

APPEAL No 2012/005

SI 15.1, Protests and Requests for Redress

Definitions, *Interested Party*

Rule 60.1, Right to Protest: Right to Request Redress

Rule 61.3, Protest Requirements: Protest Time Limit

Rule 62.1(a) and 62.2, Redress

Rule 63.3, Right to be Present

Rule 63.4, Interested Party

SUMMARY OF THE FACTS

In a qualifying series comprising 21 races, P was unable to sail in one race due to the failure of the Organising Authority, namely RHKYC, to deliver his boat to the race venue. P requested redress by reason that he had been denied the opportunity to compete. The time limit for delivering a request for redress under Rule 62.2, was, by sailing instruction 15.1.1, 17:12:20hrs, on Saturday, 20th October 2012.

Sailing Instruction 15.1 provides that protest forms are available in the 3 clubhouses of the organizing authority. (The race venue was near one of the 3 clubhouses.) It also provides that protests and requests for redress “shall be delivered to the race officer, or any member of the race committee or, in their absence, to the relevant class officer.”

The request for redress was sent by email to the class secretary at 17:39hrs, on Sunday, 21st October 2012, and was subsequently received by the race office at 15:05hrs on Monday, 22nd October 2012.

The hearing was held at the scheduled time, after postponing for 30 minutes to allow time for P to appear. P did not attend the hearing either by a representative or written submission, and gave no reason to the committee for his absence on the day. No reason was given for the delay in submitting his request for redress. There was no objection to any member of the protest committee. The other party was represented.

The protest committee found that the protest or request was invalid. P appealed.

In his appeal submission, P stated that there were no protest forms available at the venue or at the office at the venue, that it took him several hours to return home, that he could not find a protest form from the organizing authority’s website, and that at that point he needed to go to work. After finishing work on Sunday, he emailed the form to the class secretary, believing they were the organizers of the series. P further objected to the chairman of the protest committee on the basis that he is a chairman of one of the Club’s committees and sits on an appointed committee of the Club. He gave reasons for not attending the hearing but not for failing to send a representative or make a written submission for consideration by the committee.

DECISION

P’s appeal is dismissed.

GROUND FOR DECISION

A request for redress (or a protest) does not have to be on a prescribed form. It is only required to be in writing and delivered on time, or at an extended time if the protest committee decides there is good reason to do so. Without the presence of P, or his representative, and in the absence of written submissions from him, the committee could find no good reason to extend the time for delivering the request and applied Rule 62.2 and SI15.1. This logic cannot be faulted.

Since there is no specific form in which the request for redress need be written, if good reason had been given for late submission, 24 hours should have been sufficient time to extend the time for delivery of the request. Even this time was exceeded.

The objection to a member of the protest committee was not known by the committee or at the hearing. If a member is an *interested party*, by Rule 63.4, he shall not take part in the hearing. Being a member of Club's committees does not make him an *interested party*; he must gain or lose as a result of the decision or have a close personal interest in the decision.

HKSF RR&AC
December 2012