

Proposed Revised Statutes of FIH

With the initial notice of Congress, previously posted in May, was a Commentary on the Revised Statutes.

Since that time matters have inevitably moved on and, in consultation with our lawyers, it has been appropriate to make a number of changes to the proposed Statutes, which changes have been approved in draft by the Executive Board at their meeting in London on 10th August.

The Commentary has been updated and is set out below.

Topic	New Article	Old Article	Commentary
Name & Purpose	1	1/2/4	New Article 1 collects the fundamentals (name, seat, governing law and purposes (formerly called “objects”) up front.
Members	2	6	Emphasises the “one country, one member” principle (which is also required by the Olympic Charter) and the ongoing criteria which each member NA must meet. It also sets out the rights and obligations of members, the criteria for membership (the NA must claim the exclusive power to govern men’s and women’s hockey) and the right of FIH to suspend or expel a member (against which order the member has a right of appeal to CAS). 2.3 Has been amended to address an apparent circularity. Previously an applicant for membership of FIH must have been a member of their NOC – but under IOC rules a body cannot be a member of its NOC unless it is a member of the International Federation. It is intended that FIH will continue to liaise closely with the NOC of the country which the applicant for membership seeks to represent – but the final decision will be with FIH (and that is accepted by IOC). If there is more than 1 body claiming to represent a country then procedures for competing applications are set out in 2.4(d).
Continental Federations	3	7	Sets out the rights and duties of CFs and that if a CF fails to adequately perform its responsibilities then EB/Congress can withdraw CF’s authority for those for those responsibilities. As with NAs, it confirms that CFs are not liable for the debts and obligations of FIH, and vice versa.
Authority	4	13	
Powers	5	5	Amended slightly to reflect the importance of the pyramid structure. Sets out a clear statement by FIH of the pyramid system of governance, with FIH, CFs and member NAs each having the responsibility for its respective spheres, recognised and respected the others
Congress	6	8	This Article has been rationalised and some of the detail has been dropped down to the new General Regulations. 6.2(f) makes provision (for the first time) to address a lack of a quorum. The period of notice to be given and the provision for giving notice of the contents of the Agenda remain the same. Those entitled to attend Congress are clearly defined. The type of majority required for specified types of resolution or election also remain as before.

Executive Board	7	9	<p>Again this has been rationalised and some detail dropped to General Regulations.</p> <p>7.1 Defines the capacity and responsibilities of members of EB.</p> <p>7.3. Specifies those vacancies on EB (between Congresses) which can be filled, and those which must wait until the next Congress.</p> <p>7.4. Recognises the situation which has previously applied informally, with urgent decisions, between meetings, being taken by members of the EB by email communication. It also addresses the lack of a quorum at a meeting of EB and the different majorities required for different matters.</p>
President and CEO	8	10/16	<p>This Article has been expanded to set out the roles of President and CEO and the authority to enter into contracts on behalf of FIH. It also includes the indemnity given to all FIH officials and employees, provided they have acted at all times in good faith.</p>
		11 & 12	<p>Audit and Resources are no longer part of the Statutes but have dropped down to General Regulations</p>
Savings Clause	9		<p>This is a new clause endeavouring to give Congress the opportunity to cure any defects in procedure which might have occurred.</p>
Dissolution	10	19	<p>The dissolution clause is identical to that found in the previous Statutes</p>
Dispute Resolution	11	14/15/16/17	<p>This Article introduces the new concept of a Disciplinary Commissioner (DC), who will deal with the majority of disputes and disciplinary matters in the first instance, thus avoiding the expensive procedure of assembling a Judicial Commission Panel (JC) for every matter. Nevertheless the parties will retain the right to appeal a decision of the DC to JC (unless an appeal directly to CAS is provided for.)</p> <p>Matters may be referred to the DC (exclusively) by the CEO – however, if the CEO declines to refer a matter, then there is an appeal (to DC) against that refusal, available to an aggrieved party.</p> <p>The JC becomes largely an appellate body, apart from dealing with disputes between CFs and NAs.</p> <p>Depending on the complexity/importance of a matter the President of JC may now appoint one JC member to deal with a matter rather than a panel of 3.</p> <p>Whilst the President of JC continues to be appointed by Congress, EB, in appointing the members of JC will designate 2 of those members as Deputy Presidents (to act if the President is unavailable or conflicted)</p> <p>In appropriate cases there remains the provision for appeal to CAS. However, since DC and JC are both independent bodies, it is not thought appropriate to have more than one appeal.</p> <p>There is also a time limit (of 30 days) introduced for challenges against any decision of FIH.</p> <p>There is provision for appeals direct to CAS from specified decisions of Congress (including applications for membership or expulsion – which are life and death matters to a NA). It is not felt that an appeal from Congress, which is the supreme body of FIH, should go to any other “hockey” body such as JC.</p>
Definitions and Interpretation	12	3	<p>Definitions and interpretations are moved to the end, after the substantive provisions</p> <p>“Event” is changed from “approved and/or controlled by FIH and/or CF” to “organised by or on behalf of FIH”</p>