

Racing Rules of Sailing

Rule 71.2

A submission from US Sailing

Purpose

To change rule 71.2 in order to remove a previously unnoticed, and probably unintended, inconsistency between rules 71.2 and rule 70.1(a).

Proposal

71.2 The national authority may uphold, change or reverse ~~a the~~ protest committee's decision; declare ~~a the~~ protest or request for redress invalid; ~~or return the protest or request for the hearing to be reopened, or for a new hearing and decision~~ **order that a hearing be reopened; or order that a new hearing be held** by the same or a different protest committee. When the national authority decides that there shall be a new hearing, it may appoint the protest committee.

Current Position

As above.

Reasons

Rule 70.1(a) allows a party to a hearing to appeal any protest committee decision, provided that the right of appeal has not been denied under rule 70.5. This includes a decision on rule 69. However, in the third line of current rule 71.2 only protests and requests for redress are listed, and therefore the current rule effectively prohibits a national authority from taking any action on a rule 69 decision other than upholding, changing or reversing the decision. For example, if a protest committee commits a procedural error during a rule 69 hearing, the national authority cannot order the protest committee to conduct a new hearing. Also, the protest committee cannot order that a rule 69 hearing be reopened. The proposal removes these restrictions by simply removing that reference to a 'protest or request'. By doing this, the proposal brings rule 71.2 into conformity with rule 70.1(a).

Other changes are for clarity; ease of reading and to remove unnecessary words.
