

Racing Rules of Sailing

Rule N1.4(b)

A submission from the Chair of the Racing Rules Committee

Purpose or Objective

To clarify the procedure when challenging the decision of a three-person panel appointed under N1.4(b).

Proposal

- (b) The chairman of a jury may appoint panels of at least three members each, of which the majority shall be International Judges. Members of each panel shall be from at least three different national authorities except in Groups M, N and Q, where they shall be from at least two different national authorities. ~~If dissatisfied with a panel's decision, a party is entitled to a hearing by a panel composed in compliance with rules N1.1, N1.2 and N1.3, except concerning the facts found, if requested within 30 minutes or the time limit specified in the sailing instructions.~~
- (c) **If a party is dissatisfied with a panel's decision under rule N1.4(b), the party may either request a reopening under rule 66, or request a review of the decision. If a review is requested:**
- (1) the request shall be made within 30 minutes of being informed of the decision, or within the time limit specified by the sailing instructions (if different),**
 - (2) the original decision shall be reviewed at a hearing by a panel composed in compliance with rules N1.1, N1.2 and N1.3,**
 - (3) the new panel may uphold, change or reverse the original conclusions and decision, but shall not change the facts found, and**
 - (4) if the new panel considers the facts found are inadequate, it may reopen the original hearing before it or a different panel.**

Current Position

As above

Reasons

1. The ability to have a 5-person panel review a decision of a three-person panel has long been an option in Appendix N. However, the nature of the hearing has always been unclear – is it
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a reopening or some other kind of review? Facts found cannot be changed before the 5-person panel.

2. The Part 5 Working Party has discussed this issue of various ways of clarifying the rule. We do not support simply removing the option to challenge the decision of the three-person panel. This would undermine the principle that international jury decisions, which cannot be appealed, must be taken by a properly constituted international jury (unless the competitor is content with the decision of the three-person panel).
 3. We do not support the ability to challenge the facts found before the five-person panel. This would be an inappropriate use of resources and the gates the efficiency or being able to use three-person panels at events where the volume of protests necessitates this.
 4. We consider it is appropriate to signpost people expressly to the ability to seek a reopening under rule 66. This is the appropriate route to use when seeking to challenge the facts found either on the basis of significant new evidence or significant error.
 5. However, only using rule 66 and removing the ability to seek a review from a five-person panel, would leave open the possibility that the competitor is not entitled to a hearing before a five-person panel. Therefore, it is appropriate to keep the review option in place but to be clear about what the role of the five-person panel is.
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