

**INTERNATIONAL ONE METRE
INTERNATIONAL CLASS ASSOCIATION**

CONSTITUTION

July 1, 2002

1. ABBREVIATIONS

DM	Division Member of the RSD
ICA	International Class Association
IOM	International One Metre
ISAF	International Sailing Federation
MNA	Member National Authority of the ISAF
NCA	National Class Association
NCS	National Class Secretary
RSD	Radio Sailing Division of the ISAF

2. DEFINITIONS

Where the following words and phrases are used in their defined sense in this Constitution, they appear in an italic typeface.

<i>Boat</i>	A boat that may comply with the <i>IOM class rules</i> .
<i>Registered Boat</i>	A <i>Boat</i> issued with a hull number.
<i>Certificated Boat</i>	A <i>Registered Boat</i> with a current, valid certificate.
IOM	Where this refers to an actual boat, a <i>Certificated Boat</i> maintained in accordance with the <i>IOM Class Rules</i> .
<i>IOM Class Rules</i>	Rules of the IOM class, an ISAF-RSD International class of racing yacht recognised by the ISAF, presented and maintained according to the ISAF format and standard for class rules.
<i>Owner</i>	A person who owns at least one <i>Registered Boat</i> .
<i>Registered Owner</i>	An <i>Owner</i> who is listed as being current and in good standing with an IOM NCA or IOM NCS.
<i>Certificated Owner</i>	A <i>Registered Owner</i> who owns at least one <i>Certificated Boat</i> .
<i>Member NCA or NCS</i>	A NCA or NCS which has been granted membership of the <i>World Council</i> .
<i>Officer</i>	One of the IOM ICA Executive Committee. The definition excludes any member of an IOM ICA Sub-committee being defined as an <i>Officer</i> .
<i>World Council</i>	The governing body of the IOM ICA.

<i>World Council Member</i>	An <i>Officer</i> , a Representative of a <i>Member NCA</i> , or a <i>Member NCS</i> .
<i>Electronic communication</i>	A means of exchanging information including but not limited to the World Wide Web, the Internet, e-mail, fax, telephone, Message Boards.
<i>NCA Constitution</i>	A constitution which defines the duties of the NCA with regard to its representation of the <i>Owners</i> in its country.
<i>NCS Memorandum</i>	A Memorandum of Understanding drawn up between a NCS and the IOM ICA Executive Committee which defines the duties of the NCS with regard to its representation of the <i>Owners</i> in its country.
<i>DM NCA Memorandum</i>	A Memorandum of Understanding drawn up between a DM and the IOM ICA Executive Committee which defines the duties of the DM, acting as a NCA, with regard to its representation of the <i>Owners</i> in its country.
<i>Regulation</i>	Any rule, ruling, law, byelaw, regulation, directive, guideline, term, condition, instruction, or policy enacted by the <i>World Council</i> .
shall/may	In this Constitution, the word “shall” specifies a mandatory action or procedure, while the word “may” is permissive.

3. NAME

- 3.1. The name of the Association shall be the "International One Metre International Class Association".

4. OBJECTS

- 4.1. The objects of the IOM ICA shall be:
- 4.1.1. To promote and develop IOM class racing under uniform rules throughout the world.
 - 4.1.2. To provide a structure for class management and for the exchange of information among IOM sailors.
- 4.2. In furtherance of these objects the IOM ICA shall:
- 4.2.1. Encourage the formation of IOM National Class Associations in all countries where *Boats* are raced, in association with the DM (or MNA if no DM exists).
 - 4.2.2. Assist event organisers to hold IOM World and Continental Championships and other events of International standing in appropriate locations and to proper standards, in association with the ISAF-RSD.
 - 4.2.3. Promulgate and review the *IOM Class Rules*, in association with the ISAF-RSD.
 - 4.2.4. Encourage the development and training of Class measurers, in association with the DMs (or MNA if no DM exists).

5. GOVERNANCE

- 5.1. The IOM ICA shall be governed by the *World Council* and its affairs and property shall be managed and administered on an ongoing basis by its Executive Committee in accordance with the provisions of this Constitution and the IOM ICA *Regulations*.

