

## RYA GUIDANCE NOTES BOOKLET

Under the umbrella of its Racing Charter, the RYA produces guidance notes on the Racing Rules of Sailing and the organisation of racing. The following were available at August 2012; these documents will be updated and additional notes will be published as required. 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.

The latest versions of these documents can be obtained from the RYA website [www.rya.org.uk/racingrules](http://www.rya.org.uk/racingrules). Comments or questions are welcome and should be made by email to the RYA at [racingrules@rya.org.uk](mailto:racingrules@rya.org.uk).

<b>GUIDANCE FOR ALL COMPETITORS</b>	<b>Page</b>
<b>Advertising</b> 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.	4
<b>Appeals and Requests for Confirmation or Correction</b> Questions and answers about the appeals and requests processes.	6
<b>Boats with Limited Visibility</b> Addressed primarily to boats with asymmetric spinnakers, the paper explains the obligations of such boats and of other boats sailing in the vicinity.	11
<b>Competitor Misconduct</b> Outline guidance on the application of racing rule 69 together with possible actions and penalties. This guidance is printed in full in the RYA version of the Racing Rules of Sailing 2009-2012 on page 151.	(1)
<b>Outside Help</b> 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.	13
<b>Racing Rules Advisory Service Frequently Asked Questions</b> The RYA Racing Rules Committee provides an advisory service to help individuals, clubs, classes and other organisations with their interpretation of the racing rules. This service is intended to offer prompt informal advice without the delays inherent in a formal appeal. Answers to some frequent questions are provided. To submit a question, please email <a href="mailto:racingrules@rya.org.uk">racingrules@rya.org.uk</a> .	17

<b>Racing Under the IRPCAS</b>	18
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.	
<b>Redress</b>	21
Guidance about what and when redress can and cannot be given.	
<b>Small Boat Safety Regulations</b>	27
Safety regulations for dinghies and small keelboats, including the standard for trapeze harnesses.	
<b>RYA RULES DISPUTES PROCEDURES</b>	
<b>Protest Form</b>	(1)
For protests and for requests for redress, including arbitration under the RYA Rules Disputes procedures.	
<b>Rules Disputes</b>	28
About the use of the exoneration penalty, advisory hearings and RYA arbitration.	
<b>Rules Disputes Questions and Answers</b>	34
Frequently asked questions that arise when advisory hearings or arbitration are adopted.	
<b>Rules Disputes Poster</b>	(1)
A diagrammatic guide to the RYA Rules Disputes process.	
<b>GUIDANCE PRIMARILY FOR RACE OFFICIALS</b>	
<b>Championship Results</b>	36
Guidance on delivering a high-quality results service at championship events.	
<b>Gate Marks</b>	37
Guidance on the use of gate marks.	
<b>Gate Starts</b>	38
Guidance on how to operate a gate start.	
<b>Information for Observers at Hearings</b>	43
Guidance for the protest committee about, and information for, observers at protest hearings.	
<b>Information to Competitors from the Protest Committee</b>	45
Suggested texts that the protest committee may want to post for competitors at an event.	
<b>Judging and Umpiring</b>	(1)
Best practice of these race official disciplines at events of varying levels and importance.	

<b>Misconduct, a Reference for Race Officials</b>	(2)
A complete reference for race officials on dealing with dissent, gross misconduct and, where relevant, child protection issues.	
<b>Permitting Use of an Engine</b>	48
Options for, and limits on, sailing instructions allowing the use of an engine for propulsion.	
<b>Photography at Events</b>	50
Guidelines for RYA race officials on taking and publishing images of competitors at events.	
<b>Protecting Boats Before the Start</b>	51
Methods and penalties to inhibit interference by boats that are not racing with boats that are in their starting sequence.	
<b>Protecting Committee Boats</b>	53
The paper explains the correct methods for race managers to protect their own and borrowed boats used as committee boats.	
<b>Race Management Guide</b>	(2)
A guide and aide-memoire for race officers.	
<b>Race Officials' Code of Conduct</b>	55
Guidance on expected levels of behaviour and practice for RYA race officials during events.	
<b>Recommendations for Protest Committees</b>	56
Extended guidance on Appendix M regarding protest committee procedure with examples of appropriate actions in described circumstances.	
<b>Scoring</b>	66
The text of Appendix A, Scoring, together with guidance and detailed explanations of the scoring rules, and examples of their application.	
<b>Starting Penalties</b>	73
Describes alternatives to returning to start correctly for boats that are over the starting line at the starting signal (OCS).	
<b>Zone Size</b>	75
Guidance on considerations on changing zone size.	

## NOTES

(1) = available on the RYA website [www.rya.org.uk/racingrules](http://www.rya.org.uk/racingrules)

(2) = separate booklet

## RYA GUIDANCE

### ADVERTISING

#### Introduction

In November 2010 ISAF Council approved a completely rewritten Regulation 20, Advertising Code. The new Advertising Code (the Code) applies with immediate effect to all events organised in accordance with the Racing Rules of Sailing (RRS) and to all boats racing in these events; see RRS 80.

The Code can be downloaded from [www.sailing.org/1999](http://www.sailing.org/1999). It is anticipated that further minor changes to the Code will be made in November 2011.

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 RRS.

#### 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 are at [www.rya.org.uk/infoadvice/racing/racingrules/Pages/the-rules.aspx](http://www.rya.org.uk/infoadvice/racing/racingrules/Pages/the-rules.aspx).

#### 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. There is a transition period whereby the advertising specified in Class Rules on 31 October 2008 continues to apply until those advertising rules are changed. However, after 31 December 2012, if the Class Rules are silent on advertising then advertising will be permitted.

The biggest changes are

- (1) Advertising is now permitted by "default". Therefore it is essential that classes wishing to restrict or prohibit advertising amend their Class Rules without delay.
- (2) All references to Category A (meaning no advertising) and Category C (meaning advertising allowed) are deleted.

