



RYA



Racing Rules Guidance

2017–2020



Includes RYA rules
disputes procedures
December 2017



RYA RACING RULES GUIDANCE

2017 - 2020

EDITION 2, DECEMBER 2017

Under the umbrella of its Racing Charter, the RYA provides guidance on the Racing Rules of Sailing. The guidance offered is the opinion of experts and is not a binding interpretation of the rules, nor will it be appropriate for all racing.

1 GUIDANCE BOOKS

The RYA has produced two guidance books which are available free of charge on the World Sailing racing rules of sailing app (a partnership between World Sailing and the RYA – see www.rya.org.uk/go/wsapp), the RYA website at www.rya.org.uk/racingrules, or by clicking on www.rya.org.uk/go/RRSguidance. The books are available as eBooks or as PDF files – eBooks are recommended as they provide automatic notification of updates.

RYA CASE BOOK

The RYA Case Book contains illustrative and persuasive, but not binding, interpretations and explanations of the rules.

RYA RACING RULES GUIDANCE

This book, which contains three categories of guidance¹:

- General Guidance
- RYA Rules Disputes Procedures
- Guidance Primarily for Race Officials

The books will be updated as required, but at least annually in December. Additions and changes between updates are published on the RYA's website. Guidance in this book which is new or changed since the previous December is sidelined.

2 ADVISORY SERVICES

The RYA also provides advisory services. The RYA Racing Rules Committee provides an advisory service to help individuals, protest committees, clubs, classes and other organisations with their interpretation of the racing rules. This is intended to offer prompt informal advice without the delays inherent in a formal appeal. The RYA Race Management Committee provides advice on race management issues, including the writing of notices of race and sailing instructions.

The RYA Racing Charter and its application can be found at the front of the RYA edition of the Racing Rules of Sailing 2017-2020 (yellow pages after the Definitions).

Details of other RYA racing rules publications can be found on the back page of this book.

Comments or questions are welcome and should be made by email to the RYA at racingrules@rya.org.uk.

Editor:

Gordon Stredwick
RYA Racing Rules Manager

¹ The date on each guidance is the date it was last updated

GENERAL GUIDANCE	Page
<p><u>Advertising</u></p> <p>An explanation of who may choose advertising for a boat, sailboard or clothing at an event; how class rules, rating systems and handicapping systems may vary advertising rules, and the reservations for advertising by event sponsors.</p>	6
<p><u>Appeals and Requests for Confirmation or Correction</u></p> <p>Questions and answers about the appeals and requests processes; includes the RYA Appeal Form. <i>The RYA Appeal Form is also available as an individual download at www.rya.org.uk/go/RRSappeals.</i></p>	8
<p><u>Boats with Limited Visibility</u></p> <p>Addressed primarily to boats with asymmetric spinnakers, the paper explains the obligations of such boats and of other boats sailing in the vicinity.</p>	16
<p><u>Changes to the Racing Rules from January 2017</u></p> <p>The main changes to the Racing Rules of Sailing effective from January 2017.</p>	18
<p><u>Outside Help</u></p> <p>Emphasises that everyone is required to give help to any person or boat that may be in danger, and that the recipient of such help does not necessarily break racing rule 41 which limits the help a boat may receive.</p>	27
<p><u>Racing Under the IRPCAS</u>²</p> <p>Guidance about racing under the International Regulations for Preventing Collisions at Sea (IRPCAS), the effect of Traffic Separation Schemes on race management and competitors, and the differences between the racing rules and the IRPCAS.</p>	31
<p><u>Redress</u></p> <p>Guidance about what and when redress can and cannot be given.</p>	35
<p><u>Small Boat Safety Regulations</u></p> <p>Recommended safety regulations for inshore racing for dinghies and small keelboats.</p>	41
<p><u>Information for Support Persons</u></p> <p>Guidance (on one page, to facilitate handing it out) for people who may be classified as a ‘Support Person’ as defined in the RRS 2017-2020. This definition includes a parent or guardian, a coach, a medical or paramedical practitioner, a boat maintainer, a personal assistant to a disabled competitor or any other person working with or assisting a sailor prepare for or compete in a race.</p>	45

² Produced in conjunction with the RORC

RYA RULES DISPUTES PROCEDURES	Page
<u>Protest Form</u>	46
For protests and requests for redress, including arbitration under the RYA Rules Disputes procedures. <i>Also available as an individual download, which can be customised to local requirements, at www.rya.org.uk/go/protests.</i>	
<u>Hearing Decision Form</u>	48
An electronic form for protest committees, and arbitrators under the RYA Rules Disputes procedures, to record the proceedings and decisions of a hearing (replaces page 2 of the RYA Protest Form). <i>Available to download at www.rya.org.uk/go/protests.</i>	
<u>Rules Disputes</u>	49
About the use of the exoneration penalty, advisory hearings and RYA arbitration. See www.rya.org.uk/go/rulesdisputes .	
<u>Rules Disputes Questions and Answers</u>	55
Frequently asked questions that arise when advisory hearings or arbitration are adopted.	
<u>Rules Disputes Poster</u>	56
A diagrammatic guide to the RYA Rules Disputes process.	

GUIDANCE PRIMARILY FOR RACE OFFICIALS	Page
<u>Competitors Retiring or Withdrawing a Retirement</u>	57
Guidance for race committees on time limits for competitors retiring or withdrawing a retirement.	
<u>Discretionary Penalties</u>	58
Guidance on discretionary penalties which are becoming increasingly common for a breach of some rules.	
<u>Environmental Responsibility and Trash Disposal</u>	62
Guidance on the Basic Principle, Environmental Responsibility, and rule 55, Trash Disposal.	
<u>GPS Evidence in Hearings</u>	65
Guidance on a technical area that is becoming more common.	
<u>IRC Rating Protests</u> ³	68
Guidance on protests concerning alleged breaches of IRC measurement rules (should be read in conjunction with the RYA guidance on Measurement Protests below).	
<u>Measurement Protests</u>	73
Guidance on protests concerning alleged breaches of measurement rules. It does not directly address protests concerning other aspects of class rules, although some of the principles are applicable to such protests.	
<u>Permitting Use of an Engine</u>	77
Options for, and limits on, sailing instructions allowing the use of an engine for propulsion.	
<u>Protecting Boats Before the Start</u>	79
Methods and penalties to inhibit interference by boats that are not racing with boats that are in their starting sequence.	
<u>Protecting Committee Boats</u>	81
The paper explains the correct methods for race managers to protect their own and borrowed boats used as committee boats.	
<u>Recommendations for Protest Committees</u>	83
Extended guidance on Appendix M regarding protest committee procedure with examples of appropriate actions in described circumstances.	
<u>Restricting Protests or Requests for Redress by Boats</u>	94
Guidance on the limited number of circumstances where it is good practice to restrict protests by boats. Restriction of requests for redress by boats is not recommended.	

³ Produced in conjunction with the IRC Rating Office

GUIDANCE PRIMARILY FOR RACE OFFICIALS (CONT) **Page**

Risk Management 96

Guidance on a 'Risk Statement' recommended by the RYA to replace a 'Disclaimer of Liability' in Notices of Race and Sailing Instructions. The recommendation can be found in RRS Appendix J, Addendum A (RYA), on (yellow) pages 135-136 of the RYA edition of the Racing Rules of Sailing 2017-2020.

Addendum A (RYA) is also available as an individual download at [www.rya.org.uk/go/AddendumA\(RYA\)](http://www.rya.org.uk/go/AddendumA(RYA)).

Scoring 99

Guidance on the application and operation of RRS Appendix A, Scoring.

Starting Penalties 104

Describes alternatives to returning to start correctly for boats that are over the starting line at the starting signal (OCS).

Virtual Protest Committee Hearings 106

Guidance on protest and redress hearings held by email, teleconference or video (virtual hearings).

MISCONDUCT

Further to the above, outline guidance on the application of racing rules 2 and 69, together with possible actions, is available at (yellow) pages 198-199 of the RYA edition of the Racing Rules of Sailing 2017-2020.

In addition, World Sailing has produced a booklet, 'Misconduct Guidance', which is available at www.sailing.org/racingrules/documents.

ADVERTISING

Introduction

In November 2010, World Sailing (then ISAF) Council approved a completely rewritten Regulation 20, Advertising Code, and there have been minor changes every year since. The Advertising Code (the Code) applies to all events organised in accordance with the Racing Rules of Sailing and to all boats racing in these events; see rule 80.

The Code can be downloaded from www.sailing.org/documents/regulations/regulations.

The Code has significant implications for classes and handicapping and rating systems, for event organisers and for competitors. With minor exceptions the Code applies only while boats are racing, as defined in the Racing Rules of Sailing.

RYA Prescription on Approval and Fees

The RYA has prescribed to the Code generally to the effect that, when advertising is subject to the prior approval of the RYA, such approval is automatically granted and that the RYA will not impose a fee on boats that choose to display advertising. The RYA Prescriptions can be found at www.rya.org.uk/go/prescriptions.

Classes

It is vital that all classes state in their Class Rules whether advertising chosen by the owner or competitor is permitted, restricted or prohibited. If Class Rules are silent, advertising is permitted by "default". References to Categories A or C advertising are no longer valid.

When Class Rules permit advertising, this must be approved. Approval is automatically granted to World Sailing Classes unless one of the exceptions applies; see regulation 20.2.3. Some events or series of events that take place in more than one country require World Sailing approval; this may catch classes which have an international presence, such as Laser Europa Cup events. Most other advertising requires the approval of the national authority, which is the RYA throughout Great Britain.

Handicapping and Rating Systems

Generally, the advertising rules for handicapping and rating systems are the same as for classes. However, if the applicable rules conflict, the more restrictive rules apply. Note the possible need for approval for international events as stated above.

Event Organisers

The scope and limitations of event (sponsor) advertising are set out in regulation 20.4 and Table 1. Any requirement for boats to display event advertising must be stated in the notice of race for the event and, apart from bow numbers and backstay flags, the requirements will apply only while racing. The corollary is that boats may display other advertising, for example battle flags, when not racing.

When an organising authority provides boats or part thereof, all advertising on the supplied equipment is available to the organising authority.

It is now clear that an organising authority shall not charge different entry fees for boats that display advertising; see regulation 20.8.3.

Competitors

Boat owners and competitors must ensure that any advertising on their boat complies with the Code generally and the Class Rules specifically. If the class or the handicapping or rating authority has not obtained approval for any permitted advertising, the Person in Charge of the boat must ensure that advertising on the boat is approved as required. This may be a problem if the relevant national authority is not the RYA.

Further Assistance

The RYA will endeavour to answer questions from class associations and from event organisers. Any questions must be by email addressed to racinrules@rya.org.uk.

Questions from individuals can be answered only if the relevant class association has been unable to answer the question and if the individual is a RYA Personal Member.

APPEALS AND REQUESTS FOR CONFIRMATION OR CORRECTION

Q1. What is the difference between an appeal and a request for confirmation or correction?

A1. An appeal is a claim by a party to a hearing, asserting that the protest committee decision in that hearing was incorrect, that the protest committee's procedures were faulty, or that a hearing was wrongly denied – see rule 70.1. A request for confirmation or correction – sometimes called a 'reference' - is made by a protest committee under rule 70.2. Once these have been validly lodged with the RYA, the RYA's procedures for handling appeals and references are the same. A protest committee, knowing that a party to a hearing does not agree with its decision, will sometimes forestall an appeal by referring its decision.

Q2. To where are appeals and references to be sent?

A2. To RYA Racing, RYA House, Ensign Way, Hamble-le-Rice, Southampton SO31 4YA, or electronically to racing@rya.org.uk

Q3. Who decides appeals and references?

A3. The Racing Rules Committee of the RYA, a team of volunteers which meets around 10 times a year to decide appeals and references. It also has many other responsibilities.

Q4. What is the procedure for lodging an appeal?

A4. It is set out in Appendix R of the Racing Rules of Sailing, as changed by two RYA prescriptions. The prescriptions, current at January 2017, are printed in the RYA version of the Racing Rules of Sailing. However, prescriptions may change from time to time, and the latest version is to be found on the RYA website at www.rya.org.uk/go/prescriptions

The website address for all rules issues, including appeals and references, is www.rya.org.uk/racingrules.

First, you must notify RYA Racing of your intention to appeal, no later than 15 days after receiving the protest committee's written decision or its decision not to reopen a hearing. No details are required at this stage.

Second, you must then complete an appeal form and send it to RYA Racing within 15 days.

The appeal form is attached and is on the RYA website at www.rya.org.uk/go/RRSappeals or is available by phoning or emailing RYA Racing.

You must include several documents listed in rule R2.2, of which the most important is a copy of the protest form containing the decision of the protest committee that is

being contested (facts found, applicable rule(s), conclusions and decision) – so if you think at the end of a hearing that you may wish to appeal, ask immediately (and certainly within the next seven days) for a copy of the protest committee’s decision – see rule 65.2. All of this is usually to be found on the second page of a protest form, but also ask for a copy of the front page as well. If you cannot obtain a required document in time, the appeal form allows you to mark it as ‘to follow’ or ‘not available’, as applicable.

The appeal form and all associated documents can be sent electronically to the RYA, provided that the quality of any scan is good enough for the document to be legible when viewed electronically or printed. Anything sent as a hard (paper) copy will need to be of sufficient quality to be scanned and circulated electronically. In this case, it is best to send the original of a document rather than a poor photocopy or a print of a local scan.

Q5. What is the procedure for a protest committee to refer a decision?

A5. No form is needed. The protest committee has 15 days in which to send a copy of the protest form together with its facts found, applicable rule(s), conclusions and decision to the RYA, with a request for confirmation or correction of the decision.

Q6. Is there any charge for this?

A6. There is no charge for an appeal from full personal or life member of the RYA. There is no charge for a reference by a protest committee. There is a charge, stated on the Appeal Form, for an appeal from a non-member. (Even though sailing clubs will be affiliated to the RYA, that does not make their members to be RYA members. Payment of the appeal fee can be avoided by a prompt application for individual RYA membership, which will not only cost less than the appeal fee but will provide many other benefits.)

Q7. Is there anything else that can be done before lodging an appeal?

A7. If you think that the protest committee has made a mistake in its decision, you can ask it to reopen the hearing, but you must act within 24 hours after being informed of the decision - see rule 66. Only a party to a hearing can ask for a reopening, and the protest committee can decide not to reopen. If the protest committee decides not to reopen after you have asked it to do so, your time limit for appealing begins when you learn this. You do not have to ask for a reopening, and you can go directly to lodging an appeal. However, a reopening, if granted, may result in justice being done more quickly, and you retain the right of appeal against the outcome of the reopening.

Q8. Who can appeal?

A8. Only a party to a protest committee hearing can appeal against the decision in that hearing. If you believe that a protest committee made a mistake in awarding redress in a hearing to which you were not a party, you cannot directly appeal. If you believe that the redress given to another boat has unfairly affected your own score, then you yourself may request redress, and you will have the right to appeal if your request for redress is refused.

Decisions from an RYA Arbitration hearing cannot be appealed. Rule 70 (Appeals) does not apply to the arbitration decision since this is not a protest committee decision or procedure.

Decisions from an international jury cannot be appealed (rule 70.5). Furthermore, in certain rare situations defined in rule 70.5, the right of appeal may be denied – but this will always be stated in the notice of race and sailing instructions.

Q9. What can you appeal about?

A9. You cannot appeal directly against the facts found, since the RYA is required to accept those facts – see rule 70.1(a). However, if the facts given are inadequate, the RYA will take steps to obtain adequate facts – see rule R5. One type of ‘inadequate fact’ that would lead the RYA to seek to get better facts is a fact found that appears clearly perverse in the light of all the information in the appeal. However, many appeals fail because they are in effect a disagreement between the views of the appellant and the protest committee as to what happened.

You can certainly appeal against the conclusions of the protest committee. The appeal form asks you to identify the racing rule or the sailing instruction (or other document governing the event) that you believe the protest committee misapplied.

You can appeal against the procedures of the protest committee. Normally, an appeal on procedural issues will succeed only when an objection to defective procedure was made at the original hearing. It is not a way of getting an otherwise correct protest committee decision overturned on a technicality. A denial of the right of a party to be present throughout a hearing may result in the upholding of an appeal.

You can appeal if you are denied a hearing of your protest or request for redress (rule 70.1(b)).

Normally, the outcome of a successful appeal against a protest committee’s procedures will be the granting of a new hearing by the same or a different protest committee, from whose decision all parties will retain the right to appeal. Likewise, the outcome of a successful appeal against denial of a hearing will usually be the granting of a hearing.

Q10. What should a protest committee do to reduce the risk of an appeal?

A10. It is most important that protest committees do not confuse finding facts with reaching conclusions when completing a protest form. Without a fact, there cannot be a conclusion. Writing clear, non-judgemental facts is a vital part of protest committee procedure, whether or not there is any prospect of an appeal or a reference. The facts found are a statement of what happened. They should provide a clear picture of the incident that could be readily understood when read by someone with no knowledge of the incident or of the club – for that is the precise position of the members of the Racing Rules Committee who will hear any resulting appeal.

Q11. What should a protest committee do when an appeal is likely?

A11. It should ask itself whether it might have made a mistake, leading to the option to reopen the hearing and forestall the appeal process. Informal advice can be sought from RYA Racing.

While protest committee diagrams concerning incidents on the water are not needed in uncontested decisions, they form an important part of appeals, and a protest committee aware that a decision may be appealed should promptly prepare a diagram, if possible adding it to the requested written decision. Lack of such diagrams at the outset is a major reason for delay in deciding appeals. The RYA will

accept as a diagram a photograph using models showing the build-up of positions before and during the incident.

See also the answer to the previous question.

Q12. How much detail is needed from the appellant in support of an appeal?

A12. The appeal form invites brevity, but a separate document can be attached to the appeal form. That too should be brief. The RYA will ask for further information if necessary. Reference may be made to any World Sailing cases, RYA cases, World Sailing Questions and Answers or World Sailing Team Racing or Match Racing calls that are thought to be relevant, but this is not essential.

Q13. What happens once an appeal is lodged with the RYA?

A13. First, receipt is acknowledged and the case receives a numerical reference. Then RYA Racing acts under rule R3, circulating the appeal to the other parties, to the protest committee and sometimes to other relevant bodies or persons (see rule R4). Missing information and documents are requested. The recipients have 15 days in which to comment, and those comments are copied to the appellant, to other parties and to the protest committee.

The case is then put down for consideration at the next meeting of the Racing Rules Committee. Any member of the Racing Rules Committee who has a close interest in the case (for instance, as a party to the hearing, as a member of the protest committee, or having given private advice beyond procedural matters to a party at any stage) will not take part in the consideration of the appeal. Before the meeting, members of the Committee will usually discuss the points at issue by email. At the meeting, the case will usually be decided in principle (although sometimes it will be deferred to the next meeting if further information is needed). Sometimes, the decision can be released in a few weeks once the careful wording of the decision is agreed. Usually, a draft decision will then come to the next meeting for final approval and release. The decision letter is sent to the appellant, to other parties and to the protest committee.

It will be seen that several months can therefore elapse between the lodging of an appeal and the decision letter.

Appeals, references and questions that raise interesting issues of rule interpretation or application are published as RYA cases, initially in a periodic Supplement to the RYA Case Book. The process of turning an appeal into a case involves editing of the original decision. The Case Book is reviewed with every quadrennial rules change, at which point the case will be retained unchanged, be edited to harmonise with any rule change or be deleted. Some cases form the basis of submission to World Sailing for acceptance as a World Sailing case. The Case Book can be found on the RYA website at www.rya.org.uk/go/casebook.

Q14. What are the decision options for the Racing Rules Committee?

A14. These are set out in rules 71.2 and 71.3. It should be noted that a boat which appeals against the dismissal of a protest may herself be disqualified as a result of her appeal if the Racing Rules Committee decides that she, as well as or instead of the other boat, broke a rule.

Q15. If my appeal is not upheld, can I appeal to World Sailing?

A15. No. There is no mechanism for this.

Q16. If my appeal is upheld, can the protest committee or race committee decide not to implement the appeal decision?

A16. No. See rule 71.4.

Q17. Can the right of appeal be denied?

A17. When a properly constituted International Jury has been appointed and the Jury or a validly appointed panel of it (see RRS Appendix N) have decided the protest or request for redress, the right of appeal is always denied.

Rule 70.5 and the RYA prescription to it set out three other circumstances when the right of appeal may be denied. In all these circumstances, the denial of appeal must be stated in both the notice of race and sailing instructions.

(1) The most common circumstance is under rule 70.5(a) when 'it is essential to determine promptly the result'. For example, a national championship may have an initial series of qualifying races leading to a second series with gold and silver fleets. It will be valid for the right of appeal to be denied under rule 70.5(a) in the initial series, but not in the second (final) series.

(2) When approved by the RYA for a specific event. The RYA prescription ensures that such approval will be granted only in exceptional circumstances. Note that the cost of an International Jury is not a valid reason.

(3) In rare cases, when approved by the RYA after consultation with World Sailing.

Q18. What happens when the scores from one event are used in part to score another event?

A18. Aggregation of scores from one series into a longer series is a common occurrence at many Clubs. For example, a selection or trophy series may be an aggregation of scores from the results from a number of independently organised open events. If the event organisers wish to deny the right of appeal in such a selection event or series, perhaps because a team must be nominated before an appeal can be heard, then it is essential that the denial of appeal is stated in the notice of race and sailing instructions for all the underlying open or other primary events as well as for the selection series itself.

Q19. Is there any other way to find out the rights and wrongs of a situation?

A19. Yes. The RYA offers a rapid-response Racing Rules Advisory Service, which is run by members of the Racing Rules Committee. See the RYA website.

The Racing Rules Advisory Service may be able to help:-

- A competitor or race committee with a rules query
- A competitor considering whether to protest, request redress or ask for a reopening *
- A protest committee in receipt of a tricky protest or request for redress *
- A competitor considering whether to appeal
- A protest committee considering whether to refer its decision to the RYA

* Answers are given as soon as possible, but they may not be available within the required time for these procedures

Other sources of desk research include:

- The World Sailing Case Book, available on the World Sailing website at www.sailing.org/racingrules/documents
- The RYA Case Book, as referred to above
- RYA guidance on certain issues, on the RYA website and in this book.

RYA APPEAL FORM

SUBMITTING AN APPEAL AND COMPLETING THIS FORM

You must notify the RYA of your intention to appeal within 15 days from receipt of the written decision of the protest committee. You must complete this form and return it, enclosing as much of the required information as is available at the time, within 15 days from the date that the RYA was notified of the intention to appeal.

Return this form to **RYA Racing, RYA House, Ensign Way, Hamble, Hants SO31 4YA** or by email to **racingsrules@rya.org.uk**.

If the appeal is by a boat and you are not a personal member of the RYA, a cheque for £50, payable to the RYA, must be included.

If there is insufficient space in any section of the form, or for other information you think relevant, use additional sheets as required.

If you need more information on the appeal process, refer to rules 70, 71, Appendix R, the RYA Prescriptions and the RYA Guidance "Appeals and Requests for Confirmation or Correction" (go to www.rya.org.uk/racingsrules, then follow the link to the appeals page).

IMPORTANT DATES (* if relevant)

Date of race	___ / ___ / ___	Date you advised RYA of your intention to appeal	___ / ___ / ___
Date of protest or request for redress hearing	___ / ___ / ___	Method: <input type="checkbox"/> post <input type="checkbox"/> phone <input type="checkbox"/> email	
Place of hearing		<i>RYA use only: date notice of intent received</i>	___ / ___ / ___
Date of request to reopen hearing*	___ / ___ / ___	Date you obtained this form	___ / ___ / ___
Date reopening took place/ was refused*	___ / ___ / ___	Date you sent this form to the RYA	___ / ___ / ___
Date decision in writing was requested*	___ / ___ / ___	Method: <input type="checkbox"/> post <input type="checkbox"/> email	
Date decision in writing was received	___ / ___ / ___	<i>RYA use only: date appeal form received</i>	___ / ___ / ___

TYPE OF APPEAL (tick the appropriate option and provide details)

This is **an appeal by a boat** Name of boat _____ Sail No _____ Class _____

an appeal by the race committee **a request for confirmation or correction by a protest committee**

a request for interpretation of the rules by: **a Club** **an organisation affiliated to the RYA**

YOUR DETAILS

Name _____

Postal address _____ Post Code _____

Tel (day) _____ Tel (evening) _____ Email address _____

I am owner of boat person in charge of boat I am am not a **personal** member of the RYA, Membership No _____

OR

I am acting for race committee, protest committee, affiliated club, affiliated organisation

My position _____

THE EVENT

Name of organizing authority _____

Address _____ Post Code _____

Tel _____ Email _____

Name or description of event or race _____

Class(es) racing _____ Date of Race _____ No. of starters _____

THE HEARING

Type of hearing Boat v Boat Protest Request for Redress Protest by Race Committee Protest by Protest Committee

THE BOATS INVOLVED Provide details of all boats that were parties to the hearing.

	Boat that protested or requested redress	Boat protested	Other boat protested
Name of boat			
Class and sail number			
Name, postal address, email address and telephone no(s) of owner or person in charge *			
<small>* You do not need to repeat these details if already given above.</small>			

THE PROTEST COMMITTEE

Chaired by _____

Postal address _____ Post Code _____

Tel (day) _____ Tel (evening) _____ Email address _____

Names of other members of the protest committee _____

BOATS WITH LIMITED VISIBILITY

(GUIDANCE ON APPLICABLE RULES & OBLIGATIONS)

Introduction

This paper is produced in response to the following comment from an insurer about an incident between an RS800, a 4.8m twin-trapeze dinghy flying an asymmetric spinnaker, and a Flying Fifteen, a 6.1m racing keelboat:

"It is becoming increasingly apparent in a lot of the asymmetric classes that the right of way boat is required to shout much earlier than normal and to take earlier action to keep clear as asymmetric boats (especially the likes of the RS800 with twin trapeze) often are unable to see leeward boats and cannot take avoiding action as easily as traditional classes."

