

INTERPRETATION 002-21

REQUEST FOR INTERPRETATION FROM THE PRESIDENT OF US SAILING

Introductory Notes

The Committee notes that a number of amendments were made to Regulation 35 in November 2020, including Regulation 35.3.2(k). Question 2 quotes Regulation 35.3.2(k) as it was written prior to the changes of November 2020 and the Committee has interpreted the Regulation as quoted in the question.

Question 1

Regulation 35.3.2 states:

“The Judicial Board

35.3.1 The Judicial Board is appointed and constituted under Article 77 of the World Sailing Constitution.

35.3.2 The Judicial Board is responsible and has authority for:...”

Does ‘Authority’ as applicable to the Regulation have the traditional meaning as below?

Authority – the power or right to give orders, make decisions, and enforce obedience

Answer 1

A word or phrase which requires interpretation must be considered and interpreted in context. ‘Authority’ in the context of Regulation 35.3.2 may be characterized as official responsibility and control over the particular functions listed within Regulation 35.3.2(a) to (k).

Question 2

Regarding Regulation 35.3.2(k)(i)(ii), which states:

(k) determining whether a complaint or report received by World Sailing:

- (i) is within the jurisdiction of World Sailing and the provisions of the Code;*
- (ii) is within the relevant time period for making such a complaint or report and whether it can be considered by World Sailing.*

Question 2(a)

- (a) **As no other party is mentioned with the Regulation, is the Authority of the Judicial Board 'sole' or exclusive in regards to Regulation 35.3.2(k)(i)(ii)?**

Answer 2(a)

In the Regulations, where 'sole' responsibility is conferred on a body, it is expressed explicitly. The Judicial Board is the main body in charge of Regulation 35 as a whole and the particular functions listed in Regulation 35.3.2(k). However, it is not expressed explicitly that the Judicial Board has the 'sole' or exclusive responsibility in regards to Regulation 35.3.2(k) because the determination of the Judicial board could be altered when Article 81 applies.

Question 2 (b)

- (b) **Does any party have the right to alter a Judicial Board Decision?**

Answer 2(b)

Where a decision is made by the Judicial Board, Article 79.3 of the World Sailing Constitution provides that the default position is such decisions are final and binding except where Article 81 applies and the Regulations set out the circumstances in which a Judicial Board decision may be appealed and therefore potentially altered.

Question 3

Regarding Regulation 16.1 as noted below:

16. ***INTERPRETATION OF CONSTITUTION BY CONSTITUTION COMMITTEE***
16.1 *The interpretation of the World Sailing Constitution, including any ancillary documents, and Regulations shall be the sole responsibility of the Constitution Committee.*

Does "sole responsibility" as used within the Regulation have the traditional meaning that only the Constitutional Committee is empowered to interpret the Regulations?

Answer 3

The Constitution Committee is the only body empowered to issue official interpretations of the World Sailing Constitution or Regulations. This does not preclude others from *interpreting* the Constitution or Regulations.

**Constitution Committee
World Sailing
19 April 2021**