

Lightning 368 Class Association

Notes on the revision to the Class Constitution

The class constitution has been re-drafted during the course of the year.

The purpose of the re-draft has NOT been to fundamentally change anything. It has been to:

- Bring the Constitution up to date and to reflect in the wording the actual de facto position
- To correct a number of minor errors.
- To include a number of omissions.
- To (hopefully!) improve the clarity.
- To provide a structure to address potential future events, should they occur.

Members are invited to consider and approve the revised Constitution.

Constitution of the Lightning 368 Class Association

1. Title

The full title of the Association shall be the Lightning 368 Class Association.

2. Objectives

The objectives of the Association are to promote and further the interests of the Lightning 368 Class nationally and to represent the interests of owners of Lightning 368 as follows:

- a) to keep members informed of developments concerning the Class, any proposals concerning Class Rules and matters of general interest to the class;
- b) to organise National Open Championships and to co-ordinate the programme for other events for the Class;
- c) to encourage new owners to join the Class;
- d) to secure the one-design nature of the Class and to negotiate with the builder on any matters relating to the Class Measurement Rules;
- e) to keep a National Association Register.

3. Terms and Definitions

Throughout these rules the following defined terms will be used:

- a) "The National Association" shall mean the Lightning 368 Class Association.
- b) "The Committee" shall mean the Committee of the National Association, consisting of its duly elected officers and committee members.
- c) "The National Association Rules" shall mean the rules governing the conduct of the National Association.
- d) "Honorary President" shall mean the Honorary President of the National Association, if such a person is appointed.
- e) "Chairman" shall mean the Chairman of the National Association Committee.
- f) "Class Measurer" shall mean the official measurer of the National Association.
- g) "The National Class Secretary" shall mean the duly elected Honorary Secretary, or duly appointed Secretary as the case may be, of the National Association.

- h) "The National Association Register" shall mean the register of owners of Lightning 368s who are full, associate and honorary members of the Association, with their addresses, name and registered number of boat as appropriate, to be kept as hereinafter provided.
- i) "The Class" shall mean the Lightning 368 class of sailing yachts originally produced by Mark Giles composites and currently produced by John Claridge Boat Builder and made from tooling and templates supplied by him, or persons nominated by him, and conforming to the measurement rules and specifications of the National Association.
- j) "The Measurement Rules" shall mean the rules relating to measurement, construction and racing conditions of the class and governing the building of each Lightning 368 for class racing purposes.
- k) "The Registered Number" shall mean the sail number allocated to the boat.
- l) "Certificate" shall mean a certificate to be issued, ratified and endorsed as hereinafter provided and recording:
 - i) The registered number and initial ownership of a Lightning 368 and any changes in ownership.

Either:
 - ii) that such Lightning 368 originally complied with the Class Rules on completion of construction, together with such particulars as may be required by the Class Rules;
 - Or:
 - iii) that a Lightning 368 which had been built prior to the Association being formed and the Rules agreed, had been modified to conform to the Rules.
- m) "Valid Certificate" shall mean a certificate in which:
 - i) The particulars of ownership are up to date and entered on the Class Register for the Lightning 368 Association.
 - ii) Any endorsement required by the Measurement Rules has been duly entered.
- n) "Fleet" shall mean three or more registered Lightning 368s normally located sufficiently near to each other to permit regular racing between them.
- o) "Owner" and "Joint Owner" shall mean any person or persons, corporation or association entered on a Certificate as owner or joint owner of a Lightning 368.