The above comment indicates a serious misunderstanding of the relevant sailing rules and of the obligations of each boat. The RYA is concerned that this view may be more widely held.

This paper addresses the obligations of a boat that may have a limited field of view when sailing downwind, particularly skiff type dinghies that are flying an asymmetric spinnaker, and the consequent obligations of other boats sailing in the vicinity.

This paper relates only to sailing boats that are not under power.

Relevant Rules

When both boats are subject to the Racing Rules of Sailing (RRS), these rules govern the rights and obligations of each. In most other cases on coastal waters the relevant rules are the International Regulations for Preventing Collisions at Sea (IRPCAS). Government, harbour authority or water board regulations or other local rules may also apply.

In good visibility, when a boat is sailing with a spinnaker up and is approaching a boat to leeward of her there is no significant difference between the RRS and the IRPCAS.

Application of the Rules

Both the IRPCAS and the RRS require the boat to windward, invariably the boat with the spinnaker up, to keep clear of the other boat unless she is on starboard tack and the other boat is on port tack.

A boat, whether or not she is a boat required to keep clear, cannot fulfil her obligations under the rules if she is unable to see where she is going or other boats approaching her on convergent courses. IRPCAS rule 5 is specific and states that:

"Every vessel shall at all times maintain a proper look-out by sight and hearing"

The equivalent requirement in the RRS is explained in World Sailing Case 107⁴ which states:

"Rule 14 begins 'A boat shall avoid contact with another boat if reasonably possible.' This requirement means a boat must do everything that can reasonably be expected of her in the prevailing conditions to avoid contact. This includes keeping a good lookout"

The fact that the design of a boat or its sails may restrict the crew of a boat in fulfilling their obligation to keep a proper look-out does not in any way relieve them of their responsibilities for so doing.

In order for the rules to work effectively they restrict the changes of course that a right-of-way boat may make. Both the IRCAS in rule 17(a)(i) and the RRS in rule 16.1 require the stand-on or right-of-way boat to sail so as not to obstruct the other boat in keeping clear and potentially prevent her from doing so. Only when it is apparent that the give-way boat is not taking the required action is the right-of-way boat obliged to take avoiding action, in the IRCAS under rule 17(a)(ii) and in the RRS under rule 14.

When a dinghy or small keelboat flying an asymmetric spinnaker is approaching a right-of-way boat to leeward, the time at which it becomes clear that the give-way boat is not keeping clear is likely to be too late for the other boat to respond effectively to avoid a collision. Hailing, whilst desirable, may be of limited effect as the boat flying the asymmetric spinnaker will be upwind and probably subject to considerable noise from the water and spray.

Summary

Both the IRCAS, explicitly in rule 5, and the RRS, by virtue of rule 14, require a boat to keep a proper look-out. The use of a sail which may limit visibility does not in any way reduce the responsibility of a boat for so doing and this is a pre-requisite for compliance with the right-of-way rules.

If a boat is involved in a collision when she was not keeping a proper look-out, her failure to keep a look-out would be regarded by the courts as clear negligence and therefore a contributory cause, or possibly the only cause, of any resulting damage.

⁴ World Sailing Case Book; available at www.sailing.org/racingrules/documents – this was previously RYA Case 2004/6

CHANGES TO THE RACING RULES FROM JANUARY 2017

Introduction

This guidance highlights the main changes to the Racing Rules of Sailing (RRS) effective from 1 January 2017. The changes include some minor edits which are solely for clarification and are not detailed here. The changes in the RRS are side-lined, except in the appendices.

This guidance is intended primarily for competitors, but will also be useful to race and protest committees as well as other race officials. An addendum notes the main changes to the rule that affect the preparation of notices of race and sailing instructions.

Competitors and officials involved in technical matters need to be aware that the Equipment rules of Sailing (ERS) for 2017 contain significant changes from the previous version.

In 2016, the International Sailing Federation (ISAF) was rebranded as World Sailing. This change has been implemented throughout the RRS.

Summary

The main changes to the RRS with effect from 1 January 2017 are

- ▶ Introduction: provision for a technical committee, to conduct equipment inspection and event measurement, and for discretionary penalties.
- ▶ Responsibilities of competitors to accept the rules and to comply with new Betting & Anti-Corruption and Disciplinary Codes.
- ▶ New definition of *Support Person*, together with a requirement for competitors to ensure their support persons are aware of the rules and the possibility of a penalty for a competitor whose support person breaks a rule.
- ▶ Rule 18.3, Tacking in the Zone, now only applies at marks to be rounded to port.
- ▶ Addition of U flag, a less harsh version of the black flag, to starting penalty options.
- ▶ *Interested Party* replaced by *Conflict of Interest*.
- ▶ Rule 69, Misconduct, rewritten. Scope of rule substantially extended.
- ▶ Addition of Appendix S, Standard Sailing Instructions, intended for use by clubs and at small events.

DEFINITIONS

Conflict of Interest This new definition replaces the definition *Interested Party* and should permit a more objective assessment of any possible conflict. See also rule 63.4.

Party This change adds to those who are *Parties*. It now includes a technical committee when protesting a boat, a *support person* protested under rule 60.3(d), a person alleged to have broken rule 69 and a person presenting an allegation under rule 69.

Rule Item (c) now permits prescriptions to be changed by the notice of race. However, the RYA does not permit its prescriptions to be amended for events within its jurisdiction.

Support Person A new definition which includes parents, guardians, coaches and any person providing any kind of support to a competitor.

PART 1, FUNDAMENTAL RULES

Rule 2, Fair Sailing

The penalty for breaking this rule may now be either disqualification (DSQ) or disqualification not excludable (DNE).

Rule 3, Acceptance of the Rules

There are significant additions, particularly the need for the competitor to ensure their *support persons* are aware of, and comply with, the rules. See also the RYA prescription adding a new rule 3.6.

Rule 6, Betting and Anti-Corruption; Rule 7, Disciplinary Code

Two new rules to enforce the relevant World Sailing regulations.

PART 2, WHEN BOATS MEET

Preamble

When a boat breaks rule 14, Avoiding Contact, and the incident results in injury or serious damage, the boat may now be penalised when not *racing* (as defined). For example, this includes the times before her preparatory signal, between races and after she has finished.

Rule 18.2(d), Giving Mark-Room

This new paragraph includes the old last paragraph of rule 18.2(c) and adds the words

Rules 18.2(b) and (c) cease to apply when the boat entitled to *mark-room* has been given that *mark-room*.

This clarifies the rule 18.2 switch-off time and emphasises that both rules 18.2(b) and 18.2(c) cease to apply from that time.

Rule 18.3, Tacking in the Zone

Three significant changes are wrapped up in this revised rule:

- ▶ The rule applies only to a boat that tacks in the *zone* of a *mark* to be left to port.
- ▶ The rule applies only when the tacking boat is then *fetching* the *mark*.
- ▶ The rule does not apply between two boats that have both tacked in the *zone*.

The words “from *port* to *starboard tack*” are redundant but are included for the avoidance of any doubt. The previous words “or prevent the other boat from passing the *mark* on the required side” are omitted as they duplicate the requirement to give *mark-room* to a non-tacking boat that becomes *overlapped* on the inside.

This change will not make any significant difference at marks to be left to starboard, except perhaps in team racing. When a boat tacks from starboard to port in the zone, close to a port-tack boat that is fetching the mark:

- (a) her tack must comply with rule 13;
- (b) if the other boat becomes overlapped to leeward, the boat that tacked must keep clear under rule 11 and rule 15 may not apply; and
- (c) she will no longer break any part of rule 18 if she causes the other boat to sail above close-hauled.

Rule 19.1, When Rule 19 Applies

Paragraph (b) is added to resolve a conflict when two *overlapped* boats become *overlapped* inside a third boat entitled to *mark-room*. It is unlikely that many sailors will have been aware of the conflict so that the impact of the rule change may be minimal.

Rule 20.1, Hailing

The double negatives in the rule are removed without changing the effect of the rule.

Rule 21, Exoneration

The words “under a rule of Section C” in line 2 are deleted. This extends the scope of exoneration to all incidents when a boat is not given the *room* or *mark-room* to which she is entitled and avoids the need for a protest when the other boat accepts a penalty. As a consequence, the rule is moved from Section C to Section D so that it applies at all times.

Rule 22.3, Backing a Sail

Boats in several classes have learned to “crab sideways to windward” by backing a sail, often making it impossible for a windward boat to *keep clear* of them as there is no change of course and rule 16.1 does not apply. The added words require the “crabbing boat” to *keep clear*, as is already the case for a boat moving astern by backing a sail.

Rule 24.2, Interfering with Another Boat

Two common disagreements between rules experts are resolved by this change.

- ▶ If reasonably possible, a boat shall not interfere with a boat that is sailing towards the pre-start side of the starting line; that is a boat subject to rule 22.1. It is no longer necessary to argue what leg, if any, a boat is on when sailing to the pre-start side of the starting line.
- ▶ Rule 24.2 does not apply to a boat sailing her *proper course*. As there is no *proper course* before the starting signal, it is now clear that this rule does apply before the starting signal.

PART 3, CONDUCT OF A RACE

Rule 30.3, U Flag Rule

The U Flag rule is now included in the RRS and provides for a slightly lesser penalty than the Black Flag rule. It has been in use in various forms for many years and is popular with many race officers. This rule provides standard wording, which is of benefit to all competitors, and avoids the need for any special sailing instruction. The other starting penalties remain in rule 30 and the Black Flag rule becomes rule 30.4.

Rule 36, Races Restarted or Resailed

The rule is edited for clarity and as a consequence of the change to the Part 2 Preamble.

PART 4, OTHER REQUIREMENTS WHEN RACING

Preamble

If stated in the rule, the rule can apply at times other than when *racing*. This is the case with rules 40 and 55.

Although not stated in the preamble, competitors and officials should note that rules 41 and 55 include provision for a penalty less than disqualification.

Rule 40, Personal Flotation Devices

The second sentence is added to provide for the common use of flag Y displayed ashore to indicate that the rule applies at all times while afloat.

Rule 44.3, Scoring Penalty

Paragraph (c) is amended to use Did Not *Finish* (DNF) as the basis for the scoring penalty, when not specified in the sailing instructions, as it automatically aligns with scoring under both rules A4.2 and A9. The sentences are reordered for consistency.

Rule 49.2, Lifelines

The changes here may be significant for some classes where boats have lifelines. Class associations and rating systems are recommended to review their rules taking rule 49.2 into account.

Rule 55, Trash Disposal

This rule now applies at all times while afloat.

PART 5, PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS

Rule 60.3, Right to Protest; Right to Request Redress or Rule 69 Action

The new paragraph (d) enables a protest committee to call a hearing to consider whether a *support person* has broken a rule. This is not a *protest* (as defined) which can only be an allegation that a boat has broken a rule. However, in all other respects, any hearing called by the protest committee must comply with rule 63.

Rule 60.4, Right to Protest; Right to Request Redress or Rule 69 Action

This is a new clause to provide a technical committee with similar options to a race committee, including the right to protest a boat.

Rule 61.1(a), Informing the Protestee

Sub-paragraph (4) is edited to restrict its application to the boat intending to protest.

Rule 61.2, Protest Contents

There are minor changes, which sometimes will be important, to the information needed on a protest form and when it must be provided.

Rule 63.4, Conflict of Interest

This clause is new and replaces the previous clause about *interested parties*.

- ▶ A protest committee member must declare any possible *conflict of interest* as soon as he or she is aware.
- ▶ A *party* to the hearing who believes a protest committee member has a *conflict of interest* shall object as soon as possible.
- ▶ Criteria are set to determine whether a *conflict of interest* is significant and whether such person may be a member of the protest committee.

The third bullet above recognises that, unlike the old rules on *interested parties*, there are many occasions when it is appropriate for a person with a minor *conflict of interest* to be a member of a protest committee.

Rule 63.7, Conflict Between Rules

The changes here are important for people who will sit on protest committees.

Rule 64.3, Decisions on Protests Concerning Class Rules

The new paragraph (c) and the changes to paragraph (d) fill gaps in the authority of a protest committee when it has decided that a boat broke a class rule. It enables the protest committee, when it decides the boat also broke the same rule in earlier races, to penalise her in those earlier races without a further hearing.

The new words in paragraph (d) enable the race committee (or scorers) to score a boat as disqualified without a further hearing when she fails to appeal or loses her appeal.

Rule 64.4, Decisions Concerning Support Persons

It is important to know that a protest committee can get to this rule from two quite different types of hearing.

- ▶ A hearing initiated by the protest committee under rule 60.3(d).
- ▶ An allegation of misconduct under rule 69. See rule 69.2(i).

Unless the competitor has gained a competitive advantage as a result of the breach by a *support person*, a protest committee should exercise caution before penalising the competitor under this rule.

Rule 66, Reopening a Hearing

Words are added to reduce the time to request a reopening on the last day of an event.

Rule 69, Misconduct

This rule is completely new for 2017. The headline is changed to “Misconduct” (not Gross Misconduct). Much of the detail has also changed. Consideration of rule 69 is outside the scope of this guidance.

A protest committee is advised to read pages 198 and 199 of the RYA version of the Racing rules of Sailing (publication YR1/17) and to review World Sailing’s Misconduct Guidance, available at: www.sailing.org/racingrules/documents.

Rule 71.2, National Authority Decisions

Minor changes are made to clarify the national authority options for some decisions.

PART 6, ENTRY AND QUALIFICATION

Rule 78, Compliance with Class Rules; Certificates

Pragmatic changes are made to the times when a boat must comply with her class rules and measurement certificate. The changes also recognise the existence of electronic certificates.

PART 7, RACE ORGANIZATION

As a result of renumbering, Part 7 now starts with rule 84, previously rule 85.

Rule 84, Governing Rules

Scope extended to include everyone involved in the organising and running of an event.

Rule 85, Changes to Rules

A new rule intended to help race organisers make sure that any changes to the rules they wish to make comply with the RRS.

Rule 86.1, Changes to the Racing Rules

Paragraph (b) now starts “The notice of race or sailing instructions” Therefore, all changes to the racing rules must be detailed (as before) but may now be included in either the notice of race or sailing instructions, as appropriate. See RRS Appendix J.

Rule 89.2, Appointment of Race Officials

Paragraph (c) is amended to include the appointment of a technical committee.

Rule 90.3, Scoring

Paragraph (b) is amended to be consistent with the change to rule 2 and the possible penalties for breaking rule 69.

Rule 92, Technical Committee

This is a new rule to define the appointment and terms of reference for a technical committee.

APPENDICES

World Sailing intends to publish electronic documents with the individual discipline rules integrated into the main part of the RRS. This will apply to

- B Windsurfing Competition Rules
- C Match Racing Rules
- D Team Racing Rules
- E Radio Sailing Racing Rules

Appendix A, Scoring

- ▶ Rule A2.1 clarifies that a DNE score cannot be excluded when calculating a boat's series score.
- ▶ Rule A4 now permits the scoring system to be specified in the notice of race.
- ▶ In rule A11, the abbreviation UFD is added and the old DGM is deleted.

Appendix B, Windsurfing Competition Rules

There are substantial changes to the appendix which are outside the scope of this guidance.

Appendix C, Match Racing Rules

There are substantial changes to the appendix which will result in major game changes. World Sailing has published a paper “Test rules for match racing package; briefing document”. Organisers of match racing events should ensure that competitors are aware of this document.

Appendix D, Team Racing Rules

- ▶ Rule 24.1 is now incorporated into rule D1.1(e) to ensure consistency.
- ▶ Rule D4, Scoring a Stage, is edited for clarification and to resolve several anomalies.

Appendix E, Radio Sailing Racing Rules

- ▶ Rule E3.9 permits event organisers to make appropriate arrangements for disabled competitors to compete on equal terms.
- ▶ Rule E4.2 is extended to permit help from a race committee vessel and to correct a previous inadvertent omission.
- ▶ Rule E8, Identification on Sails, is substantially amended.

Appendix F, Kiteboard Racing Rules

There are substantial changes to the appendix which are outside the scope of this guidance.

Appendix J, Notice of Race and Sailing Instructions

This is amended to reflect changes elsewhere in the RRS.

Appendix M, Recommendations for Protest Committees

Significant additions are

- ▶ M2.3 about *conflicts of interest*.
- ▶ M5.3 with procedure to appoint a person to present a rule 69 allegation.
- ▶ M5.6 about reports to a national authority or World Sailing.

World Sailing's Misconduct Guidance is available at: www.sailing.org/racingrules/documents

Appendix N, International Juries

- ▶ Rule N1.7 is new and permits an international jury of only three members in certain limited circumstances. World Sailing approval in advance is required.
- ▶ Rule N3.2 expands on the consideration of any *conflict of interest*.
- ▶ Rule N4 is new and refers to hearings under rule 69 alleging misconduct.

Appendix P, Special Procedures for Rule 42

- ▶ Rule P1.1 requires that a person with a significant *conflict of interest* shall not be appointed as an observer.
- ▶ Rule P2.4 is new and details the scoring procedure when a boat is penalised near the finishing line.
- ▶ Rule P5 is rewritten. The main change is procedure in rule P5.2 when the wind becomes less than the specified limit and the race is postponed after flag O has been displayed. In this case, the race committee must display either flag R or flag O before or with any new warning signal.

Appendix S, Standard Sailing Instructions

This new appendix contains nearly all the sailing instructions needed to run many club and other smaller events. Detailed instructions for its use are in the appendix Preamble.

RYA Risk Statement⁵

The RYA has revised its recommendation for notices of race and entry forms to replace the disclaimer of responsibility with a statement of risk. See RYA Addendum A to Appendix J.

RYA Prescriptions⁶

The RYA Prescriptions are updated. A new paragraph to rule 3 is added requiring competitors to ensure that their support persons comply with the rules. The procedure for testing alternative racing rules under rule 86.3 is clarified.

⁵ This RYA document is available in the RYA booklet of the RRS (publication YR1/17) on page 135

⁶ This RYA document is available from the RYA at www.rya.org.uk/go/prescriptions and in the RYA booklet of the RRS (publication YR1/17) on page 188

Addendum

Changes to the RRS that affect the preparation of Notices of Race and Sailing Instructions

General

In the notice of race and sailing instructions sections below, note that RRS Appendix J comprises rules but RRS Appendices K and L are advisory, not rules. The fact that a recommended rule appears in both appendices K and L does not mean that the rule must be stated in both documents; state the rule only in the relevant document and avoid duplication.

Rule 85 is new and clarifies which rules can be changed together with the reference giving the authority to do so.

Rule 86.1(b) now starts “The notice of race or sailing instructions” The extra five words at the start of the rule mean that any rule change can now be placed (in full) in the relevant document (see RRS Appendix J) and, if in the notice of race, it does not need to be repeated in the sailing instructions. However, this may increase the risk of conflict and care must be taken to ensure that there is no conflict between a rule in the notice of race and a rule in the sailing instructions.

The Introduction to the RRS now includes a paragraph headed 'Notation' as follows:

The notation ‘[DP]’ in a *rule* means that the penalty for a breach of the *rule* may, at the discretion of the protest committee, be less than disqualification. Guidelines for discretionary penalties are available on the World Sailing website.

When the notice of race or sailing instructions use this notation, the first sentence above must be included at the top of the document. Having done so, simply place '[DP]' at the end of each rule to which it shall apply.

Notice of Race

It is worth clarifying that the notice of race should include the detail of any rule changes or other requirements of a nature that would help competitors decide whether to attend the event or that conveys other information they will need before the sailing instructions become available.

In addition to the above, the following information for a notice of race has changed:

RRS	Description
J1.2(1) K1.4	Changes to a rule appropriate to the notice of race as permitted by rule 86.
K1.7	Reference to Appendix S, Standard Sailing Instructions, if these are to be used, together with location for Supplementary Sailing Instructions.
J1.2(7), K7.2, K8	Times or procedures for equipment inspection or event measurement.
J1.2(11), K7.6	The latest time for a warning signal on the last day of the event.
K20, Risk Statement	In Addendum A to RRS Appendix J, the RYA sets out its recommended Risk Statement to be included in the notice of race. This replaces the Disclaimer of Liability in RRS K20.

Sailing Instructions

For club events and other smaller events, consider using the new RRS Appendix S, Standard Sailing Instructions.

Otherwise, prepare sailing instructions based on RRS Appendix L, Sailing Instructions Guide, and, unless included in the notice of race, include:

RRS	Description
J2.1(10), L2	Event notice boards may now be electronic. If so, state address.
J2.2(9), L20	Any procedures for equipment inspection or event measurement.
J2.2(18), L5.5	The latest time for a warning signal on the last day of the event.
L16.7 (2013 version) deleted	This paragraph, about the latest time to request a reopening, is deleted as a result of the extra words in rule 66, Reopening a Hearing.
L29, Risk Statement	In Addendum A to RRS Appendix J the RYA sets out its recommended Risk Statement to be included in the notice of race. This replaces the Disclaimer of Liability in RRS L29.

Offshore Racing Events

Organisers of offshore racing events should consider, when appropriate, including details of the following in the notice of race or sailing instructions:

Rule	Description
Racing Around Waypoints	World Sailing has published RRS Appendix WP, Rule for Racing Around Waypoints, together with relevant guidance. See www.sailing.org/documents/racingrules/experimental-rules.php

Organisers are also recommended to review the RYA guidance on 'Racing under the IRPCAS'.

RYA racing rules guidance is available in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance

OUTSIDE HELP

Introduction

This guidance note is directed at race committees to assist them in deciding appropriate action before and after giving information or assistance to boats and competitors that are *racing*, as defined in the Racing Rules of Sailing. It is also relevant to protest committees when afloat observing races and when considering protests and redress.

Rule 41, Outside Help, has changed several times; see Rules and Terminology below. These changes raise issues that may not have been considered previously, in particular:

- Could the action or information cause the boat or competitor to break rule 41?
- Could the action or information be improper and lead to redress under rule 62.1(a)?
- Should the race committee, or exceptionally the protest committee, protest a boat that may have gained an advantage from help received under rule 41(a)?

The guidance considers what can be done, without compromising safety, to mitigate any disadvantage to boats or competitors arising from race committee actions.

This guidance does not discuss what is 'information freely available' as permitted by rule 41(c). World Sailing case 120 and RYA case 2005/5 Q&A 3 refer.

Rules and Terminology

Rule 41 is as follows:

A boat shall not receive help from any outside source, except

- (a) help for a crew member who is ill, injured or in danger;
- (b) after a collision, help from the crew of the other boat to get clear;
- (c) help in the form of information freely available to all boats;
- (d) unsolicited information from a disinterested source, which may be another boat in the same race.

However, a boat that gains a significant advantage in the race from help received under rule 41(a) may be protested and penalized; any penalty may be less than disqualification.

Rule 62.1(a) allows a claim for redress when an improper action of the race committee, or of any other race official, may have resulted in a boat's score being made worse.

Rule 64.1 states the penalty for breaking a rule.

All three of these rules can be changed by sailing instructions.

Race committee includes anyone performing a race committee function, including patrol boats and their crews.

Safety

When competitors may be in danger, particularly when in the water and separated from their boat, any assistance given to remove them from danger will be one of the priorities of the race committee. In many cases, fellow competitors will also be required to offer help, and possibly to provide help, in accordance with fundamental rule 1.1. Rule 41(a) specifically allows the boat or competitor to receive this help without necessarily being penalised.

When a patrol boat has removed a competitor from the water, anyone else in a similar situation should be attended to. If no one else is in need of rescue, it is both normal and acceptable for the patrol boats to return competitors that need no further help to their boats. If this is not possible because of the need for other rescues or for any other reason, any delay in returning the competitors to their boats is not an improper action under rule 62.1(a).

When competitors are returned to their boats close to where they were recovered from the water, it is unlikely that the boat has gained a significant advantage as a result. If the boat has made significant progress in the race from the point where the competitors were recovered from the water, returning them to their boat in the advanced location is not an improper action of the race committee but it will need to be considered differently by the protest committee. A race committee protest may be appropriate; see Sailing Instructions below.

When a competitor is recovered by a *support person*, a new term that includes a coach, parent or other person associated with that boat, or by any other boat that is not accredited to the event, the race committee should consider a protest for any action beyond the immediate recovery of the competitor.

Reports and Protests; Sailing Instructions

To ensure the fairness of the competition, all instances of help under rule 41(a) should be reported to the race committee, preferably by the competitor. The race committee can then consider if the boat may have gained a significant advantage and, if so, it should protest the boat. The race committee should also protest when it observes potential abuse of the rule.

One possible sailing instruction to require the reporting of outside help is:

When a boat has received help for a crew member who is ill, injured or in danger, the boat shall report that help to the race committee in writing before the end of protest time on the day concerned. The race committee will consider if the boat gained a significant advantage as a result and, if so, it may protest the boat.

In some events, particularly when a significant number of juniors are racing, it may be appropriate for the race committee to make reports of help given and the sailing instruction should be amended accordingly.

This sailing instruction should be accompanied by a notice to competitors on the official notice board, similar to the following. In addition, the procedure should be described at any briefing given to competitors.

Outside Help

The act of recovering a crew member from the water by another boat (racing or not) is allowed under rule 41, Outside Help. The boat will not normally be protested or penalised under the last sentence of this rule unless she has made significant progress in the race before the crew member is returned on board. However, when a boat may have gained a significant advantage as a result of help received, the race committee may protest her. Any penalty is at the discretion of the protest committee. The protest committee will not penalise actions based solely on safety considerations.

Mandatory Instructions on the Water

If the race committee in pursuance of its responsibilities for safety wishes to require boats and competitors to comply with their verbal instructions, it will be appropriate to include a sailing instruction similar to one of the following. This is particularly important for junior classes. These words are based on the UK Optimist Class sailing instructions.

