

World Sailing Racing Rules Question and Answer Service

Q&A 2021.001

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Clarification regarding hearsay evidence

Situation

Rule 63.6(a) requires the protest committee to take the evidence presented, including hearsay evidence, of the parties present at the hearing and of their witnesses.

Rule 63.6(c) gives the parties present the right to question any person giving evidence.

Rule M3.2 dot 9 states that the protest committee 'accept written evidence from a witness who is not available to be questioned only if all parties agree. In doing so they forego their rights to question that witness.'

Question

Is there a conflict between those rules?

Answer

No.

Written evidence may be presented; the parties present and the protest committee may question the party presenting the evidence as permitted by rule 63.6(c) and may call other witnesses to help resolve any disputed evidence. If the parties agree with the evidence, it shall be accepted by the protest committee as undisputed. If the parties disagree, the protest committee shall take into consideration any dispute between the parties when it decides the weight of the evidence presented.

NOTE

Appendix M describes protest committee procedures and is advisory only.