

The “ZEILRAAD” of the Royal Dutch Yachting Association

Explanation of the rules 07-03¹

Koninklijke Watersportvereniging Sneek

Rule 66 *The protest committee may reopen a hearing when it decides that it may have made a significant error.....*

Situation 1 (abbreviated)

After a protest decision, in which the protested party was absent, it is discovered in scoring that the sail number of the protested party is not on the entry list and is in fact not a competitor. Afterwards it is also discovered that the protesting party has filed a wrong sail number.

Question 1

Is it the responsibility of the protest committee to check if the sail number given by the protestor is in fact correct and/or a competitor in the event?

Answer

No

Rule 61.2 RRS states that a protest must identify the protestee before the hearing. The correctness of the given identity is the responsibility of the protestor

Situation 2 (abbreviated)

After a protest decision it became clear that the protested party at a hearing was in fact a total stranger, who wrongfully claimed to be the protested party. This became clear when the real party showed up the next day, because he was scored DSQ in the results.

Question 2a

Does the protest committee have to check the identity of parties or their representatives beyond the in rule 63.3 stated condition, that at a claimed breach of a rule of Part 2, 3 or 4, the representative of the boat shall have been on board at the time of the incident?

Answer

No

Question 2b (formulated differently)

If after a hearing it appears that the representative of protested was not on board at the time of the incident or that the representative was not authorised to represent the boat, is that then in itself sufficient reason to reopen the hearing?

Answer

No

If the protest committee has heard evidence of a person who was not on board of the protested boat during the incident, or was not authorised to represent that boat, then it has perhaps not correctly found the facts. It is up to the protest committee to consider if the possibility exists that this could have led to a significant error. In that case the protest committee can reopen.

The true protested party also has the right to request a reopening within the proper time limit (rule 66). If his absence was not unavoidable, the protest committee does not have to reopen because the wrong person took part in the hearing, but exclusively on the basis of its own (above mentioned) considerations.

Based on RRS 2005-2008

Nieuwegein, Oktober 22th 2007

¹ This is a translation of the original Dutch text; If there's a conflict between languages the Dutch text will take precedence