members will not be entitled to be members of the CIO.

Response – RNSA took legal advice from expert charity lawyers who recommended that we should initially set up the CIO to cover the service sports association and then hold an EGM for the existing Association members to agree to transfer assets and liabilities to the CIO. This will also entail the current, unincorporated RNSA being wound up. Based on this advice, the RNSA Annual General Meeting in December 2016 agreed to an application to register a CIO. The constitution of the CIO was approved by its Trustees on 15 March 2017 and a dated version is attached to this response. Current RNSA members have been informed throughout the process by way of letters from the Commodore, email updates and articles in the RNSA Journal; they have been provided with the constitution and procedures for the CIO. This will prepare them for the EGM decision. The Charity Commission will be informed about the outcome of this decision as part of routine charity reporting.

2. It is understood that the current membership is 4800 of which 4000 are civilian members and 800 are serving personnel. Please confirm whether this is correct.

Response – Of the total 4800 subscription membership of the Association about 800 are serving personnel. All regular and reserve Serving RN personnel are Associate Members of RNSA without paying a subscription. Our beneficiary group includes the 44,000 Serving people (33,280 Regular 3,040 Maritime Reserve and 7,960 Royal Fleet Reserve) as Associate Members (800 of whom are fully paid up Members) plus the 4000 veteran and Non-Service members who choose to actively engage with the Association.

3. The current Association would appear to operate by means of benefits to its members. The level and extent of benefit does not appear to be incidental to the achievement of a charitable purpose. Is it intended that all existing members of RNSA will continue to be beneficiaries of the CIO?

Response – As discussed above, the existing Association operates by means of benefits to its beneficiary group that includes all Regular and Reserve members of the Naval Service plus subscription paying members. The Royal Navy's policy document 'Sport in the Naval Service' (BRd 51(4) dated July 2015) sets out the following policy for membership of sports associations (with my emphasis in bold):

'0221 Membership of Royal Navy Sports Associations

a. RN Sports Associations either have membership which is restricted to those who pay a membership fee (e.g. Cycling, Mountaineering, Winter Sports), or, where there is no membership fee, they are open to all members of the Naval Service.

*b. **The Charity Commission has stipulated** that 51% of the membership of a Service Charity must comprise those people who contribute to the efficiency of the Armed Forces and this has been defined as:*

(1) Service personnel.

(2) Non-Service Personnel (MOD Civil Servants and long-term Defence contractors) undertaking Defence work with the Royal Navy.

*(3) **Retired Service Personnel.***

c. The remaining 49% of the membership of an RN Charity may be civilians who are not in categories at b Sub Para 2 and b Sub Para 3 above.'

The Association's policy only allows membership by people in the category at sub-para c above in exceptional circumstances, each of which must be approved by the Central Committee. Consequently, almost all of RNSA members meet the Charity Commission's definition of '*people who contribute to the efficiency of the Armed Forces*' at sub-para b above and, of these, only a very few are in the category at sub-para c above.

In practice, it is Serving personnel who are the main, effective beneficiaries of the Association and the following benefits are only available to Serving personnel:

- Sponsorship of RN teams in national and international competitions.
- Training camps for RN teams.
- Recognition rewards for achievement in RN sport.

Other benefits of the Association are available to the whole beneficiary group but, in practice, most ex-Service members' sole involvement with RNSA is through paying their subscription in order to support its work with Serving people. Consequently, ex-Service members are vital to the work of the Association as they enable it to fund benefits, including expensive assets, that are mainly used by Serving personnel.

For the reasons set out above, it is intended that all current Association members will continue to be beneficiaries of the CIO.

4. In what way does the provision of benefits to non- service personnel further the charitable purpose of the efficiency of the armed forces?

Response – In accordance with Royal Navy and Ministry of Defence Service sports association guidance, including as discussed in the previous question, we understand that the Charity Commission agrees that

provision of benefits to ex-Service personnel contributes to the efficiency of the Armed Forces. (Noting that in reality, as previously stated, the vast majority of beneficiaries of RNSA charitable activities will be Serving personnel.)

The very few Association members who are in the categories at sub-sub-para b 2 And sub-para c above contribute to the efficiency of the Armed Forces by:

Paying their subscription; subscription income is the major component of RNSA's income although as a CIO we hope to attract funding support from block-grant making charities; and

Volunteering to assist with training and developing the skills of new sailors; significant opportunities for RNSA beneficiaries to race in yachts are provided, at no cost, by members using their own boats.

5. In precisely what way is it considered that the facilities of RNSA further the efficiency of the armed forces?

Response – As the Royal Navy's approved Sports Association for the sport of sailing, its contribution to the efficiency of the Armed Forces is clearly set out at the Foreword to the official publication 'Sport in the UK Armed Forces' (JSP 660 V1.0 Jul 15), again with my emphasis in bold:

*'People lie at the heart of operational capability; attracting and retaining the right numbers of capable, motivated individuals to deliver Defence outputs is critical. This is dependent upon maintaining a credible and realistic offer that earns and retains the trust of people in Defence. In order to achieve this, all personnel must be confident that, not only will they be treated fairly, but also that their families will be treated properly and that **Service veterans and their dependants will be respected and appropriately supported.***

***Sport makes a significant contribution to the delivery of operational capability; indeed it is a core activity in the UK Armed Forces.** I am therefore most eager to encourage the active participation of all ranks at all levels of sport. **I am aware that the majority of sport is organised by Service Personnel on a voluntary basis;** knowledge of, and access to, the necessary regulation of activities can be difficult. This important document brings together the policies for, and detailed guidance on, the conduct of sport in the UK Armed Forces.*

I commend it to all your staff involved in sporting activity and in particular to your sports association officials who deliver sport at and above unit level.

*Lt Gen Andrew Gregory
Chief of Defence People
Defence Authority for People'*

It is relevant that RNSA's equivalent organisation in the Army has already been accepted as a registered charity.

How does the use of dinghy sailing craft relate to the operations of the Royal Navy in its military operations?

Response – Dinghy sailing is a sport recognised by the Armed Forces; indeed, it is an Olympic sport. Like other authorised sports in the Armed Forces, all forms of sailing helps to develop grit, decision making and teamwork. Sailing provides the opportunity to put people under physical and mental pressure in adverse conditions in an appropriately controlled manner that prepares them for the demands of military operations. Sailing is a particularly important sport for Royal Navy people

because it takes place in the same unpredictable environment in which they deliver their operational effectiveness.

In what way does the sailing of craft promote and maintain the physical fitness of service personnel?

Response – Sailing, in all its forms, is a physically demanding activity. All aspects of sailing require and contribute to the development and maintenance of physical fitness. The competitive element of Service sailing encourages people to improve their physical fitness to achieve better results and this attitude is developed during training courses.

If I can be of any further assistance with the Commission's consideration of this application, please feel free to call me on 07568403215.

Yours Sincerely,

Nick Fletcher

N E Fletcher
Captain, Royal Navy
Transformation Director
Royal Naval Sailing Association

Copy to:

RNSA CIO Trustees
Commodore P Warwick Royal Navy – Chairman and Vice-Commodore RNSA
Commander M P Shrives Royal Navy – General Secretary RNSA

Enclosure:

RNSA Foundation CIO Constitution dated 15 March 2017