

REGULATION 26 – ISAF CLASSES

A paper\by the Chairman of the Constitution Committee

PROPOSAL

Delete the existing Regulation 26 and replace it with the following and make consequential amendments in accordance with the proposed amendments to Regulations 1, 18 and the Definitions

Regulation 26*Designation as an International or Recognized Class*

- 26.1.1 Classes which offer a high standard of international competitive sailing and satisfy the respective criteria set out below may be designated as ISAF International or Recognized Classes.
- 26.1.2 If so designated, a Class will be categorized as Free Construction, Licensed Construction or Series Construction.
- 26.1.3 To be designated as either an International or Recognized Class, a Class Association shall make a submission to the Council in accordance with Regulation 1. That submission will be considered by the Equipment Committee as the reporting committee, and the Constitution Committee and the Class Rules Committee for further consideration. Designation shall be granted by the Council by a majority vote.
- 26.1.4 Prior to or at the time of making the submission, the class shall supply the ISAF with a true copy of all the following documents relating to the class in so far as they exist:
 - Agreements with owners of copyright, design rights, trademarks and other intellectual property
 - Specifications and drawings which prescribe the one-design control of the class including any requirements as to the materials to be used in construction and the method of manufacture
 - Any construction manual
 - Agreements with all licensed builders, licensed sailmakers and any third party licensed to make any part of the boat or her equipment
 - All other agreements with any parties which affect the management of the boat, the class or the Class Association
- 26.1.5 If, after receiving a submission for designation by a Class Association, the Council considers that a Class is appropriate for designation, but is not satisfied that it meets the criteria set out in Paragraphs 26.2 (b) of this regulation (but does meet the other criteria), it may grant provisional designation for a period not exceeding two years. During the period specified' the Class Association shall comply with Paragraph 26.2(b) and may describe the Class as Provisional International or Provisional Recognized as the case may be and shall provide the ISAF with such further information as the ISAF shall require. During the period of Provisional Designation, the Class Association shall pay the fees specified in this Regulation as if it were an International or Recognized Class. If the Class Association fails to satisfy the Council that it is properly so designated within the period specified, the Council may end the designation at any time.

Obtaining designation

26.2 Before designation the Council shall be satisfied that:

- (a) there is an active Class Association;
- (b) the Class Association has a Constitution in a form acceptable to the Equipment Committee and the Constitution Committee, which shall include provisions containing:
 - (i) the name of the Class;
 - (ii) a statement of the objectives of the Class;
 - (ii) provision that the control of the Association is in the hands of the owners of the boats in the class;
 provision for the election of an executive committee, including executive officers;
- (c) there is a set of Class Rules in the ISAF Standard Class Rules format, adopting the Equipment Rules of Sailing, all of which shall be in a form acceptable to the Equipment Committee. If the existing Class Rules do not comply with this requirement, the Equipment Committee may confirm that in its view they are in an acceptable form;
- (d) the Class is actively racing. For the purposes of this regulation a Class will be considered to be actively racing if it can show that
 - i. in the case of an application for International status, racing takes place in the countries of at least six Member National Authorities from at least three continents and that the following numbers of boats are registered in each country according to size:

| LOA | Boats per country |
|----------------------|-------------------|
| Up to 7.6m | 20 |
| Above 7.6m to 9.0m | 10 |
| Above 9.0m to 12.0m | 6 |
| Above 12.0m to 15.0m | 4 |
| Above 15.0m | 2 |
| Windsurfers | 50 |

