

World Sailing Racing Rules Question and Answer Service

Q&A 2023.009

29 August 2023

Appeal validity

Situation

There was a hearing at which a decision was announced by the protest committee. Eight days later, a party requested the protest committee for a copy of the decision. The protest committee provided a copy of the completed hearing decision form to the requesting party the next day (day 9). The following day (day 10), the party sent an appeal, together with the decision form and a reason why the decision was believed to be incorrect, to the national authority.

Question 1

Is it an error or omission by the protest committee to provide this information to the party after the time limit for requesting it?

Answer 1

No.

The protest committee is not required by rule 65.2 to respond to a late request, but no rule prevents it from doing so.

Question 2

Can the protest committee decide not to provide a written copy of the decision to a party of the hearing if the request for it is made after the time requirement of rule 65.2?

Answer 2

Yes.

See Answer 1. However, when an appeal is then lodged, Rule R3 requires the national authority to ask the protest committee for missing information, which the protest committee must then supply. The national authority will then send copies to all parties.

Question 3

If the answer to Question 2 is Yes, does the protest committee have to provide a written answer to the party as to why the request was denied?

Answer 3

No.

If the request is made after the time limit specified in rule 65.2, rule 65.2 does not impose any obligation on the protest committee to provide a response, including a written explanation for denying the request, to the party seeking the written information. However, it would be courteous for the protest committee to give an explanation to the party.

Question 4

Is this appeal, as received by the national authority, valid?

Answer 4

Yes.

Submitting the appeal, the reason for it and the copy of the hearing decision form to the national authority ten days after the hearing and a day after receiving the form complied with rule R2.1(a) and was within the time limit in that rule.

Note: The answers to the above questions are based on the rules assuming they are not changed by the prescriptions of a national authority.