When Class Rules permit advertising this must be approved. Approval is automatically granted to ISAF 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 ISAF approval; this may catch classes, such as the RS200, which have an international presence. 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. 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 [racing@rya.org.uk](mailto:racing@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.

## RYA GUIDANCE

### 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, or that the protest committee's procedures were faulty – 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](mailto: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 the RYA's prescription to Appendix F of the Racing Rules of Sailing. The prescription is to be found on the RYA website (it was modified on 1<sup>st</sup> January 2010, so the version in the original RYA edition of the Racing Rules is not up to date – a cut-and-paste amendment slip is also available on the RYA website.) The address is:

[www.rya.org.uk/SiteCollectionDocuments/Racing/RacingInformation/RacingRules/RYA%20Prescriptions%202009-2012.pdf](http://www.rya.org.uk/SiteCollectionDocuments/Racing/RacingInformation/RacingRules/RYA%20Prescriptions%202009-2012.pdf)

First, you must notify the RYA of your intention to appeal, within 15 days of the protest committee's decision. Second, you must then complete and lodge an appeal within 15 days.

The Appeal Form (also available by phoning or emailing RYA Racing) is on the RYA website at:

[www.rya.org.uk/INFOADVICE/RACING/RACINGRULES/Pages/appeals.aspx](http://www.rya.org.uk/INFOADVICE/RACING/RACINGRULES/Pages/appeals.aspx)

This form has to be completed and returned to RYA Racing together with several documents, 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.

The appeal form and all associated documents can in principle 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 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. 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, 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 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. You must yourself first seek redress, and you will have the right to appeal if your request for redress is refused.

**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. However, if the facts given are inadequate, the RYA will take steps to obtain adequate facts – see rule F5. 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 failure to call any hearing or a denial of the right of a party to be present throughout a hearing may result in the upholding of an appeal. 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.

**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 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 need to reopen, to forestall or delay 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.

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 ISAF cases, RYA cases, ISAF Questions and Answers or ISAF 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 F3, circulating the appeal to the other parties, to the protest committee and sometimes to other relevant bodies or persons (see the RYA



prescription to rule F4). 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 rule change, at which point the case will either be retained unchanged, be edited to harmonise with any rule change, or will be deleted. Some cases form the basis of submission to ISAF for acceptance as an ISAF case. The RYA Case Book is to be found at:

[www.rya.org.uk/INFOADVICE/RACING/RACINGRULES/Pages/ryacasebook.aspx](http://www.rya.org.uk/INFOADVICE/RACING/RACINGRULES/Pages/ryacasebook.aspx)

**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 ISAF?**

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

A17. Yes. The RYA offers a rapid-response Rules Advisory Service, which is run by members of the Racing Rules Committee. See:  
[www.rya.org.uk/infoadvice/racing/racingrules/Pages/advisoryservice.aspx](http://www.rya.org.uk/infoadvice/racing/racingrules/Pages/advisoryservice.aspx)

The 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 ISAF Case Book, available on the ISAF website: [www.sailing.org](http://www.sailing.org)
- The RYA Case Book, as referred to above
- RYA Guidance on certain issues, see:  
[www.rya.org.uk/infoadvice/racing/Pages/bestpractices.aspx](http://www.rya.org.uk/infoadvice/racing/Pages/bestpractices.aspx)

## **RYA GUIDANCE**

### **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 ISAF 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 Case 107<sup>1</sup> of the International Sailing Federation (ISAF) 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.

---

<sup>1</sup> ISAF Case Book; available at [www.sailing.org](http://www.sailing.org) – this was previously RYA Case 2004/6

## RYA GUIDANCE

### 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, and the RYA prescription to it have changed several times recently. In January 2012 the RYA has prescribed to amend rule 41; 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 protest committee protest a boat that may have gained an advantage from help received help 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.

#### Rules and Terminology

Rule 41 is changed by the RYA prescription (effective from January 2012) 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 penalised; any penalty may be less than disqualification.

Rule 62.1(a) allows a claim for redress when an improper action of the race committee 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, normally working through patrol boats on the course. In many cases, fellow competitors will also be required to offer help, and possibly to provide help, in accordance with fundamental rule 1.1. The amended rule 41(a) specifically allows the boat or competitor to receive this help without necessarily being penalized.

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 boats have 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 or a report to the protest committee may be appropriate; see Sailing Instructions below.

When a competitor is recovered by a support or coach boat that is associated with that boat or by any other boat that is not accredited to the race committee, any action beyond the immediate recovery of the competitor should be reported to and considered by the protest committee.

## **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 RRS, this should be stated in the sailing instructions.

## **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 protest committee, preferably by the competitor. The protest committee can then consider if the boat may have gained a significant advantage and, if so, it should protest the boat. Protests by the race committee should normally be restricted to incidents 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 protest committee in writing before the end of protest time on the day concerned. The protest 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, as changed by the RYA prescription. 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 or protest 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 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 booklet<sup>2</sup> "Race, Training and Event Management – The Legal Aspects".

### **Further Assistance**

The RYA will endeavour to answer questions from event organisers. Any questions must be by email addressed to [racing@rya.org.uk](mailto:racing@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.

---

<sup>2</sup> This booklet is identified as RYA Legal 6. Take care when ordering from the RYA as there is a navigation booklet with a similar reference. RYA Members can download the booklet; go to Legal Advice then Liability to Others.

## Examples

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

<b>Race Committee Action</b>	<b>Allowable Help?</b>	<b>Improper Action?</b>
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 shaded 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

ISAF 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.



