



## 2.1 Legal procedure

### Part 1: GENERAL

#### **Art. 1: Exceptional rulings**

- 1.1 Legal procedure as regards violations and disputes within the WMF cannot be brought before a court of law, except when the legal body itself disclaims competence and refers the parties to the law courts.
- 1.2 Violations and disputes within the national sphere are exclusively under the jurisdiction of the national legal body. However, when there is violation of binding WMF regulations the case can always be passed on to the Legal Committee of the WMF.
- 1.3 A national sphere in the sense of 1.2 is defined by the following:
  - 1.3.1 When the parties in a dispute or disciplinary case are from the same active member.
  - 1.3.2 When the incident which occasioned the case did not take place at an international event.
- 1.4 Violations and cases of dispute in the international sphere can only be put before the legal bodies of the WMF.

#### **Art. 2: Legal basis**

- 2.1 The constitution, rules and resolutions of the WMF serve as legal basis for the legal body.
- 2.2 If no rules or regulations can be applied from the above legal basis and a case can be resolved neither according to the letter nor spirit of the law, then similar previous cases and the reasoning behind other related laws must be taken into consideration. If the case is still in doubt, it must be resolved with regard to the carefully collected and considered details of the case, and according to natural principles of law.
- 2.3 The personal opinions of members of the legal body may not be taken into consideration.

## **Part 2: ORGANISATION**

### **Art. 3: Name and structure**

- 3.1** The legal body of the WMF is the International Legal Committee.
- 3.2** It consists of:
  - 3.2.1** The chairman
  - 3.2.2** Two committee members, one of whom is appointed vice-chairman
  - 3.2.3** Two replacement members

### **Art. 4: Election**

The members of the Legal Committee are elected by the Delegates' Conference for a period of office lasting for the time between 2 (two) ordinary Delegates' Conferences and they can be re-elected without restriction.

### **Art. 5: Incompatibility of offices**

The members of the Legal Committee can belong neither to another WMF body nor to the same active member. They cannot also be members of national legal bodies.

### **Art. 6: Ordinary and extraordinary structure**

- 6.1** The decisions of the Legal Committee are made by the chairman and the two committee members on a majority vote.
- 6.2** If the case affects the interests of one of the three ordinary committee members or their national associations, an alternate member replaces the person concerned.
- 6.3** If the chairman has to be replaced, one of the committee members, preferably the vice-chairman, chairs the meeting in his place.
- 6.4** Should there be no quorum, the Executive Committee of the WMF must immediately appoint ad hoc members for the specific case to make up the committee of three. These ad hoc members cannot be excluded from participation by the provision in this legal procedure.

## **Part 3: AREAS OF COMPETENCY**

### **1. THE LEGAL COMMITTEE AS FIRST AND ONLY AUTHORITY**

#### **Art. 7: Cases**

- 7.1** The Legal Committee is the first and only authority competent in legal disputes between:
- 7.1.1** The WMF and the active members.
  - 7.1.2** Two or more active members.
  - 7.1.3** Bodies of the WMF.
- 7.2** In the cases in article 7.1, the Legal Committee can no longer be appealed to if a year has elapsed since the end of the dispute or the establishment of the illegal state of affairs, and the following Delegates' Conference has already taken place.

#### **Art. 8: Procedure**

The regulations in articles 19 to 29 and 30 to 35 are applicable.

#### **Art. 9: Verdicts**

The Legal Committee passes judgement, which is final, even when the action or (where applicable) the counter-action is wholly or partly approved, or dismissed.

### **2. THE LEGAL COMMITTEE AS LAST COURT OF APPEAL**

#### **Art. 10: Cases**

- 10.1** The Legal Committee is competent as last court of appeal in cases of violation of binding WMF regulations:
- 10.1.1** Against judgements of the highest national legal bodies
  - 10.1.2** Against resolutions or orders of active members bodies or their subsidiary organisations, if there are no legal bodies in these national associations.
- 10.2** The laws of the active members must contain corresponding regulations.

**Art. 11: Procedure and deadline**

- 11.1 The regulations in articles 19 to 29 are applicable, and the contested verdict or order should be stated and enclosed.
- 11.2 The deadline for appeal is 30 (thirty) days after the verdict of the highest national authority or after the order has been announced.

**Art. 12: Verdicts**

- 12.1 The Legal Committee can, as far as it is possible to go into it,
  - 12.1.1 dismiss the appeal and confirm the contested verdict or order.
  - 12.1.2 partly or wholly sanction the appeal, reverse the contested verdict or order and:
    - 12.1.2.1 either pass final judgement itself, or
    - 12.1.2.2 refer the case back to the previous authority for reassessment or reconsideration.