6. [Unused]

- 6.1. [This section is left unused for the time being to maintain consistency with previous versions and associated commentary.]

7. WORLD COUNCIL MEMBERSHIP

- 7.1. Any country may, upon application to the IOM ICA Secretary, be granted membership of the *World Council*:

7.1.1. As a *Member NCA* provided that:

- Its *NCA Constitution* has been accepted by the IOM ICA Executive Committee and that its *NCA Constitution* is in compliance with any applicable *Regulations*;
- It has formed a duly constituted IOM NCA with a duly elected committee, recognised by their DM (or MNA if no DM exists), for the development of IOM racing within the country;
- There are not less than (5) five IOM *Registered Owners* who are members of the IOM NCA in that country;
- There is no other IOM NCA or NCS in their country already accredited to the *World Council*.

7.1.2. As a *Member NCS* provided that:

- His/her *NCS Memorandum* has been accepted by the IOM ICA Executive Committee;
- It is recognised by his/her DM (or MNA if no DM exists) for the development of IOM racing within the country;
- There are not less than (5) five IOM *Registered Owners* who are listed with the IOM NCS in that country;
- There is no other IOM NCA or NCS in his/her country already accredited to the *World Council*.

- 7.2. Each application shall be accompanied by a registration fee in such amount as may from time to time be fixed by the *Regulations*.
- 7.3. The membership, recognition and/or accreditation of a NCA or NCS as a *Member NCA or NCS* may be withdrawn in accordance with the provisions of Article 16 REMOVAL FROM MEMBERSHIP.
- 7.4. The *World Council* may, by *Regulation*, grant *World Council* membership to *Owners* or classes of *Owners* where no IOM NCA or NCS exists in their country.

8. WORLD COUNCIL

- 8.1. The *World Council* shall consist of the *Officers*, one Representative of each *Member NCA*, and each *Member NCS*.
- 8.2. The members of the *World Council* shall be bound by this Constitution and shall comply with all resolutions and *Regulations* made in accordance with this Constitution. *Member NCAs and NCSs* shall use their best endeavours to ensure that their *Owners* also comply with such resolutions and *Regulations*.
- 8.3. The work of the *World Council* may be conducted by *electronic communication*.
- 8.4. At least one meeting of the *World Council* shall be held annually.
- 8.5. A Special meeting of the *World Council* may be called according to the provisions of the *Regulations*.
- 8.6. The number of votes to be cast by a *Member NCA or NCS* representative in any vote in meetings of the *World Council* shall be in accordance with the provisions of the *Regulations*.
- 8.7. Each *World Council Officer* shall have one vote.
- 8.8. **Resolutions**
 - 8.8.1. Proposals for amending this Constitution, or the *IOM Class Rules*, shall be by Special resolution to a meeting of the *World Council*. All other resolutions to the *World Council* shall be ordinary resolutions.
 - 8.8.2. A Special resolution shall be passed only if 2/3rds or more of the votes cast are in its favour.
 - 8.8.3. Voting at *World Council* meetings on ordinary resolutions shall be by simple majority of the votes cast.
 - 8.8.4. A Special resolution at the *World Council* requires each *Member NCA* or *Member NCS* to ballot their *Certificated Owners* on that resolution. A *Member NCA* or *Member NCS* who is not able to demonstrate the results of their owner ballot on a Special resolution shall abstain from voting on that resolution.
 - 8.8.5. The *IOM ICA Regulations* may make provision for a ballot of *Registered Owners* to be required for certain classes of ordinary resolution. *Member NCAs* or *Member NCSs* may otherwise put ordinary resolutions to a ballot of their *Registered Owners* at their discretion.
- 8.9. Emergency decisions taken by the Executive Committee shall be submitted as resolutions to the next meeting of the *World Council* for ratification.