## RYA GUIDANCE

### RACING RULES ADVISORY SERVICE FAQs

(FREQUENTLY ASKED QUESTIONS)

#### Q1. Only one boat starting a race

If only one boat comes to the racing area and starts a race, what is the status of that race and what score should the boat receive?

- A1. Unless the sailing instructions specify otherwise, if one boat sails the course and finishes within the time limit, if any, even if she retires after finishing or is disqualified, she shall be scored (see rule 90.3(a)).

#### Q2. Helm or boat scoring

- a. Are points in a series awarded to the helm or the boat?
- b. Can the same boat be helmed by different people in a series?
- c. Can one person helm more than one boat in a series and combine the scores together for the series total?

- A2. Unless the sailing instructions specify otherwise (see rule 90.3(a)):

- a. Points accrue to the boat not the helm.
- b. Yes – the identity of the helm is not relevant.
- c. No – see a. above.

#### Q3. Eligibility for redress

Can a boat be granted redress as a result of:

- a. Being made to capsize by a boat that has broken a rule of Part 2, the consequence of which is that she loses a considerable number of places?
- b. Being denied room at a mark by a boat which subsequently takes a penalty for not giving room?

- A3. No. Neither of these situations is covered by rule 62.1, which is very specific as to when a boat is entitled to redress.

## **RYA / RORC GUIDANCE**

### **RACING UNDER THE IRPCAS**

#### **ADVICE FOR COMPETITORS**

Sailing instructions frequently replace the 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 ISAF 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 the whole of the IRPCAS applicable between them, and enforceable by protest.

RRS 48 makes the IRPCAS fog signals and lights requirements applicable and enforceable, regardless of whether boats are racing under the RRS or the IRPCAS.

#### **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:

- There are “opposite tack” and “windward/leeward” rules that are similar to the equivalent rules in the RRS.
- There 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 IRPCAS 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 IRPCAS.
- Similarly to the RRS, the IRPCAS require a stand-on boat to take avoiding action when it becomes clear that a give-way boat is not keeping clear. However, all changes of course required by the IRPCAS 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.
- There is an IRPCAS rule that 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**

IRPCAS 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.”

IRPCAS 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 (IRPCAS 13) must keep out of the way of any boat she is overtaking. However, a boat being overtaken must maintain her course and speed (IRPCAS 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)**

Neither the replacement of the RRS by the IRPCAS as between boats that are racing, nor the provisions of the preamble to Part 2 of the RRS between a boat racing and one that is not, make all of the IRPCAS enforceable by an event’s protest committee. In particular, boats that break IRPCAS rule 10, Traffic Separation Schemes, can only be protested under limited circumstances.

The rules relating to Traffic Separation Schemes are enforceable in the courts for all vessels, including boats racing, and heavy fines can be, and frequently are, imposed for non-compliance. Also, when a TSS is encountered during racing, it is often possible for a boat that fails to comply with IRPCAS 10 to gain a significant advantage over a boat that does comply.

If Traffic Separation Schemes are likely to be significant for an event (regardless of whether boats are racing under the RRS or the IRPCAS), protests for a breach of IRPCAS rule 10 may be enabled by the use of a sailing instruction to the effect that IRPCAS Rule 10 will apply.

Further, when it is possible that crossing a TSS will be incompatible with normal racing, sailing instructions may give limited permission for the use of the engine for propulsion (see RRS 42.3(h)), or make all of a TSS a prohibited zone.

### **Other restrictions**

Harbour byelaws often include requirements that are additional to the IRCAS. 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.

### **SAMPLE SAILING INSTRUCTIONS**

Competitors must be aware that sailing instructions may contain one or more of the following:

#### **To adopt the IRCAS for part of an event**

[Between timeA and timeB] [and] [at all times] [between position1 and position2] 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 (the IRCAS)] [and] [or] [by the applicable Government right of way rules].

#### **To apply rule 10 of the IRCAS (Traffic Separation Schemes)**

Rule 10 of the International Regulations for Preventing Collisions at Sea (the IRCAS), Traffic Separation Schemes, shall apply.

#### **To make one or more traffic separation schemes a prohibited zone**

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

## RYA GUIDANCE

### REDRESS

#### WHAT IS REDRESS?

It is compensation awarded to a boat when, in the words of rule 62, 'a boat's score in a race or series has, through no fault of her own, been 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 or the protest committee or the organising authority 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 was the victim of unfair sailing (another boat broke rule 2), or gross misconduct (another boat was subject to disciplinary action under rule 69).

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.

#### 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.

## **IS THERE A TIME LIMIT FOR REQUESTING REDRESS?**

Yes. It is normally the same as the time limit for raising a protest.

The protest committee must extend the time limit if there is a good reason to do so, (see rule 62.2). For example, the reason for a request for redress could be a disputed score in the results, which a boat did not learn about until several days after the event. 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 request is invalid if it relates 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 award reduced redress to take account of a boats 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 boats action was "unfair sailing" or "gross misconduct", this has to be proved in a hearing before any redress can be awarded.

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 "gross misconduct", that must be proved in a hearing called under rule 69.1. Remember that a boat cannot protest another boat under rule 69.1. A rule 69.1 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 the protest committee's decision.

A party to a hearing cannot request redress against 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 his 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 awards 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. But, 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 AWARD 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 granted would be seen by other boats as unfair to them.

## **WHAT TYPES OF REDRESS ARE POSSIBLE?**

The protest committee can award 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 awarding 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 awarded those points as redress. For example, if a boat is awarded 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 get 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 grant redress. ISAF Q&A F 004 (2007-001) suggests a general principle that, out of the counting races in a boat's series score, the majority of scores should be based on finishing positions in completed races. See also ISAF Q&A L 009 (2011-15). In this extreme example, redress should not be extended to future races, and might even be refused 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 granting 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 and the RYA prescription to that rule).
- To correct an unfair handicap.
- To reallocate a prize.

