

Racing Rules of Sailing

Rule 71 and Appendix R

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To provide for the appointment of an appeals committee by a national authority, as is common practice, and to provide a clear statement of the rules that an appeals committee must follow when it decides an appeal.

Proposal

1. Amend rule 71 as follows:

71 ~~NATIONAL AUTHORITY~~ DECISIONS ON APPEALS

71.1 The national authority shall appoint an appeals committee to decide appeals, requests for confirmation or correction, and requests for interpretation of the rules.

No *interested party* or member of the protest committee shall take any part in the discussion or decision on an appeal or a request for confirmation or correction.

71.2 In deciding an appeal or request, the appeals committee shall be governed by the rules governing the event, including the rules governing appeals in Section D and Appendix R. However, it shall not conduct or reopen a hearing, take evidence or find facts.

71.3 The appeals committee ~~national authority~~ may uphold, change or reverse the protest committee's decision; declare the protest or request for redress invalid; or return the protest or request for the hearing to be reopened, or for a new hearing and decision by the same or a different protest committee. When deciding whether to penalize or exonerate a boat, the appeals committee shall comply with the requirements that rule 64.1 places on a protest committee. When the **appeals committee** ~~national authority~~ decides that there shall be a new hearing, it may appoint the protest committee. ~~When from the facts found by the protest committee the national authority decides that a boat that was a party to a protest hearing broke a rule, it shall penalize her, whether or not that boat or that rule was mentioned in the protest committee's decision.~~

71.4 The decision of the appeals committee ~~national authority~~ shall be final. The appeals committee ~~national authority~~ shall send its decision in writing to all parties to the hearing and the protest committee, who shall be bound by the decision.

2. Amend Appendix R as follows:
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APPENDIX R

In Appendix R, change 'national authority' to 'appeals committee' in the following rules:

R2.1(b), R3 (in three places), R4.1, R4.2, R4.3 and R4.4.

Change the title of rule R3 as follows:

R3 RESPONSIBILITIES OF THE APPEALS COMMITTEE ~~NATIONAL AUTHORITY~~ AND THE PROTEST COMMITTEE

R5 INADEQUATE FACTS; REOPENING

The appeals committee ~~national authority~~ shall accept the protest committee's finding of facts except when it decides they are inadequate. In that case it shall require the protest committee to provide additional facts or other information, or to reopen the hearing and report any new finding of facts, and the committee shall promptly do so.

Current Position

As above.

Reasons

1. For many decades, the racing rules governing appeals have stated that national authorities decide appeals. Obviously, a national authority has many other responsibilities in addition to deciding appeals, and it is common practice for a national authority to delegate the responsibility for deciding appeals to an appeals committee that the national authority appoints. The proposal aligns the rules of Part 5, Section D, and Appendix R with this practice.
 2. Rule 85 places an important and basic obligation on the organizing authority, the race committee and protest committee – to be 'governed by the rules in the conduct and judging of races.' Rule 3 is a similar rule for competitors. However, the current rules do not include a corresponding rule stating which rules a national authority's appeals committee must follow when it decides an appeal. Proposed rule 71.2 and the second sentence of proposed rule 71.3 are designed to serve this purpose. They state which rules an appeals committee must follow and also which activities it is not permitted to engage in. The wording of proposed rule 71.2's first sentence was purposely chosen to parallel the wording of rule 85.
 3. The decision of an appeal will frequently depend on a rule in the sailing instructions, the notice of race, or one of the other documents governing the particular event which resulted in the appeal. Therefore, the term 'rules' is in italics in proposed rule 71.2, as it is in rules 85 and 3.
 4. Current rule 71.3 is woefully incomplete and leads to undesirable outcomes. It requires the appeals committee to comply with some, but by no means all, of the requirements that rule 64.1 places on a protest committee. For example, if followed literally, current rule 71.3 requires an appeals committee to disqualify a boat when a protest committee would have been required to exonerate her under one of the rules providing for exoneration. The second
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sentence of proposed rule 71.3 fixes this by requiring the appeals committee to comply with all of the requirements that rule 64.1 places on a protest committee.

5. The changes proposed for Appendix R are housekeeping changes made necessary by the requirement for the appointment of an appeals committee (see the proposed new sentence in rule 71.1).
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