- ii. in the case of an application for Recognized status, racing takes place in the countries of at least four Member National Authorities or three Member National Authorities from at least two continents and that the following numbers of boats are registered in each country according to size:

| LOA | Boats per Country |
|----------------------|-------------------|
| Up to 5.0m | 20 |
| Above 5.0m to 6.5m | 15 |
| Above 6.5m to 7.6m | 8 |
| Above 7.6m to 9.0m | 7 |
| Above 9.0m to 12.0m | 6 |
| Above 12.0m to 15.0m | 2 |
| Above 15.0m | 1 |
| Windsurfers | 30 |

or meet the following criteria as to the number of boats worldwide according to size:

| LOA | Boats per country |
|----------------------|-------------------|
| Up to 5.0m | 100 |
| Above 5.0m to 6.5m | 80 |
| Above 6.5m to 7.6m | 60 |
| Above 7.6m to 9.0m | 30 |
| Above 9.0m to 12.0m | 25 |
| Above 12.0m to 15.0m | 20 |
| Above 15.0m to 20.0m | 15 |
| Above 20.0m | 8 |
| Windsurfers | 100 |

- iii. evidence of compliance with these criteria may be given either by confirmation from the requisite number of Member National Authorities or by a listing of registered boat owners;
 - iv. for the purpose of this regulation ‘continent’ means any one of Europe, North America, South America, Asia, Africa and Oceania;
- (e) the application fee specified by the Council from time to time has been paid;

Notwithstanding the foregoing, any of the requirements set out above may be waived by the Council, upon the recommendation of the Equipment Committee, when considering a class which serves a unique aspect of sailing.

Requirements on designation as an International or Recognized Class and Transitional Arrangements

26.3 Immediately on designation as an International or Recognized Class the Class Association shall:

- 26.3.1 At the cost of the class association, procure the assignment to the ISAF of the benefit of all agreements and the assignment of the copyright and design rights in all specifications drawings and construction manuals disclosed in accordance with paragraph 26.1.3.2 joining in such assignment if required by the ISAF in such terms as the ISAF shall reasonably require.
- 26.3.2.1 In addition to the requirements of Regulations 26.4.1 and 26.4.2, Class Associations of classes which are designated as Licensed Construction or Series Construction shall procure that the Owner or Owners of the copyright, design rights, trademarks and other intellectual property, the specifications and drawings which prescribe the one-design control of the class including any requirements as to the materials to be used in construction and the method of manufacture and any construction manual, shall enter into an agreement with the ISAF providing that:

- (a) any proposed amendment to the Construction Manual shall be the subject of consultation with the Class Association and if approved by it shall be submitted for approval;
- (b) the owner of the copyright in the Construction Manual shall make any interpretations of the Construction Manual after consultation with the Class Association and if agreed shall be submitted to the ISAF for approval;
- (c) The owner of the copyright in the Construction Manual shall be responsible for maintaining the Construction Manual and making any necessary alterations to the document following approval of amendments or interpretations and shall send copies immediately to all Licensed Builders and to the ISAF and Class Association;
- (d) If required by the ISAF shall take appropriate action against any licensed builder guilty of any serious rule infringements.

The agreement will provide that the ISAF may approve or refuse approval in its absolute and unfettered discretion but so that any amendment which may adversely affect the one-design character of the boat will be refused. The agreement shall be construed according to the laws of England and Wales.

26.3.2.2. The assignments shall be in such form as shall be reasonably required by the ISAF and shall contain the following provisions:

- (a) that the ISAF and any person authorised by the ISAF shall be entitled upon reasonable notice and during normal business hours to have free access to the premises of any person firm or company engaged in the manufacture or construction of the boat or any part or component thereof in order to:
 - (ii) ensure that all boats or parts have been manufactured in accordance with the Construction Manual:
 - (iii) inspect and measure any boat or part manufactured or in the course of manufacture
- (b) that the Licensed Builder shall if required reimburse all reasonable travel and subsistence expenses of any representative authorised by the ISAF to conduct an inspection on behalf of the ISAF should any dispute arise relating to the production of boats in accordance with the Construction Manual or Class Rules.

26.3.3. Notwithstanding the provisions of this regulation, any existing agreement between the ISAF and a Class Association relating to the designation of a class as an International or Recognized Class shall remain in full force and effect until the same shall have been lawfully determined whereupon the provisions of this part of this regulation shall apply.

