

Racing Rules of Sailing

Rule 63.5

A submission from US Sailing

Proposal:

63.5 Validity of the Protest or Request for Redress

At the beginning of the hearing the protest committee shall **take any evidence it considers necessary to decide whether all requirements for the protest or request for redress have been met. If they have been met, the protest or request is valid and the hearing shall be continued. If not, the protest committee shall declare the protest or request invalid and close the hearing.** If the *protest* has been made under rule 60.3(a)(1), the protest committee shall also determine whether or not injury or serious damage resulted from the incident in question. If not, the hearing shall be closed.

Current Position:

63.5 Validity of the Protest or Request for Redress

At the beginning of the hearing the protest committee shall decide whether all requirements for the *protest* or request for redress have been met, after first taking any evidence it considers necessary. If all requirements have been met, the *protest* or request is valid and the hearing shall be continued. If not, it shall be closed. If the *protest* has been made under rule 60.3(a)(1), the protest committee shall also determine whether or not injury or serious damage resulted from the incident in question. If not, the hearing shall be closed.

Reason:

The provision requiring a protest or request to be declared invalid when all requirements have not been met provides a short descriptive term describing the result of a hearing, which can be useful in any subsequent procedure; for example, processing an appeal. The term 'invalid' is currently used in the Protest Form. The proposal states the protest committee's actions in their chronological order (take evidence about validity, then decide, then continue or close the hearing).