Boats and Competitors in Difficulty

When the race committee considers that a boat or competitor is in difficulty, it may instruct the boat or competitor to accept outside help, retire or sail ashore. The boat and crew shall comply with such instructions without delay.

Boats and Competitors in Difficulty

When the race committee considers that a boat, its equipment or crew are not adequate for the existing or anticipated conditions, or that a boat or crew member is in difficulty, it may instruct the boat or crew not to launch, or to retire or to sail ashore or to accept outside help. The boat and crew shall comply with such instructions without delay.

Some observers may note that such a sailing instruction appears to conflict with rule 4, Decision to Race. However, rule 4 does not absolve a race committee of responsibility for taking reasonable care in its organisation of the racing, particularly when competitors are young or inexperienced. Reference should also be made to the RYA leaflet "Race, Training and Event Management – The Legal Aspects" ⁷.

Information Provided to Boats

When the race committee provides information to boats that are *racing*, this ranks under rule 41(d) as unsolicited information from a disinterested source. Thus a boat does not break rule 41 by receiving and acting upon this information. However the race committee must ensure that the information given does not unfairly help one boat over another.

It is important to achieve a balance between providing useful information which will help the race as a whole and information which will advantage one boat over the rest of the fleet. An example of the former might be telling all boats shortly before the start that some are currently on the course side of the line; this may help the whole fleet to achieve a fair start. Different considerations might apply where a race committee tells one boat that she is sailing to the wrong mark. When it is intended to communicate using VHF radio or by any other means not set out in the Racing Rules of Sailing, this should be stated in the sailing instructions.

Further Assistance

The RYA will endeavour to answer questions from event organisers. Any questions must be by email addressed to racingrules@rya.org.uk.

Questions from individuals can be answered only if the relevant event organiser has been unable to answer the question and only if the individual is a RYA Personal Member.

⁷ "Race, Training and Event Management – The Legal Aspects" can be obtained from the club section of the RYA website at www.rya.org.uk/go/clubs

Examples

The examples below are for general guidance. The particular circumstances of any action may change the answer.

Race Committee Action	Allowable Help?	Improper Action?
Relevant rule	41	62.1(a)
Recover competitor from water when separated from his boat	Yes	No
Return competitor to his boat in same area as recovery	Yes	No
Return competitor to his boat when boat has made progress in race	No	No
Assist righting of capsized boat	No	No
Hail boat that she is OCS	Yes	No
Use visual signals or VHF radio before the starting signal to indicate that boats are on course side of starting line	Yes	No
Advise one competitor that he is sailing to the wrong mark	Yes	Yes
Advise one competitor that a mark is about to be moved	Yes	Yes
Use VHF (when standard on the boats racing) to advise an imminent change or shortening of the course	Yes	No

The race committee will need to consider the consequences of providing the help described in the highlighted areas. Other actions such as towing off a boat that has gone aground remain proper and necessary actions when required for reasons of safety but the boat will usually gain a significant advantage; therefore if she fails to retire she should be protested and penalised.

Reference Case

World Sailing case 20 states that any boat in a position to help another that may be in danger is bound to do so. It is not relevant that a protest committee later decides that there was no danger or that help was not requested.

RACING UNDER THE IRPCAS

Introduction

Sailing instructions frequently replace the Racing Rules of Sailing (RRS) Part 2 rules with the International Regulations for Preventing Collisions at Sea (IRPCAS).

In this situation the whole of RRS Part 2 (the rules that apply when boats meet) is replaced by all of the right-of-way rules in Part B of IRPCAS (the Steering and Sailing Rules). However, Part B must be read in conjunction with the rest of the IRPCAS because, for example, it uses terms defined elsewhere in the document (see World Sailing case 109 for details).

In addition, when a boat racing under the RRS meets a boat that is not racing, the preamble to RRS Part 2 makes all relevant rules of the IRPCAS applicable between them and enforceable by protest.

RRS rule 48.1 makes IRPCAS rule 35, fog signals, and the lights required by IRPCAS part C applicable and enforceable when safety requires, regardless of whether boats are racing under the RRS or the IRPCAS. The IRPCAS require lights from sunset to sunrise and both lights and fog signals at all times in restricted visibility. The notice of race or sailing instructions may change RRS rule 48.1, for instance to require the showing of lights even when safety is not an issue, and/or that they are shown between stated times.

RRS rule 48.2 makes IRPCAS rule 10, Traffic Separation Schemes, applicable and enforceable at all times. See below for further information.

How does this affect a boat that is racing?

The IRPCAS rules are designed to prevent collisions by ensuring that vessels maintain a safe course and distance in relation to each other. Compared with the RRS they can create different rights and obligations when you meet another boat racing. They will also change the tactical options available to you in many circumstances. You must treat a boat racing exactly as you would treat a sailing boat that is not racing.

A boat racing under the IRPCAS that breaches a rule of IRPCAS Part B may be protested.

Important differences between the IRPCAS and the RRS

The notes and example below point out some important differences between the IRPCAS and the RRS but there are many others. It is vital that you read and understand the full IRPCAS rules. See RYA-G2 International Regulations for Preventing Collisions at Sea.

Under the IRPCAS, when sailing boats meet:

- In IRPCAS rule 12, there are “opposite tack” and “windward/leeward” rules that are similar to the equivalent rules in the RRS.

- IRCAS rule 13 is an “overtaking” rule that states that an overtaking boat must keep out of the way of the boat it is overtaking. This applies regardless of their tacks or which is the windward boat. In particular, this may change the game when an overlap is established from astern.
- There is no right-of-way boat; instead there is a “give-way” boat and a “stand-on” boat. Each has specific obligations towards the other. In broad terms, the give-way boat must “keep out of the way of” the other and the stand-on boat must “maintain her course and speed”.
- The obligation of the stand-on boat to maintain her course and speed is the main difference between the IRCAS and the RRS. Under the RRS a right-of-way boat is given some scope to manoeuvre against a keep-clear boat. No such freedom exists under the IRCAS.
- Similarly to the RRS, IRCAS rule 17 requires a stand-on boat to take avoiding action when it becomes clear that a give-way boat is not keeping out of the way. However, all changes of course required by the IRCAS must be substantial and made in good time, so that the intentions of the boat changing course are clear to the other. This may require an earlier and larger change of course than that needed under the RRS.
- IRCAS rule 19 imposes special requirements in poor visibility. There is no “stand on” boat in fog!
- There are no special rules for rounding or passing marks or obstructions.

Example

IRCAS rule 13 (overtaking) says that a vessel is overtaking when she is “coming up ... in such a position that she would be able to see only the sternlight of that vessel but neither of her sidelights” and also says that “any vessel overtaking another shall keep out of the way of the vessel being overtaken”. Rule 13(d) goes on to say a boat that has come up from astern remains an overtaking boat and required to keep out of the way until she “is finally past and clear.”

IRCAS rule 17 (action by stand-on vessel) says “When one of two vessels is to keep out of the way the other shall keep her course and speed”.

The combination of these rules creates an important difference in the rights and obligations of boats rounding a mark.

If two or more boats are approaching a rounding mark, an overtaking boat (IRCAS rule 13) must keep out of the way of any boat she is overtaking. However, a boat being overtaken must maintain her course and speed (IRCAS rule 17), and must not alter course to round the mark unless she can *definitely* do so without causing a give-way boat that is keeping out of the way to alter course.

Traffic Separation Schemes (TSS)

Boats racing are required to comply with IRCAS rule 10, Traffic Separation Schemes (TSS), and boats that break this rule may be protested and penalised. Further, the rules relating to TSSs are enforceable in the courts for all vessels, including boats racing, and heavy fines can be, and frequently are, imposed for non-compliance.

If Traffic Separation Schemes are likely to be significant for an event organizing authorities and race committees are encouraged to ensure that the course set enables competitors to cross or pass through a TSS without major deviations from the course. When it is possible that crossing or passing through a TSS will be incompatible with normal racing, sailing

instructions may give limited permission for the use of the engine for propulsion (see RRS rule 42.3(i)), or (which is perhaps the safest and fairest option) may make all of a TSS a prohibited zone. Boats that gain a significant advantage by such use of an engine break RRS rule 42 and will be disqualified if protested unless the sailing instructions specify a different penalty.

Other restrictions

Harbour byelaws often include requirements that are additional to the IRPCAS. The 'moving obstruction' regulation in Southampton Water is a well-known example. Elsewhere, there may be other authority byelaws and regulations. A boat that breaks such rules will be answerable to the body making such rules and, in addition, may be protested and penalized under the RRS provided such rules are listed as governing the event.

Protests

When boats are racing under the IRPCAS or are required by the preamble to Part 2 to comply with the IRPCAS, they can be protested by another boat racing for a breach of those rules. However, in the case of an incident involving a vessel not racing the incident often only comes to light because of a report to the race committee by the offended vessel. The vessel concerned cannot itself protest and the race committee is often unable to protest because the report of the incident is made by a person with a conflict of interest. To ensure that the race committee can protest regardless of the source of the information, the sailing instructions or notice of race may amend RRS 60.2.

Redress

A boat is entitled to redress if she incurs damage or injury because of the action of a boat that was breaking a rule of part 2 or of a vessel not racing that was required to keep clear. However, as the rules stand, redress is not available if the damage or injury is caused by a boat racing under the IRPCAS. To ensure that redress is available in these circumstances, the notice of race or sailing instructions may amend RRS 62.1.

SAMPLE WORDING

The following texts are recommended.

To adopt the IRPCAS for part of an event, the following words, or their equivalent, must be included in the sailing instructions:

[Between time A and time B] [and] [at all times] [between position 1 and position 2]
Part 2 of the Racing Rules of Sailing are replaced [by the right-of-way rules of the International Regulations for Preventing Collisions at Sea (IRPCAS)] [and] [or] [by the applicable Government right of way rules].

To make one or more traffic separation schemes a prohibited zone, the following words, or their equivalent, must be included in the sailing instructions:

Boats shall not enter the areas bounded by [list of coordinates 1] [list of coordinates 2]
..... [list of coordinates n].

To require compliance with the IRCAS requirements for lights and fog signals, the following words, or their equivalent, must be included in the notice of race or sailing instructions:

Lights and fog signals shall comply with the International Regulations for Preventing Collisions at Sea (IRCAS) and are required at all times in conditions of limited visibility. Lights shall be shown at all times between [local sunset and sunrise] [xx:xx and yy:yy]. This changes Racing Rules of Sailing rule 48.1.

To enable the race committee to protest a boat for a breach of the IRCAS or government right-of-way rules in an incident with a vessel not racing:

Add to RRS 60.2:

(d) protest a boat for a breach of the IRCAS or government right-of-way rules with respect to a vessel not *racing* as a result of information received from any source [unless that source could itself protest the boat].

To enable redress to be given to a boat suffering injury or damage in an incident with another vessel when the IRCAS or government right-of-way rules apply between them:

RRS 62.1(b) is deleted and replaced by:

(b) Injury or physical damage because of the action of a boat that:

- (1) when the rules of Part 2 applied between them was breaking one of those rules; or
- (2) when the IRCAS or government right-of-way rules applied between them was required to keep clear;

When any of the above are included in the sailing instructions and the information would help competitors decide whether to attend the event or will be needed before the sailing instructions become available, it should also be stated in the notice of race.

REDRESS

WHAT IS REDRESS?

It is compensation given to a boat when, in the words of rule 62, 'a boat's score or place in a race or series has been, or may be, through no fault of her own, made significantly worse'. However, there are only four reasons why compensation can be given.

WHAT ARE THOSE REASONS?

The reasons are listed in rule 62.1, sections (a) to (d).

Redress only can be given if one of the following is true:

- (a) The race committee, protest committee, organising authority or technical committee for the event made a mistake either by doing something it should not have done (an improper action), or by not doing something that it was required to do (an omission).

For example, disqualifying a boat without a hearing for not correctly sailing the course is an improper action; failing to make the sound signal of an individual recall is an omission.

- (b) Damage or injury to a boat was caused by another boat that was required to keep clear (or to give room or mark-room, or to avoid her). The damage or injury has to be physical. There is no compensation for mental upset.
- (c) A boat lost time or places while helping another boat (or person) that may have been in danger.
- (d) A boat's score was made worse by unfair sailing (another boat broke rule 2), or gross misconduct (another boat was subject to a penalty or warning under rule 69.2(h)).

It is important to remember that there is no automatic entitlement to compensation for places or time lost simply because another boat broke a rule. One of the conditions above must have been met.

Note: additional or changed grounds for giving redress for disciplines other than fleet racing are given in Appendix B (Board Sailing), Appendix C (Match Racing) Appendix D (Team Racing), Appendix E (Radio Sailing) and Appendix F (Kite Boards).

WHO DECIDES ON REDRESS?

The protest committee (even though a request for redress is not a protest – see below).

WHAT IS THE DIFFERENCE BETWEEN A PROTEST AND A REQUEST FOR REDRESS?

A protest is a claim that a boat broke a rule. If the claim is found to be true in a hearing, then the boats that have broken a rule will normally be penalised. A boat can't be penalised if she has already taken the correct penalty for the incident or retired.

A request for redress is a claim for compensation for lost places in a race or series. No boat can be penalised in a hearing called just to consider redress.

It is possible for a hearing to be both a protest hearing and a redress hearing, see below for more details.

WHO CAN ASK FOR REDRESS FOR A BOAT?

The request must be in writing. The usual way to do this is on a protest form, using the appropriate tick-boxes on the form. However, the use of a protest form is not compulsory – a written note will be sufficient, provided that it contains a claim that the boat's score has been affected and why.

A boat can request redress, either for herself, or for another boat.

Remember that a boat can use the same protest form to protest, and to request redress for the same incident. The protest and the request will normally be considered in the same hearing.

A race committee can request redress for one or more boats. For example:

- When it realises that a boat has lost time or places while giving help, but has not requested redress for herself.
- When it realises that it may have made a mistake that has affected a boat, or indeed the whole fleet.

A protest committee can request redress for one or more boats. For example:

- During a protest hearing, it may learn facts that could justify redress for a party to the hearing. Once it has decided the protest, it should go on to consider redress even if the boat concerned did not request redress, without the need for fresh paperwork or a new hearing.
- It may become aware of a race management issue that is likely to result in several boats requesting redress. It can simplify the procedures by calling its own hearing to consider redress for them.

A protest committee is not compelled to act unrequested, but to do so is good practice.

A technical committee can request redress for one or more boats. For example:

- When it realises that it may have made a mistake that has affected a boat.

IS THERE A TIME LIMIT FOR REQUESTING REDRESS?

Yes. See rule 62.2.

For a request arising from an incident on the water, it is normally the same as the time limit for raising a protest. Other requests must be delivered as soon as reasonably possible after the reasons for the request become known; For example, the reason for a request could be a disputed score in the results, which a boat did not learn about until several days after the event.

The protest committee must extend the time limit if there is a good reason to do so. Provided the request is raised promptly after the relevant information becomes known it should be accepted by the protest committee.

IS A REQUEST FOR REDRESS THE ONLY WAY TO GET A SCORE CORRECTED?

No. A race committee that realises that it has made a scoring error should correct it on its own initiative. Many events use special forms for boats to use to request a correction to a

score. It would only be necessary for a boat to request redress if she is not satisfied with the race committee's response to the correction request.

HOW MUCH WORSE IS 'SIGNIFICANTLY WORSE'?

That is for the protest committee to decide.

Normally, a protest committee will not apply this limitation too strictly; the fact that a boat has asked for redress means that the issue is significant to her.

But it could be reasonable for a protest committee to decide that a boat's score has not been made significantly worse if the effect is limited to a few series places for a boat well down the scoring list, particularly if a hearing would delay a prize giving.

WHY MUST A BOAT NOT BE AT FAULT?

Simply, because that is what the rule says. A boat is not entitled to any redress if her actions contributed, even partially, to the worsening of her score. Specifically, the rules do not allow a protest committee to give reduced redress to take account of a boat's partial responsibility.

Redress is not a means of punishing a race committee, nor can you 'protest the race committee'.

There must be a direct link between something that did (or did not) happen and the worsening of a boat's score. If a mistake has been made, to get redress you must show that it was the mistake that affected your score not your own actions.

For example - if a starting signal is made 10 seconds late, that is an error, but a boat that was already OCS when the starting signal should have been made is not entitled to redress. Her score of OCS was entirely due to her own error and was not caused by the delayed starting signal.

Similarly, if a boat is damaged by a boat that was required to keep clear of her but she is able to continue in the race without losing any places, she cannot get redress for that race because her score has not been made worse. However, if she is unable to take part in the next two races of the series because her damage needs prompt attention she will be entitled to redress for those races.

TO GET REDRESS, MUST I ALSO PROTEST THE OTHER BOAT?

It depends on nature of the actions by the other boat:

- If she caused damage during an incident in which she broke a rule of Part 2, then a protest is not essential - but protesting is more likely to result in reliable evidence to justify the claim for redress.
- If it is claimed that the other boat's action was "unfair sailing" or "misconduct", this has to be proved in a hearing before any redress can be given.
- In the case of "unfair sailing", the other boat must be protested and found to have broken rule 2, Fair Sailing. Remember that, 'rule 2' is NOT a 'rule of Part 2'.
- Similarly, in the case of "misconduct", that must be proved in a hearing called under rule 69.2. Remember that a boat cannot protest another boat under rule 69. A rule 69 hearing must be called by the protest committee.

CAN SAILING INSTRUCTIONS REMOVE OR LIMIT A BOAT'S ENTITLEMENT TO REQUEST REDRESS?

Yes, provided that they also say that rule 60.1(b) is changed. However, it is rarely good practice to do this.

CAN ANY ACT OR OMISSION BY RACE OFFICIALS BE CHALLENGED WITH A REQUEST FOR REDRESS?

A boat may request redress in respect of anything an organizing authority or a race committee does or does not do.

A boat that is not a party to a hearing can request redress if she believes her score is unfairly made worse by a protest committee's decision.

A party to a hearing cannot request redress against the protest committee's decision (see rule 62.1(a)). Instead, a party that thinks the protest committee has made an error can ask for the hearing to be reopened (rule 66), or appeal (rule 70).

As a first step it is best to ask for the hearing to be reopened as this can usually be done quickly.

Remember that a reopening under rule 66 can be refused by the protest committee (unlike a request for redress, where a properly lodged request must be heard).

If a party is still unhappy with the result, then her last option is to appeal.

WHEN REDRESS IS REQUESTED BY ONLY ONE OR A FEW BOATS, CAN THE HEARING BE OPENED UP TO OTHER BOATS THAT MIGHT BE AFFECTED?

Normally, only a boat that requested redress is entitled to be present throughout the hearing, but when a protest committee gives redress, it has to be as fair as possible to all the boats in the race. It can only do this by getting all the relevant information (remember that if abandonment is a possible outcome, rule 64.2 requires this to be done). This can be difficult if the incident affects many boats but only one or a few of these have requested redress.

Another problem arises if some boats think that redress given to other boats is unfair. These boats can ask for redress for themselves, claiming that the redress already given improperly affected their own scores.

Together these two problems can lead to a series of requests for redress, sometimes taking several days to resolve, and neither the process nor the outcome will satisfy many competitors.

There are two ways to avoid a series of redress hearings on the same issue.

The protest committee can invite the other boats affected to give evidence at the hearing. However, because witnesses must be heard one by one and cannot stay for the whole hearing, this can take a long time and leave the witnesses feeling left out of the process.

A better solution may be for the protest committee to use rule 60.3(b) to open the hearing to all boats affected, giving adequate notice of the time and place of the hearing, so that they can all be present throughout the hearing as parties, can speak, can hear the views of others and can ask questions. Often, the fairest outcome to a difficult problem will emerge from the competitors themselves.

IF A PROTEST COMMITTEE DECIDES THAT A REQUEST IS JUSTIFIED, DOES IT HAVE TO GIVE REDRESS?

Yes, but the redress must be 'as fair as possible for all boats affected'.

What is fairest for all boats may not always seem fair to some individual boats. For example, when many boats are seriously affected by a race committee mistake, the best redress may be to abandon the race concerned, and to resail it on a future day. That remains the right decision, even if only one boat asked for redress, and she is then not able to take part in the resail for which only one date is possible.

Sometimes it is not possible to identify any suitable redress, particularly for a race that is not part of a series. For instance, a boat is given misleading information by the race committee which results in her not reaching the starting line until after the starting signal. She races and gets a bad result. She asks for redress. The protest committee has no way of knowing what her finishing position would have been if she had started on time. So it is likely that any redress given would be seen by other boats as unfair to them.

WHAT TYPES OF REDRESS ARE POSSIBLE?

The protest committee can give whatever form of redress it feels is best, provided it meets the test of being fair to all the boats affected (see rule 64.2).

However, there are some options that are often used:

To Adjust the Boat's Score for the Race

If the protest committee decides to adjust a boat's score, rule A10 suggests giving her:

- a) Average points for all the other races in the series (rule A10(a)), or
- b) Average points for all the previous races in the series (rule A10 (b)), or
- c) The points for the position she was in at the time of the incident concerned (rule A10(c)).

Remember that these are only recommendations; in some cases it may be better to use the average of a different set of races or to use a different form of redress.

When option a) is used, all the other race scores in the series must be used to calculate the average. This means that the boat's actual score for the race concerned will not be known until the series is complete.

Using option b) has the advantage of giving the boat concerned a fixed score, which makes the situation clear for everyone for later races in the series.

When using option c) it is usual for the places for the boats that finished normally not to be changed. This means that there will be two boats with the same points, the boat which actually finished in that position and the boat given those points as redress. For example, if a boat is given points for second place as her redress, the race scores will be 1, 2, 2, 3, 4 etc. These duplicate scores of 2 points are fixed - they must not be treated as a tie to be broken by rule A7. Similarly, if the boat being given redress finished the race, there will be a gap in the race scores at the position she finished. For example, if she finished 20th, the race scores will be 18, 19, 21, 22, etc.

An exception to the above occurs when it is reasonably certain that the boat would have finished in a particular place if there had been no incident requiring redress. For example, if a boat is scored OCS, and is then able to show that the race committee wrongly identified her. She will normally be given the score for her actual finishing position, and the scores and positions of other boats will be changed accordingly.

Common sense has a part to play in deciding redress. Take a boat that is seriously damaged by a boat required to keep clear, when lying in first place in the first race of a 10 race series, such that she is not able to take further part in the event. Should she be given

redress of first place for the race in question and in all the remaining races, so that this would result in her winning the event? At such an early stage of an event, that would be clearly speculative, as well as unfair to other boats. Judges will often limit the number of races for which they will give redress. World Sailing Case 116 states the general principle that it is not fair to the other boats in the series to give her average points for half or more of the races that comprise her series score. In this extreme example, redress should not be extended to future races, and might even not be given for the race in question unless there were specific prizes for that race.

To Adjust the Boat's Finishing Time

Sometimes, the exact amount of time lost in an incident will be known. If so, it is possible to deduct that time from a boat's finishing time, so that new race scores can be calculated. However, this method of giving redress should be treated with caution, especially when it occurs in a long-distance race (perhaps after giving help to another boat). The affected boat, having lost time, may then be sailing in different winds or tides, compared with the boats she was previously near, and a fixed deduction from her finishing time can be either insufficient or excessive.

To Abandon the Race

This should normally be the last resort when it is not possible to construct an outcome for the race that is fair to all.

The fewer the boats affected, the less likely it is that abandonment is the best outcome.

Remember that the last sentence of rule 64.2 requires the protest committee to get as much information as possible before deciding on redress, especially if it is considering abandoning the race.

To Let the Results Stand

There may be no redress that is fair to the boat concerned. That should not lead to a race being abandoned if other boats had a satisfactory race.

To Make Some Other Arrangement

Special circumstances may require other arrangements, for example:

- To reinstate a boat's entry to an event after a hearing called to consider refusal of her entry (see rule 76.1).
- To correct an unfair handicap.
- To reallocate a prize.

SMALL BOAT SAFETY REGULATIONS

In January 2016 World Sailing published a significant update to the Offshore Special Regulations (OSR). These have replaced the previous Category 6, Small Boat Safety Regulations, with two new appendices to the 2016 to 2017 Offshore Special Regulations, specifically

Appendix B Special Regulations for Inshore Racing

Appendix C Special Regulations for Inshore Dinghy Racing

The appendices (current at 31 July 2016) are appended to this guidance note. The latest OSR, or these appendices individually, can be downloaded at www.sailing.org/specialregs.

These appendices provide safety regulations for the type of racing stated in the opening paragraphs of the appendices. They will apply only when included in the notice of race for an event or, occasionally, in the sailing instructions or the Class Rules of a competing class. Race organisers are recommended to review the relevant regulations as part of the risk assessment for the event and decide whether some or all clauses should apply. Organising Authorities are free to amend the regulations by either addition or deletion but are recommended to consider carefully before any deletion.

In the case of appendix C for dinghy racing, many dinghy class rules include safety requirements and, as stated in the regulation, these override any corresponding part of the appendix. Thus Appendix C is rarely used and, when it is, it will nearly always need tailoring to suit the particular circumstances of the event.

Competitors should be aware that the regulations may be invoked for events for all sizes of dinghy, from an Optimist upwards, and for day racing and similar keelboats.

WORLD SAILING OFFSHORE SPECIAL REGULATIONS

APPENDIX B

SPECIAL REGULATIONS for inshore racing

Special Regulations for inshore racing are intended for use in short races, close to shore in relatively warm and protected waters where adequate shelter and/or effective rescue is available all along the course, held in daylight only.

All the items relevant to Special Regulations for inshore racing are shown in Appendix B.

