

## ISAF Racing Rules Question and Answer Service



### **Q&A 2009-040**

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#### Question 1:

The national authority has prescribed to rule 70.5(a) that its approval is required for the right of appeal to be denied when it is essential to determine promptly the result of a race that qualifies a boat for a subsequent event. The organizing authority for an event where this is relevant appoints an international jury that complies with rule N1, but does not ask the national authority for its approval to deny the right of appeal. Can the jury's decisions be appealed?

#### Answer 1:

No. Since the international jury was properly constituted in compliance with rule N1, there shall be no appeal from its decisions. The approval of the national authority that is required in rule 70.5(a) is only to deny the right to appeal at an event where the conditions in (a), (b) or (c) are met, but without a properly constituted international jury.

#### Question 2:

If the national authority also had a prescription to rule 91(b) requiring its approval for the appointment of an international jury, and there was no such approval, would the answer to Question 1 be different?

#### Answer 2:

Yes. In this case, the international jury would not be properly constituted in compliance with Appendix N1 without the approval of the MNA (see rule N1.1), and any decisions could be appealed. It would not make a difference whether the international jury was aware that such approval had not been obtained.

#### Question 3:

If the national authority had a prescription to rule 91(b) requiring its approval for the appointment of an international jury and that approval was not obtained, how would this affect the denial of the right to appeal under rules 70.5(a), (b) and (c)?

#### Answer 3:

Rules 70.5(a), (b) and (c) allow the denial of the right of appeal at some events against decisions of a protest committee that is not an international jury. If the specific requirements of any of those rules have been met, the decisions cannot be appealed. This would be the case irrespective of any approval for an international jury under rule 91(b), because the protest committee would not need to be an approved international jury.

However, where there was an unapproved international jury at an event to which rules 70.5 (a), (b) or (c) did not apply, the competitors would have the right to appeal any decisions because such a jury would not comply with rule N1.1. The national authority would then have to hear any appeal it received against a decision of that jury.