

Racing Rules of Sailing

Rule 66.1

A submission from the Chair of the Racing Rules Committee

Purpose or Objective

To clarify that a significant error by a protest committee must be based on the evidence presented in a hearing.

Proposal

The protest committee may reopen a hearing when it decides that, **based on evidence presented in the hearing,** it may have made a significant error, or when significant new evidence becomes available within a reasonable time. It shall reopen a hearing when required by the national authority under rule 71.2 or R5.

Current Position

As above

Reasons

1. It is not uncommon for a party to a hearing to request a re-opening based on evidence that was available at the time of the original hearing. This is not 'new evidence'. However, it might be that the protest committee would make a different decision had this evidence been presented. Some protest committees have decided they can use the significant error clause to re-open the hearing. This is not desirable as it leads to parties not bothering to bring all the evidence possible, but rely on bringing it later should the protest committee decision not be in their favour.
 2. This change does not prevent a protest committee from re-opening a hearing when genuine new evidence becomes available. This is becoming more common as video recording of racing increases.
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