**3. THE LEGAL COMMITTEE'S ROLE AS COURT OF APPEAL****Art. 13: Cases**

- 13.1 The Legal Committee deals with appeals:
  - 13.1.1 Against decisions and resolutions made by the Delegates' Conference of the WMF, should these violate the law of the Constitution.
  - 13.1.2 Against decisions, regulations or laws made by the Executive Committee or other WMF bodies, should these violate Federation laws already in force.

**Art. 14: Proceedings and time-limit**

- 14.1 Articles 19 to 29 are applicable. The contested decision, resolution, law or regulation must be specified and included in the service.
- 14.2 The deadline for appeals is 30 (thirty) days after service i.e. after the contested decision has been made known.

**Art. 15: Verdict**

In as far as a verdict can be reached, the Legal Committee is able:

- 15.1** To dismiss the appeal and uphold the decision, resolution, regulation or law.
- 15.2** To accept the appeal and to quash the decision, resolution regulation or law. The Legal Committee can recommend that the decision, resolution, regulation or law be referred back to the first court to be reviewed in the light of these new considerations.

**4. THE LEGAL COMMITTEE IN ITS ROLE AS SUPERVISORY AUTHORITY AND COURT FOR DISCIPLINARY PROCEEDINGS****Art. 16: Cases**

The Legal Committee is responsible for disciplinary proceedings against those holding offices within the WMF, should they commit an offence while in office.

**Art. 17: Proceedings**

- 17.1** The Legal Committee will act on the petition of an active member or a body of the WMF.
- 17.2** The proceedings are carried out informally. The accused must in all instances be allowed the right to examine witnesses, and be granted adequate defence possibilities.

**Art. 18: Verdict**

The verdict of the Legal Committee is final, except if altered by pardon or amnesty, which the Delegates' Conference can grant.

## **Part 4: PROCEEDINGS**

### **1. GENERAL CLAUSES**

#### **Art. 19: Language, number and style of legal documents**

- 19.1** All legal documents must be drawn up in German or English. With all the pieces of evidence included, the legal documents must be served, already signed, to the chairman of the Legal Committee. Sufficient copies must be enclosed, i.e.: 3 (three) for the Legal Committee and one copy for each opposing party.
- 19.2** Illegible, libellous or incorrect legal documents will be returned to the sender to be corrected within a given time limit.

#### **Art. 20: Calculation of time limits**

- 20.1** The day the resolution is passed or the day the order is served, are not included in the calculation of time limits.
- 20.2** Should the last day fall on a Saturday, Sunday or public holiday, then the time limit will be extended to the next working day.
- 20.3** Time limits laid down in the constitution or rules cannot be extended.
- 20.4** The time limits set by the Legal Committee can be extended for important reasons, if an appropriate application is lodged before the time limit runs out.
- 20.5** Belated legal documents can only be considered if the party was unable to act within the set time limit through no fault of its own. The application must be lodged within 10 (ten) days of the party no longer being prevented from acting. The reason for the hindrance must be submitted, along with relevant evidence. The Legal Committee rules on the acceptance or consideration of the application or legal document.

#### **Art. 21: The petition of the applicant**

- 21.1** The petition ("dispute" in article 7, "appeal" in article 10 and "complaint" in article 13) must contain the address of the Legal Committee and:
- 21.1.1** The place and date
- 21.1.2** The name and address of the parties
- 21.1.3** The contested verdict or decision

**21.1.4** The facts of the case

**21.1.5** The legal basis

**21.1.6** The petitions

**21.1.7** The signature of the petitioner or claimant

**21.1.8** A list of the enclosed pieces of evidence (and in the case of an appeal or complaint, the contested verdict or decision should be enclosed).

**21.2** The petitioner must observe exactly the regulations about fees and fines (article 36 and the following pages).

### **Art. 22: The service of petition**

When the petitioner has fulfilled the financial obligations (article 36 and the following pages), the Legal Committee sends a copy of the officially stamped petition to the defendant, who can submit his/her legal document within 30 (thirty) days.

### **Art. 23: The legal document of the defending party**

The legal document of the defending party must contain, together with the address of the Legal Committee:

**23.1** Date and place

**23.2** The title of the legal document ("Reply to a petition" in the case of article 7 and "Observations" in the case of articles 10 and 13)

**23.3** Names and addresses of the parties

**23.4** Title and date of the original petition

**23.5** Relevant objections to the petition with reasons

**23.6** A statement on the facts of the case as portrayed in the petition

**23.7** The legal basis for their own document

**23.8** A statement on the claims in the petition

**23.9** A signature

**23.10** A list of the enclosed evidence

**Art. 24: Irregularities of form**

- 24.1** Should there be important irregularities of form in a petition or legal document, the Legal Committee can request the parties to remove the irregularities within 15 (fifteen) days.
- 24.2** If the party does not fulfil this request, the Legal Committee must take this circumstance into account in the setting of fees, independent of the relevant consequences of a legal nature.

