

# RACE OFFICIALS NATIONAL CONFERENCE

Saturday 7<sup>th</sup> and Sunday 8<sup>th</sup> February 2015



**MAKING SOUND DECISIONS**  
**(Protest Committees)**  
**PETER JOHNSON**

# Facts Found

- Inadequate or inappropriate Facts Found are the most common PC problem in appeal cases
- Read your conclusions, and check that there are Fact(s) Found that support each conclusion
- Always read the SIs!
- Do not add or change any Facts Found after the hearing closure
- Facts are found on the balance of probabilities, *not* beyond reasonable doubt

# Facts Found

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# Poor Examples

- No facts whatsoever!
- Repeating verbatim that said by parties and witnesses, often conflicting
- Giving conclusions as facts, with no facts to support that conclusion (e.g. X failed to give mark-room).

# Establishing Facts

- What might we now include on a list of good practice?
  - Identifying key facts
  - Comparing evidence
  - Which is the more likely version?
  - Not allowing leading questions
  - Writing up the findings.

# Protest Committee Diagram

- Often neglected – most common request from RRC during an appeal case
- Time pressures at and during the hearing
- Make it accurate and to scale
- Must match the facts found
- TSS is good value, or a photo of magnetic models set out on a table!

# Conclusions

A boat may have been found to have broken a rule.

But don't leave it there – systematically consider whether any other rules may have also been broken, particularly part 2 rules.

# Rule 14

- Consider in all cases when there has been damage or injury
- Did X take avoiding action when it became obvious Y was not going to keep clear, give room etc?