



**British Powerboat Racing Club**

## **Section 4 – Jurisdiction**

# **2024 Offshore Powerboat Rules**

**06 July 2024**

2024 BPRC OFFSHORE POWERBOAT RULES  
SECTION 4 – JURISDICTION



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## 2024 BPRC OFFSHORE POWERBOAT RULES

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#### **400 - Jurisdiction**

No claim for damages arising from an infringement of any of the Organisers rules, Advance Notice, Race Instructions or Race Bulletins shall be adjudicated upon by the 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 or participating driver cannot be Jury members.



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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.

#### **401.02 – Interested Parties**

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.

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

#### **401.03 – Appeals Board**

Any appeal of the Protest Jury decision will be made in writing in the first instance to the BPBA (British Power Boat Association).

#### **401.04 – Validity of Protests**

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

In case of a blue card, each recipient may protest against the penalty.

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; they then may lose the protest fee, at the discretion of the race organisers.



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#### **401.05 – Protest Fee**

The amount of the Protest fee must be decided by race organiser and it must be published in the race instructions.

#### **401.06 – 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 them by the O.O.D. or the BPRC 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 themselves. A protest which complies with these rules cannot be refused by the Jury.

Such jury decision can only be contested by appeal.

#### **401.07 – 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.

The only exception to the above is when the protester can prove the facts were not given to them 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 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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#### **401.08 - 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.

#### **401.09 – 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.

#### **401.10 - 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.

#### **402 - Hearing of the Protest**

##### **402.01 – 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 themselves.

##### **402.02 - 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 their 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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#### **402.03 - 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.

#### 403 - The Appeals Procedure

A decision by a Jury may be appealed by the parties involved in the Jury meeting when they consider that an injustice has been made against them and/or fresh evidence has been made available that may alter the decision of the Jury.

#### 404 - 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 whether the appeal is upheld or not.

The appeal fee ~~of~~ 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 expiry dates for the notice of intention to appeal are within four days of the day following the Jury decision and the expiry date for the lodging of appeal documents and fees is ten days following the Jury decision.

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.

**Commented [CL1]:** The appeals protects is if they disagree with the Jury decision.



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#### **404.01 - 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 BPRC Executive Committee 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.

#### **404.02 - Deadlines for Penalising**

The first posted results are provisional for one hour.

The BPRC 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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#### **404.03 - 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.

#### **404.04 - 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 the BPRC Executive Committee

#### **404.05 - Yellow / Red / Blue Cards**

A yellow or red card may be given by the O.O.D. or the BPRC Executive Committee.

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.

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.

#### **404.06 - 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.

#### **404.07 - 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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#### **404.08 - 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 BPRC Executive Committee.

#### **404.09 - Exclusion**

Exclusion means a permanent loss of all rights to take part in any activities relating to the BPRC.

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 BPRC Executive Committee.

#### **405 - Priority of These Rules**

The course as set out in the BPRC Offshore Rules has to be exhausted, before the dispute can be brought before civil court.