Requirements when a Class is designated as an International or Recognized Class

26.4.1 During the period in which a class is designated as an International or Recognized Class, including any period it receives a provisional designation, its Class Association shall:

- (a) provide that the class be known as the International or Recognized XYZ Class and use the approved ISAF Classes Logo in all Class publications, advertising or promotions;
- (b) properly administer its affairs and maintain its objectives in accordance with its Constitution, Class Rules, and this regulation;
- (c) provide the ISAF with up-to-date copies of all Class publications including its Constitution, Class rules, Measurement Forms, One Design Specifications, and Class Newsletter, if any;
- (d) keep all its publications, and in particular its Constitution, Class rules, Measurement Forms and One Design Specifications in accordance with ISAF regulations and requirements and bring them up-to-date promptly when it is appropriate to do so, particularly to comply with any amendments to the ISAF's regulations or requirements;
- (e) not agree to any assignment of design rights, trade names or trademarks without the consent of the ISAF which will not be unreasonably withheld, and to notify the ISAF forthwith if notice is received of such an assignment;
- (f) inform the ISAF of the dates for the next year's world and continental class championships by the 1st August in each year;
- (g) not alter the dates of the next year's world and continental class championships after the Annual ISAF Meeting except with the approval of the ISAF and the host National Authority;
- (h) send the ISAF a completed annual report on the activities of the Class, success in maintaining its objectives, current membership, boat registration, its register of measurers and financial status prior to February each year and, if required by the ISAF, to provide independent confirmation of this information;
- (i) ensure that its constitution and Class Rules are available on the ISAF website or with a link from the ISAF website;
- (j) not permit the organizing authority, race committee or any person or organization to amend, suspend or override the Class Rules in the Notice of Race or Sailing Instructions for any Class World or Continental Championship without the prior approval in writing of the ISAF;
- (k) organize the Class measurement procedures to maintain the objectives of the class rules and shall:
 - a. appoint a technical and/or measurement committee;
 - b. appoint a technical representative, who is a member of the class technical and/or measurement committee and who is authorised to discuss class technical matters with the ISAF;
 - c. maintain a register of all class measurers, with such information as the Association considers appropriate but with at least the name and address of the measurer;
 - d. require all class measurers to be members of the National Authority measurement network if one exists;
 - e. keep all class measurers informed with respect to class rule changes and interpretations;
 - f. if practical have sufficient Class International Measurers to represent the class regionally;
 - g. ensure that at least one Class International Measurer attends each ISAF Measurement/Technical Symposium;
 - h. organize regular class measurement seminars to train class measurers with Class International Measurers as instructors;
 - i. authorize no one other than Class International Measurers to measure prototypes of moulded production boats unless this requirement is waived by the ISAF in writing;

- (l) use its best endeavours to ensure that each of its National Associations are affiliated to the relevant ISAF Member National Authority;
- (m) require that individual boat owners shall be members of the National Class Associations, if any, before racing;
- (n) collect on behalf of the ISAF (in addition to any other fees payable) a registration fee from the first owner of each boat registered by the Association, such fee to be calculated as a percentage of the cost of the boat as follows:
 - (a) 0.4% in respect of the first £20,000 of such cost
 - (b) 0.2% in respect of the next £70,000 of such cost
 - (c) 0.1% in respect of the balance

Provided always that the Council may amend the rates specified in this sub-paragraph from time to time as it sees fit.;

ALTERNATE

Collect on behalf of the ISAF(in addition to any other fees payable) a registration fee from the first owner of each boat registered by it, such fee to be calculated as a percentage of the average cost of a boat when first built as follows

- (a) 0.4% in respect of the first £20,000 of such cost*
- (b) 0.2% in respect of the next £70,000 of such cost*
- (c) 0.1% in respect of the balance*

together with an annual increase of such fee on the day of in every year of 2 1/2% of that sum;