Part A Basic

The following regulations shall be observed:-

Regulation	Item
1.02	Responsibility of Person in Charge
1.02.1	Under RRS 4 the responsibility for a boat's decision to participate in a race or continue racing is hers alone. The safety of a boat and her crew is the sole and inescapable responsibility of the Person in Charge who shall do his best to ensure that the boat is fully found, thoroughly seaworthy and manned by an experienced and appropriately trained crew who are physically fit to face bad weather. The person in charge shall also assign a person to take over his/her responsibilities in the event of his/her incapacitation.
2.03.1	All equipment required by OSR shall:
a)	function properly
b)	be regularly checked, cleaned and serviced
c)	when not in use be stowed in conditions in which deterioration is minimised
d)	be readily accessible
e)	be of a type, size and capacity suitable and adequate for the intended use and size of the boat.
3.02	Watertight Integrity of a Boat A boat shall be essentially watertight and all openings shall be capable of being immediately secured. Centreboard, daggerboard trunks and the like shall not open into the interior of a hull except via a watertight maintenance hatch with the opening entirely above the Waterline.

WORLD SAILING OFFSHORE SPECIAL REGULATIONS

APPENDIX B

SPECIAL REGULATIONS for inshore racing (cont)

Part B Portable Equipment

The following shall be provided:-

Regulation	Item
3.23	one strong bucket with a lanyard and of at least 9 litres (2.4 US Gal) capacity
3.24	one compass (a hand-held is acceptable)
4.05	one fire extinguisher required if electrical system, engine or stove on board
4.06	one anchor
4.22	a lifebuoy with a drogue
4.22.5	A heaving line, no less than 6 mm (1/4") diameter, 15 - 25 m (50 - 75') long, readily accessible to cockpit
4.25	A strong, sharp knife, sheathed and securely restrained shall be provided readily accessible from the deck or a cockpit.
5.01.1	each crew member shall have: A personal flotation device which shall: (a) be equipped with a whistle (c) clearly marked with yacht's or wearer's name (d) if inflatable, regularly checked for air retention, Unless otherwise specified by a boat's applicable class rules or by sailing instructions, personal flotation devices shall have at least 150N buoyancy, arranged to securely suspend an unconscious man face upwards at approximately 45 degrees to the water surface.

WORLD SAILING OFFSHORE SPECIAL REGULATIONS

APPENDIX C

SPECIAL REGULATIONS for inshore dinghy racing

Special Regulations for inshore dinghy racing are intended for use in races where:-

- participating boats may not be self-sufficient
- the races are short in duration and close to a single manned shore base, in relatively warm and protected waters, in daylight and good visibility
- participating boats can be observed by race organisers at all times
- safety/rescue boats are available all along the course sufficient to enable any competitor to be returned to the shore base in a timely manner
- safety/rescue boats are of a suitable design and properly equipped and are manned by adequately trained and competent personnel including, for each race, at least one skilled in first aid

That the Requirements for Special Regulations for inshore dinghy racing are:-

Unless otherwise prescribed in Notice of Race and/or Sailing Instructions, where class rules include items of safety such rules shall override the corresponding part of these Regulation.

All equipment required by Special Regulations for inshore dinghy racing shall:-

- function properly
- be regularly checked, cleaned and serviced
- when not in use be stowed in conditions in which deterioration is minimised
- be readily accessible
- be of a type, size and capacity suitable and adequate for the intended use and size of the boat.

All boats sailing under Special Regulations for inshore dinghy racing shall be fitted with:-

- A strong point for the attachment of a tow and/or anchor line.

All boats sailing under Special Regulations for inshore dinghy racing shall carry:-

- A personal flotation device (PFD) for each person aboard to ISO12402-5 -Level 50 or equivalent
- A knife
- If the hull is not self-draining or is able to carry more than 150 litres of free water, a bucket or bailer of not less than 1 litre capacity
- If a trapeze harness is carried it shall be to ISO 10862
- A paddle or means of propelling the boat when not under sail

INFORMATION FOR SUPPORT PERSONS

This guidance is intended for people who may be classified as a '*Support Person*' as defined in the Racing Rules of Sailing 2017-2020 (RRS). This definition includes a parent or guardian, a coach, a medical or paramedical practitioner, a boat maintainer, a personal assistant to a disabled competitor or any other person working with or assisting the sailor to prepare for or compete in a race.

RRS 3 requires a *support person*, including a parent or guardian of a competitor that is racing, to accept the rules. It requires also that the competitors agree that any *support person* is bound by the rules. Acceptance of the rules includes acceptance by a *support person* of any penalty imposed or other action taken under the rules, as well as of the protest, appeal and review systems provided for in the rules.

Additionally, the RYA has prescribed that 'Each competitor and boat owner shall ensure that their *support persons* comply with the *rules*.'

While racing, a boat is generally not permitted to receive help from an outside source, including from any *support person*. RRS 41 refers.

As well as providing a set of rules that apply on the water, the RRS requires every competitor and *support person*, at all times, not to breach good manners, good sportsmanship or indulge in unethical behaviour, and to avoid conduct that may bring the sport into disrepute.

The Notice of Race and Sailing Instructions (SIs) for a particular series of races may also place specific restrictions and requirements on the actions of both competitors and *support persons*, on and off the water. One example is the RYA 'Parent Declaration Form', which organising authorities are recommended to require for all competitors under 18 years old.

If the protest committee learns of a possible breach of a rule by a *support person* through any source, including the race committee, it may call a hearing under RRS 60.3(d) or consider action under RRS 69.2.

Examples of actions of a support person that could lead to a hearing are:

- Abusing or pressurising race officials, volunteers, other competitors or support persons (RRS 69 and/or SIs)
- Helping a competitor (unless ill, injured, in danger) after the preparatory signal (RRS 41)
- Failing to follow support boat regulations (SIs)
- Moving a competitor's boat away from any designated parking areas (SIs)
- Modification or substitution of measured equipment without authorisation (SIs)
- Tampering with or measuring other competitor's boats without permission (RRS 69)
- Using social media or any other medium to broadcast material that is unsportsmanlike or likely to bring the sport of sailing into disrepute (RRS 69)

For further information, the Racing Rules of Sailing, the RYA prescriptions and the RYA Racing Charter can be accessed from the RYA website at www.rya.org.uk/racingrules. The Notice of Race and SIs for a particular series are available from the race organisers.

In early 2018 the RYA will publish separate guidance for race officials, particularly protest committees, concerning procedures to apply the RRS to support persons and for hearings when a *support person* may have broken a rule.

Event: **Race Number:**

Hearing Date: **Heard Jointly with Number:**

BEFORE THE START OF THE HEARING

An exoneration penalty is not available *list boat names/numbers*
Withdrawal - Choose from list *When withdrawal is requested, list the decision, parties and reasons for request and decision below*

ARBITRATION *Note that arbitration is normally only suitable for protests*

Arbitration - Choose from list . The hearing will be - Choose from list *list parties that decline arbitration below*

TYPE OF HEARING *check all the options that apply to this hearing*

- Protest Request for redress Request to reopen a hearing Reopened Hearing
 Hearing concerning a support person Report of misconduct

PARTIES AND WITNESSES

Enter details and comments as required

Parties present - Choose from list *list parties not present*

Hearing will continue: Choose from list

Parties making the allegation or requesting / being considered for redress or reopening represented by: *list names and parties*

Other parties represented by: *list names and parties*

Witness(es): *list names, boat number, party called by*

Interpreter(s) *list names, boats represented*

Observers: Choose from list

CONFLICT OF INTEREST

select options

Enter comments as required

Conflict of interest - Choose from list

Objections by parties - Choose from list

PC action/decision - Choose from list

VALIDITY

select options

Enter comments as required

Time limit - Choose from list

Incident is identified by - Choose from list

Hail - Choose from list

Red flag - Choose from list

DECISION ON VALIDITY - Choose from list

FACTS FOUND State what happened

Leave blank for arbitration

Diagram Choose from list

RULES THAT APPLY AND CONCLUSIONS

Leave blank for arbitration

ARBITRATION

Protest is Choose from list

The following boats accepted an exoneration penalty

DECISION

Leave blank for arbitration

Choose from list

then detail applicable penalties and/or redress given below

PROTEST COMMITTEE CHAIR / ARBITRATOR

Date and time

Other protest committee members

Written decision Choose from list : *list parties requesting written decision and dates transmitted below*

RULES DISPUTES

INTRODUCTION

If an incident on the water in fleet racing is not resolved by a boat taking a penalty (one turn for touching a mark, two turns for breaking a rule of Part 2 of the Racing Rules of Sailing, retiring in other cases), then the normal outcomes are:

- A protest hearing which may result in a disqualification: this appears to have become less common;
- A boat retires after finishing: this can happen;
- Nothing happens, because there is no protest and no retirement: this has become too frequent.

The RYA understands a reluctance to take matters to protest hearings, but no one in the sport should condone disregard of the rules. The RYA therefore recommends that clubs should consider adopting:

- (a) An Exoneration Penalty, which is less severe than disqualification, and is available after racing for many infringements; and
- (b) An Advisory Hearing and/or RYA Arbitration, two alternative ways of resolving disputes.

EXONERATION PENALTY

- The Exoneration Penalty is available for breaches of the rules of Part 2 (rules 10-24) and for touching a mark (rule 31) if a turns or scoring penalty under rule 44 could have been taken for the infringement at the time of the incident.
- The penalty is a 30% scoring penalty calculated as stated in rule 44.3(c), except that the minimum penalty is three places and a boat shall not be scored worse than the number of boats that came to the starting area⁸. However, if the boat caused injury or serious damage or gained a significant advantage by her breach, her penalty remains retirement. The penalty may be varied in the sailing instructions according to the level of the event or number of competitors. For example, a 40% penalty with a minimum penalty of four places may be more appropriate at an Open Meeting or a National Championship.
- It may be accepted after finishing and before the start of any protest hearing.
- When it is accepted, a protest committee cannot penalise that boat further over the same incident, except under rules 44.1(b), 2 or 69.
- Once accepted, it cannot be withdrawn even if a protest committee later decides no rule was broken.

⁸ This is the case unless rule 44.3, Scoring Penalty, applies. In which case, 'the number of boats that came to the starting area' should be replaced with 'the score for Did Not *Finish*' to ensure that an Exoneration Penalty is not less than a Scoring Penalty.

PUTTING THE EXONERATION PENALTY INTO EFFECT

Adopting the Exoneration Penalty does not need either the Advisory Hearing or RYA Arbitration to be adopted, but the Exoneration Penalty is an essential part of RYA Arbitration. It may be decided that making the Exoneration Penalty available for a boat to accept will be sufficient. However, the use of one or both of the two alternative methods for resolving disputes is recommended, and can be stated to apply in the notice of race and in the sailing instructions. They are:

1. AN ADVISORY HEARING

Its purpose is to discuss incidents with an adviser and resolve them promptly in an informal but positive way, so that competitors understand the rules better. It is available only where there is no injury, serious damage, related protest or RYA Arbitration.

When an Advisory Hearing is requested, and if all parties agree to this procedure, an adviser will hear quickly what the parties have to say, decide whether the issues are clear enough without further evidence and, if so, say whether any boat broke a rule and, if so, which and why.

Redress is not available, but a race committee may agree to correct a mistake if it comes to light.

2. RYA ARBITRATION

Its purpose is to resolve protests more simply and quickly; it is not suitable for incidents that resulted in injury or serious damage. In 2017, World Sailing introduced into the Racing Rules of Sailing a new appendix (Appendix T) covering arbitration; this can be found at www.sailing.org/documents/racingrules/index. However, the RYA recommends a somewhat more detailed arbitration process, called RYA Arbitration, which is described below.

When a protest form is lodged, a boat may request RYA Arbitration, or the protest committee may suggest it. If the boats and a member of the protest committee or race committee agree that RYA Arbitration is suitable, one or more arbitrators (who may also be members of the protest committee) hear the evidence of the parties and give an opinion on whether any boat broke a rule and, if so, which and why. The arbitrator will then invite each boat that appears to have broken a rule to accept an Exoneration Penalty. If all such boats accept a penalty, or the arbitrator's opinion is that that no boat broke a rule, the arbitrator will invite the protestor to withdraw the protest. When the protest is withdrawn, this will normally conclude the matter. When a boat declines to take an offered penalty, or when the protest is not withdrawn, a protest hearing will follow. However, a boat that takes a penalty shall not be penalised further by the protest committee with respect to the same incident unless she caused injury or serious damage or gained a significant advantage.

The arbitrator may instead decide that the matter should be heard as a full protest. However, a boat may still accept an Exoneration Penalty before the hearing, thus avoiding the possibility of disqualification in most cases.

Because of the often complex nature of redress requests, as well as potential implications of their outcome for other boats and also appeal procedures, requests for redress cannot be heard by RYA Arbitration and must instead be heard by a protest committee. In apparently straightforward situations, it may be appropriate to form a protest committee with fewer than three members.

SUMMARY

	ADVISORY HEARING	RYA ARBITRATION	PROTEST HEARING
Initiation	Oral request	Protest form	Protest form
Validity of protest notification	Not required	Required	Required
Time limit for a boat to ask for a hearing	None	Normal protest time limit; arbitration request may be made on the protest form related to the incident	Normal protest time limit
If one boat does not agree to participate -	- the hearing will not take place	- the arbitration will not take place, and it will be heard as a normal protest	- the protest committee will normally proceed if one party decides not to attend
Penalty	A boat may voluntarily accept an Exoneration Penalty if it is available for the rule broken, but she is not required to do so	Arbitrator may invite (but not require) a boat to accept an Exoneration Penalty if it is available for the infringement, or, if it is not, to retire (RET)	Normal disqualification or other applicable penalty
If there was injury, serious damage or a boat gained a significant advantage	Exoneration Penalty not available, the boat should retire	Exoneration Penalty not available, the boat should retire	Disqualification for not retiring
Redress	Cannot be given, but a Race Committee may correct an error that is identified	Cannot be given, but a Race Committee may correct an error that is identified	Full range of redress options
Further options	None	Any party may seek to have the decision reviewed by calling for a full hearing of the protest or request by a protest committee ⁹	The decision may be appealed
Paperwork	None	Completed protest form	Completed protest form

⁹ However, when an exoneration penalty is accepted

- (a) neither the boat nor a protest committee may then revoke or remove the penalty.
- (b) the boat shall not be penalised further in a protest hearing when the protest committee decides that the penalty was appropriate to the facts found and the applicable rules.

ADVISORY HEARING PROCEDURE

1. Competitor asks the race office for an Advisory Hearing and informs the other competitor(s).
2. The race office logs the request and informs the adviser, who checks that all competitors concerned are willing to attend and do not intend to lodge a protest or ask for redress. A hearing is convened.
3. Each competitor takes a few minutes to say what happened. Normally, only the adviser may call witnesses.
4. The adviser asks questions and announces the outcome. If the facts are clear, the adviser uses the rule book to explain the rules that apply and whether a rule was broken. If a rule was broken, and a boat accepts this, she should consider accepting an Exoneration Penalty if it is available for the rule considered broken, or otherwise consider retiring. She is not obliged to do this.
5. If the facts are not clear, the adviser will try to advise how the rules would apply to possible variations of the facts.
6. This procedure can be used instead of a request for redress to seek correction of a boat's score, in which case a race committee representative will attend. The race committee is not obliged to accept the decision of the adviser.

RYA ARBITRATION PROCEDURE

1. A boat will lodge a protest form in the normal way, and within the normal time limit
2. When RYA Arbitration is provided for in the notice of race and sailing instructions, its use may be initiated by any party (the protest form may provide for a protestor to ask for this) or by a member of the protest committee or race committee. The protest committee appoints one or more arbitrators, who will first establish that there was no injury or serious damage and/or that a boat did not gain a significant advantage. If they are satisfied, and if all parties agree, an arbitration hearing will be called, to take place as soon as possible in a quiet place, but with observers permitted to attend.
3. If the arbitrator judges the issue too complex, or if a party does not agree to arbitration, the issue will be heard as a normal protest.
4. If a party is not present, and therefore is not able to accept an Exoneration Penalty, it is recommended that the matter is heard by a protest committee. If RYA Arbitration was suitable, it may be equally suitable for the arbitrator to act as a one-person protest committee.
5. The arbitrator follows the same procedure as for a protest hearing (see Appendix M in the Racing Rules of Sailing), starting with establishing whether the protest was valid. If it is, the parties then briefly state their case. They may question each other, and the arbitrator will question them.
6. The arbitrator may decide at any time during the hearing that the issue would in fact better be heard by a full protest committee, and may suspend the arbitration. Any boat may accept an Exoneration Penalty before the start of a full protest hearing (or retire if she caused injury, serious damage or, despite taking a penalty, gained a significant advantage – rule 44.1). However, the arbitrator may instead decide that hearing other witness evidence immediately will enable an immediate and clear solution to be found. Only the arbitrator may call witnesses.
7. The arbitrator hears and summarises the evidence of the parties, and gives his opinion on whether any boat broke a rule and, if so, which and why. A boat that appears to have

broken a rule is invited to accept an Exoneration Penalty (or retire if she caused injury, serious damage or gained a significant advantage).

8. When all boats that appear to have broken a rule accept an Exoneration penalty (or decide to retire), or if the arbitrator's opinion is that no rule was broken, the protestor is invited and allowed to withdraw the protest.
9. No party is obliged to accept an Exoneration Penalty or retire, and no party is obliged to accept that another party did not break a rule. In either case, the party is entitled to have the matter heard as a normal protest with a full hearing.
10. The arbitrator completes the protest form, detailing any penalties accepted and whether the protest is withdrawn and returns it to the race office. The protest form sections on facts found, conclusions and decision should be left blank. If a full protest hearing is to follow, no new protest form from the party is needed - the protest committee will attach a fresh second page to the protest form for its own hearing.
11. If, for any reason, the issue is not or cannot be resolved to the parties' satisfaction by RYA Arbitration and it then proceeds to a protest hearing, any party may accept an Exoneration Penalty at any time before the protest hearing starts (or retire if she caused injury, serious damage or, despite taking a penalty, gained a significant advantage – rule 44.1). An Exoneration Penalty, once accepted, cannot be withdrawn or removed, even if a protest committee later decides that a boat that accepted an Exoneration Penalty did not in fact break a rule.
12. When a boat accepts an Exoneration Penalty at RYA Arbitration or at any time before the start of a protest hearing, she will not be penalized further at the protest hearing if the protest committee decides that the penalty she has already accepted was appropriate to the facts it finds.
13. When RYA Arbitration proceeds to a full protest hearing, there is no objection in principle to the arbitrator being a member of the protest committee, but a protest committee may decide not to have the arbitrator as a member.

RECOMMENDED NOTICE OF RACE & SAILING INSTRUCTIONS

To put these procedures into effect – they may be modified to suit particular requirements of organizing authorities.

ADD TO THE NOTICE OF RACE:

The Exoneration Penalty and the Advisory Hearing and RYA Arbitration of the RYA Rules Disputes procedures shall apply (for information on the procedures, go to www.rya.org.uk/go/rulesdisputes). The outcome of an RYA Arbitration can be referred to a protest committee, but an arbitration cannot be reopened or appealed.

AND EITHER:

Post these procedures on the Official Notice Board, and add as applicable to the Sailing Instructions:

The Exoneration Penalty and the Advisory Hearing and RYA Arbitration procedures of the RYA Rules Disputes procedures shall apply. The outcome of an RYA Arbitration can be referred to a protest committee, but an arbitration cannot be reopened or appealed. See the Official Notice Board for details.

OR

Add as applicable to the Sailing Instructions (choose a different percentage if desired):

X Exoneration Penalty

X.1 A boat that may have broken a rule of Part 2 of the Racing Rules of Sailing or rule 31 may, after finishing the race concerned and before the start of any related protest hearing, notify the race committee that she accepts an Exoneration Penalty – a 30% scoring penalty (SCP) calculated as stated in rule 44.3(c), except that the minimum penalty is three places and she shall not be scored worse than the number of boats that came to the starting area¹⁰. However, if the boat caused injury or serious damage or, despite taking a penalty, gained a significant advantage in the race or series by her breach her penalty shall be to retire.

X.2 When an Exoneration Penalty is accepted:

(a) Neither the boat nor a protest committee may then revoke or remove the penalty.

(b) The boat shall not be penalized further in a protest hearing when the protest committee decides that it was appropriate to the facts found and the applicable rules.

Y Advisory Hearing

When there is an incident that will not result in the lodging of a protest or a request for redress, a boat may request an advisory hearing and notify any boat involved in the incident. An adviser will then call a hearing to learn what may have happened and, provided all parties are willing to attend, will state whether any rule appears to have been broken, and by which boat. A boat may as a result notify the race office that she accepts an Exoneration Penalty when it applies to the incident, or choose to retire, but is not required to do so.

Z RYA Arbitration

Z.1 When a protest is lodged, a boat may at the same time request RYA Arbitration, or the protest committee or race committee may offer it.

Z.2 If the parties and a member of the protest or race committee agree that RYA Arbitration is suitable, an arbitrator (who may be that member of the protest committee) will call an Arbitration Hearing. When it is the arbitrator's opinion that a boat that is a party to the arbitration hearing has broken a rule for which the Exoneration Penalty is available, the party will be invited to accept that penalty and, if accepted, the protesting boat will be allowed to withdraw the protest, changing rule 63.1.

Z.3 When there is not agreement to use RYA Arbitration or when, after RYA Arbitration, a protest is not withdrawn or the Exoneration Penalty is not applicable to the facts, there will be a normal protest hearing at which the arbitrator may be a member of the protest committee. Rules 66 and 70 (reopening and appeal, respectively) do not apply to an arbitration since this is not a protest committee decision or procedure. A boat may still accept an Exoneration Penalty at any time before the start of a protest hearing and receive its protection from further penalization. She may also retire.

¹⁰ This is the case unless rule 44.3, Scoring Penalty, applies. In which case, 'the number of boats that came to the starting area' should be replaced with 'the score for Did Not Finish' to ensure that an Exoneration Penalty is not less than a Scoring Penalty.

RULES DISPUTES QUESTIONS AND ANSWERS

- Q1. Can an arbitration hearing be re-opened under rule 66 at the request of one of the parties or the arbitrator?**
A1. No. Arbitration is closed when the arbitrator has given an opinion on whether any boat may have broken a rule. When that is accepted by all parties, together with an exoneration penalty if appropriate, the protestor is invited to withdraw the protest and the arbitration cannot subsequently be reopened. However, if this is not accepted by all parties, the protest will be heard as a normal protest by a protest committee. In addition, the arbitrator can refer the protest to a protest committee if he/she feels the matter is too complex for arbitration and he/she is unable to make decision.
- Q2. Can redress be awarded at an arbitration hearing?**
A2. Requests for redress cannot be heard by RYA Arbitration.
- Q3. Can an arbitration hearing outcome be appealed under rule 70?**
A3. No. An arbitration hearing is not a protest committee hearing.
- Q4. What should the arbitrator do should he/she suspect that, because of the non-binding nature of an RYA arbitration hearing decision, a competitor is using the service to 'fish for answers' and will then take those answers to a protest committee hearing?**
A4. The arbitrator should close the arbitration hearing without giving any opinion and refer the protest to a full protest committee, and also consider submitting a rule 69 report to the protest committee.
- Q5. Can the arbitrator's opinion be binding?**
A5. No.
- Q6. The exoneration penalty is calculated as a percentage of which score?**
A6. As a percentage of the score for Did Not *Finish* - see rule 44.3(c).
- Q7. Do other boats move up one place in the results scores when a boat takes an exoneration penalty?**
A7. No – see rule 44.3(c). The scores of the other boats shall not be changed; therefore, two boats may receive the same score.
- Q8. Can a club use an exoneration penalty without RYA arbitration?**
A8. Yes. If stated in the notice of race and sailing instructions, the exoneration penalty can be available for boats. The penalty must be accepted before the start of any protest committee hearing or before such other time as stated in the sailing instructions.

RYA RULES DISPUTES – WHAT TO DO

The best way of dealing with incidents (rules disputes) on the water, if no boat takes a penalty at the time, is to offer a choice of:

(i) an **ADVISORY HEARING**, (ii) **RYA ARBITRATION** or (iii) a **PROTEST HEARING**

ADVISORY HEARING



USE THIS IF YOU JUST WANT TO LEARN WHETHER YOU WERE IN THE RIGHT OR WRONG

- An incident has occurred and no party wishes to protest, but instead want to learn for the future from what happened
- No protest form is required
- All parties meet informally with a Rules Adviser
- The parties describe what happened
- The Rules Adviser explains what rules may have been broken and whether anyone was in the wrong
- No one is disqualified or penalised as no formal facts are found. However, a boat that learns she has broken a rule may accept an exoneration penalty (specified in the SIs and commonly a 30% scoring penalty) or retire

RYA ARBITRATION



USE THIS IF YOU WANT THE DISPUTE RESOLVED QUICKLY AND SIMPLY. THIS IS NOT AS FORMAL AS A PROTEST HEARING, AND THE POTENTIAL PENALTY NOT AS DAMAGING TO A BOAT'S SCORE

- An incident has occurred and a valid protest is lodged within the normal time limit
- All parties agree to opt for RYA Arbitration and meet with a Rules Adviser
- The parties describe what happened, and the Rules Adviser will decide whether any witnesses should be called
- The Rules Adviser explains what rules may have been broken and whether anyone was in the wrong
- A boat in the wrong is invited to accept the exoneration penalty
- No one is disqualified
- If the exoneration penalty is not accepted, the protest may go to a formal protest hearing
- There are very occasional scenarios when it is not possible or correct to resolve a dispute by RYA Arbitration and instead it has to be taken to a formal protest hearing

PROTEST HEARING

USE THIS IF THE DISPUTE IS COMPLEX, OR IF THERE HAS BEEN INJURY OR SERIOUS DAMAGE, OR IF YOU FEEL AN EXONERATION PENALTY WOULD BE INAPPROPRIATE

- An incident has occurred and a valid protest is lodged within the normal time limit
- A traditional formal hearing of the parties with a Protest Committee (usually of 3 people) will be arranged
- Any boat that has broken a rule will be disqualified unless some other penalty is specified

The aim is to encourage everyone to follow *The Racing Rules of Sailing*. This is only a guideline. For more detailed information see RYA guidance on 'Rules Disputes' in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance

COMPETITORS RETIRING OR WITHDRAWING A RETIREMENT

Q1. Are there any time limits, under the Racing Rules of Sailing ('RRS'), when a race committee may refuse to accept the retirement of a boat from a race or the withdrawal of such a retirement ('unretiring')?

