

INTERPRETATION 003-21
REQUEST FOR INTERPRETATION FROM THE GENERAL SECRETARY OF THE
HUNGARIAN SAILING FEDERATION

Introductory Notes

The Committee notes that a number of amendments were made to Regulation 23 in April 2021, including the introduction of a new Regulation 23.1.11. The Questions relate to the Regulations as amended and the Committee has interpreted the Regulations as quoted in the questions.

Question 1

Please confirm our interpretation that Regulation 23.1.11 overwrites Regulation 15.7 by using the phrase "Notwithstanding any other Regulation..." at the beginning of Regulation 23.1.11?

Answer 1

Taken in context, 'Notwithstanding any other Regulation' is held to mean 'notwithstanding any contrary Regulation'. To broadly interpret the text as meaning Regulation 23.1.11 applies notwithstanding all other Regulations would be to disapply relevant and applicable Regulations, including the Olympic Event slate in Regulation 23.1.4, and the powers of review by reporting Committees, including this Committee's ability to determine validity pursuant to Regulation 15.11.

Question 2

As there is no mention on Regulation 15.7 in Regulation 23.1.11 especially 23.1.11 (b), there is no requirement that Regulation 15.7 applies in the context of the process under Reg. 23.1.11, and as a result the President has no right to reject urgent submissions submitted in line with Reg. 23.1.11.

Answer 2

The absence of explicit reference to a provision is not the same as the non-application of such provision. Express reference to a provision not applying would need to be included to achieve this position. Examples of such approach can be found elsewhere in the Regulations e.g. Regulation 8.9.2(j) which explicitly states that Regulation 8.9.2(a) does not apply.

Constitution Committee
World Sailing

11 May 2021
