

CONSTITUTION

(After the agreement of the Executive Directors on 12th March 2008)

DEFINITION

Class40: in the present constitution, the nomenclature Class40 designates a single hulled sailing yacht of limited budget, whose length is 40 feet, and which meets the norms specified in the Class Rules as published by the Association.

ARTICLE 1- AIMS

The aims of the Association are as follows:

- To bring together the skippers of Class40 boats, as well as any parties interested in the development of these sailing boats;
- To administer and organise the activities of the Class40 class;
- To establish the Class Rules and Regulations, with the constant aim of developing onboard safety , and boats at moderate cost;
- To manage and co-ordinate the national and international calendar of events for these boats;
- To apply and promote respect for matters concerning it - rules, regulations and prescriptions of the national and international authorities;
- To promote navigation and competition with these boats;
- And in a general sense to conduct any activity in the interest of its members and to contribute to the development of the Class40.

ARTICLE 2 – NAME

The name of the Association is:

Association Internationale des monocoques Class 40 pieds/ International Association of Class 40 foot monohulls.

ARTICLE 3 – HEADQUARTERS

Its headquarter is established at: 58, route de Kerpenhir 56740 LOCMARIAQUER (France)

Modified: ISO, 1 promenade JF Kennedy, 85100 LES SABLES D'OLONNE (France)

They may be transferred to any other part of the country (France) by simple decision of the Executive Committee.

ARTICLE 4 – DURATION

The duration of the association is unlimited.

ARTICLE 5 – MEMBERS

The association is composed of members as follows:

- **Active Member** (Class40 owner, charterer, representative of a company-owned boat, or person representing them. Only one Active Member per boat, even where there is co-ownership).
2 votes at the AGM
- **Associate Member** (person involved in the development of the Class and not included in the above category)
1 vote at the AGM
- **Honorary Member** (honorary title awarded for services to the class, and unanimously elected by the Executive Committee)
1 vote at the AGM

Members are people who pay their annual subscription fees. They have the right to vote at Class40 Annual General Meetings.

A person must have been a member of the Association for 6 months to be eligible to vote. However, this member can be elected to the Executive Committee.

For transatlantic races, either double-handed or crewed, the skipper and co-skipper must be Class40 members.

ARTICLE 6 – ADMISSION PROCEDURES

Admission to the Class40 is decided by the Executive Committee, which, in the event of refusal, does not have to justify its decision. Any person requesting membership must complete the subscription form.

By signing the subscription form, the applicant states on his/her honour that he/she fully accepts the rules, the conditions for obtaining a Class40 certificate, and the internal regulations and operating rules of the Executive Committee approved at the last Annual General Meeting.

The non-respect of this commitment after having joined the Association will lead to a warning from the President, or a hearing before the disciplinary board if requested by the Executive Committee.

ARTICLE 7 – SUBSCRIPTIONS

The Annual General Meeting shall fix each year the level of subscription.

ARTICLE 8 – RESIGNATION – EXCLUSION

Membership can be terminated as follows:

- By resignation;
- By exclusion as a result of non-payment of subscription fees;
- By exclusion for serious reasons, involving moral or material damage to the Association, and voted by the majority of the Executive Committee;
- By decision of the disciplinary board for non-respect of the Class Rules, internal regulations and operating rules of the Executive Committee.

The member concerned will be called upon beforehand to supply his/her explanations, written then oral. The decisions of the Executive Committee and disciplinary board shall be applicable immediately without appeal. Exclusion may be temporary.

ARTICLE 9 – EXECUTIVE COMMITTEE

The Association is administered by a committee comprising nine members elected by secret ballot for two years at the Annual General Meeting, and selected from members at this meeting.

This Executive Committee is renewed at the rate of four or five members each year according to a leaving order determined in the first instance by drawing lots, and then by the length of time the member has served. Any retiring Officer may stand for re-election. A minimum of 4 Officers out of 9 must be active members.

In the case of an Officer resigning during his/her term of office, he/she shall be replaced until the next Annual General Meeting, when new members of the Executive Committee are elected.

After the election, the new Executive Committee shall choose the replacement for the resigning Officer, and whose term shall be for one year.

Meetings shall be minuted. Minutes are signed by the President and the Secretary present at the meeting. The minutes are transcribed unchanged in a book for this purpose.

ARTICLE 10 – INTERNAL REGULATIONS

Internal regulations must be approved at the Annual General Meeting.

ARTICLE 11 – MODIFICATION TO THE CLASS40 RULE

The 2008 version of the rule was voted on at the Annual General Meeting on the 10th of February, and is fixed for 4 years.

Interpretations of the rule shall be requested in writing and are public. There will be a fee for responses, and the amount shall be set at each Annual General Meeting.

Responses to requests for interpretation shall be given by the Rules Committee within 30 days, on condition that the fee has been paid.