A1. The RRS refers to retiring in the contexts of penalties and of scoring, but in neither case is there any reference to time limits or constraints. The RRS do not refer to unretiring; however, there is no rule that precludes a boat that has retired after finishing from withdrawing that retirement.

Q2. Is there a time after which a race committee should not accept a retirement or unretirement in the absence of good reason to do so?

A2. For the practical requirement of scoring a race, the end of the protest time limit (under rule 61.3, two hours after the last boat in the race finishes, unless the sailing instructions state some other time limit) can be used as the last time for accepting a retirement or unretirement from a competitor who is not a party to a protest. However, bear in mind that the protest committee shall extend the protest time limit if there is good reason to do so.

A party in a hearing can retire at any time before being asked to withdraw for the protest committee to consider its decision.

Q3. What should a race committee do if a retirement or unretirement is requested after the end of the protest time limit?

A3. The race committee should ask the competitor to state in writing why the 'late' request should be accepted. If the race committee considers that the statement gives a good reason for accepting the request, it should do so; otherwise, it should reject the request. Either decision, to accept or to reject, will be open to challenge by competitors through a request for redress. Alternatively, the race committee itself may wish to refer its decision to the protest committee (also through a request for redress), which can then decide:

- i. whether there are grounds to extend the time limit in order to hear the request; and
- ii. whether there are good reasons such that the boat's retirement or unretirement must be accepted by the race committee.

Q4. What circumstances might provide good reasons for accepting a late retirement or unretirement?

A4. The most likely situation is that the competitor learns that an action that he considered broke a rule did not, in fact, do so or *vice versa*. This information might come from the published outcome of a protest or redress hearing, or from conversation with another competitor or a race official.

DISCRETIONARY PENALTIES

The standard penalty for a breach of a rule in sailing is disqualification. However, it is becoming increasingly common for the penalty for some rules to be decided by the protest committee. Such penalties may be less than disqualification and are known as discretionary penalties. The rules concerned may be specified in the Racing Rules of Sailing (RRS), such as rule 41(a) (Outside Help when a crew member is ill, injured or in danger) and, since 2017, rule 55 (Trash Disposal), or in the notice of race (NoR) or sailing instructions (SIs) themselves.

The RYA does not support discretionary penalties for breaches of the rules of Parts 1 and 2 of the RRS, except in the context of RYA Arbitration or the Exoneration Penalty – see RYA guidance on ‘Rules Disputes’ at www.rya.org.uk/go/rulesdisputes – or in long distance races.

If discretionary penalties are to be used, additional to those in the RRS, care must be given to the drafting of the NoR and SIs and to which rules they will be applied.

Since the notation [DP] has been included from 2017 in the Introduction within the RRS, it is now possible to add this notation to NoRs or SIs instead of stating:

The penalty for a breach of [rule] may, at the discretion of the protest committee, be less than disqualification.

When [DP] is to be used, the RYA recommends that the appropriate document includes the following statement at the outset:

The notation ‘[DP]’ in a rule in the (NoR/SI) means that the penalty for a breach of that rule may, at the discretion of the protest committee, be less than disqualification.

If the penalty for a breach of a rule of the RRS is to be made discretionary, this should be shown under ‘Rules’ in the NoR or SIs as ‘rule xx.x [DP]’.

It is quite common to apply discretionary penalties to all rules other than the rules of Parts 1 and 2 of the RRS. When doing so, the RYA recommends the following statement:

The penalty for a breach of a rule, other than a rule of Parts 1 and 2 of the Racing Rules of Sailing, may, at the discretion of the protest committee, be less than disqualification.

The scoring abbreviation for a discretionary penalty is ‘DPI’. It is not necessary to amend rule 64.1 as it already allows discretionary penalties. If the protest committee decides that a penalty greater than disqualification may be appropriate, then it should consider initiating action under rule 2 or rule 69.

How to Decide a Discretionary Penalty

When a protest committee has discretion to decide the appropriate penalty for a breach of a rule, the penalties available may range from no penalty to disqualification. However, it is

important that consistent decisions are made when exercising this discretion. The RYA therefore recommends that the following guidelines be observed when assessing penalties.

Penalties should be considered in 5 bands:

- Band 0 – zero penalty
- Band 1 – 1% - 10% place penalty (mid-point 5%)
- Band 2 – 10% - 30% place penalty (mid-point 20%)
- Band 3 – 30% - 70% place penalty (mid-point 50%)
- Band 4 – disqualification

Place penalties are more appropriate and applicable than time penalties, even in handicap racing. There may be events where time penalties are appropriate, but these will be rare.

1. The first step is to decide in which band to start. The protest committee should refer to the table below, where the RYA suggests bands for some examples of the more common breaches of rules that may result in discretionary penalties.

If a band is not recommended, then the protest committee will have to choose a starting band, using the examples where possible to assist.

BREACH	BAND
BERTHING, HAUL OUT AND REPAIRS	
Boat not in assigned place	1
Boat launched or removed from water not in accordance with schedule	2
Making modification or repairs without required permission	3
EQUIPMENT AND MEASUREMENT CHECKS	
Failure to comply with instructions	
- Careless, but no other effect	1
- Causing disruption to the inspection process	3
ELECTRONIC EQUIPMENT PROVIDED BY ORGANIZING AUTHORITY	
Failure to collect or return equipment as required	1
Failure to install or comply with installation instructions	2
If equipment was installed but its functionality is interfered with	4
If a boat refuses installation of equipment	4
CHECK IN – CHECK OUT AND REPORTING RETIREMENT	
Failure to check-out before going afloat	1
Failure to check-in coming ashore, or at race committee boat afloat	1
Failure to comply with requirements for reporting retirement	1
When non-compliance results in initiation of search and rescue	4
STARTING AREA AND OTHER COURSE AREA RESTRICTIONS	
Entering a prohibited area	2
If boat interferes with an official boat or boats racing	2
If contact occurs with an official boat	3
Failure to avoid commercial traffic	3

BREACH	BAND
PERSONAL FLOTATION DEVICES, RULE 40 Failure to comply with requirements when racing is postponed due to lack of wind and with a support boat in attendance Failure to comply with requirements while racing	0 4
OUTSIDE HELP, RULE 41 Help given to assist with safety (or in compliance with rule 1) Help not permitted by rule 41 but with no advantage gained Significant advantage or tactical information given	0 2 4
TRASH DISPOSAL, RULE 55 If due to safety reasons Such as the remains of a sandwich Such as a glass bottle	0 2 4
IDENTIFICATION ON SAILS, RULE 77 Incorrect placement Failure to display/unreadable characters, incorrect numbers/country code	1 2
CLASS RULES, RULE 78, AND OTHER REGULATIONS Sail set outside bands Modification of manufacturer supplied and controlled equipment Prohibited fairing or refinishing of hull/foil surfaces Safety equipment missing or inadequate Use of prohibited GPS or other electronics Use of uncertified equipment Missing or misplaced correctors Equipment outside measurement tolerances (excluding wear and tear) - No possible effect on boat speed - Possible but not significant effect on performance - Significant effect on performance	3 3 4 4 4 4 4 1 2 4
ADVERTISING, RULE 80 Applied but fails to stay in place Incorrect placement Failure to wear bibs, display crew names, etc	0 1 1
RADIO COMMUNICATION Having a prohibited communications device on board, but ensuring not used Using a prohibited communications device	3 4
REPLACEMENT OF CREW OR EQUIPMENT Failure to make prompt request for replacement where required Failure to comply with requirements for replacement	1 3
CODE OF CONDUCT (NOT RULE 69) ¹¹ Failure to comply with a reasonable request by an official Failure to handle supplied equipment in an appropriate manner	3 3

¹¹ For guidance on rule 69 (and rule 2) penalties, see World Sailing's 'Misconduct Guidance' at www.sailing.org/racingrules/documents and the RYA's 'Misconduct' on (yellow) pages 198-199 of the RYA version of the Racing Rules of Sailing 2017-2020

2. The second step is to consider the following questions in order to decide if there is a reason, based on the facts of the case (beyond what is already defined in the table above), whether or not it is appropriate to increase the band or the penalty within the band:
 - Was the breach deliberate? Increase band at least one level – and consider rule 2.
 - Was there any attempt to conceal the breach? Increase band at least one level – and consider rule 2.
 - Has the breach been repeated?
 - Did the breach compromise the safety of competitors, race officials or general public?
 - Did the boat gain a competitive advantage through her breach?
 - Could the breach bring the sport or the organization into disrepute?
 - Did the breach result in damage or injury?
 - Was the breach a careless or cavalier disregard of the rules?
 - Was anybody inconvenienced by the breach?
3. The third step is to consider the following questions in order to decide if there is a reason, based on the facts of the case, whether or not it is appropriate to decrease the band or the penalty within the band:
 - Was the breach necessary for the safety of the boat or her crew?
 - Was there a good reason or justification for the breach?
 - Was the breach reported by the competitor?

In general, the protest committee should apply the following principles:

- A change to a different band should only be made when justified by the facts of the case.
- Any penalty must exceed any likely gain.
- A discretionary penalty should not make a boat's score worse than retirement or disqualification.
- Percentage penalties are calculated and rounded to a whole number of points in accordance with rule 44.3(c). The penalty should be based on the size of the fleet on the day of racing (or, if racing in flights, the size of the largest flight).
- When a breach affects more than one race in a day but it is appropriate to penalise in one race only, the penalty should be applied to either the first race of the day or to the race nearest the incident.

In all cases, the protest committee's decision should adequately explain how the committee has come to any penalty. Deviating from this guidance is justified if there is a good reason to do so, but the protest committee should explain its reasoning in the decision.

Support Persons

A new rule has been included since 2017 (RRS 64.4) that allows protest committees to penalise a support person who is a party to a hearing and who has broken a rule. The protest committee can issue a warning, exclude the person from the event or venue or remove any privileges or benefits, or take any other action within its jurisdiction as provided by the rules.

The protest committee may also penalise a competitor for a rule breach by a support person by changing a boat's score in a single race (up to and including DSQ) when it decides the competitor may have gained a competitive advantage as a result of the breach by the support person or the support person commits a further breach after the competitor has been warned that a penalty may be imposed. A protest committee should exercise caution before penalising the competitor under this rule.

ENVIRONMENTAL RESPONSIBILITY AND TRASH DISPOSAL

Introduction

The Basic Principle, Environmental Responsibility, states that participants are encouraged to minimise any adverse environmental impact of the sport of sailing. Fortunately, sailing has inherently fewer environmental impacts than many other sports, and the word 'minimise' recognises that few human activities are without environmental consequences.

'Environmental impact' is a wider issue than not polluting the water. 'Participants' are a wider group than just competitors.

This Basic Principle is not a rule, but it should be taken into account from the outset of any activity related to sailing - for instance, in the design, location and operation of facilities ashore. Environmental Responsibility is a core principle of the RYA, which is the joint owner of The Green Blue Project which provides much valuable information and guidance – see www.thegreenblue.org.uk.

Rule 55, Trash Disposal, states that a competitor shall not intentionally put trash in the water. So this creates an enforceable rule out of one aspect of environmental responsibility. **This rule applies at all times when boats are on the water.** In addition, competitors should comply with all international, national, regional and local requirements for the prevention of marine pollution.

There is no definition of 'trash' in the Racing Rules of Sailing (RRS). It is a word to be 'used in the sense ordinarily understood in nautical or general use' (see the Introduction to the RRS; Terminology). One dictionary definition of trash is 'unwanted matter which has been discarded'. It is synonymous with 'rubbish' and 'garbage'.

Annex V of the MARPOL Convention, to which the UK is a signatory, prohibits the disposal of garbage from ships at sea. Garbage is defined under MARPOL as 'all kinds of victual, domestic and operational waste generated during the normal operation of the ship 'with the term 'ship' being defined as 'a vessel of any type whatsoever operating in the marine environment'. It would therefore not be appropriate for notices of race or sailing instructions to permit the disposal of any garbage at sea that would be in breach of MARPOL. There are a number of exceptions to Annex V of MARPOL, the most notable of which relates to securing the safety of the ship and those on board, or saving a life.

World Sailing Q&As

Note should be taken of the World Sailing Q&As N001 (2013-004) published 18 February 2013, N002 (2013-028) published 17 June 2013 and N003 (2013-029) published 5 August 2013 (revised 15 January 2014):

N 001

Question

Is human excremental matter considered to be trash for the purpose of RRS 55?

Answer

No, human excremental matter is sewage and not trash. Competitors should however note that there may be other laws and regulations that apply.

N 002

Situation

It is common practice to prepare the spinnaker by tying it together with rubber bands at intervals, to prevent the spinnaker from filling during the hoist. Once hoisted and sheeted, the rubber bands will break, the spinnaker will open, and ultimately, the rubber bands will end up in the water.

Question 1

Does this action break new rule 55?

Answer 1

Yes

Question 2

If the answer to question 1 is yes, would it make any difference if the material used was biodegradable?

Answer 2

No

N003

Situation

Q&A 2013-028 N002 confirms that the common practice of preparing spinnakers using elastic or wool bands at intervals to prevent them from filling during the hoist breaks rule 55 when the spinnakers are hoisted and sheeted and the bands break and end up in the water, even if the material used is bio-degradable.

Question

What can be done to prevent boats from being protested under rule 55 each time they hoist spinnakers?

Answer

Rule 55 was introduced to support a development of sailing in a direction towards a higher level of environmental responsibility. Event organizers and officials should also comply with the basic principle in the rulebook about environmental responsibility. Simply deleting rule 55 is the opposite of that.

Boats can use different systems when hoisting a spinnaker other than elastic bands or wool (i.e. snuffers or socks). However, if the OA of an event considers it is advisable to allow the use of elastic or wool bands for reasons of safety or proper seamanship, **and provided that no national or local law or regulation is broken**, they may change rule 55 by, for example, including in the sailing instructions words to the effect of:

Notice of Race

RRS 55 will be changed by adding the following sentence to the rule: 'However, discarding elastic or wool bands when setting a sail will not be considered a breach of rule 55.'

Sailing Instructions

RRS 55 is changed by adding the following sentence to the rule: 'However, discarding elastic or wool bands when setting a sail will not be considered a breach of rule 55.'

RYA Recommendations

The objective should be prevention rather than penalisation. Organising authorities should use draft sailing instruction L24 to encourage and enable competitors that are likely to be afloat in small boats for lengthy periods to dispose of trash onto support or official vessels.

If for reasons of safety or proper seamanship clauses are included in notices of race and sailing instructions as suggested in World sailing Q&A N003, the RYA recommends that only natural or organic material (such as cotton and wool) is permitted.

The environmental impact of any particular type of discarded matter will vary. A glass bottle has a near-infinite life in water, whereas the remains of a sandwich will disperse and degrade relatively rapidly. It is clear that there can be a very wide range of possible breaches of rule 55. Reflecting this, in 2017, rule 55 was amended to state 'The penalty for a breach of this rule may be less than disqualification', i.e. this rule has been made subject to discretionary penalties (DPI) from the protest committee (see separate RYA guidance on Discretionary Penalties).

GPS EVIDENCE IN HEARINGS

GPS is almost universally used for navigation by yachts and the use of GPS based 'tracking' is becoming common at events for boats of all sizes. As a result, parties frequently seek to present GPS based evidence in hearings.

GPS evidence can often be very helpful, but it must be considered in the light of the limitations of the technology used, the GPS installation and the circumstances of the incident.

Limitations of GPS

Position accuracy. GPS positions and tracks give an illusion of precision. Positions are usually quoted to three decimal places of a minute of latitude and Longitude; for latitude, this is equivalent to about 1.85 metres. However, most modern manufacturers quote an accuracy of three to five metres to a 95% certainty level ^(note 1). This means that there is a 95% probability that the GPS is located somewhere inside a circle of that radius with the quoted 'position' at the centre. There is a 5% chance that the GPS is outside that circle. If the evidence is comparing the position of two GPS units, this circle of uncertainty must be applied to both units, which increases the uncertainty of the distance between the units.

Higher accuracy is possible using techniques such as differential GPS, but the equipment and technical infrastructure required is expensive and is not currently common in marine navigation or fleet tracking systems.

Speed accuracy. The reported speed at which a GPS receiver is moving is typically accurate to within 0.1 to 0.2 knots.

SOG not speed through the water. The speed reported by GPS is the speed over the ground not boat speed through the water. These can be significantly different if there is a strong current.

Course Accuracy. The accuracy of the course reported by GPS depends on the speed. Typically, around +/- 2.5 degrees at 2 knots, improving to +/- 0.5 degrees at ten knots.

COG not heading. The course reported by a GPS is the course over the ground (COG) not the heading of the boat (the direction in which it is pointing) unless the tracking information is supplemented by compass information from an external system.

GPS datum. The geographic coordinate system used to reference the position. The most common standard in Europe is WGS 84. Positions can vary by hundreds of metres when referred to different datums. When comparing positions reported by two different GPS units (e.g. on different boats), or a reported GPS position to a waypoint or charted position, it is important to ensure that all positions are referenced to the same datum.

GPS Tracks

Many GPS enabled devices can record a track to show a boat's course over time. This is usually derived from a log of timestamped positions and converted by software into a graphical display on a PC or dedicated chart plotter.

Fleet tracking systems. Increasingly used at regattas, employ GPS devices on the boat or on the sailor to transmit timestamped position and course information to a master system

that can record and display the track of each boat throughout a race. Often marks of the course are fitted with a tracker. Depending on the data transmission method used, boat positions may be logged at intervals as short as one or two seconds or as long as hours between log points.

AIS tracks. Many racing yachts are equipped with AIS transponders that transmit GPS derived information over VHF. Websites exist that display this, essentially public, information in the form of vessel positions and/or tracks. Class B AIS systems, the type most often installed on racing boats, attempt to transmit a position message every three minutes when the vessel speed is less than two knots or every 30 seconds for higher speeds. However, in busy areas, class B transmissions are not guaranteed and it is not unusual for a class B track to contain segments with very long track intervals.

Limitations of GPS Tracks

Important issues to consider for tracks are the logging interval ^(note 2) and the degree of smoothing carried out by software.

Changes of course and/or speed significantly shorter in duration than the logging interval are not usually identifiable. A high frequency non-smoothed track display will give more information about a boats course than a low frequency highly smoothed track.

The boat 'icon' displayed on the screen is not normally to scale with the boat and is usually displayed with the icon centred on the reported position. The latter can be particularly misleading for larger boats (see below).

When comparing multiple tracks, the track points will not usually be synchronized in time.

In some cases, it may be necessary to view the raw log data.

Installation Factors

Location of antenna. The position reported by a GPS is the position of the antenna. It is important to know the location of the antenna within the boat. This is particularly important for larger boats, or when the GPS is carried by a crew member rather than fixed to the boat.

Incident Related Considerations

When evaluating GPS evidence, it is important to carefully consider the inherent uncertainty of the GPS data in relation to the facts required to decide the case, the nature of the incident and the size and speed of the boats involved.

Incidents between boats. GPS tracks and positions are not usually sufficiently accurate on their own to decide close quarters incidents such as establishing/breaking an overlap, keeping clear, brief changes of course, etc.

Marginal OCS calls. GPS tracks and positions are not usually sufficiently accurate on their own to decide marginal OCS calls. Specific important factors to consider are the position of the antenna on the boat, the method the boats used to identify the position of the line (e.g. manually 'pinging' the ends of the line, GPS trackers on the marks, etc. which introduce their own regions of uncertainty) and the ability to synchronize the boat's track position to the starting signal

Sailing the course. GPS data and tracks will often be sufficient to show that a boat has approached close to a given mark of the course, has crossed the starting or finishing lines or even that a mark has been rounded or passed on the correct side when the margin of passing or rounding is large.

Especially on smaller boats, GPS data is not usually sufficiently accurate on its own to show that a boat has passed close on either side of a mark.

Note that when a GPS track is being compared with the charted position of a mark, a major uncertainty is the actual position of the mark. Strong wind and/or tide, may move a mark significantly from its charted position. Waypoints, however, are, by definition, fixed points.

Penalty turns. Depending on the frequency of logging, a GPS track may not contain sufficient data to show that a penalty turn (or turns) has been made or completed correctly.

Checklist of GPS Related Information that may be required

(Required for each boat if using data or tracks from boats' own instruments)

- Accuracy specification of the GPS unit(s) ^(note 1).
- Where on the boat the GPS Antenna is located (distance from bow/stern and centreline).
- Logging interval of the tack data ^(note 2).
- Geographic datum used (e.g. WGS 84).

Notes

(1) GPS accuracy may be quoted using a number of statistical measures; typically:

- Horizontal 95% (the most common, the radius of the circle of 95% probability)
- CEP (circular error probable, the radius of the circle of 50% probability), multiply by 2.08 to convert to horizontal 95%.

(2) The logging interval must not be confused with the 'fix frequency' of the GPS unit.

The logging interval is the rate at which calculated position data is stored or transmitted for the purposes of generating a track.

The fix frequency is the rate at which the GPS calculates position information. For many existing GPS units this is one fix per second, however it is becoming increasingly common for marine GPS units and dedicated sports trackers to operate at 10 or more fixes per second.

IRC RATING PROTESTS

1. Preamble

This guidance focusses on protests concerning alleged breaches of IRC measurement rules. It should be read in conjunction with the RYA guidance on Measurement Protests.

2. Who is the “authority responsible for interpreting the rule”?

For the purposes of rule 64.3(b), the authority responsible for interpreting the rule is the IRC Rating Authority. See IRC rule 4.1.

General contact is via info@rorcrating.com and irc@uncl.com. It is recommended that requests are copied to both addresses. The IRC Rating Offices are not normally open outside of office hours or at weekends. It is recommended that event organisers for significant events contact the IRC Rating Authority before the event to agree a contact point should this become necessary.

The authority responsible for interpreting the IRC rule specifically does not include equipment inspectors, IRC measurers or any other third parties.

3. When is a boat non-compliant with her IRC certificate?

A boat's rated dimensions are declared on her certificate.

When any rated dimension is found to exceed a maximum value or to be less than a minimum value, then the boat is not in compliance with her certificate. See IRC rule 8.10.

For series production boats, rated dimensions may have been standardised by the Rating Authority and these dimensions are not subject to protest. Protest committees should check with the Rating Authority before finding that such a boat is non-compliant. See IRC rule 9.5.

Measurement must be carried out in accordance with the definitions and procedures in the ERS and the IRC Rules and measurement accuracy must be taken into account in deciding whether a boat complies with her certificate.

Note: measurement accuracy does not refer to the tolerances defined in IRC rule 9.8. Those are for the sole purpose of rating reviews and (if relevant) protests. Accuracy in this context means accuracy of measurement and recording of rated data.

IRC rule 12.1 states that all linear measurements are recorded in metres to two places of decimals, i.e. to the nearest centimetre. Non-compliance therefore requires a discrepancy of at least 5mm. To this must be added any uncertainty arising from the measurement. In good conditions, this should not generally be greater than an additional 5 mm, resulting in a practical tolerance in most cases of 10mm.

Weight is recorded to the nearest 10kg. The uncertainty in this instance relates primarily to the load cell accuracy. This is often quoted as a percentage of maximum load. Load cells used by the IRC Rating Authority have a quoted accuracy of +/-0.2% of maximum load, i.e. a load cell rated for 10 tonnes (10000kg) will have an accuracy of +/-20kg. Most load cells also read to the nearest 10kg adding another 5kg to this.

Generally, therefore, linear dimensions in error by greater than 10mm, and weights in error by greater than 0.2% of load cell capacity +5 kg, can be taken to mean that the boat is not in

compliance with her certificate. For HSA and SPA (i.e. areas), non-compliance will be indicated by the compounded linear errors.

4. When does an IRC certificate become invalid?

Change of ownership and/or any changes in sail number automatically invalidate the rating certificate. See IRC rule 8.8. A boat on charter has not changed ownership, her certificate therefore remains valid.

Otherwise, only the IRC Rating Authority may declare invalid, withdraw, or re-issue an IRC certificate. A protest committee has no authority to declare an IRC certificate invalid.

The Rating Authority may withdraw a certificate when it has evidence that the boat does not comply with her certificate or for other reasons. See IRC rule 8.11.

A certificate may be declared invalid as a result of a rating review, see section 10 below.

Owners are required to declare all physical changes to the boat that might affect the performance of the boat; this may result in the certificate being invalidated. See IRC rule 8.9).

Clearly, actions such as polishing the hull or adjusting rig tension before a race will affect the performance of a boat. IRC rule 8.9 is not intended to prevent these and other similar practices. It is aimed at physical changes which might affect the rating; removal or addition of ballast, removal of furniture or other fit-out, modifications to hull, keel or rudder, etc. The IRC Rating Authority will advise in specific instances.

A list of all boats holding current valid IRC certificates and their Time Correctors (TCCs) is published on www.ircrating.org, which is updated daily.

5. What is an IRC one-design certificate?

IRC one-design certificates are clearly identified by the words (irrespective of the certificate print language) ONE-DESIGN adjacent to the TCC.

A one-design certificate requires that, in addition to the IRC rules, the boat must comply with the one-design class rules. In the event of conflict, the IRC Rules take precedence. See IRC rule 13.7.

Protest committees will need to refer to the relevant one-design class rules.

6. What is an IRC Endorsed Certificate?

A Notice of Race may require that boats hold an Endorsed IRC certificate.

