Racing Rules of Sailing

Rule 62.2 and 66

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To update rule 62.2 and various aspects of rule 66.

Proposal 1

Amend rule 66 as follows:

66 REOPENING A HEARING

66.1 The protest committee may reopen a hearing when it decides that it may have made a significant error, or when significant new evidence becomes available within a reasonable time. It shall reopen a hearing when required by the national authority under rule 71.2 or R5. A party to the hearing may ask for a reopening no later than 24 hours after being informed of the decision. On the last scheduled day of racing the request shall be delivered

(a) within the protest time limit if the requesting party was informed of the decision on the previous day;

(b) no later than 30 minutes after the party was informed of the decision on that day.

66.2 When a request to reopen is being considered or the hearing is reopened

(a) when based only on new evidence, a majority of the members of the protest committee shall, if possible practicable, be members of the original protest committee.

(b) when based on a significant error by the protest committee, at least one new member shall be appointed, if practicable.

Current Position

As above

Reasons

There will be a much increased perception of fairness if some different members are appointed to consider if the original panel made a significant error, but it is recognised that this is not always practicable.
Proposal 2

Insert a new penultimate sentence and amend the last sentence of rule 66 as follows:

**The protest committee shall consider all requests to reopen.** When a hearing is reopened, a majority of the members of the protest committee shall, if possible, be members of the original protest committee when new evidence is to be presented, but if practicable, when considering that the protest committee may have made a significant error, at least one new member should be appointed.

Current Position

As above

Reasons

1. There is no current requirement for the protest committee to consider all requests to reopen. This submission is consistent with rule 63.1 that requires a protest committee to hear all protests and requests for redress.

Proposal 3

Amend the following sentence in rule 66

A party to the hearing may ask request in writing for a reopening no later than 24 hours after being informed of the decision. On the last scheduled day of racing the request shall be delivered

Current Position

As above

Reason

A request to reopen should be in writing, the same as a protest or a request for redress.

Proposal 4

Amend rules 62 and restructure 66 as follows:

62.2 A request shall be in writing and identify the reason for making it. If the request is based on an incident in the racing area, it shall be delivered to the race office within the protest time limit or two hours after the incident, whichever is later. Other requests shall be delivered as soon as reasonably possible after learning of the reasons for making the request. The protest committee shall extend the time if there is good reason to do so. No red flag is required.
(a) However, on the last scheduled day of racing a request for redress based on a protest committee decision shall be delivered no later than 30 minutes after the decision was posted.

66 REOPENING A HEARING

66.1 The protest committee may reopen a hearing when it decides that it may have made a significant error, or when significant new evidence becomes available within a reasonable time. It shall reopen a hearing when required by the national authority under rule 71.2 or R5.

66.2 (a) A party to the hearing may request in writing for a reopening no later than 24 hours after being informed of the decision.

(b) However, on the last scheduled day of racing the request shall be delivered

(1) within the protest time limit if the requesting party was informed of the decision on the previous day;

(2) no later than 30 minutes after the party was informed of the decision on that day.

Current Position

As above

Reason

1 Rule 62.2 needs to be consistent with rule 66 with regard to requests on the last day. Currently many SI include this provision.

2 However, for many events, especially long series at clubs, the 30 minute time limit is not appropriate, but it is an unnecessarily complex SI to remove it. The restructuring of rule 66 permits the SI to simply state “RRS 62.2(a) and 66.2 (b) shall not apply’.

Note: If all the proposals to change rule 66 are approved the rule will appear in the RRS as follows:

66 REOPENING A HEARING

66.1 The protest committee may reopen a hearing when it decides that it may have made a significant error, or when significant new evidence becomes available within a reasonable time. It shall reopen a hearing when required by the national authority under rule 71.2 or R5.

66.2 A party to the hearing may request in writing for a reopening no later than 24 hours after being informed of the decision.

(a) However, on the last scheduled day of racing the request shall be delivered

(1) within the protest time limit if the requesting party was informed of the decision on the previous day;
(2) no later than 30 minutes after the party was informed of the decision on that day.

66.3 The protest committee shall consider all requests to reopen. When a request to reopen is being considered or the hearing is reopened:

(a) when based only on new evidence, a majority of the members of the protest committee shall, if practicable, be members of the original protest committee,

(b) when based on a significant error by the protest committee, at least one new member shall be appointed, if practicable.