

2019 UKOPRA OFFSHORE POWERBOAT RULES

SECTION 4 – JURISDICTION



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400 - Jurisdiction

No claim for damages arising from an infringement of:

- UKOPRA rules
- Organisers rules
- Advance Notice
- Race Instructions

Race Bulletins shall be adjudicated upon by any Race Committee or appeal authority but shall be subject to the jurisdiction of the courts.

The crew of a racing powerboat which acknowledges infringing a rule does not thereby admit liability for damages.

The findings of fact, and the decision of the protest committee shall be relevant only to the purposes of the powerboat racing rules and shall not be referred to in any proceedings for damage without the written consent of all parties to the protest.

401 - Judicial Bodies

401.01 – The Jury

The Jury hears any protest raised by a driver.

1. Composition

The Jury must be composed of at least three members, the Chairman included. The Organisers of the event appoint the Jury. These appointments must be made in writing, authorised and signed by an Official.

If there are not enough qualified members to form a Jury of three persons, the Organisers must appoint additional members, but only enough to reach three persons.

The Jury composition will be announced at the first drivers meeting.

The Jury must be present at the first drivers meeting.

Race Officials cannot be Jury members.

In an event comprising races of several classes, it is possible to keep any authorized jury member to adjudicate on any matter of the jury, irrespective of the class he/she happens to represent.



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2. Authority and Duties

The Jury sits as long as the event lasts, and hears all protests relating to that event.

The jury must decide as soon as possible on all protests presented to it during the event.

No member of a Jury who has taken part as a competitor or Official in the race concerning which a judgement is to be given or knows himself to have directly or indirectly an interest in one of the parties involved, may judge the protest.

401.02 – Interested Parties

However, a member of a Jury shall not be disqualified due to membership of the National Authority.

401.03 – Appeals Board

The jury will decide on Appeals arising from events according to the provisions laid out in the rulebook.

In each case, the Executive Committee, or in case of an appeal lodged against an Executive Committee's decision, the organisers will nominate three members, one to be Chairman after consultation of the relevant commission.

402 - Protest Procedures

402.01 – Validity of Protests

Only a driver may protest against facts pertaining only to the races in which he takes part.

Joint protests signed by several drivers will not be considered.

All protests must be in writing - type written or hand written in printed characters in English.

It must state the reason for the protest and be accompanied by any relevant documents that shall provide evidence within the given time and any protest fee as stipulated by the Race Organiser.

All protests must be signed by the protester.

The protest must be handed to the Race Secretary who must, in the presence of the protester, record the time of receipt.

Any costs involved in verification are to be borne by the losing party.

A written protest can be withdrawn by the protester; he then loses the protest fee.



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402.02 – Protest Fee

The amount of the Protest fee is £200 unless otherwise noted and must be decided by race organiser and it must be published in the advance programme.

402.03 – Right of Protest

A protest can be lodged against the posted provisional results or against any decision made by the Race Committee or against one or several competitors.

In the event of a competitor protesting against a penalty imposed on him by the O.O.D. or UKOPRA and another driver protesting simultaneously against this competitor due to the same incident, the Jury will have only one meeting with both competitors being party of this protest procedure.

A protest can only be lodged on a subject which directly concerns the protester himself. A protest which complies with these rules cannot be refused by the Jury.

No protest is permitted on Jury decisions.

402.04 – Time of Lodging a Protest/ Protest Period

A protest regarding the qualification of a boat, a motor, or a driver must be made before the first drivers briefing. Starting in a race is considered as acceptance of the conditions and the eligibility of the other competitors.

The only exception to the above is when the protester can prove the facts were not given to him before the drivers briefing, then a protest can be lodged up to one hour after the posting of the results.

Any other protest must be lodged within one hour of the first results being posted with the following exceptions:

A protest of a driver (driver “A”) against another driver (driver “B”) can be lodged within 30 minutes after the posting of the protest form.

If driver “B” has been penalised and himself protested against this penalty. Without lodging such a protest driver “A” shall not be entitled to appeal against the jury decision.

A protest against any other decision, posted after the posting of the first results can be lodged within one hour after the posting of this decision.



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402.05 - Judgement

Decisions by the Jury shall be reached by simple majority of votes. In the case of equal votes, the Chairman's vote will be the casting vote.

In the event of a protest, penalties may be agreed, rejected or changed by the Jury.

If a protest is upheld by the Jury, the fee must be returned to the protester. Any judgement pronounced by the Jury stays in effect until altered by the Appeal Board.

402.06 – Notification of Decision

All decisions by any Jury, the minutes of the meeting and the justification of the decision must be notified to the concerned parties in writing, including their right of appeal.

402.07 - Availability of Documents

All documents relevant to any decision by the Jury must be filed with the organisers and held available until the time limit for an appeal has expired.

