



## ISAF Racing Rules Question and Answer Service

**J 024**

**Q&A 2012-003**

*Published: 9 May 2012*

### Situation

The protest committee is formed of just one member who is also the race officer. There is a request for redress under rule 62.1(a) and the protest committee conducts a hearing and makes a decision.

The preamble of appendix M states: 'This appendix is advisory only' and in M2 states 'BEFORE THE HEARING, make sure that

- no member of the protest committee is an *interested party*. Ask the *parties* whether they object to any member. When redress is requested under rule 62.1(a), a member of the race committee should not be a member of the protest committee.'

### Question 1

Should appendix M be considered a *rule* and therefore prevent this protest committee/race officer to conduct a hearing under rule 62.1(a)?

### Answer 1

Appendix M is not a *rule*. As the title and the preamble state, it includes recommendations for protest committees and it is advisory. However, what appendix M describes is best practice and should be followed as closely as possible

### Question 2

Would this protest committee/race officer be considered an *interested party*?

### Answer 2

The race officer should not be considered an *interested party* by reason of being a member of the race committee. However, in a hearing under rule 62.1(a) when the request for redress is based on an alleged race committee error or omission, the race committee is a *party* (see definition *Party*). Therefore, it is advisable not to include the race officer in the protest committee as the sailors requesting redress will not perceive as fair having the other *party* deciding the case.