

## ISAF REVIEW BOARD RULES OF PROCEDURE

### 1. General Procedure

- 1.1 The proceedings of the Board and all documents filed with the Board shall be in the English language.
- 1.2 Preliminary matters may be conducted by conference calls.
- 1.3 The Board may, in the interest of justice, dispense with compliance with any rule at any time.
- 1.4 The Board may extend any time prescribed by these rules.
- 1.5 All documents may be filed with the registry by facsimile provided the original documents are sent by mail the same day.
- 1.6 An appeal may be commenced or carried on in person or by counsel or agent.
- 1.7 A National Authority or body corporate shall not commence or carry on an appeal except by counsel or agent duly appointed for that purpose.

### 2. Form of Proceeding

- 2.1 For the purpose of these rules an appeal includes:
  - (a) an appeal by a competitor from a suspension of ISAF eligibility by a national authority or by the ISAF Executive Committee, and
  - (b) an appeal by a competitor from a revision by the ISAF Executive Committee of a suspension of ISAF eligibility by a national authority, and
  - (c) a request by a national authority or by the ISAF Executive Committee for review of its suspension of ISAF eligibility of a competitor.
- 2.2 An appeal shall be commenced by a Notice of Appeal in writing within 30 days of publication of the appealed decision.
- 2.3 The Notice of Appeal shall include:
  - (a) The decision appealed or to be reviewed.
  - (b) The reasons for the appeal.
  - (c) The relief, if any, sought from the appealed decision.
  - (d) The relevant facts and any transcript or recording thereof.
  - (e) An accurate translation into the English language of the above when in any other language.
  - (f) The name, address, telephone number and, when available, the facsimile number of the party appealing.
- 2.4 The Notice of Appeal shall be filed with the Registry of the Board at the ISAF office:
  - (a) personally, or
  - (b) by registered mail or other form of recorded delivery, or
  - (c) by facsimile in accordance with Rule 1.5

- 2.5 The Notice of Appeal shall be similarly transmitted to the other party to the appeal, namely the Authority whose decision is appealed or the competitor whose ISAF eligibility is in question in a request by a National Authority or the ISAF Executive Committee for review of its own decision. A statement confirming such transmission shall be filed with the Registry at the same time as the Notice of Appeal.
- 2.6 A Notice of Appeal shall be accompanied by a filing fee of US\$100 payable to the ISAF.
- 2.7 The other party may contest an appeal by filing a Reply to Notice of Appeal with the Registrar and transmitting it to the Appellant in the same manner as the Notice of Appeal and within 30 days after receipt thereof.
- 2.8 The Reply shall include:
- (a) A statement of why the appeal should not be allowed.
  - (b) The facts and any transcript or recording thereof not filed by the Appellant with accurate translation to the English language when in any other language.
  - (c) The name, address, telephone number and, when available, facsimile number of the contesting party.
- 2.9 A party to an appeal may, in exceptional circumstances, apply to the Board within 15 days of service of the Reply to have evidence taken on sworn commission or letters rogatory or by affidavit at the party's own expense when it appears necessary in the interest of justice.
- 2.10 The Chairman may, after consultation with parties to the appeal, order the taking of such evidence on such terms as seem appropriate or request additional information from any party.
- 2.11 15 days after either:
- (a) Timely receipt by the Registry of a Notice of Appeal, Reply to Notice of Appeal and any evidence taken pursuant to rules 2.9 and 2.10, or
  - (b) Failure to file a Reply to Notice of Appeal within the time limited by rule 2.7 and receipt of any evidence taken pursuant to rule 2.9 and 2.10,
- an appeal shall be deemed to be perfected and the Registrar shall:
- (i) Provide the Chairman of the Board with copies of the documents and,
  - (ii) Require the parties to the appeal to advise him within 10 days in writing whether they wish to present their submissions orally in person or by counsel or agent or to have the appeal decided on the written record and written submissions provided to the Board and to each other within 30 days.
- 2.12 The Chairman of the Board shall appoint a panel of 3 or 5 members<sup>1</sup> of the Board to review the appealed decision.

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<sup>1</sup> Amended 1/2/05 to bring in line with Article 75(b) of the ISAF Constitution.

- 2.13 When oral submissions are to be made the Chairman shall fix a date and place for the hearing not less than 30 days nor more than 60 days after the appeal was perfected.
- 2.14 The Registrar shall forthwith advise the parties by Notice of Hearing of the date and place of hearing which may be changed by conference call, confirmed in writing, when a party satisfies the Chairman within 15 days of the date of the Notice of Hearing that he is unable to appear at the designated time or place.
- 2.15 The Registrar may, in consultation with the Review Board panel chairman and the parties, change the place or date of hearing or both at least 10 days before the scheduled date when such change is necessary in the interest of justice.
- 2.16 When the appeal is to be decided on the written record the panel shall review the record including any written submissions by the parties filed in accordance with rule 2.11(b) and decide the appeal with all possible dispatch.
- 2.17 When the appeal is to be heard orally the panel shall consider all matters raised by the Notice of Appeal and Reply and by any party in person or by counsel.
- 2.18 At the conclusion of an oral hearing or within 15 days thereof the panel shall render its decision.
- 2.19 A panel decision may approve, revise or nullify an appealed decision or order a hearing or a re-hearing by the suspending authority on such terms as the panel may specify.
- 2.20 A decision following a hearing or re-hearing ordered by the Review Board may be appealed to the Review Board.
- 2.21 The Registrar shall forthwith communicate each panel decision to all parties to the appeal and to all Member National Authorities, International Class Associations, the Offshore Racing Council, International Judges and International Umpires by mail.
- 2.22 These rules are effective from 1 March, 1992.

Rule 2.11 amended 8/9/93

Rule 2.12 amended 1/2/05

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