

APPEAL No 2020/1

Rule 63.3

Rule 63.6

SUMMARY OF THE FACTS

Series: Aberdeen Boat Club Opening Regatta 19 & 20 September 2020, Race 2.
(HKPN A)

The protest involved contact during a start line luffing incident that resulted in a collision involving 2 boats, Scintilla & Generations. Significant damage was caused to Scintilla and she has appealed the PC's decision.

An attempt at Arbitration was made, although there was no provision in the NOR or SIs for RRS Appendix T to be switched on. Ultimately no agreement could be reached and the case proceeded to a Protest Hearing per RRS63.

The grounds for this Appeal are that there were a number of mistakes made by the protest committee in the hearing:

- Scintilla was not present during the time that Generations gave evidence
- Scintilla was not given the opportunity to question evidence given by Generations

DECISION

Protest hearing to be reopened with a Jury appointed by RR&AC

GROUNDINGS FOR DECISION

The HKSF Racing Rules and Appeals Committee considers there to be several errors in procedure which must be taken into account in a reopened hearing.

By failing to hold the Protest Hearing with both parties present, they prevented Scintilla from questioning Generations' role in the incident. At the same time, Generations was not given the opportunity to question Scintilla.

Due to the nature of the damage and the level of disagreement, RR&AC consider that it is in the best interests of all Parties to reopen the hearing with a suitably appointed Protest Committee

GUIDELINES FOR REOPENING THE HEARING

The Protest Committee should consist of a minimum of two National or International Judges and an experienced member of ABC.

***HKSF RR&AC
Dec 2020***