Racing Rules of Sailing

Rule M5.3

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To give guidance when a person is not appointed to present a rule 69 allegation.

Proposal

Add after Appendix M5.3:

Where a separate person is not appointed the protest committee shall call witnesses. In arranging for witnesses to be called, the protest committee shall take care not to consult with such witnesses or influence their evidence in any way, but merely to ascertain the substance of their evidence so as to make a decision whether the evidence will be useful to the protest committee. The substance of the evidence to be given shall be disclosed to the competitor to enable the competitor to prepare for the hearing.

Current Position

The issue is not dealt with in the rules

Reasons

To give guidance to protest committees and to avoid as situation that a respondent accusing a protest committee of taking an impermissible prosecutorial role for contacting witnesses. At lower level events it is not always feasible to appoint a separate person. There should be some guidance in as to the conduct of the protest committee acting in an inquisitorial role.