

ISAF Racing Rules Question and Answer Service



Q&A 2009-039

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Situation:

During the hearing of a valid protest, the protest committee learns that a boat, that was not a party to the hearing, may have broken a rule. The protest committee decides to protest the boat under rule 60.3(a)(2). The committee informs the boat immediately, and then proceeds with the protest against the new boat within the current hearing.

No new protest is submitted in writing.

The protest committee decides to penalize the new boat.

Question 1:

May a new protest, under rule 61.1(c), be an oral protest, considering that rule 61.2 clearly states: "A protest shall be in writing..."?

Answer 1:

No. Rule 61.2 requires that a protest is in writing. An oral protest does not comply with rule 61.2.

Question 2:

If the answer to Question 1 is No – will the decision of the protest committee still be valid - or will this make it void?

Answer 2:

Any decision of the protest committee is valid until either the protest committee, acting under rule 66, realises that it had made an error and changes its decision about the validity of the protest, or until the decision has been reversed or changed on appeal.

Question 3:

Would the answer to Question 2 change if the protest committee has asked and the representative of the new boat confirms that she is ready for the hearing and does not need more time to prepare? Would such consent be considered as consent to be a party to a protest hearing; and if so, does such consent eliminate the necessity of a written protest?

Answer 3:

While the protest committee procedure is not correct, the decision remains valid until it is validly changed, as in answer 2.

Question 4:

Could what happened in the room between the protest committee and the new boat be considered as a "hearing", or was it just a conversation?

Answer 4:

Yes, it was a "hearing" under rule 63, but see also answer 2.

Question 5:

The boat wrote to the protest committee asking that it change the decision. The protest committee refused and the boat appealed to the National Authority under rule 70. The National Authority upheld the decision of the protest committee.

What meaning and status has then the National Authority decision, in case the decision of the protest committee was invalid (or null and void).

Answer 5:

The decision of the national authority is final, and it is binding on the protest committee and the parties. See rule 71.4.