

## **ISAF Regulations**

### Regulation 2

A submission from the Chairman of the Constitution Committee

#### **Proposal**

Delete current Regulation 2 and replace with:

#### **2. ISAF MEMBERSHIP – FULL, ASSOCIATE AND CONTINENTAL**

- 2.1 An applicant for membership shall apply by completing the application form and questionnaire supplied by ISAF in a suitably complete manner with all supplementary documents.
- 2.2 The applicant shall pay the required subscription (subject to any remission sanctioned by ISAF).

#### ***Where there is only one Applicant for Membership that is an existing National Organization representing sailors (Case 1)***

- 2.3 Where there is only one applicant for membership pursuant to Article 5 that is, an existing National Organization representing Sailors, the applicant organization shall meet all of the following criteria:  
The applicant:
  - (a) shall be organized on a national basis and capable of exercising its mandate wherever there is significant sailing activity;
  - (b) shall be recognized by the National Sports Authority if there is one, whether it be government sponsored or not;
  - (c) shall be recognized by the National Olympic Committee if there is one;
  - (d) represents officially through membership or affiliation, a significant majority of the yacht or sailing clubs and other sailing organizations of the country;
  - (e) while not mandatory, it is expected that an applicant National Authority shall be a member of regional sailing organizations for which it is eligible;
  - (f) while not mandatory, participation in international racing is desirable and encouraged.

#### ***Challenging the Eligibility for Membership of a National Authority who is applying for Membership (Case 2)***

- 2.4. Where an organization claiming to be exercising the authority to regulate and manage the sport of sailing in one country is seeking membership in the Federation or in the case of two or more such organizations seeking membership in respect of the same country, before the membership of any of such applicant is accepted by the Council:
    - (a) if the Notices calling a pending meeting the Council have been mailed, the Council;  
or
    - (b) if such Notices have not been mailed, the Executive Committee
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shall determine whether there is a valid competition between organizations to become a Full Member for that country. The purpose of such determination is to ensure that only organizations having a valid claim to being a National Authority are given status as parties to the determination of competing applications.

- 2.5 The Executive Committee or the Council, whichever has the carriage of the matter, shall direct the applicants to meet the criteria of being a National Authority. The Secretary General on the completion of his information gathering shall report to the Executive Committee or to the Council as the case may be his opinion as to which, if any, of the organizations are qualified as applicants. The Executive Committee or the Council shall examine the material collected by the Secretary General and shall make a determination as to which applicants shall be determined to be Applicants with status in the process of determining the organization, if any, that shall be accepted as a Full Member representing the Country in question.
- 2.6 Once the number of Applicants has been determined, if there is only one the Applicant it shall proceed as in the case of an uncontested application for Full Membership under Article 5 and Regulation 2.3.
- 2.7.1 If there is more than one Applicant the process is a Contested Application and the procedure set forth in Regulations 2.30 to 2.40 shall be followed with such changes as are necessary to suit the case. In particular, an Applicant's submission shall be in two parts: (a) an application to become a Full Member, and (b) a submission challenging any or all of the other Applicant's submissions. For the purposes of the procedure in Regulations 2.30 to 2.40, part (b) of each Applicant's submission shall be treated as a submission challenging the other Applicant's part (a) submission pursuant to Regulation 2.31.
- 2.7.2 In determining a Contested Application the Applicant parties, and any official or body of the ISAF considering Applications or any material arising there from shall consider the criteria set forth in 2.3 and 2.9.

***Cases where there is either no Established National Organization meeting the above criteria or where there is a Contested Application (Case 3)***

