**Racing Rules of Sailing**

**Rule 63.3(a)**

A submission from US Sailing

**Purpose or Objective**

To align rule 63.3(a) with current protest committee practice by making it clear that one person has the right to represent a party at a hearing.

**Proposal**

Amend rule 63.3 as follows:

63.3 **Right to Be Present**

(a) **A representative of each party** The parties to the hearing **has**, or a representative of each, have the right to be present throughout the hearing of all the evidence. When a protest claims a breach of a rule of Part 2, 3 or 4, the representatives of boats shall have been on board at the time of the incident, unless there is good reason for the protest committee to rule otherwise. Any witness, other than a member of the protest committee, shall be excluded except when giving evidence.

**Current Position**

As above.

**Reasons**

This proposal aligns rule 63.3(a) with current practice. In a protest hearing, the usual procedure is to permit only one person to represent each party throughout the hearing of all the evidence. This is consistent with the third recommendation in Appendix M, paragraph M2.1.

A party to a hearing is typically a boat that has protested, a boat that has been protested or a boat seeking redress or for which redress is being considered. A boat is ‘a sailboat and the crew on board.’ Obviously a sailboat cannot serve as a ‘representative’ to a protest hearing. And if all ‘crew on board’ could attend a hearing, in many cases a boat would choose to be represented by more than one person. Under the proposal, when the party is a boat, one person, chosen to be the representative of the boat, has the right to be present throughout the hearing of all the evidence.

A party to a hearing can also be a race committee or other body described in rule 62.1(a). Under the proposal, when a committee is a party to a hearing one of its members has the right to be present throughout the hearing of all the evidence.

The proposal makes it clear that a party, whether it is a boat or a committee, cannot claim for itself the right to have more than one representative present throughout the hearing of all the evidence.
However, by beginning the proposed rule with ‘A representative of each party....’ instead of ‘One representative of each party....’, the proposal allows the protest committee the freedom, in special circumstances, to grant one or more parties to a hearing the right to be represented by more than one person. Note that the current rule also allows protest committees this freedom.