**Art. 25: Examination of the parties**

The Legal Committee has the right to summon the parties to an extraordinary session, and to hear third persons (witnesses, expert witnesses or consultants), if this appears absolutely necessary to the resolution of the case.

**Art. 26: Injunctions**

- 26.1** An injunction is an order which is necessary for the implementation of legal procedure.
- 26.2** Injunctions are made by the chairman of the Legal Committee or the vice-chairman.

**Art. 27: Interim injunctions**

- 27.1** The chairman or the vice-chairman of the Legal Committee has the right to make written interim injunctions, without consulting the legal body, if this appears appropriate to the maintenance of a well-ordered legal system or of sporting activity.
- 27.2** An appeal, however, is permissible within 15 (fifteen) days, without having a postponing effect. The Legal Committee passes decision on the appeal after the opposing party has been set a time limit of 15 (fifteen) days to prepare its relevant response. A replication and rejoinder are ruled out in this summary proceedings.

**Art. 28: Verdict**

- 28.1** The verbal or written consultation on judgement is secret and is as such reserved solely for the members of the Legal Committee.
- 28.2** The verdict is to be drawn up in the same language as the statement of claim.

- 28.3** The verdicts of the Legal Committee are legally binding and can no longer be contested by appeal, subject to article 29.
- 28.4** The Legal Committee will inform all parties concerned of the verdict as well as notify the WMF office. The verdict must include:
- 28.4.1** A description of the legal authority and its composition
  - 28.4.2** The date and place
  - 28.4.3** The names of the parties
  - 28.4.4** The facts of the case
  - 28.4.5** The legal considerations
  - 28.4.6** The judgement
  - 28.4.7** The decision on fees and costs
  - 28.4.8** The signature of the chairman of the Legal Committee, or his vice-chairman.

#### **Art. 29: The reopening of proceedings**

- 29.1** The reopening of proceedings which have been closed by the Legal Committee is permissible only in the following cases:
- 29.1.1** When a document fundamental to the decision has been forged or falsified.
  - 29.1.2** When the statement of a witness, expert witness, or the opponent proves to have been false.
  - 29.1.3** When a member of the Legal Committee has been guilty of gross misuse of the responsibilities of his office.
  - 29.1.4** When a party discovers a previous legally binding verdict in a similar case which contradicts the present one.
  - 29.1.5** When a party acquires new facts or evidence which would lead to another decision.
  - 29.1.6** A reopening is only permissible in the circumstances cited in 29.1.4 and 29.1.5 if the party, through no fault of their own, could make no use of them in the main proceedings.
- 29.2** The reopening of a proceedings is chargeable.

## 2. ADDITIONAL REGULATIONS FOR THE CASES IN ARTICLE 7

### Art. 30: Reply to an action with counter-action

- 30.1** A defendant can start a counter-action or raise an objection in the same document in which he makes a reply to the action, if the facts are closely related or a settlement is possible.
- 30.2** In amendment to article 23, the document must contain, in addition to the address of the Legal Committee the following:
- 30.2.1** The date and place
  - 30.2.2** The title: "Reply to a petition and counter-action or objection".
  - 30.2.3** The names and addresses of the parties.
  - 30.2.4** The date of the action of the principal petitioner.
  - 30.2.5** Relevant objections concerning the permissibility of the petition with reasons.
  - 30.2.6** A statement on the facts of the case put forward in the petition.
  - 30.2.7** The contents of the counter-action or objection.
  - 30.2.8** The legal basis of the reply to the petition and counter-action or objection.
  - 30.2.9** Statement on the claims of the petitioner.
  - 30.2.10** The claims of the counter-action or objection.
  - 30.2.11** A signature
  - 30.2.12** A list of the enclosed evidence.

### Art. 31: Service to the "reply to a petition with counter-action"

- 31.1** When the defendant counterclaiming has fulfilled the financial obligations for the counter-action or objection (Art. 36 ff.), the Legal Committee sends an officially stamped copy of the reply to the petition with counter-action or objection to the plaintiff, who can submit his "observations", including where applicable a replication.
- 31.2** If the plaintiff has not submitted any "observations" on the counter-action or objection by the deadline, a decision is made on examination of the document containing the evidence of the defendant alone.

**Art. 32: The "Observations on a counter-action or objection"**

The "Observations on a counter-action or objection" must contain, in addition to the address of the Legal Committee:

- 32.1** The date and place
- 32.2** The title "Observations on a counter-action or objection".
- 32.3** The names and addresses of the parties.
- 32.4** Relevant objections concerning the permissibility of the counter-action or objection, with reasons.
- 32.5** A statement on the facts of the case put forward in the counter-action or objection.
- 32.6** The legal basis for the "Observations on the counter-action or objection".
- 32.7** A statement on the claims of the counter-action or objection.
- 32.8** The signature of the principal petitioner.
- 32.9** A list of the enclosed evidence.