- 2.8 The suggestions in this section will comprise the criteria for all other cases. These will principally be:
    - (a) cases where there is not a National Authority covering the nation (such as a Club or an organization or one or more clubs who organize racing for themselves or others);
    - (b) where there are competing bodies claiming jurisdiction over sailing in general or particular kinds of sailing;
    - (c) cases where government authority have attempted or succeeded in forcing sailors into a government-sponsored organization but where there are independent organizations of sailors existing.
  - 2.9 In general it will not be possible to require all of the criteria necessary in Case 1 for cases in Case 2. The overriding principle will be to choose the organization which represents the most sailors, or the most active sailors, and can best provide the services expected of a Member National Authority. It will be of paramount concern that the organization is organized to provide adequate representation of the club or sailor members:
    - (a) In Case 3 described in 2.8(a) and 2.8(b), it is assumed there will be one or more competently organized sailing organizations in the nation. It will be necessary to balance the degree of representation of sailing activity and the capability to provide adequate services in deciding what organization should be recognized. It should be recognized that in some situations ISAF should encourage a reorganization of
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sailing within a country and that no membership should be accepted until a reasonable solution is found. It should also be recognized that separate organizations which govern only one aspect of sailing can apply for affiliate membership without being the Member National Authority;

- (b) Recognition by the National Sports Organization will be a major positive criteria for acceptance as a member but not absolutely mandatory;
- (c) Recognition by the International Olympic Committee will also be a major positive criteria for acceptance and, except in unusual cases (such as inability to afford contesting in the Olympics), would be mandatory;
- (d) Criteria 2.2(e) and 2.2(f) of Case 1 would be less important in Cases 2.8(a) and 2.8(b);
- (e) Cases described in 2.8(c) are probably not capable of having specific mandatory criteria applied in advance. The criteria in Cases 2.3(a) to (f) and 2.10 would need to be considered. While great consideration should be given to a body which is recognized by either the national sports organization and/or the International Olympic Committee, it should be recognized that this alone is not necessarily sufficient. It should be recognized that where there is existing conflict between organizations purporting to represent sailors as a national authority, ISAF may wish to make suggestions to allow a membership to be accepted.

***Specific Requirements (applies to all applications under Regulations 2.3-2.9 inclusive)***

- 2.10.1 In addition to the criteria set out in Regulations 2.12 to 2.15, an applicant shall have a Constitution which has been passed by a majority of the members at a meeting duly called for that purpose. The Constitution shall provide, among other things, for:
  - (a) reasonable representation of all sailing bodies which are members. Without limiting the foregoing, members shall include yacht and sailing clubs, multi-sport clubs which provide sailing, class associations, specialized sailing and sailing associations; and
  - (b) at least one annual meeting of members for which notice is provided of the meeting and the business to be conducted at the meeting;
- 2.10.2 However, where the circumstances in the country concerned are such that the provisions of paragraph 2.10.1 are not practical, ISAF shall be satisfied that such other arrangements have been made that represent the best interests of every class of members referred to in it. Where practical to do so, the Constitution or documents witnessing such other arrangement shall be approved by the members at a meeting duly called for that purpose.
- 2.11 The Constitution or the document witnessing such other arrangements shall be approved by the Constitution Committee and referred to the Executive Committee for its approval and then to the Council for final approval.
- 2.12 Where the Constitution Committee considers that the applicant's constitution or other document does not meet either the requirements of Regulations 2.10.1 or 2.10.2 or where the Executive Committee or Council considers that for any other valid reason the applicant does not meet the requirements for full membership, the Executive Committee may recommend to the applicant that it becomes an Associate Member of ISAF, in which case ISAF shall provide the applicant with such advice and assistance as will enable it to apply for full membership in due course.
- 2.13-2.15 *Reserved for future use*