- (n) prepare a statement of the sums due to the ISAF every quarter specifying the unique hull number of each boat concerned and shall submit it with the money due to the ISAF within six weeks of the end of the quarter. In the event of delay in payment interest shall accrue due at the rate of 4% above the base rate of National Westminster Bank plc;
- (o) require each boat owner to fix an ISAF plaque on his boat, such plaque to be supplied by ISAF on receipt of the registration fee, but so that the Association shall not send the plaque to the boat owner until it is satisfied that all fees due have been paid;
- (p) pay the annual fees in accordance with Regulation 26.8;
- (q) not enter into or vary any agreement or other arrangement with the builders, whether licensed or not, owners of design rights, trademarks or trade names, without the approval of the ISAF which shall not be unreasonably withheld.

26.4.2 In addition to the requirements of Regulation 26.4.1, Class Associations of classes which are designated as Licensed Construction:

- a. shall not license or permit or promote the licensing of any builders or manufacturers of any part of the boat (including her sails) without the consent of the ISAF;
- b. shall not permit or promote any change in the design method of construction or materials used without the consent of the ISAF.

26.4.3 In addition to the requirements of Regulations 26.4.1 and 26.4.2, Class Associations of classes which are designated as Series Construction shall not permit or promote any change in the specifications and drawings which prescribe the one-design control of the class including any requirements as to the materials to be used in construction of the boat or any equipment used on the boat and the method of manufacture and any construction manual

Changes to Class Rules

- 26.5 International and Recognized Classes Associations shall not change their class rules except with the approval of the ISAF in accordance with the following procedure:
- 26.5.1. Before any application for approval is made, the changes to the rules shall be approved by the Class Association in accordance with its constitution and its class rules.
 - 26.5.2. An application to change class rules shall be made in accordance with Regulation 1, Notices and Submissions. The reporting committee shall be the Equipment Committee and the submission shall also be considered by the Constitution Committee and, in the case of change affecting Rule 42 by the Racing Rules Committee, as the 'other committees'.
 - 26.5.3. The Class Association making the submission shall be entitled to have two representatives at the Equipment Committee Meeting at which the submission is discussed and those representatives may be required to answer questions and give additional information concerning the submission.
 - 26.5.4. Once approved by the Council, the change shall be effective from 01 March following the decision of the Council, unless otherwise stated in the Class Constitution or in the submission. Prior to that date, the ISAF shall inform the Class Association, International Measurers, builders licensed to build that Class and Member National Authorities. The Class Association shall inform all its members.
 - 26.5.3 With the exception of a changes that deal with the ISAF Advertising Code (which are subject to Regulation 20.4.4.), when a change is required between the Annual ISAF Meetings, the Class Association may apply to the Secretary General to certify that this is the case. If the application is certified by the Secretary General as so required, it shall be submitted to a committee consisting of the Chairman and Vice-Chairman of the appropriate Technical Sub-Committee, the technical representative of the Class Association, and the appropriate ISAF technical staff. If the Class Association so requests, or in the opinion of the committee, the change involves a matter of principle, it shall consult all members of the appropriate ISAF committee, except those having personal involvement, before giving its approval to the change.

Interpretations of Class Rules

- 26.6 Unless agreed otherwise by the ISAF, interpretations of class rules shall only be made by the ISAF in accordance with the following procedures and for the avoidance of doubt such interpretations shall do no more than clarify an existing class rule and shall not effect a change in a class rule.
- 26.6.1. Requests to the ISAF for an interpretation shall only be made by the following:
 - Member National Authorities
 - International Measurers
 - The relevant Class Association
 - Copyright Owners, Trade Name and Trademark Owners in respect of the classes in which they have an interest
 - Licensed Builders and Manufacturers in respect of the classes they build or manufacture
 - Designers in respect of the classes they have designed
 - Juries in accordance with Racing Rule 64.3(b)
 - 26.6.2 A request for an interpretation from one of those sources other than a class association shall be sent immediately to the relevant class association.
 - 26.6.3 The interpretation shall be made by a sub-committee formed for that purpose comprising the Chairman and Vice-Chairman of the relevant subcommittee, the technical representative of the Class Association and the relevant members of the ISAF staff and shall be distributed by the ISAF as provided in Regulation 26.6.33.

