

RRC 2018 Agenda item 9(b)

RRS and Burden of Proof

Should we be more specific about the burden of proof in the RRS?

Currently in the RRS the burden of proof to find a breach of a rule is limited to 'comfortable satisfaction' in RRS 69. It is arguable that 'clearly' in RRS is in effect a burden of proof.

Convention has it that all other decisions are based on 'balance of probability' and that is reflected only in some race officials' manuals. There are submissions in 2018 that relate to evidence and they are a related topic, especially giving weight to evidence.

In practice, there is evidence that difference levels of proof are applied.

This is a topic that it is not possible to summarise in a short paper. The only purpose of this paper is to propose that the Judicial WP are requested to consider this issue and make proposals in a timely manner that will permit submissions to be considered in 2019 for inclusion in the RRS 2021-24.

John Doerr
RRC Chairman
October 2018.