Application and interpretation of the rule, procedures for checks, answers to challenges, and the application of corrector penalties are the remit of the Rules Committee.

The definitive refusal to award a measurement certificate, and the application of penalties, shall be submitted for approval by the Executive Committee.

The rule and any possible developments shall be approved at the Annual General Meeting with the quorum required to modify the constitution (cf. art . 61.I.3 internal regulations of the FFVoile, obligatory reference).

ARTICLE 12 – VACANCIES

In the event of a vacancy, the Executive shall appoint a temporary replacement. The position shall be filled at the next Annual General Meeting.

ARTICLE 13 – EXECUTIVE COMMITTEE

The Executive Committee selects from its members, in a secret ballot, a president, vice-president, secretary and treasurer.

ARTICLE 14 - COMMITTEES

To assist with the working of the Association, the Executive Committee shall create and disband committees and working groups.

ARTICLE 15 – THE HONORARY NATURE OF EXECUTIVE POSITIONS

No payment shall be granted to members of the Executive Committee whose roles are voluntary and performed without remuneration. Nevertheless, expenses and outlay occasioned in the furtherance of their duties may be reimbursed on production of an authenticated receipt.

ARTICLE 16 – ANNUAL GENERAL MEETING

The Annual General Meeting of the Association is open to members up-to-date with their subscriptions.

It takes place annually, and when convened by the Executive Committee or at the request of at least half the members.

The agenda is set by the Executive Committee.

Its committee is that of the Executive.

It includes a management report from the Executive Committee, a financial report and moral report.

The annual subscription fee is set.

It shall approve the accounts of the previous financial year, vote on the budget for the next financial year, deliberate items on the agenda, and fill, if necessary, the positions of retiring Officers of the Executive Committee.

The annual report and accounts are sent every year to each Class40 member.

Deliberations at the Annual General Meeting shall be recorded in the minutes, and published in the Minute Book of Annual General Meetings, and signed by the President and the Secretary.

Members present or those with a proxy vote allocated to another member are allowed to vote, but a member cannot hold more than two proxy votes.

Decisions are taken by a majority of people eligible to vote. A quorum is reached with 20%. If this quorum isn't reached, the meeting will be reconvened with the same agenda. Notice of the meeting shall be sent at least 2 weeks before the date of the Annual General Meeting. Decisions will be then taken with no minimum for the quorum.

ARTICLE 17 – EXTRAORDINARY GENERAL MEETING

Is convened if called by the President or on when requested by a majority of all members entitled to vote.

The constitution can be amended. The quorum is 20% of members.

The Extraordinary General Meeting can decide to wind-up, liquidate and distribute the assets of the Association.

ARTICLE 18 – EXPENSES

Expenses are authorised by the president. The Association is represented in a legal and civil sense by its president, who can designate one of the members of the board.

The representative of the association must have no legal or civil convictions.

ARTICLE 19 – ACCOUNTS

The accounts are done on a day to day basis through receipts and expenses, and accounts of material goods where applicable.

ARTICLE 20 – INCOME

The Association's income is from:

- Annual subscriptions paid by the members ;
- Possible subsidies from the State, the regions, the departments, the administrative districts and public establishments ;
- The result of festivals and events, the interest and dues from any property and assets it may possess as well as any remuneration for services rendered ;
- Any other resources or subsidies, which are not contrary to the laws in force.

ARTICLE 21 – CHANGE AND MODIFICATION

The president must make it known, within a three month period, to the prefectural office of the department or the subprefecture of the district where the Association has its headquarters, all changes to the administration or the management of the Association, as well as all the modifications made to the constitution.

Furthermore, these modifications and changes are recorded on a special register, coded and initialled on each page by the person entitled to represent the Association.

This register shall be presented to the administrative and judiciary authorities upon request.

ARTICLE 22 – DISSOLUTION

The dissolution of the Association can only be decided upon by a General Meeting convened specifically with this aim.

The General Meeting shall designate one or several liquidators to dispose of the Association's assets.

It allocates the net assets in conformity with the law.

ARTICLE 23 – FFV (FRENCH SAILING FEDERATION) AFFILIATION

Within the context of affiliation to the FFVoile, the Association commits to respecting the FFVoile calendar as well as procedures of registration to this calendar.

The Association must keep a list of boats registered to the class, and allocated a Class40 number. The Association provides and issues measurement certificates within the class rules.

The Association shall inform the FFVoile of all modifications to: the constitution, internal regulations, class rules, measurement and the race programme. The Association undertakes to respect the statutory texts and rules of the FFVoile.

The Association may become involved in regional activities by designating class representatives at regional sailing federations.

The Association must ensure that all French members who sail hold a FFVoile sailing licence. The FFVoile shall be notified annually of the number of paid-up members.

The President
J. FOURNIER

The Secretary
F. ANGOULVANT

The Treasurer
J-E. CRIQUIOCHE