## RYA GUIDANCE

### SMALL BOAT SAFETY REGULATIONS

On 1 January 2008 ISAF introduced Category 6 Special Regulations for Inshore Races. As is the case with all special regulations, Category 6 will apply only when specified in the notice of race for an 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.

Amongst other things, these regulations require boats to carry the following:

- A personal flotation device (PFD) for each person aboard to ISO 12402-5 -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 10862:2009.
- A paddle or means of propelling the boat when not under sail.

There are two associated changes to the Racing Rules of Sailing for 2009-2012:

- All references to 'personal buoyancy' are replaced by 'personal flotation device' so that the terminology complies with the ISO standard quoted above, and
- 2005 rule 40.2 is deleted. The specification for a trapeze or hiking harness to have a quick release device is now in the quoted standard.

The full Category 6 Special Regulations can be downloaded at [www.sailing.org/tools/documents/OSR2010AppL191107-%5B8006%5D.pdf](http://www.sailing.org/tools/documents/OSR2010AppL191107-%5B8006%5D.pdf)

## RYA GUIDANCE

### 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 be becoming less common
- A boat retires after finishing: this can happen
- Nothing happens, because there is no protest, and no retirement: this is becoming 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 wishes to recommend 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 RYA Arbitration, two new quicker ways of resolving disputes.

#### EXONERATION PENALTY

- A 20% scoring penalty as stated in rule 44.3(c) (except that the minimum penalty is two places). The RYA recommends a 20% scoring penalty, which is appropriate for most Club racing. However, this can be varied in the sailing instructions according to the level of the event, number of competitors or size of fleet. For example, a 30% scoring penalty may be more appropriate at an Open Meeting, and a 40% scoring penalty at 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
- Once accepted, it cannot be withdrawn even if a protest committee later decides no rule was broken
- It is available for breaches of the rules of Part 2 (rules 10-23) and of rule 31, if a penalty could have been taken for the infringement at the time of the incident: and for breaking rule 42.

#### 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 new 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 quickly hear 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 decide protests and requests for redress more simply and quickly; it is not suitable for incidents that resulted in damage or injury.

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 decide whether any boat broke a rule, and, if so, which and why. The arbitrator will then either invite a boat that appears to have broken a rule to accept an Exoneration Penalty or will decide that no boat broke a rule. When the decision is accepted by all parties, this will normally conclude the matter – a boat that takes a penalty shall not be penalised further with respect to the same incident unless she caused injury or serious damage or gained a significant advantage. When the decision is not accepted by any party, a protest hearing will follow. The arbitrator may also decide that in fact the matter should be heard as a full protest, but a boat may still accept an Exoneration Penalty before the hearing thus avoiding the possibility of disqualification.

When redress is offered and accepted, the protest committee or race committee may ask for a full hearing. When it is offered and not accepted, or not offered at all, the boat may proceed with her request at a full hearing before a protest committee.

### SUMMARY – ADVISORY HEARINGS, RYA ARBITRATION & PROTEST HEARINGS

	<b>ADVISORY HEARING</b>	<b>RYA ARBITRATION</b>	<b>PROTEST HEARING</b>
<b>Initiation</b>	Oral request	Protest form	Protest form
<b>Validity of Protest notification</b>	Not required	Required	Required
<b>Time Limit for a boat to ask for a hearing</b>	None	Normal protest time limit, arbitration request may be made on the protest form related to the incident	Normal protest time limit
<b>If one boat does not agree to participate -</b>	- 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

## SUMMARY (CONT)

	<b>ADVISORY HEARING</b>	<b>RYA ARBITRATION</b>	<b>PROTEST HEARING</b>
<b>Penalty</b>	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 (RAF)	Normal disqualification or other applicable penalty
<b>If there was injury, serious damage or a boat gained a significant advantage</b>	Exoneration Penalty not available, the boat should retire	Exoneration Penalty not available, the boat should retire	Disqualification for not retiring
<b>Redress</b>	Cannot be awarded, but a Race Committee may correct an error that is identified	Full range of redress options where the issue is not complicated	Full range of redress options
<b>Further options</b>	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. <sup>3</sup>	The decision may be appealed
<b>Paperwork</b>	None	Completed protest form	Completed protest form

### ADVISORY HEARING PROCEDURE

1. Competitor asks the race office for an Advisory Hearing, and tells the other competitor(s).
2. The race office logs the request, and tells 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.

<sup>3</sup> 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 it was appropriate to the facts found and the applicable rules.

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 an arbitrator, who will first establish that there was no injury or serious damage. If the arbitrator is 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. Any boat may accept an Exoneration Penalty before the start of a full protest hearing (or retire if she caused injury, serious damage or gained a significant advantage – rule 44.1).
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), 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 gained a significant advantage). However, the arbitrator may instead decide that hearing other witness evidence immediately will enable an immediate and clear decision to be made. Only the arbitrator may call witnesses.
7. The arbitrator establishes and summarises the facts, and states the rules that apply and the conclusions. A boat adjudged to have broken a rule is asked to accept an Exoneration Penalty (or retire if she caused injury, serious damage or gained a significant advantage).
8. When a party accepts an Exoneration Penalty or decides to retire, 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. If a boat does not agree to accept a penalty or retire, or does not agree that no rule was broken, any party has the option of requesting a full hearing.
10. The arbitrator completes the protest form and returns it to the race office. If a full protest hearing is to follow, no new protest form from the party is needed, and 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. 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 the 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 redress is offered and accepted at the RYA Arbitration, the protest committee or race committee may ask for a full hearing. When redress is offered and not accepted, or not offered at all, the boat may have her request heard before a protest committee.
14. 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 will be available.

#### **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 will be available. See the Official Notice Board for details.