- 26.6.4 Interpretations shall have the status of a class rule and shall remain valid for the period stated in the interpretation up to a maximum of 2 years from the date the interpretation is issued by the ISAF or until superseded by a change in the class rules made in accordance with this regulation.

Review of International and Recognised Status

- 26.7.1 All International and Recognized Classes shall be reviewed by the Equipment Committee whenever it is considered appropriate to do so and in any event not less than every three years.
- 26.7.2 In that review the Equipment Committee shall establish whether or not:
- (a) The original reasons for granting International or Recognized Status still apply;
 - (b) The Class Association has administered its affairs properly and maintained its stated objectives;
 - (c) The class is actively racing pursuant to the requirements of Regulation 26.2.1(d);
 - (d) The class is continuing to provide a significant contribution to the development of the sport;
 - (e) That the class rules continue to support the objectives of the class and provide a reasonable framework for the technical control of the class;
 - (f) That the Class Association has complied with the requirements contained in this regulation
- 26.7.3 If the Equipment Committee considers that, after a review, a Class fails to meet the above criteria, it may report the matter to the Council which shall conduct its own review and if it considers that it is appropriate to do so, it may withdraw the designation of the Class as an International or Recognized Class as the case may be. If the Council proposes to review a Class, the Class Association shall be notified and shall be entitled to representation at the Council meeting.

Fees

- 26.8.1 International and Recognized Classes shall pay such fee as shall be determined by the Council annually or in such longer period as it shall decide. Such fees shall accrue from the date that the application is received by the ISAF secretariat, but such accrued fees shall not be payable until the earlier of the date when the ISAF status is granted or until the next annual class fees are payable.
- 26.8.2 Pursuant to article 14.1, and as an alternative to the penalties for International and Recognized Classes in arrears of payments due provided for in Article 14.1, the Council may suspend any or all of the rights of such Class to hold World Championships or be selected for an ISAF event..

PROPOSED AMENDMENTS AND ADDITIONS TO THE DEFINITIONS

Delete Class/Owners Association

Insert

Class Association An association consisting of members who are owners or other persons interested in an individual Class of boats or a related group of such Classes.

PROPOSED AMENDMENT TO REGULATION 1

Delete Paragraph 1.1. and replace with:

- 1.1.1. Submissions may be made by Member National Authorities, International Class Associations, the Executive Committee, the Chairmen of Committees established by the Council, and the President. Recognized Class Associations may make submissions to change their rules.
- 1.1.2. Submissions under Regulation 26 for designation as an International or Recognized Class may be made by properly constituted Class Associations.
- 1.1.3. Submissions under Regulation 26 for a change in Class Rules of Recognized Classes may be made by properly constituted Class Associations

PROPOSED AMENDMENT TO REGULATION 18

Insert new 18.4 and renumber accordingly

- 18.4.1 Each class granted provisional status as an International Class or a Recognized Class under Regulation 26 shall hold a World Championship after the receipt by the ISAF of a fully documented application for such status and before being granted full International or Recognized Status. The determination of whether a fully documented application has been received shall be in the sole discretion the ISAF.
- 18.4.2 An ISAF appointed representative shall be present at the World Championship to assess the class, both in terms of participation and organization and shall report to the ISAF before the full appointment is considered by the ISAF Council.

CURRENT POSITION

Regulation 26 is in a comprehensive form but has had a number of piecemeal additions which are not entirely consistent with other provisions in this regulation and elsewhere. The regulation requires the completion of a contract with each International and Recognized Class and some of the existing agreements are out of date and, if they had to be enforced, would probably be completely ineffective.

REASONS

- 1. To tidy up the regulation.
- 2. To remove the requirement for contracts with International and Recognized Classes in the future.
- 3. To dispose of contracts for existing International and Recognized Classes in due time.