

## World Sailing Racing Rules Question and Answer Service

### Q&A 2023.006

17 May 2023

#### **Protest withdrawal after the arbitration**

##### Situation

Appendix T applies.

An arbitration meeting is held prior to a protest hearing concerning an alleged breach of a rule of Part 2. There was no damage or injury, no boat took a penalty on the water.

The arbitrator offers an opinion that the protest committee is likely to disqualify the protestor.

No boat took a Post-Race Penalty.

The protestor asks to withdraw the protest.

##### Question 1

Should the arbitrator allow the withdrawal?

##### Answer 1

No.

Rule T4 permits the arbitrator to act on behalf of the protest committee and allow a protest to be withdrawn.

However, after the arbitrator offers an opinion, the withdrawal may be allowed after one of the parties has accepted a Post-Race Penalty.

When the arbitrator thinks the reason why the protestor wants to withdraw his protest is to avoid a penalty, the arbitrator should not permit the protest to be withdrawn. See Jury Policies Section B4.1 and Judges Manual F.4.