***Associate Membership***

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- 2.16 Pursuant to Articles 4 and 5, there shall be a membership category for National Authorities called Associate Membership. Associate Membership will generally be available to smaller National Authorities for whom the expense of Full Membership would be a burden or that find it difficult to comply with all the requirements of Regulations 2.3 and 2.10.
- 2.17 Associate Members will receive different benefits to ISAF Full Members, and should focus on the development of sailing. Associate Members shall be entitled to:
- (a) hold ISAF Training Programmes (i.e. Race Officials, Learn-To-Sail Training Programmes);
  - (b) receive specified ISAF Publications;
  - (c) receive ISAF Mailings and Circulars;
  - (d) participate in ISAF Events, World and Continental Championships, and Regional Games, with the approval of the ISAF Council;
  - (e) attend open meetings of the ISAF General Assembly and the ISAF Annual and Mid-Year Meetings as an observer.
- 2.18 Associate Members shall not be entitled to:
- (a) any services or information from ISAF, apart from those detailed above, or as publicly available on the ISAF website;
  - (b) make submissions to ISAF;
  - (c) appoint ISAF Council Members;
  - (d) nominate individuals for the position of ISAF President or Vice-President, or ISAF Committees;
  - (e) be represented at the ISAF General Assembly;
  - (f) participate in the Olympic Games, unless payment of past subscriptions are received.
- 2.19 Countries approved as Associate Members shall:
- (a) pay an annual subscription or as alternatively fixed by the Board of Directors;
  - (b) be entitled to be an Associate Member for a maximum of three years only, after which continuing membership will be at the discretion of the ISAF Council, following recommendation by the ISAF Executive Committee.
- 2.20 Application for Associate Member status shall be made to the Secretary General who shall place it before the ISAF Council. The ISAF Council shall take into consideration the status of the sport in the country and of the constitution of the National Authority making the application.
- 2.21 The ISAF Council may suspend or cancel the membership of an Associate Member which has failed to pay its subscription for a period of at least 12 calendar months after the due date or in the opinion of the ISAF Council has failed to comply with its or his membership obligations in a material respect.

### ***Continental Associations***

- 2.22 Continental Associations may apply to the ISAF for affiliate membership. On applying, it shall satisfy the ISAF that it complies with the following criteria:
- (a) that it represents a Continent;
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- (b) that at least two-thirds of the Member National Authorities existing in the Continent it represents are members;
- (c) that its objects include:
  - (i) the promotion of the sport of sailing in its area of influence;
  - (ii) the co-ordination, together with local member national authorities of the competition calendars to avoid clash of dates of competitions;
  - (iii) the establishment of the basis for development and promotion of classes, which are popular in its territorial area, though not recognized by ISAF;
  - (iv) the promotion of race officials' education and the encouragement of exchanges of race officials between countries in its area; and
  - (v) the co-ordination of competition activities with the Member National Authorities and the regional sports organizations within their regions which are responsible for organizing sports events in their region.
- (d) that its Constitution has been passed by a majority of members at a meeting duly called for that purpose. The constitution shall provide, amongst other things, for:
  - (vi) reasonable representation of all Member National Authorities that are members;
  - (vii) at least one annual general meeting each year; and
  - (viii) the election of officers.
- (e) that the Constitution has been approved by the Constitution Committee of ISAF and referred to the Executive Committee for their approval and finally to the Council for final approval.

2.23 Applications for Continental Affiliate Membership shall be made to the Secretary General who shall place it before the Executive Committee who will make a recommendation to Council.

2.24 Continental Affiliate Members shall pay an annual subscription of such sum as shall be designated by the ISAF Council from time to time.

2.25 The ISAF Council may suspend or cancel the membership of a Continental Affiliate Member on the following grounds:

- (a) that it has failed to pay its subscription for a period of at least 12 calendar months after the due date;
- (b) that in the opinion of the ISAF Council it has failed to comply with the objects set out in Regulation 2.22;
- (c) that its membership no longer comprised two-thirds of the member national authorities existing in the Continent it represents;
- (d) that another organization exists that better represents the sport of sailing in the continent concerned and that can better comply with the criteria set out in Regulation 2.22.

### ***Membership: Subscriptions and Withdrawal of Privileges***

2.26 When a Member National Authority has been in arrears on all or part of its subscription, fees, dues or other payments due to the Federation or any of its subsidiary companies or any of their predecessors for a period of 30 days, upon certification of the same by the

Secretary General, ISAF may suspend or cancel the Member National Authority's right and the right of its members to participate;

- (a) in ISAF events; or
- (b) Regional Games sailing events.

2.27 When an ISAF Class has been in arrears on all or part of its subscription, fees, dues or other payments due to the Federation or any of its subsidiary companies or any of their predecessors for a period of 30 days, upon certification of the same by the Secretary General, ISAF may suspend or cancel the ISAF Class's right and the right of its members:

- (a) to participate in ISAF events; or
- (b) to hold a World Championship.

#### ***Member National Authority Questionnaire***

2.28 In the second year following a General Assembly, the Secretary General shall undertake an audit of all Member National Authorities in order to collect relevant statistical and general sailing information. It shall be mandatory for each Member National Authority to complete and return the questionnaire to the ISAF Secretariat, within the timeframe determined by ISAF.