403 - Hearing of the Protest

403.01 – Right to Hearing

Any person being party to a protest or being charged for an offence against the rules shall have the right to be heard before the Jury in order to defend himself.

403.02 - Witnesses and Evidence

It is the responsibility of the parties involved in a protest to ensure that witnesses appearing on their behalf together with any other evidence are present and the Chairman of the Race Jury at his/her sole discretion may take their availability into account when determining the time of the hearing.

Any costs incurred by the appearance of witnesses shall be borne by the respective parties unless decided otherwise by the Jury.



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403.03 - The Hearing Procedure

The following procedure must be followed in all hearings unless otherwise stated elsewhere in these rules:

- A copy of the protest must be posted in the same way as the results. The time of posting must be noted on this copy.
- Together with a copy of the protest, the Jury must give written notice to all parties of where and when the hearing will take place. Reasonable time shall be allowed to the parties for the preparation to the hearing.
- If any party duly notified, fails to appear without giving an acceptable reason, judgement can be rendered by default i.e. the missing party shall lose the protest.
- Written minutes must be taken.
- All parties to the case are entitled to be present and to hear and question all evidence at the hearing up to the time the Jury makes its decision.
- The protest shall be read out to the parties.
- A party to the hearing who believes that a member of the Jury is an “interested party” or otherwise not suitable to decide upon the protest shall object at the beginning of the hearing and before he/her states his/her own case. Failing to do so will result in acceptance of the relevant jury member unless the party can prove that the circumstances and facts resulting in the ineligibility of the jury member came to his/her knowledge only after this moment. In this case the party has to object immediately after having obtained the relevant information.
- Then the Jury shall decide, whether all formal requirements of the protest are fulfilled and possible additional rules of the relevant class. Failures shall lead to the protest being void. The parties shall be given the opportunity to give statements if failures are found and before a final decision on the formal legality of the protest is taken.
- The parties shall be invited to state their cases. The parties may call witnesses. Each witness, after having given his account of the case, may be questioned by all parties and by the members of the Jury. Any other evidence available may be presented.
- Any member of the Jury who is familiar with the case may give his evidence
- The parties shall be entitled to question each other and any member of the Jury who may have given evidence.



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- The witnesses shall withdraw and the parties shall be invited to make a final statement of their cases.
- The Jury may recall any party, previous witness or new witness and call on any other evidence to verify the facts.
- The parties must be present during the whole of the recall and must be given the opportunity to question any new evidence after which they may re-make their final statements.
- After all evidence has been assessed the situation with the protest may be discussed. The hearing will then be closed and the Jury shall debate the case and take a decision in a closed meeting and no other person but the jury members have a right to be present.

404 - The Appeals Procedure

Appeal to UKOPRA will only be allowed in the case of flagrant disregard or abuse of the rules. In all other cases the jury decision to protest should be regarded as final.

405 - Penalties

If during the procedure further costs arise, the Appellant has to deposit the missing amount accordingly within days from notification.

The driver who appeals has to pay for the meeting costs anyway if the appeal is upheld or not. If the costs of the appeal committee is less than £350 then the difference will be paid back to the driver.

The appeal fee will be refunded if the appeal is upheld. If the original decision is changed by the appeal board, it can decide to refund a percentage of the appeal fee if appropriate.

The Chairman of the Appeal Board can decide that the appeal is not considered valid since the expiry dates were not respected. In this case 50% of the received appeal fee will be reimbursed to the appellant.

The driver may agree to forego an Appeal Committee meeting and for the appeal to be handled through telephone, online networks or e-mail, if possible, in order to minimise the cost for the appeal.



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405.01 - General

Any proven breach of applicable Rules may be penalised.

If the rules do not determine a special penalty for the relevant breach, the penalty to be given has to be proportional to the seriousness of the breach.

The proportionality is at the discretion of the decision maker.

The Executive Committee or UKOPRA shall only impose penalties, when they deem the relevant infringement to be so serious, that it has to be penalised although the deadlines for penalising or lodging a protest have already expired.

After the expiry of the aforementioned deadlines, a penalty for an ordinary breach of the rules shall in general not be imposed.

The Race Jury or the Appeal Board following a protest or an appeal can (only) impose penalties, which can be imposed by the O.O.D.

405.02 - Deadlines for Penalising

The first posted results are provisional for one hour.

The National Authority and/or the Executive Committee can only impose penalties within 1 month from the day, the infringement occurred.

These deadlines are not valid for penalties imposed by the O.O.D. for the reason of post-race scrutineering and under the condition that this is stated on the results sheet.

In this case the results will remain provisional until one hour after the finalisation of the post-race scrutineering.

The date and time of finalisation of the post-race scrutineering must be recorded by the technical scrutineer in charge.