#### **OR**

#### **Add as applicable to the Sailing Instructions (choose a different percentage or minimum if desired; consider adding a maximum as well):**

##### **X Exoneration Penalty**

X.1 A boat that may have broken a rule of Part 2, or rule 31 or 42, may, after finishing the race concerned and before the start of a related protest hearing, notify the race committee that she accepts a 20% scoring penalty as stated in rule 44.3(c), (except that the minimum penalty is two places if that does not result in a score worse than DNF). This penalty does not reverse an OCS score, a disqualification under rule 30.3 or a penalty under Appendix P. It is not available for a breach of rule 2 or of class rules or for gross misconduct under rule 69. Nor is it available to a boat that caused injury or serious damage, or gained a significant advantage by her breach: in these circumstances, her penalty is 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, protest committee or race committee may request an advisory hearing with the race office, and notify any boat involved in the incident. An adviser will then call a hearing to learn what may have happened and 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.



## **Z RYA Arbitration**

- Z.1 When a protest or request for redress 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 a hearing conforming to Section B of Part 5 of the Racing Rules of Sailing, except that rule 64.1(a) will not apply. Instead, when the arbitrator decides 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 it is accepted by a protested boat, the protesting boat will be allowed to withdraw the protest, changing rule 63.1.
- Z.3 When there is not an 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. Rule 66 will not apply to the arbitration decision. 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.
- Z.4 When redress is offered and accepted at the RYA Arbitration, the protest committee or race committee may seek to have this reviewed by asking for a full hearing. When redress is offered and not accepted, or not offered at all, the boat may have her request heard before a protest committee.

### **NOTE TO SCORERS**

When an Exoneration Penalty is accepted by a boat, the designation XPA (Exoneration Penalty Accepted) is recommended. If she retires, she is to be scored RAF.

## RYA GUIDANCE

### RULES DISPUTES QUESTIONS AND ANSWERS

**Q1. Can an arbitration hearing be re-opened under RRS 66 at the request of one of the parties or of the arbitrator?**

A1. No. Arbitration is closed when the arbitrator has made a decision. Once a decision has been made and accepted by all parties, the protest is withdrawn and the arbitration cannot subsequently be reopened. However, if the decision is not accepted by all parties, it 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 unable to make decision.

**Q2. Can redress be available for a boat that is a party to an arbitration hearing?**

A2. Yes. However, a race committee or protest committee may ask that the request is heard at a full protest committee hearing.

**Q3. Can redress be available for a boat that is not a party to an arbitration hearing?**

A3. Yes. Any such request for redress should be referred to a protest committee.

**Q4. Can an arbitration hearing decision be appealed under RRS 70?**

A4. No. An arbitration hearing is not a protest committee hearing.

**Q5. 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?**

A5. The arbitrator should close the arbitration hearing without making any decision and refer the protest to a full protest committee, and consider also submitting a rule 69 report to the protest committee.

**Q6. Does the arbitrator's decision have to be non-binding?**

A6. No. If stated in the notice of race and sailing instructions, it can be binding on the parties. However, this should be emphasised when determining whether the parties agree to have the protest heard by arbitration rather than by a protest committee.

**Q7. Is the exoneration penalty calculated as a percentage of the total number of starters in the race concerned or the total number of entries to the event or series?**

A7. The total number of entries to the event or series - see RRS 44.3(c).

**Q8. Do other boats move up one place in the results scores when a boat takes an exoneration penalty?**

A8. No – see RRS 44.3(c). The scores of the other boats shall not be changed; therefore, two boats may receive the same score.

**Q9. Can a club use an exoneration penalty without RYA arbitration?**

A9. 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 GUIDANCE

#### CHAMPIONSHIP RESULTS

The objective of this best practice is to confirm an efficient system in which all involved work together to operate as effectively as possible.

- The Race Office will supply standard Finishing and Mark Rounding sheets which should be used at all times
- All boxes on these sheets must be filled in, all boats should be accounted for where possible
- The Race Office will provide a full list of competitors for each class
- Mark Rounding sheets will be completed where possible
- All efforts should be made to get race results to the results team for entry in the results programme as soon as possible after each race. The appointed recorder (or Race Officer) must inform the Race Office as soon as results are available. Processing three sets of race results from three classes after returning to shore at the end of the day will not endear that race management team to the results team.
- The results can be telephoned ashore as soon as possible after the finish of each race. These will be marked as provisional and after coming ashore the appointed recorder must check that their copy is the same as the one in the Race Office.
- It is the Course Race Officer's responsibility, or his appointed recorder's, to collect all documents relating to each race, such as mark rounding sheets, all original finishing sheets and other documents plus any recording tapes in an envelope marked with class and race details. These must be handed into the Race Office when they come ashore. Envelopes/wallets will be supplied by the Race Office for this purpose.
- In the event of queries from competitors this envelope should be produced to resolve any starting or finishing queries. Initially this will be done by the Race Office personnel but the Course Race Officer should be available to deal with more complex queries.
- If the competitor is not satisfied with the Race Officer's "evidence" he would then have the option of seeking redress, but the Race Officer's "evidence" will then be used in the redress hearing
- On coming ashore at the end of each day it is the Course Race Officer's responsibility, or his appointed recorder's, to confirm with the results teams that all results are correct and where necessary resolve any queries

## RYA GUIDANCE

### GATE MARKS

Gate marks, at the end of a run or downwind leg, have a number of advantages. They:

1. Reduce congestion at individual marks.
2. Give easier access to either side of the course.
3. Keep boats closer together on the same course.
4. Reduce the number of boats tacking through other boats on a downwind leg.

The two marks should each have distinct zones. For 3 length zones the marks should be at least 7 lengths apart and the recommended distance is 8-10 lengths. For other zone widths use  $\text{zone} \times 2 + 1$  boat length to determine the minimum distance apart.