IRC rule 8.5 defines an Endorsed certificate as: “An *ENDORSED* IRC certificate is one for which the data on the certificate has been audited and if necessary verified by measurement, or other methods in accordance with current published standards.”

The identification printed on an endorsed certificate is:



The requirement to hold an endorsed certificate is invoked by a Notice of Race, therefore a boat failing to comply breaks a rule of the Notice of Race rather than an IRC rule.

7. What is an IRC short-handed certificate?

See IRC rule 8.2.1.

A short-handed certificate is an additional certificate, valid only for races specifically designated as short-handed (i.e. for no more than 2 crew) in the Notice of Race.

A boat holding a short-handed certificate is not permitted to use her primary certificate for short-handed races. However, a boat without a short-handed certificate may use her primary certificate for all IRC races.

A short-handed certificate will be clearly identified as such and may specify a different configuration from that on the primary certificate but only as permitted by IRC Rule 8.2.1.

8. Crew number/weight

Boats with one design certificates must comply with their one-design class rules in relation to crew number/weight. See IRC rule 22.4.1.

Otherwise, the crew weight shall not exceed 85kg multiplied by the Crew Number printed on the certificate. See IRC rule 22.4.2. This rule does not apply to short-handed certificates.

These requirements may be changed by the notice of race. See IRC rule 22.4.3.

Crew Number is printed in the centre of the Information box on the IRC certificate.

9. Crew classification

There are no rules on the classification of crew within IRC unless stated in a Notice of Race. See IRC rule 22.5.1.

10. Protest decisions

When a boat is found to be non-compliant with her certificate (see section 2), she is to be penalized for the race for which the protest is valid. If the protest committee decides that the boat also broke the same rule in earlier races in the same event, the penalty may be imposed for all such races. No further protest is necessary. See IRC rules 8.10, 13.3, and rules 64.3(c) and 78.1.

IRC rules give the protest committee options for penalties other than disqualification. However, if the protest committee wishes to consider these options, a new certificate is required because the penalty options available depend upon the magnitude of the resulting change to the TCC. See IRC rules 10.3 and 10.4

A protest committee does not have the power to order that a new IRC certificate be issued. Therefore, when it finds that a boat does not comply with her certificate, it is recommended that the protest committee requests a rating review (see section 10 and IRC rule 10.1). If the review cannot be completed before subsequent races, the boat may be allowed to continue racing pending the conclusions of the review. See the RYA guidance on Measurement Protests, section 8.

Note: IRC rule 10.1 permits the IRC Rating Authority to charge a fee for a rating review. No fee is normally charged although the Rating Authority reserves the right to charge in cases of abuse.

If no rating review is requested, the only penalty available to the protest committee is disqualification.

When, as a result of review, the TCC increases, the IRC Rating Authority will invalidate the existing certificate and will normally issue a new certificate with a corrected TCC. See IRC rule 9.9.

In all cases where the TCC increases as a result of an error by a Rule Authority or the Rating Authority of which the boat could not reasonably have been aware, the penalty to be applied is at the discretion of the protest committee. See IRC rule 10.3.

In all other cases:

- When the TCC is increased by not more than 0.005, the original certificate remains valid until the time of the protest. The penalty to be applied is at the discretion of the protest committee. See IRC rules 9.6 and 10.4.
- If the TCC increases by more than 0.005, the original certificate is invalidated from the date of issue. In this case, the boat was effectively racing without a certificate and there is no provision for a discretionary penalty. The boat is to be disqualified. See IRC rule 9.7.

In addition, when IRC rules 10.3 or 10.4 are found to apply, the protest committee may order that races in the event scored with the invalid rating are to be re-scored with the corrected rating.

Note: if the TCC increases by more than 0.005, the option to re-score is not available.

11. IRC Rating Review

IRC Rating Review provides a mechanism for checking the validity of a certificate. IRC rule 9 defines the process.

A rating review may be requested by the owner for his own boat (a first party review) or by an interested party (a third party review), which includes not only other boats but also bodies such as race committees or protest committees.

See section 9 above, for why a protest committee may need to request a rating review

Rating reviews are conducted by the IRC Rating Authority and generally a protest committee will not be directly involved.

When a boat is penalised by a protest committee as a result of her certificate being invalidated by a rating review, the boat is responsible for measurement and rating costs. Otherwise the protestor is responsible for costs. See IRC rule 10.5.

12. Penalties

When a protest committee has discretion to decide the appropriate penalty for the infringement, the penalty may range from no penalty to disqualification.

The following guidelines are recommended in assessing penalties:

- The option to impose a penalty less than DSQ should not normally be used when the protest committee is satisfied that the breach was deliberate. In such cases, the protest committee should also consider action under rule 2 or 69.
- Except in the most trivial of cases or when the non-compliance arises from an error by the Rule Authority or Rating Authority (see above), non-compliance with an IRC certificate should always attract at least a 20% place penalty.
- For more significant infringements, the penalty should increase to 50%.
- If a more significant penalty than a 50% place penalty is considered appropriate, then the proper penalty is probably disqualification.

The penalties above are suggested for a first offence. The penalty for subsequent breaches should normally be greater. Any penalty should exceed any possible gain.

13. Practical issues

In the majority of cases it is probable that some measurement will be required. If the event has appointed a technical committee, then it will normally be able to carry out the necessary work. Otherwise, the protest committee is recommended to contact the local IRC Rule Authority to locate a measurer. Contact details are given for all countries on www.ircrating.org.

In some instances, particularly with large yachts, it may not be possible to conduct the required re-measurement immediately. This does not however prevent a protest committee from ordering the re-measurement; it simply means that the regatta results will be subject to the eventual outcome. This is, however, a very rare occurrence.

It is impractical to list on an IRC certificate every detail of a boat's measurement record, but the notes towards the top of each certificate provide basic detail. The IRC Rating Authority will always be happy to provide such further information as it holds.

It is also likely that there will be occasions when a protest committee receives conflicting advice. If the protest committee is unclear about the meaning of the IRC rules it should contact the IRC Rating Authority with the full background and information.

MEASUREMENT PROTESTS

Introduction

This guidance focusses on protests concerning alleged breaches of measurement rules. It does not directly address protests concerning other aspects of class rules, although some of the principles are applicable to such protests.

Important note: *although a handicapping or rating system (for example, IRC) will cater for boats of different physical classes, or of none, the rules of such a system are also class rules for boats racing under that system (see the definition of rule). Except where stated otherwise, references to class rules in this document include the rules of a handicapping or rating system.*

When a boat of a 'class' is racing under a handicapping or rating system, the 'class' rules will usually only apply to the extent that the rating or handicap is calculated on the basis that some or all of the 'class' rules apply (see World Sailing Case 98, question 4). Check the rules of the rating or handicapping system.

1. What is a measurement protest?

Measurement rules govern the physical characteristics of a boat, for example: dimensions, weight, construction, placement of fittings, sails and their material, required or prohibited equipment, etc.

A measurement protest is an allegation that a boat does not comply with the measurement rules; it may be an allegation that a measurement declared on a rating certificate is incorrect.

2. When is a boat non-compliant with her class certificate?

A boat's certificate is a statement that, when issued, the boat had satisfied the certification process specified by her class rules. In the case of a rating system the certificate will usually state the boat's rating and include critical dimensions and details of required or prohibited equipment.

The possession of an in-date certificate does not guarantee that a boat currently complies with her class rules. She may be non-compliant for many reasons, including wear and tear, repairs, replacement of equipment, new sails, deliberate modification, etc. A certificate may remain valid even though the boat does not comply with class rules.

A boat is non-compliant with her certificate when she fails to comply with

- any class rule governing the physical characteristics of the boat;
- for a rating certificate, declared dimensions or physical characteristics used to calculate her rating regardless of whether these are documented on her certificate. Note that class rules may permit non-compliance that would not improve a boat's rating.

3. When is a measurement rule broken?

A boat breaks a measurement rule when she fails to comply with that rule while racing.

It is not reasonable to assert that a boat has broken a measurement rule while she is ashore, on her mooring or while sailing between the events of a series longer than a regatta. For example, a boat required to carry only one mainsail but which keeps a second mainsail on board doesn't break the rule unless she has the additional sail on board while racing. Many boats race under several handicap/rating systems with a different configuration for each;

under IRC, for example, a boat may simultaneously hold certificates for fully crewed and short-handed racing.

A boat also breaks a rule if she fails to comply with pre- or post-race measurement or equipment checks required by the notice of race or sailing instructions. These normally exist to ensure that the boat will comply, or did comply, while racing.

A boat that fails a pre-event check should, whenever possible, be given the opportunity to correct her non-compliance before racing begins. If she cannot do so, she is rendered ineligible to race. If she races without correcting the problem, she should be protested under the relevant rule and, subsequently, action under rule 69 may be considered.

A boat that fails a post-race check has usually broken the relevant measurement rule while racing.

4. Technical Committee

A technical committee may be appointed for an event, to be responsible for equipment inspection and event measurement. See rules 89.2(c) and 92. Any person appointed by the organising authority or race committee to carry out equipment inspection or measurement for the event is a member of that committee.

5. Who can protest?

The technical committee is required to protest a boat if it decides that she does not comply with the class rules. See rule 60.4(a)(2).

The race committee, the protest committee or a competitor may protest if they have reason to believe that a boat does not comply with a measurement rule.

No other person or body may protest. Specifically, a class association, National Authority, etc. have no right to protest a boat.

However, the race committee or protest committee are not normally required to protest: the primary responsibility for protesting lies with the technical committee and the competitors.

The protest must comply with the requirements of rule 61. In particular, it must contain specific details of how the protested boat is alleged to be non-compliant with the measurement rules: e.g. a sail, when set, extends beyond the black bands.

6. Action by the Protest Committee

If a measurement protest is received, there must be a hearing. The protest committee is responsible for deciding the issue; it cannot delegate the decision to another body, for example the class association (see below).

To give competitors a fair opportunity to correct an issue, protests resulting from pre-race checks should, if possible, be heard before racing begins.

As with any other protest, the protest committee must check validity at the start of the hearing; the requirements of rule 61 must be met. The protest should be rejected if the description of the alleged non-compliance is not specific. A general allegation that “the boat does not comply with the class rules” is not sufficient.

Hear all relevant evidence from the parties (see section 7 below). Obtain additional evidence if required. Call expert witnesses if necessary to clarify the meaning of a rule or the effect of a breach, for example a class measurer if there is one present at the event. *Note: this is not the same as referring the matter to the rule authority for a binding interpretation under 64.3(b).*

Provided the protest committee is sure of the meaning of the relevant rule(s), it can decide the protest; there is no requirement to defer to a third party.

However, if, after taking all the available evidence, the protest committee is unsure about the meaning of a rule, it must request a ruling from the rule authority (see rule 64.3(b)). The

reply is then binding on the protest committee. The request must restrict itself to a ruling on the meaning of the specific rule(s) concerned; it is not a request for the rule authority to decide the protest. See section 14.

The protest committee must decide the case; it must do this, even if the decision does not meet with the approval of a technical committee that protested the issue or of the rule authority.

If the decision is that the boat is in breach of a rule, penalize the boat as appropriate. See section 12 below.

7. What evidence may be required?

- The class or other relevant measurement rules themselves and any associated documents.
- An explanation of why the protestor believes the protested boat has broken a rule.
- An explanation of why the protestee believes the boat complies with the rule.
- Measurement of the disputed dimension or requirement. This must be carried out in accordance with class measurement requirements, e.g. specified measurement tolerances, required measurement equipment, etc.
- If the protest committee is unsure of the meaning of the relevant class rule(s), obtain an interpretation from the class rule authority. See sections 6 and 14.
- If a deviation from a rule is found, how did it occur? Rule 64.3(a) makes special provision for non-compliance caused by damage or normal wear. See section 12 below.

8. Must measurement be done by an authorised measurer?

Not unless specified in the class rules, but this is strongly recommended, especially if the disputed measurement is close to tolerances or requires special equipment.

9. What if measurement evidence (or a class authority ruling) can't be obtained immediately?

There may be many reasons why measurement evidence can't be obtained immediately: for example no suitable measurer is available; a large boat may require lifting facilities; specialist measuring equipment may be required, etc.

Adjourn the hearing until the necessary measurement, etc. can be carried out.

If the required evidence cannot be obtained before the next race in the event, the protested boat may be allowed to continue to race, in which case the protest committee should protest her for each race to ensure that any penalties that may eventually be required can be applied to all races affected.

10. Who pays for measurement?

There are often costs associated with measurement, and for large boats these can be substantial. Costs are usually paid by the unsuccessful party to the protest (see rule 64.3(e)). This includes the technical committee (or race committee) if they are the protestor.

The protest committee can decide on a different allocation of costs but, in deciding, it has a duty to be fair to the protested boat.

11. What if the protested boat declines measurement?

The protest committee has the power to require measurement if it is necessary to resolve the case. This must be decided by the protest committee based on the circumstances of the case; no competitor or other body has the right to insist that a boat be measured.

Consider why the boat is declining measurement. If cost is the issue, for example because a large boat requires an expensive lift-out for weighing, checking measurement, etc., rule on who is responsible for the cost.

Making it clear prior to the hearing that the unsuccessful party will bear the cost can help to reassure the protestee and discourage malicious or opportunistic protests.

If measurement evidence is essential to decide the protest and the protested boat continues to refuse measurement, the protest should be dismissed and the matter reported to the class association or rating authority.

If the protest committee considers the refusal may be intended to conceal a known breach of a class rule it should consider taking action under rule 69.

12. Action by PC when non-compliance is found

When non-compliance is found, the penalty is disqualification for all races within the scope of the protest, unless some other penalty is specified in the sailing instructions or the class rules. If the protest committee decides that the boat also broke the same rule in earlier races in the same event, the boat may be penalized for all such races. No further protest is necessary. See rule 64.3(c).

However, rule 64.3(a) makes special provisions for cases in which non-compliance is found to have been caused by damage or normal wear. If the performance of the boat is not affected, the boat should not be penalised. The boat must not race again until the non-compliance is rectified unless the protest committee decides this is impractical.

If the competitor could not reasonably have been aware of the non-compliance (for example, if it was caused by factors beyond the competitor's control, such as an error by a measurer or an incorrect calculation by a rating authority), the protest committee should consider World Sailing Case 57 "*When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.*"

If the non-compliance may have been deliberate the protest committee should consider whether rule 2 or rule 69 is applicable.

If the non-compliance may affect the handicap or rating of the boat, the PC may apply to the rating authority for a rating review if permitted by the class rules. This may allow the boat to continue racing with results re-scored when the new rating becomes available. *Note: re-scoring action may be specified in class rules.*

Except as described above, if a penalised boat competes in subsequent races in the event without correcting the non-compliance, the boat should be protested for each such race and the protest committee should consider action under rule 69.

13. What if the boat appeals the protest decision?

See rule 64.3(d). If the boat states in writing that she intends to appeal the decision, she may continue to race in that event without making changes to the boat. If she gives no written notification, fails to appeal or the appeal is decided against her, she is to be disqualified from any subsequent races in the event in which she races without making the required changes to the boat. No further hearing is required. *Note: a boat cannot appeal the decision of an International Jury.*

14. Who is the Rule Authority?

A request for an interpretation of a class rule under rule 64.3(b) must be submitted to "an authority responsible for interpreting the rule". This body may be specified in the class rules. Otherwise, it is the class association committee. An interpretation given by the Rule Authority is binding on the protest committee.

Unless the class rules say that a class measurer present at an event is a rule authority for the purposes of rule 64.3(b), evidence given by a class measurer is not binding on the protest committee and should be considered alongside any other evidence.

PERMITTING USE OF AN ENGINE

(AND OTHER METHODS OF PROPULSION)

The default situation is that the use of an engine (or any other method) for propulsion while *racing* (therefore, at any time between the preparatory signal and finishing and clearing the finishing marks) breaks rule 42.1, Propulsion: Basic Rule. In the racing rules, there is no alternative to retirement when a boat realises that she has broken rule 42, and no option other than to disqualify a boat that is found by a protest committee to have broken rule 42, unless some other penalty applies.

Rule 42.3(h), Propulsion: Exceptions, allows various sorts of force to be used to get clear after grounding or a collision, but the use of a propulsion engine is explicitly not permitted.

Rule 42.3(i), Propulsion: Exceptions, allows sailing instructions to state specific circumstances under which a boat may use an engine, or any other method of propulsion, provided she does not gain a significant advantage in the race.

PROPULSION BY ENGINE TO GET CLEAR AFTER GROUNDING OR A COLLISION

When a race committee does not want a boat that uses her engine in this way to have to retire, there are two options:

- 1) It can have a sailing instruction that permits a boat which uses her engine to get clear after grounding or a collision to exonerate herself by accepting a penalty less than disqualification. Examples of a suitable penalty could be a scoring penalty or a time penalty.

A suitable sailing instruction might be:

“When a boat uses her propulsion engine to get clear after [grounding] [or] [a collision], she need not retire, provided that she stops using her engine as soon as she is clear, but shall instead accept [a [__%] scoring penalty calculated as in rule 44.3(c)] [a ____ penalty and notify the use of her engine to the race committee within the time limit for [protests] [declarations].”

Note that this sailing instruction does not change rule 42, which is forbidden by rules 86.1(a) and (b).

- 2) Alternatively, the race committee can use rule 42.3(i) to allow free use of an engine to get clear after grounding or a collision.

The race committee must decide whether the exemption relates to grounding, a collision or both. A suitable sailing instruction might be as follows:

A boat may use her propulsion engine to get clear after [grounding] [or] [a collision] and shall stop using the engine for propulsion as soon as she is clear.

Rule 42.3(i) requires that the boat does not gain a significant advantage in the race. In this context, use of the engine only to get clear does not constitute a significant advantage, even if the boat would have lost many more places without using the engine, and even if she can get clear more quickly than a boat with no engine.

PROPULSION BY ENGINE OR BY OTHER NORMALLY PROHIBITED METHODS, IN OTHER SITUATIONS

Safety when Crossing Shipping Lanes or Avoiding Commercial Shipping: Complying with Other Legal Requirements

A suitable sailing instruction might be:

When a boat needs to avoid commercial shipping, or needs to comply with the IRPCAS or government rules to cross or depart from [a shipping channel, zone or lane] [*the.....*], she may use her engine or manual propulsion to do so. When she initially gains a significant advantage from this propulsion, she may continue to use that propulsion to remove that advantage.

The boat shall then, within the time limit for [protests] [declarations] report this in writing to the [race] [protest] committee, stating the time when the engine or other propulsion was employed, the course and speed made good under power or manual propulsion and the time the propulsion ceased. [A copy will be posted on the official notice board.] When a protest committee decides that the only infringement by a boat that is protested for breaking this sailing instruction was the gaining of a significant advantage, the penalty will be at its discretion.

Guidance for Race Committees

When the race committee receives a report or declaration that propulsion has been used, it should protest the boat if there a possibility that the sailing instruction was broken, or if significant advantage may have resulted. If in doubt, it should protest.

Guidance for Protest Committees

If there was good reason to use the propulsion, but the gaining of a significant advantage was unavoidable and was not corrected, it would be appropriate for the penalty to be added time or a worse score to negate that advantage when the sailing instruction allows for a discretionary penalty. However, when there is use of propulsion not permitted by rule 42.1 or by the sailing instruction, or in circumstances that are not stated in a sailing instruction, the appropriate penalty will be disqualification.

Engine Propulsion after the Preparatory Signal to get to the Starting Area

If it is desired to allow this under rule 42.3(i) (perhaps best suited to less formal evening racing), the sailing instruction below is suggested:

A boat may use her engine after her preparatory signal in order to get to the starting area, provided that before she starts she stops using her engine for propulsion and then takes a penalty by [making a complete 360⁰ turn] [*some other provision*].

PROTECTING BOATS BEFORE THE START

Background

The Racing Rules of Sailing offer two methods to protect boats before their start from interference from boats that have been racing or intend to race in a later start. Rule 24.1, which always applies and applies on all parts of the course, noting that a boat is racing from her preparatory signal, says:

If reasonably possible, a boat not racing shall not interfere with a boat that is racing.

A sailing instruction can also make the starting area a prohibited zone for boats that have been racing, or intend to race in a later start, as recommended in Appendix L11.3 and LE14.3:

Boats whose warning signal has not been made shall avoid the starting area during the starting sequence for other races.

While these should be sufficient in most instances, some race committees have adopted different sailing instructions to achieve the same objective. The rule and draft sailing instruction both deliberately do not use the term 'keep clear', but that term has been observed in sailing instructions intended to protect boats before their start. That has unintended consequences and complications, since in any situation there must be only one right-of-way boat, and therefore only one 'keep-clear' boat. No sailing instruction can change a primary right of way rule (RRS 10 to 13). The correct approach is to place a restriction on the right-of-way boat or to place a further obligation on the keep-clear boat.

Recommendations if further protection is thought to be needed

1. Give the race committee the power to penalize a boat without a hearing, for instance with a sailing instruction such as:

'SI xx.x When the race committee sees a boat breaking rule 24.1 it may, without a hearing, [disqualify her from her nearest race] [penalize her in her nearest race with a xx% scoring penalty calculated as stated in rule 44.3(c)], notifying her in the race results. This changes rules 63.1 and A5.'

2. Use a sailing instruction to require boats whose warning signal has not been displayed to keep out of a clearly defined area which includes the starting line. For example:

'SI xx.x Boats shall not enter the area bounded by the following Navigation Buoys until [n minutes before] their Warning Signal: [e.g., West Bramble, South Bramble, Prince Consort and Gurnard.]'

3. Use clause L11.3 in sailing instructions and reinforce it by defining, if possible, the starting area.

Note

These measures can be effective only against boats that have been racing or are intending to race. Other boats that stray into the starting area are subject to the rights as well as the obligations of the IRPCAS or local navigation rules.

PROTECTING COMMITTEE BOATS

The Problem

It is common practice for organizing authorities and race committees to borrow boats for use as committee vessels. Many owners lend their boats but are aware that there is a substantial risk of collision and resultant damage to the committee vessel, particularly during the starting sequence. Therefore the race committee often protects the committee vessel with objects such as fenders, dinghies or RIBs, sometimes securing them with a long line.

The definition *Mark* in the Racing Rules of Sailing excludes an object accidentally attached to it; therefore an object temporarily, but not accidentally, attached to the mark is part of the mark. Unless care is taken to comply with the definition *Mark*, an attachment to a race committee vessel that forms one end of a starting line may become an obstruction that is not a mark (or part of one) thus falling outside the scope of the Preamble to Part 2 Section C rules. If so, boats may be permitted to barge in by claiming room at the start or to hail for room to tack.

The Solution

This paper addresses the words of the definition *Mark* and recommends sailing instructions to ensure the intentions of the race committee are achieved and are clear to competitors. This requires that any attachment to the committee vessel can reasonably be considered part of the committee vessel or is clearly defined as such. Alternatively additional starting marks can be laid and, if laid, they must be defined in the sailing instructions.

Attachments

1. Attachments to a committee vessel not described in sailing instructions

A committee vessel becomes a starting or finishing mark by virtue of the definition *Mark* when it is surrounded by navigable water and when a starting or finishing line extends from it. There is no absolute test as to whether any particular attachment ranks as part of the committee vessel. At one extreme, a pole projecting from inside the committee vessel and any type of fendering are clearly a part of it; conversely a dinghy or other vessel that has become entangled in the anchor line of the committee vessel must be considered as attached accidentally and therefore is not part of the committee vessel or the mark.

Whilst the definition *Mark* will be sufficient in most cases, the RYA recommends that, when the competitors may be in doubt about an attachment, any such attachment is defined in the sailing instructions as described below.

2. Describing attachments to a committee vessel in sailing instructions

The sailing instructions may define any object as one end of a starting or finishing line by giving it a required side for a boat (as is the case with inner limit marks), as one end of a starting or finishing line and that may include a trailing dinghy, buoy or other object. It is recommended that, when necessary, the mark is stated to comprise the vessel plus any

attachments, which will then, as a whole, be surrounded by navigable water. When this is done, the method of attachment of the object to the committee boat is immaterial.

A suitable sailing instruction is:

The [starboard end] starting [and finishing] mark will be the committee vessel [description] together with a [dinghy/RIB/buoy/other] if attached to [the stern/other of] the committee vessel.

A dinghy, RIB or buoy attached to the committee vessel on a long line is not recommended as it is likely to move around substantially and independently of the committee vessel. However, if such a device is considered necessary, it should be described as an attachment to the committee vessel.

Additional Starting Marks (Limit Marks)

At a start, it is common to protect a committee vessel and at the same time to offer clear wind to all boats and a safe exit for a boat barging, by laying a limit mark. Such limit marks are usually positioned on the starting line, ideally on or on the course side of the line, and at some distance from the committee vessel. However there may be circumstances when limit marks are quite properly laid some distance on the course side of the starting line, for example to protect a long overhang or an anchor chain that is only just below the surface. In order to comply with the definition *Mark*, sailing instructions must state not only that an inner limit mark will be laid but also the side on which it is to be passed.

A suitable sailing instruction is:

When a [description] [dinghy/RIB/buoy/other] is laid near the committee vessel [approximately on the starting line], it is a starting limit mark that shall be left on the same side as the nearby committee vessel.

It must be noted that a limit mark laid significantly on the pre-start side of the starting line is unlikely to achieve the desired protection for the committee vessel.

RECOMMENDATIONS FOR PROTEST COMMITTEES

(RRS APPENDIX M WITH FURTHER ADVISORY NOTES FROM THE RYA)

This appendix is advisory only; in some circumstances changing these procedures may be advisable. It is addressed primarily to protest committee chairmen but may also help judges, jury secretaries, race committees and others connected with protest and redress hearings.