If the post-race scrutineering cannot be finalised until the end of the event and the O.O.D. has already left the race site the penalty has to be imposed as soon as possible after the receipt of the scrutineering results by the O.O.D.



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405.03 - Unacceptable Behaviour

In order to protect the interests of the sporting community, the following actions may also be penalised by the O.O.D., by the Executive Committee or by the N.A. of the Licence Holder.

- any deliberate act taken to gain unfair advantage.
- any false act made or statement given with the intention of suppressing facts required for the proper conduct of the race.
- any attempt to bribe or the taking of a bribe.
- any abusive or unsportsmanlike behaviour.

405.04 - Reprimand

A reprimand is a notice of disapproval of an unacceptable action.

It must be recorded by the Race Secretary.

A reprimand must be witnessed.

A reprimand automatically constitutes warning that if the offence recurs, a heavier penalty will be given. A Reprimand is valid for 2 Months.

A reprimand can be given by the O.O.D., or UKOPRA of the Licence Holder.

405.05 - Yellow / Red / Blue Cards

A yellow or red card may be given by the O.O.D. or UKOPRA.

A yellow or red card will be confirmed on a public notice which will be posted with the results. The recipient must be notified privately before a red card is posted.

The driver has one hour from the posting of the penalty to protest. If the protest is not upheld he can make an appeal.

A yellow/red card received in all disciplines and classes count towards the driver's CV and shall be accumulated.



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Yellow/red cards can only be given for bad behaviour on the water including:

- up to two yellow cards at a time for dangerous driving;
- one red card for extreme blatant dangerous driving.

A driver who receives a red card is immediately disqualified from that event. Receiving a third yellow card equals to a red card.

A driver with a red card shall lose the right to take part in any sanctioned activities on the water for two months.

In addition, he is not eligible for the first titled race in any discipline and class subsequent to the receipt of the red card.

All yellow cards will remain valid for the events in which he competes following the date on which the last yellow card was delivered but will expire at the end of the same season as published by the event organisers.

Yellow / red cards must be notified to the National Authority of the competitor concerned within three days. National Authorities will publish a record when a driver has a red card and is therefore suspended from competition.

These rules also are to be applied to all people in the pits:

A blue card can be given for any offensive, un-sportsman, abrasive etc., behaviour during any official activity (briefing, race control during event etc.)

A second blue card will immediately remove the offender from that event. Following the subject activity, the Race Jury will meet and determine if further disciplinary action is justified. Only the executive committee and OOD may issue blue cards.

405.06 - Disqualification

Disqualification deletes a competitor from the results of the heat or race where the offence occurred. Disqualification is done by the O.O.D.

405.07 - Temporary Suspension

Temporary suspension suspends a competitor, a competitor together with crew, a crew member, or an Official from all or part of an event.

Temporary suspension may be given for serious indiscipline.

Temporary suspension will be imposed by the O.O.D.



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405.08 - Prolonged Suspension

Prolonged suspension can be imposed on a competitor, an Official or an organisation for deliberate fraud, repeated or very serious indiscipline or very serious misconduct.

Prolonged suspension can be imposed by the N.A. of the licence holder or organisation, or by the Executive Committee.

405.09 - Exclusion

Exclusion means a permanent loss of all rights to take part in any activities falling under the N.A and its affiliated organisations.

A person or an organisation who has committed a moral or sporting offence of extreme gravity is liable to be excluded.

A sentence of exclusion can be pronounced by the N.A. of the licence holder or event organiser, or by the Executive Committee.

In the case of suspension, prolonged suspension or exclusion, the National Authorities and therefore their affiliated clubs bind themselves to respect the decision and apply it in their own events.

406 - Priority of These Rules

The course of UKOPRA has to be exhausted, before the dispute can be brought before civil court.

407 - Powerboat Protest Form

- **PART A**

Is for you, the driver, to complete and hand in within the specified time limit.

- **PART B**

Is for you, the driver, to complete and give to the Protest Committee Chairman at the beginning of the Protest Meeting.

- **PART C**

Is for the Protest Committee to complete.



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PART A	
SECTION 1	
Name of Event	
Date of Race	
Class	
SECTION 2	
Your Name (Protestor)	
Your Boat number	
Boat Name	
SECTION 3	
I (the Protestor) am protesting against:	
To seek redress from the Race Organising Committee for actions or omissions	
Another driver, name	
Boat Number	
The Results as posted	



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SECTION 4	
Which rule has been infringed?	
Time of incident	
On which lap was the incident?	
Where was the incident?	
SECTION 5	
Your signature	
Time of signature	
SECTION 6	
You must see this section completed by the official receiving this Protest	
Name of Official	
Time Protest received	



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PART B	
SECTION 7	
Either, explain incident with another driver; in writing and by drawing	
Or:	
Explain your reason for Protesting against the Race Committee	



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PART C

