

ISAF Racing Rules Question and Answer Service



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Situation

A series of races is conducted using the IRC rating rules. After the regatta has started, the IRC rating certificate for a boat is found to be defective due to an error made by the Rating Authority. The certificate is therefore invalidated. During a hearing, the protest committee finds as a fact that the owner of the boat could not have reasonably been aware of the error in the rating certificate.

IRC rule 10.3 states:

*'A **boat** whose certificate is invalidated as a result of an error or omission by a Rule Authority or by the Rating Authority, of which the **boat** could not reasonably have been aware, may be penalised at the discretion of the protest committee. Additionally, a protest committee may order that races scored using the invalidated certificate shall be re-scored using the corrected TCC.'*

ISAF Case 57 states (in part):

'When a valid certificate is found to be defective, it may be withdrawn by the authority that issued it, but no retrospective action may be taken in regard to a completed series or any completed races in a series that is still in progress. Thus, when a current, properly authenticated certificate has been presented in good faith and a race or series has been completed, the results of that race or series must stand, even though at a later date the certificate is withdrawn.'

Question 1

IRC rule 10.3 permits a boat to be penalized and races to be re-scored retrospectively under certain circumstances. This is in conflict with the principles stated in ISAF Case 57. Is IRC rule 10.3 invalid or may a class or rating rule take precedence over a principle established by an ISAF case?

Answer 1

An ISAF Case interprets the RRS. When the RRS are changed, an ISAF Case may no longer be applicable. In this case the class rules incorporate a provision for penalization at the discretion of a protest committee, as permitted by rule 64.1(a), which makes Case 57 inapplicable in this situation. There is no mechanism to explicitly state that an ISAF Case does not apply.

Note however that a protest committee's power to rescore is limited to a race or event for which that event's organizing authority or race committee appoints it.

Question 2

If IRC rule 10.3 is valid, under what circumstances might it be appropriate for the protest committee to penalize a boat under IRC rule 10.3 when she appears to have broken no rule?

Answer 2

Due to the Rating Authority's error the boat's certificate was invalidated, therefore the boat sailed with an invalid rating certificate and did break rule 78.1. However, the wording in IRC Rule 10.3 gives the protest committee the widest possible discretion. The 'some other penalty' in rule 64.1 (a) includes the option of imposing no penalty. In most circumstances when IRC Rule 10.3 is applicable, this would very probably be appropriate, but it gives the protest committee freedom to act in all the circumstances they might be faced with.

Question 3

If IRC rule 10.3 is valid, is a re-scoring under the 2nd sentence of the rule conditional on the boat being penalized under the 1st sentence of the rule? That is, can races be re-scored without the boat having been penalized?

Answer 3

The second sentence of IRC Rule 10.3 starts with the word *Additionally*. Therefore it is a part of the options available for the protest committee and, with the wording of the first sentence, rescoring could be done also when no penalty is given to the boat in question.