

INTERPRETATION 004-22

IQFOIL CLASS CONSTITUTION

Question

The Constitution Committee has been requested by Windfoil New Zealand to provide an interpretation on the International iQFOIL Class Constitution ("Constitution") – in particular, the provisions that empower the members of the Class to make binding decisions at General Meetings.

Answer

Regulations 16.2 and 16.3 set out who can make a request to the Constitution Committee ("CC").

Regulation 16.2 states "Any Member National Authority, Class, Director or Committee Chairman or Vice Chairman may submit a request...".

It has been argued by Windfoil New Zealand that using the purposive approach to interpretation, a Common Law principle, "any Member National Authority" could be extended in this case to also mean any National Class Association (NCA) on the basis that members of the Class are predominantly NCAs rather than MNAs (where in other classes the members are exclusively MNAs). This approach is rejected as being beyond the reasonable understanding and interpretation of Regulation 16.2.

Therefore, in the alternative, one of the bodies set out in 16.3, will be required to forward the request to the CC.

Provisional Interpretation of Class Constitution

The CC Chair has exercised powers under Regulation 16.5., whereby notwithstanding the provisions of Regulation 16.2, a provisional interpretation may be issued. In the interests of time and because CC have been informed that this matter is time sensitive with the Class World Championships due to begin on 17 October 2022, the CC have considered the merits of the request and provide this provisional interpretation.

Regulation 16.1 sets out that the CC has the remit of interpreting the WS Constitution "including any ancillary documents and Regulations...".

It has been submitted that because the iQFOIL Class is a WS International and Olympic Class, it is required to have and enforce its own Constitution as per the WS Constitution and Regulations. By extension the iQFOIL Constitution falls into the category of "any ancillary documents" and puts it within the remit of the CC.

This submission is rejected. "Ancillary documents" is not defined in either the WS Constitution or in the WS Regulations, however taken in the context of a phrase which is used within WS Regulations and in the ordinary understanding of the word "ancillary," "ancillary documents" as used in Regulation 16.1 means those documents which are ancillary to World Sailing itself, for example World Sailing policy documents. It does not mean documents of World Sailing members.

The Constitution Committee does not have jurisdiction to review and interpret Class constitutional documents and decisions and cannot therefore provide the interpretation requested.

David Tillett

Chairman Constitution Committee



Dated 25 October 2022