

Racing Rules of Sailing

Hearing Start – Rules 61.2 and 63.5

A submission from the Chair of the Racing Rules Committee

Purpose or Objective

To either insert a definition of when a hearing starts or change the mandatory requirements of a protest

Proposal

The following options are exclusive – only one should be selected:

Option 1

63.5 Validity of the Protest or Request for Redress

The hearing starts when the chairman asks the parties present to identify themselves.

At the beginning of the hearing the protest committee shall take any evidence it considers necessary to decide whether all requirements for the *protest* or request for redress have been met. If they have been met, the *protest* or request is valid and the hearing shall be continued. If not, the committee shall declare the *protest* or request invalid and close the hearing. If the *protest* has been made under rule 60.3(a)(1), the committee shall also determine whether or not injury or serious damage resulted from the incident in question. If not, the hearing shall be closed.

Option 2

61.2 Protest Contents

A *protest* shall be in writing and identify **the protestor, the protestee, and the incident.**

~~(a) the protestor and protestee;~~

~~(b) the incident;~~

~~(c) where and when the incident occurred;~~

~~(d) any rule the protestor believes was broken; and~~

~~(e) the name of the protestor's representative.~~

~~However, if requirement (b) is met, requirement (a) may be met at any time before the hearing, and requirements (d) and (e) may be met before or during the hearing. Requirement (e) may also be met before or during the hearing, provided the protestee is allowed reasonable time to prepare for the hearing.~~

Current Position

As above

Reasons

1. The current rules do not specify when a hearing starts. As a consequence, it is reported to be difficult to determine when the current requirements in rule 61.2 can be amended because it refers to "*before the hearing*".
 2. Last year, the Racing Rules Committee accepted the issue needed to be resolved in principle but disagreed with the specific proposal put forward at that time. Since then a second option has been discussed within the Committee.
 3. The Part 5 Working Party has considered the issue and puts forward two options. Only one should be chosen.
 4. Option 1 inserts the definition of when a hearing starts at the most logical place in the RRS. The Working Party considers that a hearing starts when the chairman opens proceedings by asking the parties to identify themselves.
 5. Option 2 would avoid needing to define the hearing start time and also simplify the requirements for a protest. The Working Party considers that the reality of most protests in the modern world with electronic communications is that all that is needed is the identity of the parties and a description of the incident. The rules cited and the name of the protestor's representative are not necessary to enable the protest to be scheduled.
 6. The Working Party has considered the argument that, in multi-boat incidents such as mark roundings, the protestor may not know the names of all the parties involved. However, there are two other options open: (1) a new protest can be delivered with the protestees on it and (2) the protest committee has the power to protest under 60.3(a)(2).
 7. In summary, the Working Party considers Option 2 is preferable and the benefits of simplifying the rule outweigh the disadvantages.
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