

## RYA GUIDANCE

### RULES DISPUTES QUESTIONS AND ANSWERS

**Q1. Can an arbitration hearing be re-opened under RRS 66 at the request of one of the parties or the arbitrator?**

A1. No. Arbitration is closed when the arbitrator has made a decision. Once a decision has been made and accepted by all parties, the protest is withdrawn and the arbitration cannot subsequently be reopened. However, if the decision is not accepted by all parties, it will be heard as a normal protest by a protest committee. In addition, the arbitrator can refer the protest to a protest committee if he/she feels the matter is too complex for arbitration and he/she is unable to make decision.

**Q2. Can redress be available for a boat that is a party to an arbitration hearing?**

A2. It is recommended that requests for redress are not heard by RYA Arbitration unless in apparently straightforward situations. Also, a race committee, protest committee or party may ask that the request is heard at a full protest committee hearing.

**Q3. Can redress be available for a boat that is not a party to an arbitration hearing?**

A3. Yes, but any such request for redress should be referred to a full protest committee hearing.

**Q4. Can an arbitration hearing decision be appealed under RRS 70?**

A4. No. An arbitration hearing is not a protest committee hearing.

**Q5. What should the arbitrator do should he/she suspect that, because of the non-binding nature of an RYA arbitration hearing decision, a competitor is using the service to 'fish for answers' and will then take those answers to a protest committee hearing?**

A5. The arbitrator should close the arbitration hearing without making any decision and refer the protest to a full protest committee, and also consider submitting a rule 69 report to the protest committee.

**Q6. Does the arbitrator's decision have to be non-binding?**

A6. No. If stated in the notice of race and sailing instructions, it can be binding on the parties. However, this should be emphasised when determining whether the parties agree to have the protest heard by arbitration rather than by a protest committee.

**Q7. Is the exoneration penalty calculated as a percentage of the total number of starters in the race concerned or the total number of entries to the event or series?**

- A7. The total number of entries to the event or series - see RRS 44.3(c).
- Q8. Do other boats move up one place in the results scores when a boat takes an exoneration penalty?**
- A8. No – see RRS 44.3(c). The scores of the other boats shall not be changed; therefore, two boats may receive the same score.
- Q9. Can a club use an exoneration penalty without RYA arbitration?**
- A9. Yes. If stated in the notice of race and sailing instructions, the exoneration penalty can be available for boats. The penalty must be accepted before the start of any protest committee hearing or before such other time as stated in the sailing instructions.