*2.29 Reserved for future use*

#### ***Member Challenging the Membership of a Full Member***

2.30 No submission for the cancellation of the membership of a Full Member pursuant to Articles 15 and 16 shall be laid before the Council unless it is made in writing by an organization authorized to make such a submission pursuant to Article 15 and has first been examined together with the evidence, arguments and allegations cited in support thereof, by the Constitution Committee.

The purpose of such an examination shall be to ensure that irrelevant matters shall be excluded from the deliberations of the Council and that the Full Member concerned should have a proper opportunity to be informed and to answer the case that has been submitted in support of the cancellation of the membership of that Full Member.

The Constitution Committee may also advise as to the details of the procedure to be followed in dealing with the submission provided that such advice is not contrary to the Articles and Regulations governing these proceedings.

2.31 A submission for the cancellation of the membership of a Full Member under Article 15 shall:

- (a) state the grounds upon which such cancellation is sought;
- (b) include a summary of the allegations and evidence that will be cited in support of the submission; and
- (c) include copies of any documentary evidence upon which it is intended to rely.

2.32 Notwithstanding Regulation 1.6, any such submission shall be submitted to the Secretary General so that it shall be received by him not less than ten weeks before the meeting of the Council at which the submission shall be considered.

2.33 The Secretary General shall forthwith send a copy of all material received by him in respect of the submission to the Full Member concerned by registered first class post.

2.34 The Full Member concerned shall submit to the Secretary General, within thirty days of having received the material referred to in Regulation 2.33, a reply to the submission

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which shall include a summary of the evidence and arguments which shall be cited against the submission, and copies of any documentary evidence upon which it is intended to rely.

- 2.35 The submission and reply (together with accompanying documents) shall be examined by the Constitution Committee which may direct that any arguments or evidence which is considered irrelevant for the purposes of the Council's deliberations shall be excluded or that documents shall be put forward in or accompanied by a summarized or abbreviated form.
- 2.36 The submission and reply (together with the accompanying documents) shall then, amended as necessary pursuant to the above examination by the Constitution Committee, be submitted to the Council. Each member of the Council shall be provided with copies of all the relevant documents at least seventy-two hours prior to the meeting at which the submission and the reply, if any, is to be considered.
- 2.37 At any such meeting of the Council the Full Member making the submission shall be given an opportunity to make an oral presentation (which may not introduce any new evidence or material not included in the written presentation or introduce any new argument not fairly raised in the written presentation), following which the Full Member which is the subject of the submission (the "Full Member concerned") shall be given an opportunity to supplement its written reply and, in particular, to answer any of the points made in the said oral presentation.
- 2.38 A lawyer retained by the Federation shall be present at such meeting of the Council available to advise the Chairman upon procedural or legal matters that may arise during the course of the meeting. The Chairman may also call on the Chairman of the Constitution Committee (if he is a lawyer) or his nominee from among the legal members of the Constitution Committee to advise on matters arising out of the Committee's participation in the process of preparing the submission. The Chairman shall rule on any procedural matters that may arise, and his ruling thereon shall be final and binding.
- 2.39 The procedure to be followed in respect of any review by the General Assembly of the cancellation of the membership of a Full Member shall be similar to the procedure prescribed above in relation to a cancellation of membership.
- 2.40 Any request by the Full Member concerned for a review by the General Assembly shall be treated in the same manner as a submission referred to in Regulation 1. The Full Member who made the original submission for cancellation of the membership of the Full Member concerned shall be entitled to receive all the relevant documents and to address the General Assembly, and the Full Member concerned shall be entitled to speak in reply.

### Current Position

Current Regulation 2.

### Reason

To improve the grammar and English to make it more easily understood and to put Regulation 2 in a more logical order:

1. How to apply;
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2. Dealing with three “cases”, 1 2 and 3;
  3. Specific requirements applying to all applications;
  4. Associate Membership, Continental Associations and Membership;
  5. Subscriptions;
  6. Withdrawal of privileges;
  7. Challenging the membership of a full member.
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