ISAF Constitution

Rearrange Articles 14-19 and Delete Duplication

A submission from the Chairman of the Constitution Committee

Proposal

SUSPENSION AND CANCELLATION OF MEMBERSHIP

14.1 (a) Notwithstanding Articles 15 to 20, when a member National Authority has been in arrears on all or a part of its subscription, fees, dues or other payments due to the Federation or any of its subsidiary or associated companies for a year or more, and having been warned to make payment at least 30 days previously, and the Secretary General having so certified in writing, the Executive Committee may suspend and the Council may by a majority vote suspend or cancel the membership in the Federation of a Member National Authority with immediate effect.

(b) A Member National Authority deprived of its membership under this Article may apply for membership in the normal course but shall not be re-admitted to membership until outstanding subscriptions, fees, dues and other payments due, if any, have been paid in full and so certified by the Secretary General.

14.12 (a) When an International or Recognized Class has been in arrears on all or part of its subscriptions, fees, dues or other payments due to the Federation or any of its subsidiary or associated companies, on the same conditions and terms as provided in Article 14.1(a), the Council Executive Committee may by a majority vote suspend or cancel the International status and membership of an International or Recognized Class.

(b) An International or Recognized Class whose status and membership has been suspended or cancelled pursuant to this Article may apply for such status and membership in the normal course but shall not have its International or Recognized status or membership restored until all outstanding subscriptions, fees, dues and other payments due, if any, have been paid in full and so certified by the Secretary General.

15.1 The status of an organization claiming to or exercising the authority to regulate and manage the sport of sailing in a country and seeking membership in the Federation or the status of any existing MNA of the Federation may only be challenged by an existing Full Member in good standing or an organization which has or would, if it applied for membership, be able to satisfy the requirements for application for the status of a governing body of the sport of sailing in a particular country and that has been so confirmed by the Secretary General.

15.12 Any proceedings to make such challenge as may be authorized pursuant to these Articles and the applicable Regulations shall provide for a fair hearing and hearings of and between all the parties and shall provide the parties with a reasonable opportunity to present such facts as they may wish and to present their claims and argument before any committee, body, Council or Assembly of the Federation as the Articles and Regulations shall provide.
Without limiting any alternative grounds, one of the grounds on which a member’s status may be challenged is for persistent or substantive disregard of or failure to observe the Constitution of the Federation especially as it pertains to the obligations of membership as set out in Article 6.

The Council may, by a two-thirds majority vote, at any time cancel the membership of any Full Member, but such Full Member may request that the General Assembly shall, at its next meeting, review such cancellation on the ground that the discretion of the Council was not exercised for good cause.

The procedure for challenging the membership status of an applicant for Full Membership or a Full Member shall be as set forth in Regulation 2 of the Regulations.

The Council may suspend or cancel the status and membership of an International or Recognized Class which in the Council’s judgement has failed to meet its obligation to protect the design characteristics of the class or currently does not meet the requirements for the class prescribed in the Rules and Recommendations for Adoption and Control of International or Recognized Classes.

The Council may suspend and or cancel the membership of an Associate or Affiliate or Member who has, in the opinion of the Council, failed to comply with its or his membership obligations in a material respect.

The procedure for challenging the membership status of an Affiliate Member shall be as set forth in Regulation 2 of the Regulations.

The Council Executive Committee may:

(a) suspend or cancel the status and membership of an International or Recognized Class which is in arrears of payments due to the Federation or which in the Council’s judgement has failed to meet its obligation to protect the design characteristics of the class or currently does not meet the requirements prescribed in the Rules and Recommendations for Adoption and Control of International or Recognized Classes;

(b) suspend or cancel the membership of an Associate or Affiliate Member which or who has failed to pay its or his subscription for a period of at least 12 months after the due date or in the opinion of the Council has failed to comply with its or his membership obligations in a material respect.

Current Position
As above.

Reason
1. To re-arrange the provisions in more logical order,
2. Delete duplication and superfluous wording in the current version, make minor rewording to remove ambiguity and thereby adding clarity.
3. Procedures for challenging the status of applicants, as distinct to challenges to the status of
existing members, should be wholly contained within the Regulations, rather than divided between the Articles and the Regulations.

Note: the text also incorporates and highlights the changes approved by Council in May 2010.