In a protest or redress hearing, the protest committee should weigh all testimony with equal care; should recognize that honest testimony can vary, and even be in conflict, as a result of different observations and recollections; should resolve such differences as best it can; should recognize that no boat or competitor is guilty until a breach of a *rule* has been established to the satisfaction of the protest committee; and should keep an open mind until all the evidence has been heard as to whether a boat or competitor has broken a *rule*.

Hearings concerning Support Persons

Rule 60.3(d) allows a protest committee to call a hearing to consider whether a support person has broken a rule. Such a hearing is not a protest hearing but the general principles of procedure in this guidance represent good practice for the conduct of the hearing.

In early 2018 the RYA will publish separate guidance concerning procedures to apply the RRS to support persons and for hearings when a *support person* may have broken a rule.

Data Protection

Material created as a result of a protest hearing which amounts to “personal data” (data that can identify individuals) is subject to data protection legislation. The legislation is changing in 2018. Protest committees should be mindful of their obligations under the applicable legislation.

M1 PRELIMINARIES (may be performed by race office staff)

When appropriate, ensure that the protest room is accessible to people with physical disabilities.

- Receive the *protest* or request for redress.
- Note on the form the time the *protest* or request is delivered and the protest time limit.

Use the latest protest form, either from the World Sailing website or the RYA version on the RYA website.

Unless the sailing instructions say otherwise, there is no obligation for a protest or request for redress to be submitted on a protest form, anything written will suffice, and it need not be signed. Attach the document to a blank protest form and proceed normally.

Any written complaint about race management should be considered as a potential request for redress. If in doubt, call a hearing for the boat to state her case.

A request to reopen a hearing by a boat that was not a party to the original hearing must be treated as a request for redress by the boat making the request to reopen. See RYA cases 1994/3 and 2002/1. Similarly, a request for redress by a party to a hearing must be treated as a request to reopen the hearing. See rules 62.1(a) and 66.

All protests and requests for redress must be accepted and scheduled for a hearing, even if the time limit has expired or it is suspected it may not be valid. Only the protest committee can decide that a protest or request is invalid, and there may be a good reason to extend the time limit (rule 63.1).

Once a protest or request for redress has been delivered, it cannot be withdrawn without the permission of the protest committee (rule 63.1).

Do not allow a protest to be withdrawn if it is suspected that withdrawal is requested as a result of coercion, or to avoid a penalty on any party.

For a protest, the only information that **must** be provided at this stage is a description of the incident (rule 61.2).

For a request for redress; any document that 'identifies the reason' for possible redress is sufficient (rule 62.2).

If a request for redress alleges that a boat has been incorrectly scored (including a disputed OCS score), ask the requester to discuss the problem directly with the race committee (including allowing the competitor to see any document or hear any tape that will be offered in evidence). A hearing will only be necessary if the complaint cannot be resolved. Consider using a 'scoring query form' to assist in this process.

When a request for redress may significantly affect the results of other boats, or if abandonment is a possible outcome, consider acting under rule 60.3(b) to request redress for all boats concerned, so that all can attend and express a view. The protest committee must issue a written request for redress and inform the boats concerned. The two requests should then be heard together.

- Inform each *party*, and the race committee when necessary, when and where the hearing will be held.

Consider posting a notice on the official notice board listing the hearings, the parties and the place and approximate times of hearings. It is helpful to document this procedure in the sailing instructions, stating that this is the notice required by rule 63.2, and where and when the notice will be posted (usually by a fixed time after the expiry of the protest time limit).

It is the parties' responsibility to ensure their witnesses attend.

The protest committee cannot compel anyone, party or witness, to attend.

When there are requests for redress under rule 62.1(a) against a committee, try to schedule them consecutively, and preferably as the first hearing(s). Inform the relevant committee as soon as such a request is lodged.

When there is more than one protest and/or request for redress for what is clearly the same incident, seek consent from the parties to schedule a single hearing to hear all the cases together.

M2 BEFORE THE HEARING

Introduce the protest committee members (including yourself).

It may help to place a 'name-plate' in front of each protest committee member.

When children are involved, consider a 'round the table' layout for the protest room, or, if the weather is appropriate, holding the hearing outside.

M2.1 Make sure that

- Each *party* has a copy of or the opportunity to read the *protest* or request for redress and has had reasonable time to prepare for the hearing.
- Only one person from each boat (or *party*) is present unless an interpreter is needed.
- All boats and people involved are present. If they are not, however, the committee may proceed under rule 63.3(b).
- Boats' representatives were on board when required (rule 63.3(a)). When the *parties* were in different races, both organizing authorities must accept the composition of the protest committee (rule 63.8). In a *protest* concerning class rules, obtain the current class rules and identify the authority responsible for interpreting them (rule 64.3(b)).

Observers

It is good policy to allow observers in hearings if space permits.

Make it clear that observers can say nothing, and that they cannot be called as witnesses (rule 63.3(a)).

Observers should sit behind (out of eye contact with) the parties,

When a hearing involves children, the presence of a responsible adult as observer is desirable.

Disabilities

Be sensitive to any disabilities that may make it difficult for a party or witness to speak or to understand the proceedings. If uncertain, ask if help will be required, and, if in doubt, insist on it.

M2.2 Determine if any members of the protest committee saw the incident. If so, require each of them to state that fact in the presence of the *parties* (rule 63.6).

M2.3 Assess *conflicts of interest*.

From January 2017, the concept of "interested party" is replaced by "conflict of interest". See the definition *conflict of interest* in the RRS.

- Ensure that all protest committee members declare any possible *conflicts of interest*. At major events this will often be a formal written declaration made before the event starts that will be kept with the protest committee records.
- At the start of any hearing, ensure that the *parties* are aware of any *conflicts of interest* of protest committee members. Ask the *parties* if they consent to the members. If a *party* does not object as soon as possible after a *conflict of interest* has been declared, the protest committee may take this as consent to proceed and should record it.
- If a *party* objects to a member, the remainder of the protest committee members need to assess whether the *conflict of interest* is significant. The assessment will consider the level of the event, the level of the conflict and the perception of fairness. It may be acceptable to balance conflicts between protest committee members. Guidance may be found on the World Sailing website. Record the decision and the grounds for that decision.

- In cases of doubt it may be preferable to proceed with a smaller protest committee. Except for hearings under rule 69, there is no minimum number of protest committee members required.
- When a request for redress is made under rule 62.1(a) and is based on an improper action or omission of a body other than the protest committee, a member of that body should not be a member of the protest committee.

M3 THE HEARING

Complete the protest committee's side of the protest form as the hearing proceeds, using it as a procedural aide-memoire.

Recoding in Hearings

In some situations, it may be beneficial to make an audio and/or video recording or transmission of a hearing; for example: for the purpose of training race officials or athletes, to assist in keeping track of the evidence given in a complex case, etc.

Recording should only be permitted under the following conditions:

- The purpose of the recording should be declared and all persons in the hearing must give permission before recording begins. Permission can be withdrawn at any time; recording must be stopped immediately if any person involved so requests. When children are involved, permission must be obtained from the responsible adult. The protest committee chairman should confirm that permission has been given in the protest documentation.
- All persons recorded are entitled to an un-edited copy of the recording; if this is not possible, permission should be refused. The cost of providing copies should normally be borne by the person requesting the recording. If a person recorded does not consent to his data being shared, it must be redacted from the copy.
- No recording of protest committee deliberations should be permitted.
- No recording, or transcript, should be transmitted or published in any form, including social media, without the permission of all persons recorded.

Making a recording of a hearing that does not comply with these conditions is an act of bad manners.

M3.1 Check the validity of the *protest* or request for redress.

- Are the contents adequate (rule 61.2 or 62)?

For a protest, only a brief description of 'the incident' and the identity of the protesting and protested boats are required before the hearing.

All the other information can be provided during the hearing.

If "where and when the incident occurred" is provided during the hearing, the protested boat must be given reasonable time to prepare before the hearing continues.

The 'when' may be an explicit time, or a moment whose time can be deduced, such as 'race 3, first beat'.

For a request for redress, wording that 'identifies the reason' for possible redress is sufficient.

If the protestor has misidentified the protested boat, the protest remains valid, but it must be dismissed. Such an error will not normally be a 'good reason' to extend the time limit for a new protest against the correct boat.

- Was it delivered in time? If not, is there good reason to extend the time limit (rule 61.3 or 62.2)?

The test for a 'good reason' is that it would not have been reasonably possible in the circumstances for the protest/request to have been delivered in time.

It is unlikely that there would be a good reason for extending the time limit for a *protest* after the end of a regatta.

Unless otherwise specified in the sailing instructions the time limit for requests for redress is the later of the protest time limit or two hours after the 'incident'.

The 'incident' for a redress claim may occur after the protest time limit has expired, or even after the event has finished (for example in results published after the event).

- When required, was the protestor involved in or a witness to the incident (rule 60.1(a))?
- When necessary, was 'Protest' hailed and, if required, a red flag flown correctly (rule 61.1(a))?

If the protestor is firm that a hail using the word 'protest' was promptly made (and, if required, a red flag was promptly flown until the finish) but the protestee states he did not hear the hail (or see the flag), take appropriate evidence, including witnesses. Give the benefit of any doubt to the protestor.

- When the flag and hail were not necessary was the protestee informed?
- Decide whether the *protest* or request for redress is valid (rule 63.5).

It is not relevant to the validity of a protest or request for redress that the corresponding box on a protest form has not been ticked.

- Once the validity of the *protest* or request has been determined, do not let the subject be introduced again unless truly new evidence is available.

If a protest or request is found to be invalid, the hearing must be closed (rule 63.5).

However, if the incident may have caused injury or serious damage, rule 60.3(a)(1) permits the protest committee to protest any boat involved. The protest committee must submit a new protest and a fresh hearing must be called. The hearing must first decide whether there was indeed serious damage or serious injury. If there was not, the hearing must be closed (rule 63.5).

M3.2 Take the evidence (rule 63.6).

Hearings involving Children

Children should normally be expected to present their own case without assistance.

For very young children, the assistance of an adult may be allowed.

The hearing procedure should be firm and structured but ensure that children are not intimidated.

Never attempt to make things easier for children by hearing their evidence in the absence of one or more parties (rule 63.3(a)).

- Evidence shall only be taken when all parties are present, unless the protest committee is acting under rule 63.3(b).
- Ask the protestor and then the protestee to tell their stories. Then allow them to question one another. In a redress matter, ask the *party* to state the request.

Models are recommended for parties and witnesses to present the positions and courses of the boats.

Ideally, have enough models for all stages of the incident to be displayed simultaneously. This will more clearly show up any inconsistencies.

Assign colours of boat models to the boats involved and keep the colours consistent throughout the hearing to assist in understanding the demonstrations of the incident.

Consider taking a photograph of each presentation.

Suitable models can be purchased from the RYA.

Each party and witness should start afresh when illustrating the situation.

Make sure you understand what happened before and after the incident.

- Invite questions from protest committee members.
- Make sure you know what facts each *party* is alleging before calling any witnesses. Their stories may be different.
- Allow anyone, including a boat's crew, to give evidence. It is the *party* who normally decides which witnesses to call, although the protest committee may also call witnesses (rule 63.6). The question asked by a *party* 'Would you like to hear N?' is best answered by 'It is your choice.'
- Call each *party's* witnesses (and the protest committee's if any) one by one. Limit *parties* to questioning the witness(es) (they may wander into general statements).
- Invite the protestee to question the protestor's witness first (and vice versa). This prevents the protestor from leading his witness from the beginning.
- Allow members of the protest committee who saw the incident to give evidence (rule 63.6) but only while the *parties* are present. Members who give evidence may be questioned, should take care to relate all they know about the incident that could affect the decision, and may remain on the protest committee (rule 63.3(a)).
- Try to prevent leading questions or hearsay evidence, but if that is impossible discount the evidence so obtained.
- Accept written evidence from a witness who is not available to be questioned only if all *parties* agree. In doing so, they forego their rights to question that witness (rule 63.6).
- Ask one member of the committee to note down evidence, particularly times, distances, speeds, etc.
- Invite first the protestor and then the protestee to make a final statement of her case, particularly on any application or interpretation of the *rules*.

M3.3 Find the facts (rule 63.6).

- Write down the facts; resolve doubts one way or the other.
- Call back *parties* for more questions if necessary.
- When appropriate, draw a diagram of the incident using the facts you have found.

The descriptions of the incident given by the parties and witnesses may differ significantly, but it is the duty of the protest committee to decide what is most likely to have happened and to record this in the form of facts).

The decision is made by applying the rules to these facts.

Facts are situations, conditions or actions that could be directly observed by a person witnessing the incident and are usually quantifiable. For example, the following statements are facts:

- 'boat A was three boat lengths from mark X',
- 'boat A was sailing parallel to and one boat length to windward of boat B',
- 'boat A altered course 25 degrees to windward', and
- 'boat A was scored OCS'.

The statement 'boat X did not keep clear of boat Y' is not a fact, it is a conclusion. To be useful in making a decision it must be justified by documented facts relevant to the definition *keep clear*, such as the courses and relative positions of X and Y.

Further typical examples of conclusions, that must be justified by facts, are:

- 'boat A was seriously damaged',
- 'boat A did not sail the correct course' and
- 'boat A broke rule 10'.

If there is contact between boats, facts and conclusions relevant to rule 14 must be recorded for each boat that made contact.

Facts such as the wind speed and direction, speed and direction of tide or current, sea state, etc. should be recorded when relevant.

If any boat has taken a penalty, record the penalty taken in the facts found.

Facts that are not relevant to the decision need not be recorded.

M3.4 Decide the *protest* or request for redress (rule 64).

- Base the decision on the facts found (if you cannot, find some more facts).
- In redress cases, make sure that no further evidence is needed from boats that will be affected by the decision.

PROTESTS

There are three steps – decide which rule or rules apply to the facts, state conclusions, and make the decision. Here is an example, including the statement of facts:

FACTS FOUND

- *Boat A was reaching on starboard tack in 10kts of wind, towards the next mark, to be rounded to starboard, which was 100 metres away. Tide was slack, wind direction steady.*
- *Boat B was clear astern of boat A, also reaching on starboard tack, and sailing faster. She became overlapped to leeward approximately 1 hull length from A. She changed course to a course approximately 20° higher than boat A's.*
- *Boat A hailed boat B not to sail above a proper course.*
- *Boat A held her course, and boat B continued to sail her higher course for around 10 seconds, until the boats came within 30 cm of each other.*
- *Boat B bore away. There was no contact. Each protested the other.*

RULES AND CONCLUSIONS

- **Definition, proper course.** *The course sailed by boat B was above her proper course, as, if held, it would have taken her far to windward of the next mark, and there was no reason for sailing that high at the time, in the absence of A.*
- **Rule 17.** *Boat B was required not sail above a proper course as overlap was established within two lengths.*
- **Rule 15.** *Boat B became right of way boat when the overlap began. She was initially required to give boat A room to keep clear, and she gave that room.*
- **Rule 16.** *Boat B was then required to give boat A room to keep clear when she changed course. The protest committee is satisfied that Boat A could have kept clear by a seamanlike change of course.*
- **Definition, keep clear.** *Boat B was not able to sail her course with no need to take avoiding action.*
- **Rule 11.** *Boat A was required to keep clear of Boat B, and did not do so.*

DECISION

Boat B is disqualified under rule 17. Boat A is disqualified under rule 11.

NOTES:

A boat can fail to *keep clear* even if there is no contact (see definition *keep clear*).

Contact is usually evidence that a boat has already broken a rule. For example, if a boat clear astern sails into the transom of one clear ahead, she will have broken rule 12 **before** the collision, at the point the boat ahead would have needed to take avoiding action.

The decision must be confined to the parties and the incident stated in the protest.

If it is decided that a rule was broken by a boat that is not a party to the protest, that boat cannot be penalized. In this situation, the protest committee should protest the boat concerned under rule 60.3(a)(2). A new written protest is required, the current hearing must be closed, and the original and new protests must be heard together (see rule 61.1(c)).

More than one boat can break a rule during an incident and a boat may break more than one rule.

The conclusions must note each rule broken, the boat that broke the rule and the reason for exoneration if any (see rules 14(b), rule 21 or rule 64.1(a)).

Every party that breaks a rule must be penalised unless she is exonerated or she has already taken an appropriate penalty (rule 64.1).

The penalty is disqualification unless the rule broken states another penalty (rule 64.1).

Exoneration under rule 21 does not require that the boat was compelled to break the rule for which she is to be exonerated (except for a breach of rule 31).

Exoneration under rule 64.1(a) requires that the boat was compelled to break the rule by the action of another boat breaking a rule. In the example above, Boat A was required to keep clear and had room to do so. Boat B's breach of rule 17 did not compel boat A to break rule 11 so she is not exonerated.

If the hearing is of both a protest and a request for redress (or, if during a protest hearing it becomes clear that redress will be due to one of the parties) decide the protest first. Then add any further facts relevant to redress and make the decision on redress.

REQUESTS FOR REDRESS

To give redress, the protest committee must conclude that a boat's score or place in a race or series has been made significantly worse by one of the causes listed in rule 62.1, and she herself must not have been at fault. Facts must be found to justify the conclusions drawn.

Common Redress Situations

The race committee disqualifies a boat without a hearing (or scores her DNF) when it believes that she did not sail the correct course. If the boat actually complies with the definition *finish* by crossing the finishing line from its course side, she is entitled to a finishing place, which can only be taken away from her (unless otherwise specified in the sailing instructions) as a result of a protest (rule A5). She is to be reinstated.

A sailing instruction says that a boat doing or not doing something will be disqualified. Sometimes, a race committee will believe that this entitles it to disqualify without a protest and hearing. For that to be the case, it would have to be stated explicitly in the sailing instructions, as a change to rules 63.1 and A5. She is to be reinstated.

No boat can be penalized in a redress hearing, nor can the protest committee protest a boat as a result of information arising from a redress hearing (rule 63.1).

If the written description of the incident is clearly a request for redress by a boat and not a protest, the protest committee must hear it solely as such. The request for redress cannot be 'converted' to a protest against the boat. See RYA cases 1990/7 and 2001/2.

The hearing must be confined to the incident stated in the request.

In the examples above, the incident is the change, by the race committee, of the boat's finishing position without a hearing. Because the race committee acted outside its powers, the boat must be reinstated.

Further, the protest committee has no power to uphold or re-impose the disqualification. (It may seem unfair for the boat to be awarded her finishing place, but it is not the role of the protest committee to correct the failure of the race committee to protest).

If a boat claims she was wrongly identified as OCS (or ZFP, UFD or BFD): give the benefit of any doubt to the race committee, whose race officer will have been best placed to identify her. See World Sailing case 136.

A conclusion that an action by the race committee did not break a rule does not necessarily prevent redress being given. Such an action may still be improper if it is not as fair as possible to all competitors.

See additional guidance on redress in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance.

Review your decision. Ensure there are sufficient facts to justify each conclusion/rule broken. If not, find more facts, call back the parties for further evidence if required.

M3.5 Inform the *parties* (rule 65).

- Recall the parties and read them the facts found, conclusions and *rules* that apply, and the decision. When time presses it is permissible to read the decision and give the details later.
- Give any *party* a copy of the decision on request. File the *protest* or request for redress with the committee records.

Give details of your decision to the scorer.

Post a summary of protest committee decisions on the official notice board.

M4 REOPENING A HEARING (rule 66)

M4.1 When a party, within the time limit, has asked for a hearing to be reopened, hear the *party* making the request, look at any video, etc., and decide whether there is any material new evidence that might lead you to change your decision. Decide whether your interpretation of the *rules* may have been wrong; be open-minded as to whether you have made a mistake. If none of these applies refuse to reopen; otherwise schedule a hearing.

M4.2 Evidence is ‘new’

- if it was not reasonably possible for the *party* asking for the reopening to have discovered the evidence before the original hearing,
- if the protest committee is satisfied that before the original hearing the evidence was diligently but unsuccessfully sought by the *party* asking for the reopening, or
- if the protest committee learns from any source that the evidence was not available to the parties at the time of the original hearing.

M5 MISCONDUCT (rule 69)

The RYA recommends that before taking action on an allegation of misconduct the protest committee should carefully read the World Sailing booklet ‘Misconduct Guidance’, available at www.sailing.org/racingrules/documents.

M5.1 An action under this rule is not a *protest*, but the protest committee gives its allegations in writing to the competitor before the hearing. The hearing is conducted under rules similar to those governing a protest hearing but the protest committee must have at least three members (rule 69.2(a)). Use the greatest care to protect the competitor’s rights.

M5.2 A competitor or a boat cannot protest under rule 69, but the protest form of a competitor who tries to do so may be accepted as a report to the protest committee which can then decide whether or not to call a hearing.

M5.3 Unless World Sailing has appointed a person for the role, the protest committee may appoint a person to present the allegation. This person might be a race official, the person making the allegation or other appropriate person. When no reasonable alternative person is available, a person who was appointed as a member of the protest committee may present the allegation.

M5.4 When it is desirable to call a hearing under rule 69 as a result of a Part 2 incident, it is important to hear any boat-vs.-boat *protest* in the normal way, deciding which boat, if any, broke which *rule*, before proceeding against the competitor under rule 69.

M5.5 Although action under rule 69 is taken against a competitor, boat owner or *support person*, and not a boat, a boat may also be penalized (rules 69.2(h)(2) and 64.4).

M5.6 When a protest committee upholds a rule 69 allegation it will need to consider if it is appropriate to report to either a national authority or World Sailing. Guidance on when to report may be found in the World Sailing Case Book. When the protest committee does make a report it may recommend whether or not further action should be taken.

M5.7 Unless the right of appeal is denied in accordance with rule 70.5, a *party* to a rule 69 hearing may appeal the decision of the protest committee.

M5.8 Further guidance for protest committees about misconduct may be found on the World Sailing website.

M6 APPEALS (rule 70 and Appendix R)

When decisions can be appealed,

- Retain the papers relevant to the hearing so that the information can easily be used for an appeal. Is there a diagram endorsed or prepared by the protest committee? Are the facts found sufficient? (Example: was there an *overlap*? Yes, or No. ‘Perhaps’ is not a fact found.) Are the names of the protest committee members and other important information on the form?
- Comments by the protest committee on any appeal should enable the appeals committee to picture the whole incident clearly; the appeals committee knows nothing about the situation.

If you are unsure about your decision, or if you think that it raises an interesting point about the application of the rules, consider referring your decision to the RYA, which welcomes such references (see rule 70.2).

M7 PHOTOGRAPHIC EVIDENCE

Photographs and videos can sometimes provide useful evidence but protest committees should recognize their limitations and note the following points:

- The *party* producing the photographic evidence is responsible for arranging the viewing.
- View the video several times to extract all the information from it.
- The depth perception of any single-lens camera is very poor; with a telephoto lens it is non-existent. When the camera views two *overlapped* boats at right angles to their course, it is impossible to assess the distance between them. When the camera views them head on, it is impossible to see whether an *overlap* exists unless it is substantial.
- Ask the following questions:
 - Where was the camera in relation to the boats?
 - Was the camera’s platform moving? If so in what direction and how fast?
 - Is the angle changing as the boats approach the critical point? Fast panning causes radical change.
 - Did the camera have an unrestricted view throughout?

RESTRICTING PROTESTS OR REQUESTS FOR REDRESS BY BOATS

Background

As stated in the RYA Racing Charter, a fundamental function of a race organizer is to ensure that the competition is both fair and safe for competitors. Weak or inconsistent enforcement of the rules results in dissatisfaction among competitors and, in extreme cases, can lead to competitors leaving the sport.

Sailboat racing is a self-policing sport, which means that the primary responsibility for enforcing the rules lies with the competitors themselves. This, in turn, relies upon the ability of a boat to protest another boat that she believes has broken a rule or to request redress when she believes that she has been significantly disadvantaged.

The right of a boat to protest or request redress is stated in rule 60.1.

Is it possible, within the rules, to restrict the right of boats to protest or request redress?

Yes, but there are few circumstances in which this is good practice. Competitors are usually more likely to be aware of rule breaches than either race or protest committees, whose view may be less comprehensive. In the absence of alternative mechanisms for enforcing the rules, restricting the right to protest or request redress diminishes the fairness of the competition.

Restriction of the right of a boat to protest or request redress should never

- a) permit a breach of a rule that affects the fairness of the competition;
- b) prevent redress for an action by the race committee (or other body) that affects the fairness of the competition;
- c) circumvent a rule that cannot be changed under rule 86;
- d) circumvent a class rule or World Sailing regulation (see definition *rule*).

A restriction under these circumstances would normally be improper and could be overturned by a protest committee or, on appeal, by the RYA.

Protests by boats may reasonably be restricted in situations where it is clear that breaches of the rule affected will always be seen by the race committee but only rarely by competitors, for example failure to collect or return tallies or to operate event-supplied tracking equipment.

When restrictions do validly apply, the race committee, or when appropriate the protest committee, should implement a robust procedure for monitoring compliance with the relevant rules and protesting boats that do not comply.

When a race committee is concerned that a rule may give rise to vexatious protests, it should consider the appropriateness of the rule and the possibility of discretionary penalties before deciding to implement a restriction on the right to protest. When appropriate and permitted by rule 86, rules can be modified to suit the circumstances of a specific event.

Restriction of the grounds for redress

Notices of race and sailing instructions frequently state that specific circumstances shall not be grounds for redress; for example, failure of a boat to hear a race committee VHF transmission or errors in supplied GPS coordinates for marks. To be valid they must state that rule 62.1 is changed.

Restriction of the right to redress will be improper if it conflicts with the principles outlined in the previous section.

How can a restriction be implemented?

To restrict the right of a boat to protest, a sailing instruction (or, when required by rule J1.2, the notice of race) must state that rule 60.1(a) is changed.

For example:

Boats may not protest for breaches of [list of rules]. This changes rule 60.1(a).

To ensure the restriction is seen to be fair, the notice of race or sailing instructions should also state how compliance with the relevant rules will be enforced.

