

RYA 2012/1

Rule 61.2, Protest Requirements: Protest Contents

When it becomes clear during a protest hearing that the valid written protest is mistaken over the place and time of the incident, the mistake cannot be corrected, and the protest is to be dismissed.

Assumed Facts

Boat A lodges a protest against Boat B concerning an incident at a mark. The written protest says that the incident happened at mark X at a stated moment in the race. The protest committee decides that the protest is valid. It becomes clear from the evidence from the parties that the alleged incident happened at mark Y at a different moment in the race.

Q1. Can the protest committee now decide that the protest is, in fact, not valid?

A1. No. The protest complied with the requirement to identify when and where the alleged incident occurred.

Q2. Can the protest committee allow the protestor's mistake to be corrected, and proceed with the hearing on the basis of an incident at mark Y?

A2. No. The time and place are essential parts of the description of the incident and rule 61.2(b) says that these must be included in the written protest. ISAF case 80 states that a protest hearing must be limited to the incident alleged in the protest. An incident at mark Y was not the incident alleged in the written protest.

Q3. If the answers to Qs 1 and 2 are No, how should the protest committee proceed?

A3. The protest committee must dismiss the protest, because there is no evidence of an incident at mark X.

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