4. Membership and Voting Rights

- a) The following classes of membership shall be recognised:

- i) Full Membership.
 - ii) Associate Membership.
 - iii) Honorary Membership.
- b) Full Membership shall, upon payment of the prescribed annual subscription, be open to any the owner of a Registered Lightning 368 or, in the case of joint owners, to any one of them who is nominated as the Full Member, or in the case of a Lightning 368 owned by a corporation or association, to the nominated representative of that organisation. Full members shall have one vote at all meetings of the Class Association.
- c) Associate Membership shall, upon payment of the prescribed annual subscription, be open to any joint owner of a Registered Lightning 368, or to all individuals or clubs interested in the Lightning 368 Class in Britain. Associate members shall be entitled to attend and speak at any general meeting of the Association but shall have no vote.
- d) Honorary Membership shall be open to any person having an interest in the National Association in Britain who is proposed by a Full Member and seconded by at least one member of the Committee and is elected by members of the National Association at General Meeting of the National Association. Honorary members shall be entitled to attend and speak at any general meeting of the Association but shall have no vote.
- e) Members shall be bound by the National Association Constitution.
- f) Members acting as helmsmen or entering a Lightning 368 in races which consist of, or include the Class, shall be bound by the Measurement Rules.
- g) At general meetings, motions shall be approved by simple majority vote unless otherwise specified by this Constitution. At the discretion of the committee, Postal and/or E-Mail votes may be held.

5. Management

- a) The affairs of the National Association shall be managed by the Committee, which shall be the only body empowered to make recommendations to the Lightning 368 Class Association for changes in the Measurement Rules.
- b) The committee shall be composed of:
- i) Officers: chairman, vice chairman, honorary secretary. and honorary treasurer who shall be full or associate members of the National Association;
 - ii) Committee members: in addition to the officers, not more than 6 full or associate members of the National Association.
- c) Officers and committee members shall be elected at the annual general meeting and shall hold office for not more than three years at the end of which period they shall retire, but shall be eligible for re-election.

- d) Should the total number of committee members, including officers, be less than 6 or should an officer's position become vacant, the committee may co-opt a member, including immediately retired officers and committee members, to fill the vacancy until the next annual general meeting. Time spent as a co-opted officer or committee member shall not be included in the three year office period.
- e) An honorary president may be elected who shall serve for 5 years. This role shall be to provide counsel to the committee on technical or class matters. Candidates, who should normally have served on the committee, shall be proposed and seconded by the committee or the membership and voted into office at an AGM. The honorary president may attend and speak at committee meetings but shall not have a vote.
- f) At meetings of the Committee, three quarters of the elected members shall form a quorum where the Committee consists of four or five members, and two thirds where it consists of six or more.
- g) The Committee shall have power to make recommendations to the members in general meeting or by post, for alteration in, or additions to, the National Association Rules.
- h) The Committee may arrange an Annual National Championship of the Class and shall co-ordinate such Regional Championships and other events as may be required.
- i) At least four weeks notice of the date, place and agenda for any Committee Meeting must be given in writing by the Secretary to each Committee Member. Any business conducted by correspondence, either by way of letter or e-mail shall that requires a decision to be made on the constitution, rules or business of the Class shall be circulated to the whole committee. Committee Members not answering a motion communicated to them in writing within one week of the date of sending shall be deemed to have agreed to such a motion.
- j) Acceptance of a Certificate by an owner or joint owners shall ipso facto render him or them subject to the jurisdiction of the National Association or the Committee in any matter pertaining to Class Rules.
- k) The committee shall appoint the class measurer and may appoint additional measurers as required to work with the Class Measurer. The Class Measurer shall serve for a term of three years and shall be immediately eligible for re-election.

6. Conduct of Meetings of the National Association

- a) The Annual General Meeting of the National Association shall be held annually on or before the 30 September at any place judged by the Committee to be most convenient to the majority of members of the Association. The precise date, time and place to be at the Committee's discretion.
- b) A Special General Meeting shall be called by the Chairman or Class Secretary upon receipt by the Class Secretary of a written request, signed by not fewer than fifteen full members of the National Association.