A rule in the notice of race or sailing instructions to restrict redress for an action or omission by the race committee or other body is proper only if that action or omission is not improper. However, in that circumstance, no redress is possible because the essential requirement for redress is an improper action or omission. Consequently, such sailing instructions are redundant and may discourage competitors from making a valid request; hence they are not recommended.

Action when a protest or request for redress is received

Fairness requires that a race committee is not the judge of whether its own actions are proper. When a protest or request for redress is received, the protest committee must open a hearing even if a possible restriction applies. The protest committee shall then consider whether the restriction is proper using the criteria outlined above. If it finds that a restriction of the right to protest or request redress is improper, the protest or request is valid provided all other requirements for validity have been met.

Redress may be given when a restriction of the grounds for redress is found to be improper.

It is recommended that, for events where a protest committee is appointed in advance, the race committee consult the protest committee on any rule in the notice of race or sailing instructions intended to restrict protests or redress.

RISK MANAGEMENT

For many years, the RYA has recommended that organising authorities insert additional wording in their notices of race to remind competitors of their own responsibilities for the safety of their boats and crew while racing, as well as in an effort to reduce the exposure of the organisers to potential liability should a competitor or third party suffer injury or loss during the event.

The recommended wording, updated in 2013 and now further in 2017, takes the form of a 'risk statement'. It is set out in Addendum A (RYA) to Appendix J of the RYA edition of the Racing Rules of Sailing 2017-2020 (page 135) and is repeated below.

The 'risk statement' is intended to replace entirely the 'disclaimer of liability' clause in paragraph 20 of the model notice of race in Appendix K of the Racing Rules of Sailing 2017-2020.

The purpose of this note is to explain why the RYA has made these changes.

When competitors enter a race, they enter into a contract with the organisers. Like every contract, there are two sides to the bargain. The competitor pays an entry fee and expects the organisers to put on a race or a series of races and to run it for them efficiently and reasonably safely. The organisers expect the competitors to act reasonably, to comply with the racing rules and not to do anything dangerous to themselves or to others.

The terms of the contract between competitors and the organisers are set out in the notice of race and, because the organisers prepare the notice of race, in practice the conditions in it are laid down by the organiser. The sailors have to accept them if they want to compete, and do so by signing a declaration on the entry form, the suggested wording for which is also in Addendum A (RYA).

Whenever an organisation undertakes to perform a service, it runs the risk that if it performs the service badly there will be someone who will not only be unhappy, but who could also suffer an injury or loss.

It has been standard practice for very many years for companies and organisations that provide such services to try to limit their liability for negligence as far as they can. However, the courts and judges have increasingly restricted the ability of companies and organisations to limit their liability in the UK and, over the years, they have made such provisions virtually ineffective or at least very difficult to impose conditions that succeed. This has been assisted by legislation for the past forty years and, in 2008, legislation was passed that potentially made any attempt in a contract to exclude liability a criminal offence.

While it is not entirely clear that this would be the case, it is no longer sensible to include 'disclaimer clauses' in notices of race. If a club has already published its notice of race using a disclaimer notice, it is quite in order to update the notice of race in accordance with rule 89.2(a).

The RYA has therefore updated its advice and it is important that clubs and race organisers follow its recommendation which is that, instead of attempting to rely on a disclaimer, race organisers should take reasonable steps to reduce the exposure of competitors, officials and third parties to unacceptable risks as well as having full and effective liability insurance cover when running events.

The RYA recommendation is that the steps taken to reduce the exposure to unacceptable risks should include: conducting a risk assessment for the event; considering whether appropriate safety measures have been taken; considering whether competitors' attention need to be drawn to any specific rules and information (e.g. by preparing a safety plan for the event and referencing this in the sailing instructions); and using a risk statement in the notice of race to alert competitors to the residual risks.

The suggested risk statement in Addendum A and also reproduced below is, as stated, a suggestion. It does not cover risks specific to a particular venue or to a particular event which might become apparent from the risk assessment process (e.g. large passenger ferries or cargo vessels pass through the racing area, or risks associated with the specific way that boats are launched or craned into the water at a particular venue). It is intended that these specific risks will be either added to the risk statement itself and/or be brought to competitor's attention in a separate safety plan for the event and/or mentioned at a safety briefing prior to competitors going on the water. It is also possible that other documentation, such as a club's byelaws, will make provision for risks that have been identified for the venue - in which case, these should also be referred to in the event documentation.

The Inspections paragraph is only required when the organising authority intends that boats will or may be inspected prior to or during the event.

It is further recommended that organisers include wording in the sailing instructions to the following effect 'Risk Statement; competitors are referred to the notice of race'. If there is a separate safety plan produced for an event or a safety briefing is to be held, it is recommended that these are also referred to in the sailing instruction - e.g. 'Risk Statement: competitors are referred to the notice of race and are advised to attend the safety briefing'.

A more detailed explanation of the legal position can be found in the RYA publication 'Race, Training and Event Management – The Legal Aspects'¹².

RISK STATEMENT

Rule 4 of the Racing Rules of Sailing states: "The responsibility for a boat's decision to participate in a race or to continue racing is hers alone."

Sailing is by its nature an unpredictable sport and therefore involves an element of risk. By taking part in the event, each competitor agrees and acknowledges that:

- a) They are aware of the inherent element of risk involved in the sport and accept responsibility for the exposure of themselves, their crew and their boat to such inherent risk whilst taking part in the event;

¹² 'Race, Training and Event Management – The Legal Aspects' can be obtained from the club section of the RYA website at www.rya.org.uk/go/clubs

- b) They are responsible for the safety of themselves, their crew, their boat and their other property whether afloat or ashore;
- c) They accept responsibility for any injury, damage or loss to the extent caused by their own actions or omissions;
- d) Their boat is in good order, equipped to sail in the event and they are fit to participate;
- e) The provision of a race management team, patrol boats, umpires and other officials and volunteers by the organiser does not relieve them of their own responsibilities;
- f) The provision of patrol boat cover is limited to such assistance, particularly in extreme weather conditions, as can be practically provided in the circumstances;
- g) It is their responsibility to familiarise themselves with any risks specific to this venue or this event drawn to their attention in any rules and information produced for the venue or event and to attend any safety briefing held at the venue;
- h) [*For offshore races*] They are responsible for ensuring that their boat is equipped and seaworthy so as to be able to face extremes of weather; that there is a crew sufficient in number, experience and fitness to withstand such weather; and that the safety equipment is properly maintained, stowed and in date and is familiar to the crew]; and
- i) [*If not covered elsewhere in the Notice of Race*] Their boat is adequately insured, with cover of at least [£#] against third party claims].

INSPECTIONS

The fact that race officials may conduct inspections of a boat does not reduce the responsibilities of each competitor set out in this Notice of Race.

DECLARATION

(To be contained in the entry form immediately above the signature of the competitor)

I agree to be bound by the Racing Rules of Sailing and all other rules that govern this event. In particular, I confirm that I have read the Notice of Race and accept its provisions and agree that my boat will conform to the requirements set out in the Notice of Race throughout the event.

SCORING

(GUIDANCE ON THE APPLICATION & OPERATION OF RRS APPENDIX A)

Authority and Responsibility

Rule 90.3(a) gives the race committee responsibility for scoring a race or series. The rule stipulates that the race committee “shall” do so using the Low Points System of Appendix A unless the notice of race or the sailing instructions specify some other scoring system. Because the rule allows for other scoring systems to be specified, if that is done it is not a rule change. Furthermore, if no other system is specified, the Low Points System and the other parts of Appendix A are the default systems and need not be specified.

Rule 44.3(c) states how a Scoring Penalty is to be calculated and the way in which such scores are integrated into the race scoring. All the other rules relating to scoring are included in rule 90 and Appendix A.

Methodology

Most scoring is dealt with by various, widely available, computerised systems. While, therefore, organising authorities and race committees do not need to be fully conversant with the details, they do need to understand the principles of scoring in order to ensure that the program or manual system being used does score the race or series as they require.

Notice of Race and Sailing Instructions

Except for a single-race event, the notice of race or the sailing instructions must state the number of races scheduled and the number required to be completed to constitute the series (rule A1). The number of discards to be allowed need not be stated, in which case the default value is one excluded race score (rule A2.1). If the number of discards is different, then this must be stated (rules J1.2(14) and J2.1(9)).

Appendices K (Notice of Race Guide) and L (Sailing Instructions Guide), at K13 and L17, provide the wordings to be used covering various alternatives. The wordings are identical and need only to appear in one of the two documents.

Basic Information

The basic data used for scoring is a boat’s finishing position in a race.

In a non-handicap race this will be the boat’s place when crossing the finish line in compliance with the definition *Finish*. In a handicap race the boat’s finishing position will be determined from her corrected time under the rating or handicap system used for the race (the ‘class rules’ under (d) in the definition *Rules*), (rule A3).

However, a boat's eventual finishing position in a race may be changed by:

- (a) a decision of the race committee to score a boat OCS, ZFP, UFD, BFD, SCP, RET or DNF; or
- (b) a decision of the protest committee in a protest or redress hearing (rule A5).

Note that the race committee must give a finishing place to every boat that *starts* and *finishes* as defined. If they believe that a boat has not correctly sailed the course they must protest her under rule 28. Only a protest committee can score a boat DSQ, DNE, RDG or DPI except under rule 78.2 which requires the race committee to DSQ a boat.

When a boat is disqualified or retires after finishing, each boat finishing behind her is moved up one place. Where a boat is given redress which adjusts her score, the position of other boats does not change unless the protest committee directs to the contrary (rule A6).

Race Scoring

a) Place Points

The Low Points System of Appendix A gives each boat *starting* and *finishing* and not thereafter retiring or being penalised or given redress, a score of the number of points corresponding to her finishing position (i.e. first – 1 point, second – 2 points, etc.) (rule A4.1). If two (or more) boats are tied in a race, because they could not be separated on the finish line or their corrected times are identical, the points for the tied position and the one(s) after it are added together and each boat receives an equal share of the total (rule A7). The rule also specifies that if there is a race prize for the tied position the boats shall share it or be awarded equal prizes.

When there is a large entry for an event and each race is sailed in flights or groups and the results combined, there will, initially, be at least two boats with the same race score for each place. These do not rank as ties to be broken.

b) Redress Points

If a boat is granted redress by the protest committee by adjusting her score for a race, the adjustment may be in various forms. Rule A10 gives three possible ways of making such an adjustment:

- (a) Points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward) of her points in all the races in the series except the race concerned;
- (b) Points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward) of her points in all the races before the race concerned; or
- (c) Points based on the boat's position in the race at the time of the incident that justified redress.

Race committees should check that their chosen scoring system implements A10(a) and A10(b) correctly by including all races, including subsequently discarded race(s), in the averaging calculation. The same worst score(s) will be excluded after it/they have been used to find the average. Some older programs do not do this, which is over-generous in the redress it gives.

However, these forms of adjustment are advisory only and a protest committee may vary them or give redress in any other form it so decides.

Any redress score should be annotated **RDG** in the results.

c) Unplaced and Penalty Points

There are a number of circumstances (see rule A11) in which a boat's score in a race is not her place or redress score:

SCP: Use of the Scoring Penalty must be specified in the event sailing instructions for it to be available. Where available, the penalty is to make a boat's finishing place points worse (i.e. more) by the number of places stated in the sailing instructions, but when no number is stated it is 20% of the score for Did Not Finish rounded to the nearest whole number (0.5 rounded upwards) but cannot be worse than the score for DNF. Scores of other boats are not changed.

DNC: A boat that is entered in the series but does not come to the starting area for a race, is scored one more than the number of boats entered in the series. This score can be difficult to determine when the series is "longer than a regatta" (rule A9) and boats may enter during the series (see below).

DNS, OCS, DNF, UFD and BFD: These are statements of judgements by the race committee and may arise from a variety of reasons, including boats not finishing within the time limit if one is stated in the sailing instructions. **RET** is a notification to the race committee by a boat that she has retired from the race and may be made during the race or after finishing.

These are all scored one more than the number of boats entered in the series (rule A4.2), except when it is "a series longer than a regatta" (rule A9) when the score is one more than the number of boats that came to the starting area.

ZFP: Also a judgement by the race committee. The penalty is a scoring penalty as described above. It is 20% of the score for DNF unless the sailing instructions state another percentage (and it is not a rule change to do so). More than one ZFP can be incurred by a boat in one race (where there is one or more restarts), but the boat's race score cannot be made worse than the score for DNF.

DSQ and DNE: These decisions, together with **RDG** and **DPI**, can only be made by the protest committee (rule A5). These disqualifications are both scored one more than the number of entries in the series and the difference is that a DNE score cannot be excluded in calculating the series score.

DPI: A discretionary penalty score will be whatever is specified by the protest committee – see RYA guidance on discretionary penalties at www.rya.org.uk/go/RRSguidance and in this book.

The availability of discretionary penalties first appeared in the rule book in 2013 in rule 41 and then in 2017 in rule 55. However, also from 1.1.2017, a rule (including those in the notice of race and sailing instructions) may be annotated 'DP' so that a breach of that rule may, at the discretion of the protest committee, be less than disqualification.

Race Scores in a Series Longer than a Regatta

This is the title of rule A9. Unfortunately the length of a regatta is not defined. The rule is understood to be applicable to any series longer than an event or series sailed on one or more consecutive days (which may include a spare day(s) on which racing is not scheduled) and lasting no longer than a week or so (e.g. a weekend open meeting, a 5-day or 7-day championship, Cowes Week, etc.).

The most common 'series longer than a regatta' is clubs' points racing, extending over many weeks with some competitors entering after some races in the series have taken place and only a proportion of the fleet/class compete in each race. Frequently, the number of entries is not known until the end of the series. For clarity, it is helpful to state in the notice of race for such series that rule A9 scoring will apply.

Rule A9 scores all non-finishing places in a race (DNS, DNF, RET, DSQ) as one more than the number of boats that came to the starting area, so the number of entries in the series is not required to be known for those scores.

However, the score for **DNC** remains as one more than the number of boats entered in the series, which is an unknown value at the beginning of (and on through) the series. A possible, commonly used, solution to this problem is to change rule A9 by a sailing instruction giving a fixed, but deliberately high, score for DNC, which not only enables races to be accurately scored from the beginning of the series but also is an incentive for sailors to turn out for as many races as they can. If no change is made to rule A9, earlier races will have to be rescored as new entrants come into the series.

Series Scoring

a) General

A boat's series score is the total of her race scores excluding her worst race score (rule A2.1). The number of discards allowed may be varied by the sailing instructions, one discard being the default number. However, if a boat is scored DNE (Disqualification that is Not Excludable) in a race, that score may not be discarded (rule 90.3(b)) and the next worst score is excluded instead.

b) Discards

Many events specify, in the notice of race and sailing instructions, that the number of discards increases as more races are completed. A race is completed when it is scored; and a race must be scored provided that it is not *abandoned* and if one boat sails the course and *finishes* within the time limit, if any, even if she retires after *finishing* or is disqualified (rule 90.3(a)). It is theoretically possible that no boat is scored for a finishing place but the race is 'completed' for series purposes.

If a boat has two or more equal worst scores, it is the one for the race(s) sailed earliest in the series to be excluded (rule A2.1). However, because of changes made previously to the tie-breaking rule the result will be exactly the same if it were not the earlier worst score that was excluded.

c) Tie-breaking

When boats have equal total scores for the series rule A8 provides a two-step system for breaking such ties.

The first process requires the scores (N.B. not places) of the tied boats to be listed in ascending order (i.e. best to worst) and not including any discarded scores. These lists are then compared and at the first point of divergence the tie is broken in favour of the boat(s) with the better (best) score(s) (rule A8.1).

Example: Low point system, one discard.

Race No.	1	2	3	4	5	6	Total	Reordered counting scores					Discard
Boat A	3	4	1	6	2	7	16	1	2	3	4	6	7
Boat B	4	3	2	1	6	6	16	1	2	3	4	6	6
Boat C	1	2	7	3	3	14	16	1	2	3	<u>3</u>	7	14

This rule (A8.1 – frequently known as the ‘most firsts rule’) breaks the tie in favour of Boat C. The tie between Boats A and B cannot be broken by this rule because it does not use the discarded races’ scores. [It would be broken in favour of Boat B on the basis of the scores in the last race].

If, after applying rule A8.1, some boats remain tied, that tie is broken in favour of the boat(s) with the better score(s) in the last race, even if that is a discarded score in the series total. Should that not break the tie(s) the scores in the next-to-last race are used, and so on until all ties are broken (rule A8.2).

Example: Low point system, one discard.

Race No.	1	2	3	4	Total	Reordered counting scores			Last race score	Ranked
Boat A	3	4	5	10	12	3	4	5	10	4
Boat B	14	3	4	5	12	3	4	5	5	3
Boat C	5	15	3	4	12	3	4	5	4	2
Boat D	4	5	6	3	12	3	4	5	3	1

Normally the last-race scores will break all remaining ties. However, it is possible that two or more boats may have equal scores in the last race because some boats have received a scoring penalty – hence the provision to use earlier races’ scores until all ties are broken.

As Appendix A is open to amendment by sailing instructions, it is possible to have alternative tie-breaking procedures if required.

Results

It is good practice to publish the results and scores of races and the series-to-date as soon as possible after each race. Such results should be annotated ‘provisional’ or/and ‘subject to protest’ and show the date and time at which they were published. The advantage to the race committee in publishing the results and scores promptly is that it enables competitors to view them as soon as possible and query any scores with which they take issue. Rule 90.3(c) provides that when the race committee determines that it has scored a boat incorrectly it shall correct the error and publish the revised results and scores without the matter having to go to a redress hearing. Many events include a ‘scoring query’ procedure in order to deal with such matters quickly.

STARTING PENALTIES

Question

At events with many competitors or many spectator vessels, it is sometimes undesirable for a boat that is OCS (on the course side of the starting line at the starting signal) to be required to return. Does the definition *Start* prevent sailing instructions from making other provisions?

Answer

No. The definition is just that, a definition. It does not place any obligation on a boat. The obligation is to be found in rule 28.1, namely to start, sail the course and finish. Rule 86 does not prevent the changing of rule 28.1 in the notice of race and sailing instructions. So the requirement to start can be changed.

No single draft sailing instruction can take into account the many ways in which the requirement to start can be varied. The following must be considered in respect of an OCS boat:

- Is the boat to be allowed to return if she wishes, or is she to be compelled not to do so?
- The sailing instructions must state that:
 - Flag X will not be displayed, or
 - If it is displayed, a boat need not (or shall not) return, and that the second sentence of rule 29.1 is either deleted or modified, or
 - A different flag will be used to denote that at least one boat was OCS.
- What penalty is to apply to her if she then continues? A time or place penalty would be appropriate if the boat has not gained a significant advantage by being OCS, otherwise her OCS score should stand. This must be explicit.
- Who is to decide how she is to be scored? Normally, the race committee would be given the discretion to replace an OCS score with the lesser-scoring penalty without a hearing when no significant advantage is gained. However, in the case of a sailing instruction where a boat was permitted but not required to carry on, all of the above could be replaced by a provision that a boat that was OCS and did not return will be scored accordingly but will, on request to the protest committee, receive a lesser-scoring penalty (either a fixed tariff or at the discretion of the protest committee) if the protest committee decides that she did not thereby gain a significant advantage.
- In a long-distance event, it is also possible to require a boat that can be notified of her infringement to take a penalty, for instance to cease sailing the course for a stated time at a line, mark or waypoint in the sailing instructions or to be notified by the race committee, and this will not then require any later adjustment to a boat's finishing time.

- Does the race committee wish a requirement not to return to apply only when a boat is OCS at her starting signal, or when any part of a boat crosses the starting line in some period (a minute?) before the starting signal (in which case, how is she to be notified of this?).
- Any rule that is modified must be identified as such in the notice of race or in the sailing instructions. This may include rules 28.1, 29.1, 63.1 and A4.2.

Race Management

It is not advisable to have an I Flag (rule 30.1), U Flag (rule 30.3) or a Black Flag (rule 30.4) start when there is also an option or requirement for an OCS boat not to return to start, as this could give rise to confusion.

'VIRTUAL' PROTEST COMMITTEE HEARINGS

Introduction

This guidance is intended primarily for race officials involved in protest or redress hearings held by email, teleconference or video (virtual hearings). It may also be helpful to competitors who find themselves part of such hearings or organisers of events considering the use of such hearings.

Where possible, hearings should be held in the conventional manner, i.e. in person with all parties in one location (see RYA Guidance – Recommendations for Protest Committees). However, it is recognised this may not be practical in some circumstances and a virtual hearing may provide a quicker resolution.

As technology advances, it may be that virtual hearings will become more widespread as event organisers seek ways to reduce costs whilst continuing to provide a good level of service to competitors. However, protest committees should be aware of the inherent limitations of conducting a hearing other than in person. In particular, it may not be possible to fully assess the body language or demeanour of a witness who is giving vital evidence. This can impact on the credibility of their evidence.

Email Hearings

Email hearings are likely to be suitable only for cases where the facts are largely agreed between the parties and the dispute is in the application of the rules. They are unlikely to be suitable for Part 2 protests and cases where witnesses are going to be called.

Examples that may be suitable for hearing via email could be a request for redress under rules 62.1(c) or 76.1.

Communication should be directed through the protest committee (PC) chairman.

Initially, the PC chairman should email a copy of the protest or request to all parties and PC members. He should also introduce the members of the PC and request whether any party objects to one of them.

Once any conflict of interest has been resolved, the PC should assess validity in the normal manner. The PC chairman should collate any questions and send them to the parties for a response.

When a response is required from the parties, then the PC chairman should specify a deadline by which these responses should be received and the consequences if they are not received (e.g. that the hearing will continue without considering the response). It is important that sufficient time be allowed for responses as failure to do so may be an improper action that could result in a request for redress. This can lead to such hearings becoming protracted.

The hearing should then proceed as normal. Each party should submit their evidence to the PC chairman for onward distribution. The PC chairman would then request questions from the parties and members of the PC to be collated and issued together for responses from the parties. When asking for questions, the PC chairman should request that the parties number their questions and submit them in a format allowing the other party to respond beneath each question. It may be helpful if different coloured fonts are used to denote each party.

Once all evidence has been presented and questions answered, the parties should be allowed to present a summation of their case. They can be reminded that, as all evidence is written, there is no need to repeat what has already been presented.

The PC would then deliberate via email before agreeing on the facts found, conclusions and decision. The PC chairman should then issue the written decision to the parties.

Teleconference Hearings

Similar to email hearings, it is unlikely that teleconference hearings will be suitable for Part 2 cases where parties may wish to present part of their evidence by use of models.

The PC chairman or PC secretary should identify a suitable time when all parties, witnesses and PC members are available, ensuring that this allows sufficient time for the parties to prepare.

All parties, protest committee members and witnesses should be asked to join the call at the start. The PC chairman should confirm that everyone is online and then briefly explain how the process will work. Depending on the system being used, any witnesses may either be temporarily muted from the call or they can be asked to hang up and the PC will call them to ask them to re-join when they are required.

The hearing should then proceed as normal. At the end of the evidence, the parties should be excluded in a similar manner to the witnesses whilst the PC deliberates. They should then be asked to re-join whilst the final decision is read out.

The PC chairman should ensure they are familiar with how the teleconferencing system works before the hearing commences. This should include how to monitor those present on the call.

Video Conference Hearings

Video conferencing through the use of commonly available methods such as Skype provides the advantage of being able to see the parties. Some methods also have the important advantage of allowing people to share their screens such that diagrams, pictures or videos may be displayed.

The format should be largely similar to that followed for teleconference hearings described as above.

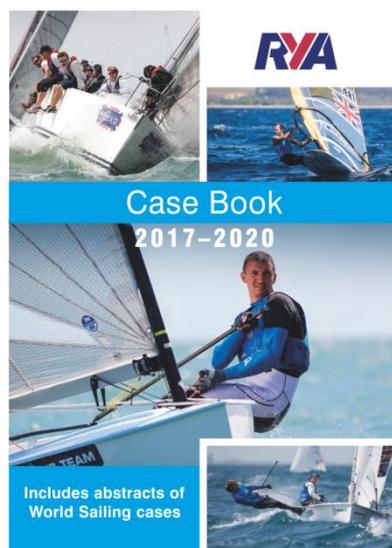
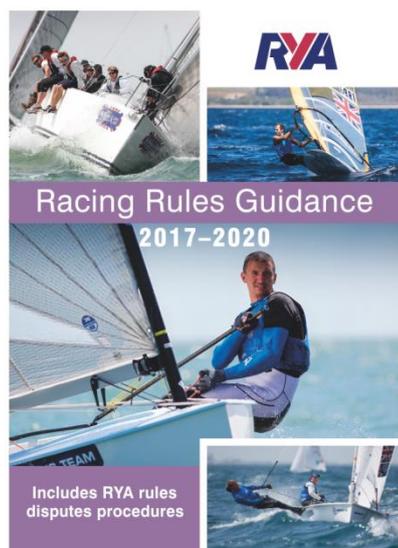
RYA Racing Rules Publications

Under the umbrella of its Racing Charter, the RYA produces the following guidance books on the racing rules of sailing. The guidance offered is the opinion of experts and is not a binding interpretation of the rules, nor will it be appropriate for all racing.

Both books are available in pdf format and as an RYA eBook.

All versions can be downloaded at no cost from www.rya.org.uk/go/RRSguidance.

Other racing rules information can be found at www.rya.org.uk/racingrules.



The Racing Rules of Sailing 2017-2020, including the RYA Racing Charter and RYA prescriptions to the rules, can be purchased in spiral bound paperback format on waterproof paper from the RYA Shop at www.rya.org.uk/shop.

The Handy Guide to the Racing Rules is available as a pocket booklet or an eBook.

The Racing Rules Explained is available as an eBook.

To buy eBooks, go to www.rya.org.uk/go/ebooks and download the 'RYA Books' app.