9. IOM ICA OFFICERS

- 9.1. The IOM ICA shall have the following *Officers*:
 - 9.1.1. Chairman
 - 9.1.2. Vice Chairman (Technical)
 - 9.1.3. At least one other Vice Chairman, and no more than three other Vice Chairmen
 - 9.1.4. Secretary
 - 9.1.5. Treasurer
- 9.2. The *Officers* shall be *Registered Owners*.
- 9.3. No *Officer* shall be a *Member NCA* Representative or a *Member NCS*.
- 9.4. The *Regulations* provide for the method of election of *Officers*.

10. THE EXECUTIVE COMMITTEE

- 10.1. Each *Officer* shall have one vote in any ballot that may take place in a meeting of the Executive Committee.
- 10.2. IOM ICA Executive Committee meetings shall be held by *electronic communication* on such occasions and times, or shall be held at such physical places, as are either called by the IOM ICA Chairman or decided by previous meetings of the IOM ICA Executive Committee.
- 10.3. There shall be at least one IOM ICA Executive Committee meeting per calendar year.
- 10.4. The *Regulations* provide for the conduct of the Executive Committee.

11. TECHNICAL SUB-COMMITTEE

- 11.1. The *World Council* shall elect a Vice Chairman (Technical). The IOM ICA Technical Sub-Committee shall consist of the Vice Chairman (Technical) as its chairman plus at least 2 and no more than 4 other *Registered Owners* appointed by the IOM ICA Executive Committee.
- 11.2. The function of the IOM ICA Technical Sub-Committee is to advise the *World Council* and IOM ICA Executive Committee on any technical matters relevant to the Class. This function may involve, but is not limited to:
 - 11.2.1. Assisting builders and suppliers with regard to the *IOM Class Rules*.
 - 11.2.2. Investigating any query by a *Member NCA* or *NCS* regarding the specifications of *Boats*.
 - 11.2.3. Consulting with builders and suppliers on any development of the *Boat*, equipment, or *IOM Class Rules* deemed to be desirable as a result of sailing experience.
 - 11.2.4. Helping to ensure that the *Boats* used in World and Continental Championships and other International regattas comply with the *IOM Class Rules* by providing technical assistance as required to the organising authority.
 - 11.2.5. Recommending the licensing of builders and suppliers.

- 11.2.6. Recommending any interpretation of the *IOM Class Rules*.
- 11.2.7. Considering and advising on any change in the *IOM Class Rules* proposed to the *World Council*.
- 11.2.8. Proposing any change in the *IOM Class Rules* to the *World Council*.
- 11.3. The *Regulations* provide for the conduct of the Technical Sub-committee.

12. OTHER SUB-COMMITTEES

- 12.1. The IOM ICA Executive Committee may establish such other Sub-committees as it deems necessary. Any such Sub-committee shall consist of a Vice Chairman as its chairman plus at least 2 and no more than 4 other *Registered Owners* appointed by the IOM ICA Executive Committee.
- 12.2. The *Regulations* provide for the conduct of other Sub-committees.

13. FINANCES

- 13.1. The IOM ICA may be funded by, but not limited to:
 - 13.1.1. Subscriptions from *Member NCAs and NCSs*.
 - 13.1.2. Television rights of international events in accordance with ISAF-RSD regulations.
 - 13.1.3. An approval fee for World and Continental Championships and other International events, negotiated between the IOM ICA Executive Committee and the organisers of the event.
 - 13.1.4. A share of the entrance fee of World and Continental Championships, negotiated between the IOM ICA Executive Committee and the organisers of the event.
 - 13.1.5. A share of the fee paid when a *Boat* is registered.
 - 13.1.6. Fees for services rendered at World and Continental Championships and other International events.
- 13.2. The *Regulations* provide for the conduct of IOM finances including the payment of expenses and the maintenance of accounts.

14. ACCOUNTS

- 14.1. The IOM ICA Executive Committee shall cause annual accounts to be prepared for each year which truly and fairly show the IOM ICA's capital and its income and expenditure.
- 14.2. The fiscal period of the *World Council* shall be 1 January to 31 December each year unless changed by resolution of the *World Council*.
- 14.3. A single copy of the accounts for the latest complete fiscal period shall be sent by the IOM ICA Treasurer to each *World Council Member* with the notice of the Annual meeting of the *World Council*.

