

PROTESTS & PENALTIES

The World Sailing Rules prescribe penalties (Rule 44), and formal protests and hearings. However the RYA allows for Advisory Hearings and Arbitration

The OSC Sailing Instructions allow for protests to be decided by Arbitration rather than formal Protest proceedings

CONDUCTING AN ARBITRATION

This procedure is for a hearing under OSC Sailing Instructions where there will be no right to continue to a full protest hearing and this Arbitration will be binding.

PENALTY

Under OSC sailing Instruction a 20% exoneration penalty, with a minimum 2 places, will be the usual outcome and may be accepted by the protestee at any time before or during the hearing which will conclude the matter.

(Normally this procedure should not take more than about 20 – 30 minutes)

Guidance for the Arbitrator or panel

- ❖ **Ensure the protest is valid** - notice given at first opportunity and within time limit ashore
- ❖ **Did Injury or damage occur** -Rule 14—Exoneration penalty not available
- ❖ **Obtain facts from each competitor** -separately with models or diagram. At this stage keep to hard facts of what happened, not opinions or conclusions. Use 'Open' questions (who, what, when etc) to elicit the facts. You may ask for further facts from witnesses if necessary, parties have no right to call witnesses themselves,
- ❖ **Find the facts** as you determine them.
 - ❖ **Find which rules apply** and those that don't and interpret them. A book 'The Rules in Practice' with the rules and illustrations is available in the Bridge.
- ❖ **You may find that both have infringed rules**, in which case they both receive penalties
- ❖ **NOTE - Was it unfair sailing** (cheating or vindictive action) -Rule 2 - if yes a non-discardable disqualification is given
- ❖ **Award penalty or disqualification as above**