Notices and Submissions

Regulation 15

A submission from the Chairman of the Constitution Committee

Purpose or Objective

To firstly simplify the content of Submissions, and in particular provide less formal requirements for proposals which are either in outline only or are discussion papers, and secondly to streamline the formal process by which Submissions can be modified either by Committees or by Council

Proposal 1

15.5. A submission or proposal shall first state its purpose or objective, set out the proposal the current position, if any, identify any Article, Regulation or Rule considered to be affected and the reasons for the proposal. In a Submission or proposal to change any Article, Regulation or Rule, the current Article, Regulation or Rule shall also be set out in full, with the proposed changes including the exact words to be inserted and/or deleted.

15.5.1 In a proposal which is in the nature of a discussion paper which may lead to changes to, or which outlines changes that might be made to one or more Regulations then the proposal shall also list those Regulations which may be affected.

15.5.2 In a submission or proposal that includes a specific change to any Article, Regulation or Rule state if the change is to remove a Regulation or Article or Rule in whole, the number of that Regulation or Rule, but if it is a change to part only of a Regulation or Article then the current Article, Regulation or Rule shall be set out in full, and in either case the proposed changes, including exact wording to be inserted and/or deleted, shall be shown.

15.5.3 For the purposes of this Regulation Rule shall mean any Rule within the Racing Rules of Sailing or the Equipment Rules of Sailing.

Proposal 2

15.11 The procedures or proposals on submissions as received will be as follows:

(d) In making recommendations on Submissions, Committees may not recommend a substantive change, and they may only make a substantial change with the approval of the Constitution Committee1.
Proposal 2

15.13.1 In the event that Council’s decision changes the text as recommended to the Council by the Constitution Committee, the Regulation shall not be effective until such text shall have been resubmitted to reviewed by the Constitution Committee for its recommendation and is approved by Council at its next meeting. The effective date of the approved text shall be as stated in Regulation 15.13 above.

Proposal 3

15.13.2 Where appropriate, The effective date of the approved text shall be when the Chairman of the Constitution Committee may certify that the changes to the text have been approved either:

(a) where there is sufficient time to do so, by those members (being not less than 5) of the Constitution Committee after discussion by e-mail or other electronic means present at a Council Meeting; or

(b) where a change is proposed at a Council Meeting, by those members present at that meeting, by the Constitution Committee after discussion by e-mail or other electronic means which shall if possible be within 28 days of the relevant meeting.

Proposal 4

15.14. The Chief Executive Officer shall keep a register of addresses of all members of the ISAF, the members of the Council and members of the Committees. Notices from the ISAF shall be deemed to be properly delivered if dispatched by post, fax or e-mail to the appropriate registered address. Notices to be given by the Chief Executive Officer shall be dispatched not less than one calendar month twenty one days before the meeting to which they relate, provided that under exceptional circumstances failure to dispatch a notice in proper time shall not invalidate such notice nor preclude the subject matter of such notice being placed on an agenda and resolved, if the General Assembly, Council or Committee (as the case might be) so decides.

Current Position

As above.

Reasons

1. For some time the Submission process has been criticised as in part being frustrating, and that it works against discussion on important issues and also by being too prescriptive has led to a number of Submissions being rejected on technicalities.

2. Further when changes are made at Council Meetings the regulatory procedure for adopting, or approving those changes, has failed to keep up to date with the practices adopted and in particular either the reality of the presence of members of the Constitution Committee at such meetings, or in the alternative the ability to get changes approved by e-mail.
3. These changes therefore seek to permit papers to be tabled for discussion at Council, particularly on issues of policy, in a less formal way and in particular without requiring the authors to precisely identify what wording needs to be changed in the Regulations, but simply referring to those that they believe will be affected.

4. However where a proposal includes a specific change to a Regulation or Rule, the position remains unaltered, but the wording has been revised to provide two important improvements, one to the wording itself, which had an ambiguity in it and is now resolved, the other to make clear that where an entire Regulation is being changed, simply referring to its deletion is sufficient without the entire Regulation having to be printed out and then crossed through.

5. 15.13 is updated to reflect the practicalities of getting the changes “signed off”, by the Constitution Committee.

6. 15.14 is updated to bring this into line with other time periods used at ISAF, and also to reflect ‘dispatch’ by e-mail.