

IN THE COURT OF ARBITRATION IN SPORT

In the matter of an appeal against the decision of the New Zealand Sports Disputes Tribunal

Between **Yachting New Zealand**

Appellant

And **Andrew Murdoch**

Respondent

And Between **Yachting New Zealand**

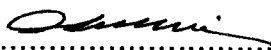
Appellant

And **Simon Cooke & Alastair Gair**

Respondent

OPERATIVE PART OF AWARD
(CAS Rule 59)

1. The Panel has carefully considered all submissions received and has decided to uphold the Appeal in the Laser and Men's 470 classes to which the appeal relates.
2. The relief sought by the successful appellant Yachting New Zealand Inc is that the decision of the Sports Disputes Tribunal of New Zealand delivered on 17 March 2004 and provided in writing on 19 March 2004 be set aside and the nomination decisions of the Yachting Federation Panel in these two classes be restored.
3. Having decided to allow the appeals the Award of the Tribunal in respect of each class is therefore to set aside the decision of the Sports Disputes Tribunal of New Zealand and to restore the nomination decisions of the Yachting Federation Inc panel in the Laser and Men's 470 classes.
4. Because of the urgency of the matter the Tribunal now delivers this operative part of its Award under the Power given in CAS Rule 59 and will deliver its reasoned Award as soon as reasonably practicable.
5. As to costs they will be reserved. Under CAS Rules 64.4 and 64.5 the Panel must deal with the arbitration costs and the costs of the prevailing party.
6. It is not possible to deal with such costs today since under CAS Rule 64.4 CAS must first determine the costs of the arbitration. Moreover, the parties need to see the reasoned Award before they can make submissions on how the CAS arbitration costs and the legal costs of the Yachting Federation Inc should be dealt with.
7. In this situation the Panel reserves costs for determination in a further Award and directs the parties to lodge with CAS and serve on the opposing party their written submissions on costs within 21 days after the date of the reasoned Award.
8. The Panel wishes to express its sincere appreciation to Counsel for the excellence of both their written and oral submissions.



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Alan Sullivan QC
President of the Panel

Dated at Auckland this 2nd day of April 2004.