

Designated Nationality of International Race Officials

Regulations 33.8, 34.8, 35.8(a), 36.9, and new Regulation 38
and incorporating approved submission 118-05

A submission from the Chairman of the Constitution Committee and
the Chairman of the Race Officials Committee

Proposal:

Delete 33.8, 34.8, 35.8(a), 36.9

Insert new regulation

38. DESIGNATED NATIONALITY OF INTERNATIONAL RACE OFFICIALS

38.1 This regulation applies to all ISAF International Race Officials

38.2 The designated Member National Authority of an International Race Official shall be that of the country of his nationality unless provided otherwise in this regulation. If that country is not within the territory of a Member National Authority he shall not be entitled to be appointed as an International Race Official.

38.3 If an International Race Official is appointed as an International Race Official in more than one discipline, his designated Member National Authority shall be the same for each appointment at all times.

38.4 On first application:

- (a) a candidate who is a national of two or more countries; or
- (b) a candidate who has been ordinarily resident in a country other than that of his nationality for three or more years; or
- (c) a candidate who has been ordinarily resident for three or more years in a part of a country where that part is represented by a different Member National Authority to the rest of that country

shall specify the Member National Authority which he wishes to be his designated Member National Authority.

38.5 An International Race Official may apply to change his designation in the same circumstances as those specified in Regulation 38.4. However if he intends to change on the ground set out in regulation 38.4(a) he shall give to ISAF three years' notice in writing; if he intends to change on the ground set out in regulation 38.4(b) or (c) he shall give to ISAF one year's notice in writing which may be given before the expiration of the required three years of ordinary residence.

38.6 International Race Officials shall comply with the requirements of their designated Member National Authority. An International Race Official who elects to change his designated MNA shall comply with the requirements for

International Race Officials of the new Member National Authority and shall attach to his application the written consent of the Member National Authority. However such consent shall not be unreasonably withheld or delayed by the Member National Authority.

- 38.7 If part of a country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country, and if that country becomes the territory of a Member National Authority, the designation of an International Race Official who acquires a new nationality as a result shall be changed to the new country. If the country does not become the territory of a Member National Authority, the International Race Official shall cease to be such unless he qualifies under Regulation 38.4(a), in which case the requirement as to notice shall be waived.
- 38.8 In all cases not expressly addressed in this regulation, the Executive Committee may make such designation as it considers the fairest in all the circumstances having considered any recommendations made by the Race Officials Committee.
- 38.9 An International Race Official may appeal to the Review Board against any decision of and in respect of any unreasonable delay by ISAF or by a Member National Authority in which case the Race Officials Committee shall be a party to the appeal. If the Review Board considers that the appeal is justified, it shall refer the matter to the Executive Committee which shall act in accordance with Regulation 38.8.
- 38.10 The designated member National Authority of each race official shall be printed in the ISAF Yearbook.
- 38.11 Any International Race Official who, at the time this regulation comes into force, comes within one of the circumstances specified in Regulation 38.4 shall elect to be designated to any of the relevant Member National Authorities but the election shall be made not later than the 1st November 2008.

Current Position:

There is an informal note attached to Regulation 33, 34, 35 and 36 as follows:

In these regulations the "country" of an International Race Official shall be the Member National Authority of his or her principal residence. This MNA shall be named in the application and in the ISAF Year Book. If the International Race Official has other appointments as an ISAF Race Official, the MNA of the Race Official shall be the same for all appointments.

Regulation 33.8, 34.8, 35.8(a) and 36.9 are as follows:

- 33.8 The list of International Judges shall be printed in the ISAF Yearbook. When appointed or re-appointed, an International Race Official shall receive a Certificate of Appointment.
- 34.8 The list of International Judges shall be printed in the ISAF Yearbook. When appointed or re-appointed, an International Race Official shall receive a Certificate of Appointment.

35.8 The list of International Measurers shall be printed in the ISAF Yearbook.

- (a) When appointed or re-appointed, an International Measurer shall receive a Certificate of Appointment.

Reason:

1. Council decided in November 2005 that the designation of International Race Officials should be based on their nationality rather than their principal residence. This regulation gives effect to that decision.
2. There are a number of subsidiary issues which need to be dealt with as a result of that decision and the remainder of the regulation covers them.
3. The provisions as to nationality are of course matters of law in each country in the world and it is considered that situations could arise that are not, and cannot be, covered by this regulation, so a residuary power is left with the Executive Committee to ensure that every International Race Official is treated properly and fairly. For the same reason the International Race Official is given a right to appeal to the Review Board.