Marks should be laid so there is no advantage attached to either. This often means that they are square to the sailing wind, but other tactical factors should be taken into account. At a good gate there will be an equal split of boats using each mark.

A problem arises if a mark is missing and has not been replaced in a manner specified in RRS 34, which requires substitution with a similar mark or an object displaying flag "M". ISAF Question and Answer 2009-034 says that with only one mark remaining there is no gate and the remaining mark has no required side. The consequence of this is likely to be abandonment of the race. To avoid this problem, race committees are recommended to specify a required side when only one mark of a gate is present, so that there will still be a mark with a required side. Boats would then round the remaining mark as any other single rounding mark. The suggested SI to be inserted in the courses section is:

A gate may be replaced by a single mark to be left to port (*or starboard*).

## RYA GUIDANCE

### GATE STARTS

The gate start was developed to improve race management for fleets of over 100 boats. It is now used by smaller fleets and can be a very fair way of starting races. The basic principle of a gate start is that a pathfinder starts at a fixed mark on port tack and all other boats cross behind her on starboard tack. The pathfinder is usually chosen from one of the leading boats in the fleet.

#### Conditions for a Gate Start

A fair gate start needs a wind which is steady in direction and strength. The sea conditions must be such that the pathfinder can sail a true course without having to play the waves for safety. Any tidal stream should be constant in rate and direction over the whole line.

#### Equipment

1. A manoeuvrable gate launch flying flag G  
This acts as a moving starting mark at the starboard end of the line. It should be large enough for an Assistant RO and recorder, in addition to her normal crew. The gate launch should be capable of maintaining a true course astern of the pathfinder. The boat should be capable of a speed of two knots more than the maximum speed of the pathfinder. The helm must be capable of maintaining a constant position astern of the pathfinder. The gate launch must be equipped with signal mast, flags and an easily-visible compass.
2. A guard launch, flying flag U  
The role of the guard boat is to protect the pathfinder as she sails along her port tack to open the start line. It should be comparable to the gate launch but only needs to be large enough for the normal crew. It should be a soft RIB in case of collisions.

#### Sailing Instructions

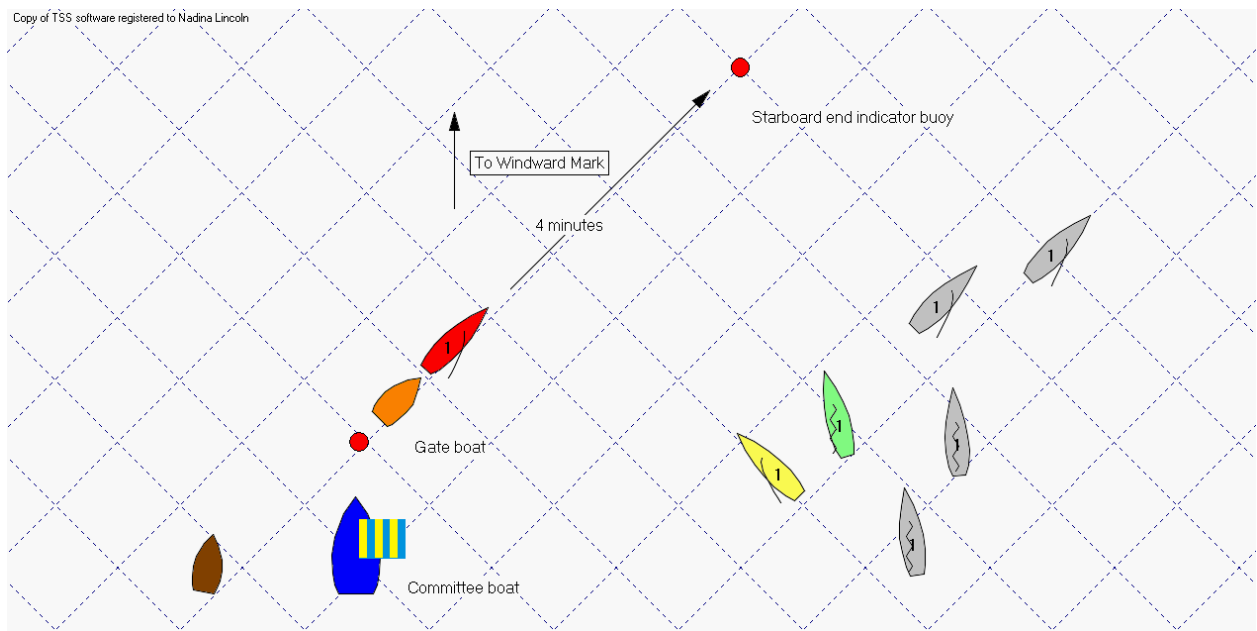
The Sailing Instructions should include the following:

1. When flag G is displayed on the race committee boat a gate start will be used.
2. The length of time the gate will be open.
3. The number of minutes after the start that a boat may start.
4. The system for determining the pathfinder.
5. The gate launch, the guard launch and the pathfinder rank as starting marks.
6. Any boat which is on the port side of the gate launch while the gate is opening has not crossed the starting line from the course side and needs to return to do so.

7. After the preparatory signal a boat which interferes with or tries to pass between the pathfinder and the gate or guard launch, or that causes another boat to interfere in these ways, will be disqualified without a hearing. If the race is restarted, resailed or rescheduled she is not entitled to compete. This changes Rule 63.1.
8. A boat that cannot avoid touching a starting mark may hail a right-of-way boat for room and shall retire.