**Art. 33: Replication**

- 33.1** If the petitioner wants to submit a replication to the "Reply to the petition" or the defendant wants to submit a reply to the "Observations on the counter-action or objection", this must be announced within 15 (fifteen) days of the serving of the "Reply to the petition" or "Observations on the counter-action or objection".
- 33.2** If the announcement is not made in time, this right is cancelled.
- 33.3** The party concerned must observe exactly the regulations on fees and fines in article 36 and the following pages.
- 33.4** The replication must be drawn up according to the regulations of form for petitions (article 21) or for counter-actions (article 30).
- 33.5** The replication must be submitted within 30 (thirty) days of the Legal Committee serving the "Reply to the petition" or the "Observations on the counter-action or objection".

**Art. 34: Serving of the "replication"**

When the party making the replication has fulfilled the financial obligations (Art. 36 and the following pages), the Legal Committee sends an officially stamped copy of the "replication" to the other party, who can submit a rejoinder within 30 (thirty) days.

**Art. 35: Rejoinder**

**35.1** The rejoinder must be drawn up according to the regulations of form for "Reply to an action" (article 23) or "Observations on the counter-action or objection" (article 32).

**35.2** No further written petitions are possible after the rejoinder.

**Part 5: FEES AND COMPENSATION PAYMENTS****Art. 36: Fees**

If legal proceedings are started before the Legal Committee according to articles 8, 11 and 14, the following fees must be paid into the account of the WMF:

<b>36.1</b>	For a petition, appeal or a complaint	<b>100,00</b>	<b>EURO</b>
<b>36.2</b>	For a counter-action or objection	<b>50,00</b>	<b>EURO</b>
<b>36.3</b>	For a replication	<b>35,00</b>	<b>EURO</b>
<b>36.4</b>	For a rejoinder	<b>20,00</b>	<b>EURO</b>

**Art. 37: Proof of payment**

The submission of one of the documents mentioned in article 36 must be accompanied by proof of payment from a bank or post-office (giving the name of the parties and the kind of petition).

**Art. 38: Fines of breaking the rules**

**38.1** If payment is not made, the party concerned must pay a fine of 20,00 EURO and will be requested to make the payment within 10 (ten) days and at the same time submit proof of payment. Otherwise the document will be regarded as invalid.

**38.2** The chairman or vice-chairman of the Legal Committee can impose further fines from 20,00 EURO to 35,00 EURO if a party offends against the proceedings regulations or common decency in a gross manner.

**Art. 39: Additional advances**

The chairman or vice-chairman of the Legal Committee can demand further appropriate advances for carrying out the proceedings. There can be no appeal against such a decision. In the event of non-payment, the proceedings are not continued.

**Art. 40: Passing on and allocation of costs**

- 40.1** The costs of the proceedings, which are advanced by the petitioner, are born as a rule by the losing party.
- 40.2** The costs are divided according to the result of the proceedings.
- 40.3** A club or association is liable to pay the costs of a member taking part in proceedings either in a legal or an expert capacity.

**Art. 41: Document of enforcement**

A verdict or decision of the Legal Committee of the WMF about fees, fines, the allocation of costs etc. serves as a document of enforcement in the conduct of legal proceedings.

**Art. 42: Compensation**

- 42.1** Members of the Legal Committee and third persons who are summoned to it can claim compensation according to the expenses rules of the WMF.
- 42.2** No compensation is awarded to the parties, except when in the estimation of the Legal Committee the proceedings constitute an obvious misuse of the law.

**Part 6: FINAL CLAUSES****Art. 43: Application of further regulations**

In as far as the constitution and rules contain further regulations, these should be applied correspondingly.

**Art. 44: Non-compliance with a verdict or decision**

- 44.1** Should an active member of the WMF not observe a verdict or decision of the Legal Committee and refuse to comply, then this members' rights as a active member are suspended until compliance.

**44.2** In the case of a subordinate association, a sports institution, or club, or club member, the responsible national association must suspend the non-complying active member from all administrative and sporting activity until compliance. In addition it must take relevant further measures according to national regulations.

#### **Art. 45: Publication and archive**

The Executive Committee of the WMF must make sure that the verdicts, findings and decisions of the Legal Committee are sent to all active members and that an archive is kept.

#### **Art. 46: Coming into effect**

These rules come into effect immediately after the passing of the resolution.

##### **Resolution passed:**

At the Extraordinary Delegates' Conference in Vaasa / Finland 13<sup>th</sup> August 1984

##### **Amended:**

At the Ordinary Delegates' Conference in Monza / Italy 19<sup>th</sup> August 1985