

APPEAL 113

Club 420 6525 Request for Redress

Rule 63.7, Conflict Between the Notice of Race and the Sailing Instructions

A protest committee's decision under rule 63.7 regarding which of two conflicting rules applies is not made in a hearing; therefore it cannot be the basis of a request for redress or a reopening. The determining factor for applying rule 63.7 is the protest committee's belief about the fairest result.

Facts and Decision of the Protest Committee

In a Club 420 regatta there was a conflict between a rule in the notice of race and one in the sailing instructions. The notice of race stated that each boat's two worst race scores would be excluded from her series score if eleven or more races were completed; the sailing instructions stated that only one would be excluded. Twelve races were completed. *Club 420 6525* based her tactics on her belief that one race score would be excluded. The race committee calculated the final series scores with each boat's two worst race scores excluded, which moved *6525* from first to second place in the series. She requested redress.

After consulting with the race committee, the protest committee believed that scoring the series with each boat's two worst scores excluded would provide the fairest result for all boats. It then denied *6525's* request for redress, and she appealed.

Decision of the Appeals Committee

When a protest committee considers a protest or request for redress that involves a conflict between a rule in the notice of race and one in the sailing instructions, it must first decide which rule "it believes will provide the fairest result for all boats affected" (see rule 63.7). To make that decision the committee is not required to hold a hearing (see rule 63.1). Therefore, none of the other rules of Part 5 of the racing rules governing hearings, including rule 62, Redress, apply in making that decision. If the committee wishes to obtain information, opinions or advice from others it may do so. Its decision cannot be the basis for a request for redress or a reopening, because the committee's decision was not made in a hearing. The determining factor for applying rule 63.7 is the committee's belief about the fairest result. *Club 420 6525's* appeal is therefore denied, and the decision of the protest committee is upheld.

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