

Rules Specialist Group 2017-2020 Racing Rules of Sailing

Redress and Definition of Party

Issued 20 January 2020

1. [Background](#)

On a long offshore race, the Race Committee made an error that affected the overall position in both the race and the series for 8 out of the 22 boats racing.

2 of the boats (A and B) requested redress. The protest committee found the request to be valid.

In granting redress, the PC acted under rule 64.2 and recognised that 6 other boats would also be entitled to redress and after taking submissions from them, awarded redress to all 8 boats.

The outcome of this decision was that boat D, who had previously been announced as provisional winner, dropped to third place overall. This change of place would also affect her position in the series.

Boat D advised she would appeal the decision.

2. [Questions](#)

1. Does boat D meet the requirements of a Party, as per the definition, and is she allowed to appeal?
(Note that boat D advised at the hearing that she did not want redress and did not think redress should be granted to any other boat.)
2. If Boat D is a party for the purposes of an Appeal, then should all other boats, whose results may be changed or affected by the granting of redress, also to be treated as a Party for either the initial Hearing of the Request for Redress or in considering the Appeal?

3. [Response](#)

Answer to question 1:

In the situation described, Boat D is not a *party* as defined by the RRS and cannot appeal.

Reasoning:

Boat A and Boat B requested redress and are therefore *parties* in accordance with the definition.

Once the protest committee is satisfied that the request for redress meets the requirements to give redress, it must make as fair an arrangement as possible for all boats affected, whether or not they asked for redress, as required by RRS 64.2. Further, when in doubt about the facts or probable results of any arrangement for the race or series, the protest committee shall take evidence from appropriate sources. In

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this situation, the 6 other boats that may be affected is an appropriate source from which to take evidence.

Boat D provided evidence to the protest committee and indeed was a boat that may ultimately be affected by its decision. However, she did not request redress and nor was she a boat for which redress was requested so she is therefore not a *party* as per the definition in the RRS.

RRS70.1(a) provides that a *party* to a hearing may appeal a protest committee's decision or its procedures but not the facts found. As Boat D is not a *party* she cannot appeal.

The only remedy Boat D has is to first seek redress herself in accordance with RRS 62.1(a) on the basis that the protest committee has made an improper action and she would be able to appeal any decision arising out of that hearing.

Answer to question 2

Not applicable. See answer to Question 1

4. Extract of relevant rules in the Racing Rules of Sailing

Definition *Party*

A *party* to a hearing is

- (a) for a protest hearing: a protestor, a protestee;
- (b) for a request for redress: a boat requesting redress or for which redress is requested, a race committee acting under rule 60.2(b), a technical committee acting under rule 60.4(b).
- (c) for a request for redress under rule 62.1(a); the body alleged to have made an improper action or omission;
- (d) a person against whom an allegation of a breach of rule 69 is made; a person presenting an allegation under rule 69.
- (e) a *support person* subject to a hearing under rule 60.3(d) or 69; any boat that person supports; a person appointed to present an allegation under rule 60.3(d).

However, a protest committee is never a *party*.

64.2. Decisions on Redress

When the protest committee decides that a boat is entitled to redress under rule 62, it shall make as fair an arrangement as possible for all boats affected, whether or not they asked for redress. This may be to adjust the scoring (see rule A10 for some examples) or finishing times of boats, to abandon the race, to let the results stand or to make some other arrangement. When in doubt about the facts or probable results of any arrangement for the race or series, especially before abandoning the race, the protest committee shall take evidence from appropriate sources.

70. APPEALS AND REQUESTS TO A NATIONAL AUTHORITY

70.1.

- (a) Provided that the right of appeal has not been denied under rule 70.5, a *party* to a hearing may appeal a protest committee's decision or its procedures, but not the facts found.
- (b) A boat may appeal when she is denied a hearing required by rule 63.1.

See also World Sailing Case 55

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