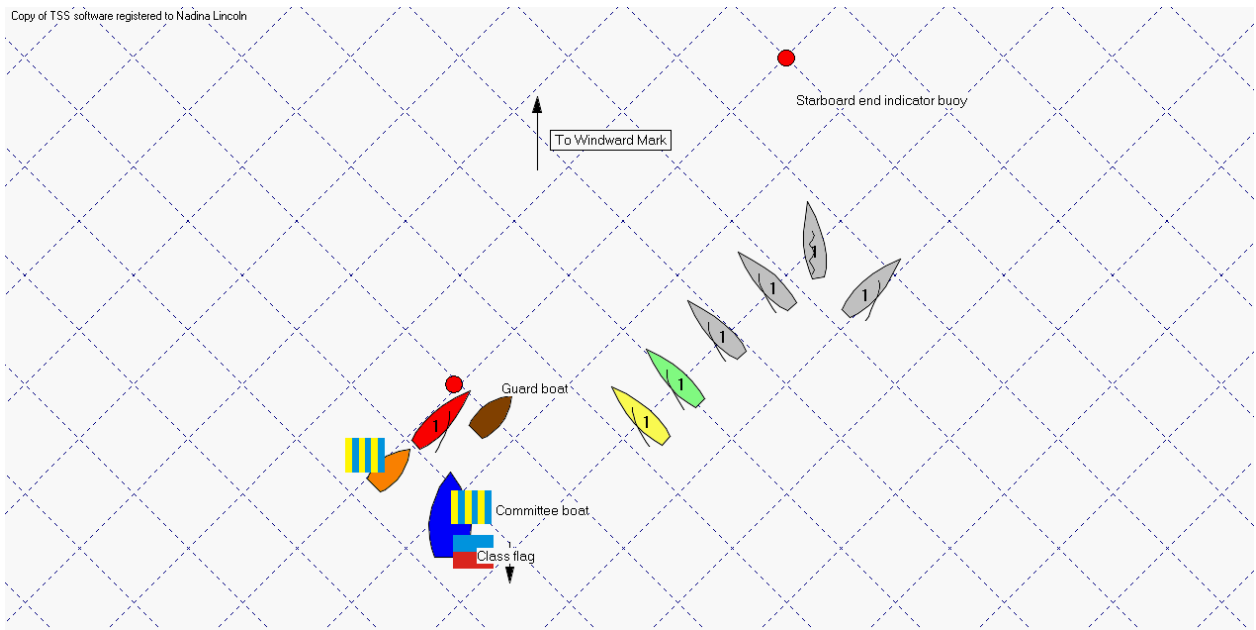
### Procedure for Gate Start

1. Publicise the nominated pathfinder and reserve pathfinder.  
The pathfinder for the first race will be nominated by the race committee. Subsequently, the pathfinder will be the tenth boat in the preceding race. When she is unable to race, or has been the pathfinder previously in the event, the pathfinder will be the eleventh boat in the preceding race and so on. Her number will be posted on the official notice board or on the back of the committee boat.
2. Station the committee boat in the vicinity of the leeward mark. The committee boat can remain mobile or can anchor, but it is usually preferable to anchor unless there is a clear reason not to do so. Display flag G on the committee boat to indicate it is on station and a gate start will be used.
3. Lay a starting mark at the leeward end of the gate, about 20m to windward of the committee boat or lay a mark to indicate where the starting mark will be.
4. Ask the pathfinder to practice the start and sail for the required time. Record the position on the GPS. Lay a 'Starboard end indicator buoy' at this position to show the end of the Gate. This mark has no required side and may be touched.

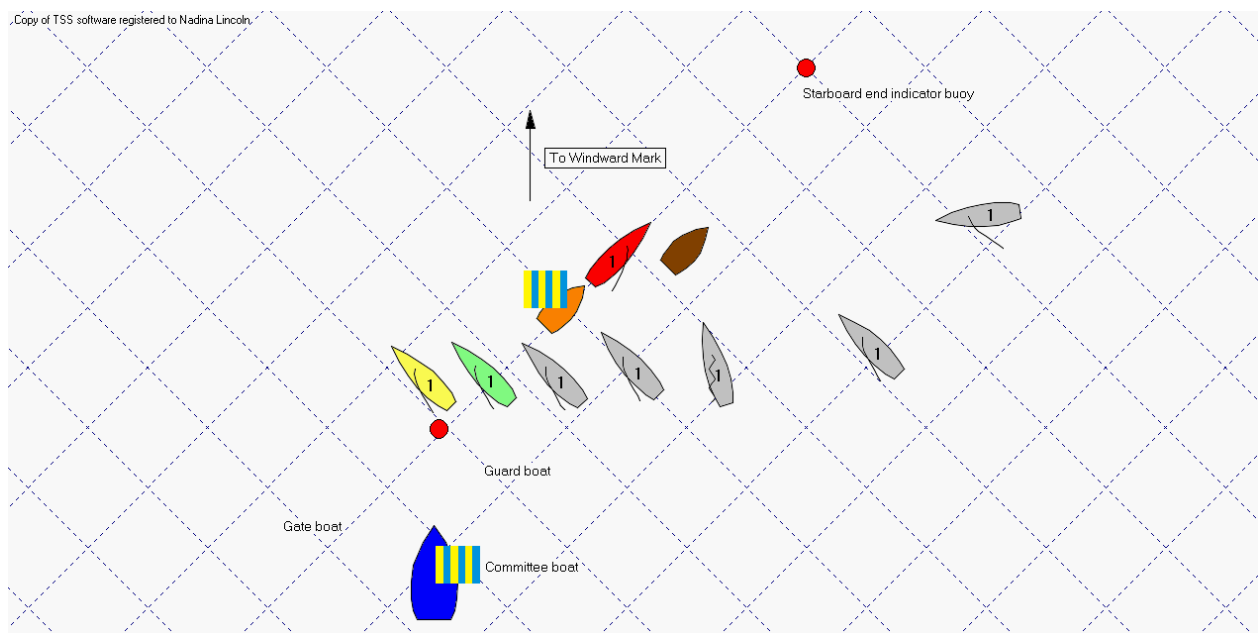


5. Make all start signals from the committee boat.
6. 15 Seconds before the starting signal, the pathfinder prepares to open the start line. The gate launch takes up position a few metres behind the pathfinder. The guard launch, takes up station 45° off the starboard bow of the pathfinder. She should be close enough

to protect the pathfinder but not so close as to interfere with her ability to sail her port tack course.