15. NOTICE

- 15.1. Where under the *Regulations* or this Constitution the IOM ICA Secretary is required to give written notice to any person or body, such notice shall be deemed to have been given according to the provisions of the relevant *Regulations*.
- 15.2. The IOM ICA Secretary shall keep a register of such notices, which shall include evidence that the notice has been sent.

16. REMOVAL FROM MEMBERSHIP

- 16.1. A *World Council Member* shall be removed from membership of the *World Council* by the IOM ICA Executive Committee only after a hearing protecting his/her rights to due process including a mutual exchange of evidence prior to the hearing.
- 16.2. A *World Council Member* may be removed for the following reasons:
 - 16.2.1. Committing an unlawful act in relation to the IOM ICA, the *World Council*, any NCA, NCS, or *Owner*.
 - 16.2.2. For any unsportsmanlike conduct contrary to the interest of the IOM ICA, the *World Council*, any NCA, NCS, or *Owner*.
 - 16.2.3. For intentional violation of the *IOM Class Rules*.
 - 16.2.4. Any failure to uphold or follow the prescriptions of the IOM ICA Constitution or the *Regulations*, or in the case of a NCS their *NCS Memorandum*, or in the case of a NCA their Constitution or *DM NCA Memorandum*.
 - 16.2.5. Non-performance of its duties, responsibilities, and/or functions as required by resolution of the *World Council*, the IOM ICA Constitution or the *Regulations*, or in the case of a NCS their *NCS Memorandum*, or in the case of a NCA their Constitution or *DM NCA Memorandum*.
- 16.3. A *World Council Member* shall be removed from membership
 - 16.3.1. During any period in respect of which it has not paid its subscription or other monies due to the IOM ICA. Such membership may be renewed with immediate effect by payment of outstanding dues or other monies owing.
 - 16.3.2. Upon receipt of notice of its resignation by the IOM ICA Executive Committee.
 - 16.3.3. Due to an inability to participate in *World Council* or Executive Committee or Sub-committee meetings conducted by *electronic communications*.
- 16.4. A *World Council Member* shall not be entitled to any return of any or any part of its subscription in respect of any period for which it is removed from membership.

17. AMENDMENTS

- 17.1. This Constitution shall only be amended by a Special resolution of the *World Council*.

18. LIMITATIONS

- 18.1. In the execution of their powers and duties under this Constitution and the provisions of the *Regulations* no *Officer* or other Sub-committee member of the IOM ICA Executive Committee shall be liable for any loss to any of the members or former members of the

World Council or to the assets of the *World Council* by reason of any mistake or omission made in good faith by him or any other *Officer* or sub-committee member of the Executive Committee or for any other matter other than wilful and individual wrongdoing omission or fraud on the part of the person who is sought to be made liable.

19. DISSOLVING THE ASSOCIATION

- 19.1. If the total membership falls below 100 *Registered Owners* spread between any number of *Member NCAs or NCSs*, the IOM ICA may be dissolved on a majority vote by the *World Council* acting alone.
- 19.2. In such circumstances the nett funds of the IOM ICA after payment of all outstanding amounts shall be divided between those *Member NCAs and NCSs* in good standing at the time and date of the vote, and in proportion to the number of their *Registered Owners*.

20. PROPER LAW AND JURISDICTION

- 20.1. The proper law of the IOM ICA and *World Council* shall be English law and this Constitution shall be construed, take effect and be enforced accordingly.
- 20.2. Any decisions of the IOM ICA Executive Committee shall be final in matters of the management of the IOM ICA only if the actions or decisions of the IOM ICA Executive Committee are not disputed formally in writing by any member or group of members of the *World Council*. The decision of the *World Council* shall be final, subject to the judgement of a court of proper jurisdiction in the circumstances applying English law as provided in Article 18 LIMITATIONS.