- c) At least six weeks' written notice shall be given to members of any General Meeting.
- d) At any General Meeting or Committee Meeting decisions shall be limited to matters on the agenda. other than those concerning measurement rules Voting shall be by a show of hands, unless a poll is demanded by not fewer than three of the full members present. At any meeting the Chairman shall have a casting vote. The Secretariat shall be responsible for circulating all members, or in the case of Committee meetings, all committee members, with the result of any voting. In the event of a postal ballot all returns shall be made to the Secretariat within two weeks of the posting or sending by E-Mail of the ballot paper.
- e) At any General Meeting of the National Association eleven full members shall form a quorum.
- f) At any General Meeting of the National Association a decision to recommend to the Lightning 368 Class Association a change in, or addition to, the Measurement Rules shall require a majority of two-thirds of those full members present and eligible to vote.

7. Subscriptions and Registration Fees

- a) Subscriptions payable for all classes of membership of the National Association shall be payable annually and shall be decided at the Annual General Meeting, and shall become due on 1 January of the following year. A member joining the National Association after 1 October, whose subscription has been paid for that year, shall not be liable to pay his subscription for the ensuing calendar year.
- b) Any member whose subscription has not been paid within three months of the date due may have his name removed from the list of members of the National Association by the Committee. A member's name may be restored to the National Association Register at the discretion of the Committee on payment of any subscription due.

8. Accounts

- a) The Committee shall cause true accounts to be kept giving full particulars of:
 - i) All monies, assets and liabilities of the National Association;
 - ii) All monies received and expended by the National Association and the reasons for such receipts and expenditure;
 - iii) All sales and purchases by the National Association;
- b) The Committee shall cause the annual financial statement to be prepared and presented at every Annual General Meeting of the National Association.
- c) A copy of the annual financial statement, duly audited examined, prepared for presentation at an Annual General Meeting shall, not less than fourteen days

prior to such General Meeting, be sent to every full member of whose address the Committee is aware.

9. Duties

- a) The honorary secretary shall:
 - i) keep the National Association Register;
 - ii) conduct the correspondence of the National Association;
 - iii) keep custody of all National Association documents;
 - iv) keep full minutes of all meetings of the National Association;
 - v) administer such insurance policies as may be needed to fully protect the interests of the National Association, its Officers and members.
- b) The honorary treasurer shall:
 - i) cause such books of account to be kept as are necessary to give a true and fair view of the state of finances of the National Association;
 - ii) cause all returns as may be required by law in relation to such accounts to be rendered at the due time;
 - iii) make such payments on behalf of the National Association as the Committee shall direct;
 - iv) prepare an annual financial statement each year and cause such financial statement to be independently examined at least once annually and shall thereafter cause the same to be sent to all members of the National Association at least 14 days before the date of the Annual General Meeting;
 - v) present the annual financial statements to the National Association at its Annual General Meeting.
- c) The Independent Examiner of Accounts shall:
 - i) be appointed at the Annual General Meeting each year;
 - ii) examine the accounts of the National Association when called upon to do so;
 - iii) shall give such certificate of assurance as to the accuracy of the said accounts as shall be required by law or by the Committee;
 - iv) if either unable or unwilling to act, inform the Committee who shall appoint a substitute to hold office until the termination of the next Annual General Meeting.

10. Protection of the 'One-Design' of the Class

- a) The National Association shall consider and rule on any matters which may appear to violate or threaten the spirit of the Class Measurement Rules.
- b) No boat shall be entered on the National Association Register as a Lightning 368 unless a certificate has been issued by the Association in respect of such boat in accordance with the Class Measurement Rules.
- c) The National Association shall arrange for inspection of Certificates of all Lightning 368s competing in British National Championships, and shall arrange that entry forms for such Championships give notice that Certificates will be inspected.

11. Dissolution

- a) The National Association may be dissolved on a proposal from the Committee by a majority of three-quarters of the full members present voting at a General Meeting called for that purpose.
- b) Following such a vote, the Committee shall appoint one or more suitably qualified persons and specify their powers.
- c) The assets available at the end of the dissolution will be allocated to a non profit entity with similar purposes, selected by the Officers.