

ISAF Sailor Classification Code - General

Regulation 22

A submission from the Executive Committee

Proposal:

Amend the last paragraph under the General introduction of the ISAF Sailor Classification Code as follows and insert the following new paragraph:

The display of advertising on a boat or equipment beyond Category A in the Advertising Code **set out in Regulation 20, even if payment is received for it,** does not influence the sailor's classification in this Code.

Nothing in the provisions of this Code shall permit a sailor to take any action which is contrary to the purpose and spirit of the Code or which is a subterfuge for circumventing the Code. When a sailor is found by the Classification Authority to be in breach of this provision it may change his classification as appropriate and /or make a Report under RRS 69 of The Racing Rules of Sailing.

Current Position:

See above.

Reason:

1. It has recently become apparent to the Classification Commission and confirmed by legal advice that there is a serious conflict in the Regulation between two different provisions (see below). This puts their current interpretation, which is widely applied and accepted as appropriate, at risk.

They believe that the recently increased interest in this area may lead to a challenge to their current interpretation resulting in them then having to change the classification of hundreds of innocent sailors from Group 1 to Group 2.

The current provision only refers to 'display' and does not make it clear that the advertising may be paid for. Therefore at present 22.2.1 (ii) could be seen as applicable. This states:

Group 1

- (a) Except as provided below, a Group 1 competitor is a competitor who has completed the qualification period and:

- (ii) has not been *paid* in connection with participation in racing.

2. There is also the very real danger that the Advertising provision will be used as a subterfuge for circumventing the Code. The Commission is aware that this has already been considered by a number of sailors.

A general 'catch all' provision is therefore needed to avoid abuse. It has been positioned as a provision covering the whole Code and not just Advertising as no such provision exists anywhere at present.