

Racing Rules of Sailing

Definition Party, Rules 63.1, 64.4, New Rule 63.8 & Urgent Rule Change

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To correct an editing error in the RRS 2017 - 2020 and to ensure that no person or boat can be penalized without having the rights of being a party to any hearing. To clarify how hearings under RRS 60.3(d) involving support persons should be conducted.

Proposal 1

Amend Definition Party as follows:

Party A *party* to a hearing is

- (a) for a protest hearing: a protestor, a protestee;
- (b) for a request for redress: a boat requesting redress or for which redress is requested, a race committee acting under rule 60.2(b), a technical committee acting under rule 60.4(b);
- (c) for a request for redress under rule 62.1(a): the body alleged to have made an improper action or omission;
- (d) a person against whom an allegation of a breach of rule 69 is made; a person presenting an allegation under rule 69;
- (e) a *support person* subject to a hearing under rule 60.3(d) **and any competitor or boat supported by that person; a person presenting an allegation under rule 60.3(d).**

However, the protest committee is never a *party*.

Current Position

As above

Reasons

To ensure that any competitor or boat is a party to any hearing that may result in a penalty being imposed on them. This means they will have the right to be present throughout the hearing, to present evidence, to question witnesses and to make summaries as provided in RRS 63 and to be able to request a reopening under RRS 66.

Proposal 2

Amend rule 63.1 as follows:

63.1 Requirement for a Hearing

A boat or competitor shall not be penalized without a protest hearing, except as provided in rules 30.2, 30.3, 30.4, 64.3(d), **64.4(b)**, 69, 78.2, A5 and P2. A decision on redress shall not be made without a hearing. The protest committee shall hear all protests and requests for redress that have been delivered to the race office unless it allows a protest or request to be withdrawn.

Current Position

As above

Reasons

To correct an editing error that did not include 64.4(b) in the list of rules in 63.1. As a hearing under rule 60.3(d) is not a protest hearing, the rule needs to be included in rule 63.1 even though a hearing is required to impose a penalty.

Proposal 3

Amend rule 64.4 as follows:

64.4 Decisions Concerning Support Persons

- (a) When, **after a hearing**, the protest committee decides that a *support person* who is a *party to* ~~a~~ **the** hearing has broken a *rule*, it may.....
- (b) The protest committee may also penalize a competitor **after a hearing** for the breach of a *rule* by a *support person* by changing the boat's score in a single race, up to and including DSQ, when the protest committee decides that....'

Current Position

As above

Reasons

To make it clear that there must be a hearing before any breach of a rule can be established. Coupled with Proposal 1 this completes the due process necessary before imposing a penalty on a competitor as a result of a breach by their support person.

Proposal 4

Add new rule 63.8 as follows:

63.8 Hearings under rule 60.3(d) – Support Persons

If the protest committee decides to call a hearing, it shall promptly inform the person in writing of the alleged breach and of the time and place of the hearing and follow the procedures in rules 63.2, 63.3, 63.4 and 63.6 except that a person may be appointed by the protest committee to present the allegation.

Current Position

As above

Reasons

The rule book is currently silent on how to conduct hearings regarding support persons.

Proposal 5

These changes be considered of clear necessity and pressing importance for introduction to the RRS on 1 January 2018 as permitted by Regulation 28.1.2

Current Position

If approved without Proposal 5, these changes will come into force on 1 January 2020.

Reasons

These changes are required to implement Submission 202-15 at it was intended.
