

World Sailing Racing Rules Question and Answer Service

J 005

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Question 1

At the beginning of a protest hearing, the protest committee checks if the parties are present. If none of the parties are present, how should the protest committee proceed according to RRS 63.3(b)?

Answer 1

If none of the parties are present at the time the hearing is scheduled, the protest committee should check carefully that proper notice of the protest has been given to the parties as required by the relevant rules. It is then at the discretion of the protest committee to decide if they want to reschedule the hearing or continue the hearing with none of the parties present, under RRS 63.3(b).

If the protest committee proceeds under 63.3(b), it should check the validity of the protest. If the protest is found valid, the protest committee should try to establish the facts necessary to come to a conclusion and a decision. If there is not enough information in order to find the facts necessary to come to a conclusion, the protest must be dismissed.

Question 2

At the beginning of a protest hearing only one of the parties is present. After 5 minutes the protest committee decides to proceed with the hearing according to RRS 63.3(b). Later during the hearing, the other party arrives. What should the protest committee do?

Answer 2

Although it is not required by the rules, it is a good time-saving practice to promptly investigate whether the late party was unavoidably absent. If this is the case, the protest committee should recommence the hearing. If the late party was not unavoidably absent, the protest committee must allow the late party to join the hearing at the current stage.

Rule 63.3(a) gives the parties the right to be present throughout the hearing of all the evidence, however evidence already given is not required to be given again for the benefit of a party that is late for no good reason. The protest committee may summarise evidence that has already been heard.

Rule 63.5 requires the protest committee to decide the validity of the protest at the beginning of the hearing. The protest committee is not required to revisit the question of validity, unless evidence presented later causes them to do so.

Rule 63.6 requires the protest committee to take the evidence of the parties and their witnesses, so a late party is allowed to give evidence and call witnesses.

Question 3

In the situation of question 2, how late into the hearing should the missing party be allowed to join the hearing?

Answer 3

A party shall be allowed to join the hearing at any time when that party is entitled to be present, namely while evidence is still being given, according to rule 63.3(a).