

Racing Rules of Sailing

Rule 66.3

A submission from the Chair of the Racing Rules Committee

Purpose or Objective

To clarify that requests to reopen do not have to be considered at a hearing

Proposal

- 66.3 The protest committee shall consider all requests to reopen **and may hold a hearing to consider a request**. When a request to reopen is being considered or the hearing is reopened,
- (a) when based only on new evidence, a majority of the members of the protest committee shall, if practicable, be members of the original committee;
 - (b) when based on a significant error, the protest committee shall, if practicable, have at least one new member.

Current Position

As above

Reasons

1. The current rule it does not specify whether the protest committee's consideration of a request to reopen must be held at a hearing. Different practices exist.
 2. The Part 5 Working Party has considered this issue and has decided to recommend that the rule state that holding hearing should be optional.
 3. There will be requests, especially those involving new evidence, where it is important to hold a hearing to consider the request to reopen in order to understand from the party the timeline about the new evidence.
 4. Equally, there are often times where a request to reopen is received and that amounts to no more than a disagreement with the original decision and discloses no reasons why should be considered further at a hearing which would further delay finalising the matter.
 5. It is appropriate that the protest committee is given the option to hold a hearing or not, and then each case can be assessed on its merits.
-