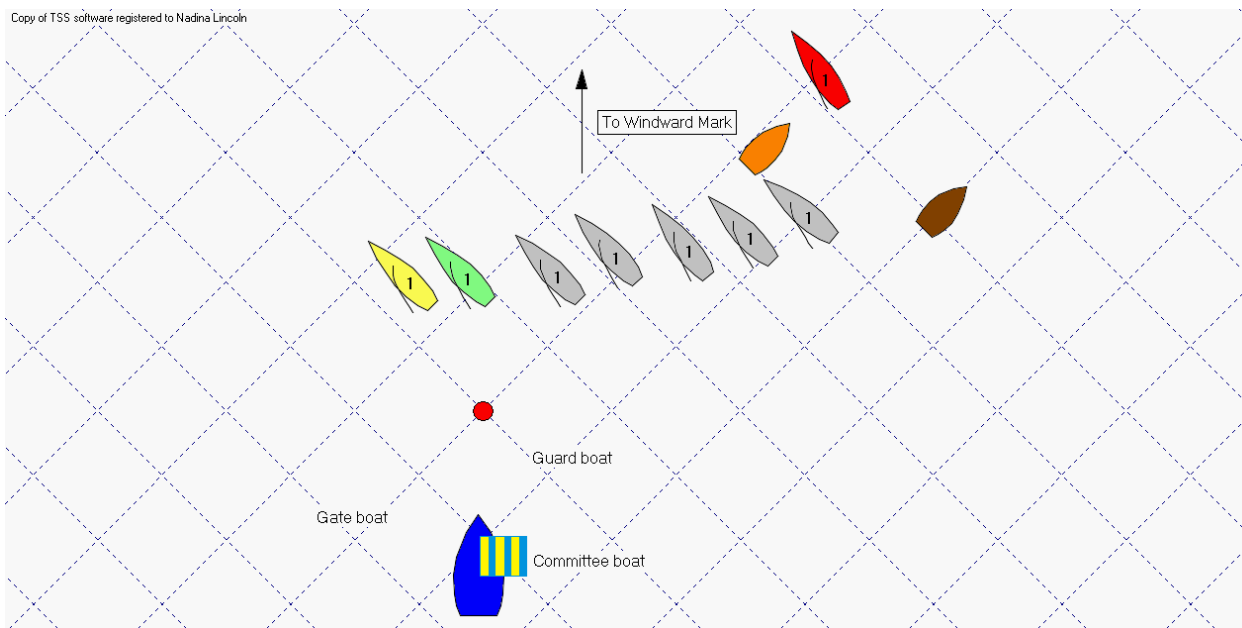


7. At or around the starting signal the pathfinder either sails from in front of the committee boat on a close-hauled port tack and at the starting signal the gate launch drops a free-floating mark or the pathfinder sails to pass the starting mark at the start signal.



8. The starting line is between the starting mark and the stern of the gate launch.
9. The pathfinder maintains her course until released by the race officer. This is after approximately half the distance of the proposed line has been covered. The path finder may then tack onto starboard tack.





10. The guard launch then moves out of the way.
11. The gate launch maintains her course and speed until a fixed time (defined in the sailing instructions) after the starting signal. When she stops she lowers flag G half way and makes a sound signal.
12. Lower flag G on the committee boat at the same time. After this time a boat shall not start later than the number of minutes specified in the sailing instructions.

### Gate Start Problems

A gate start should allow all competitors of all standards an equal start, but its smooth operation depends on the skills of the race committee, the pathfinder and the gate and guard launches.

A gate start may be subject to a general recall if the race officer considers the start is unfair, or when the pathfinder, gate or guard launch is interfered with by boats in such a way as to impede the operation of the gate.

The usual cause of a general recall is a bend in the wind or a substantial shift which favours one end of the line.

The pathfinder may cause problems with the start either by trying to start early or by bearing away into the waiting fleet to gain an unfair advantage. If the pathfinder is suspected of doing this, she should be warned and given one more chance and then if it happens again protested under Rule 2 or 69.

### Guide to Line Length

The recommended time the start line is open is the number of boats x the time to travel one boat length. Time and Speed Charts in the Racing Rules of Sailing, provide the time it takes a boat to travel one length for different wind speeds. The average speed for most dinghies is 3-4 knots on the beat. For the faster dinghies their overall beam also needs to be considered, which includes the crew on a trapeze wire or outrigger. This is calculated using

the Fiddle Factor. For most starts the fiddle factor is 1. However for catamarans or boats with wide beam this may be 1.25 or 1.5.

Example of start line time open calculation

Number of Boats	Distance covered 1 length	Fiddle factor	Time in Seconds
50	2.4 (Boat speed 4 knots)	1	120 (2 Minutes)
50	3.2 (Boat speed 3 knots)	1	160 (2.5 Minutes)
100	2.4 (Boat speed 4 knots)	1	240 (4 Minutes)
100	3.2 (Boat speed 3 knots)	1	320 (5.3 Minutes)
150	2.4 (Boat speed 4 knots)	1	360 (6 Minutes)
150	3.2 (Boat speed 3 knots)	1	480 (8 Minutes)

The line length for seventy RS 400 dinghies with 12 knots of wind would be:

$70 \times 2.4 \times 1 = 168$  seconds

This is then rounded up to nearest minute, i.e. 3 minutes.

A PowerPoint presentation is available from the RYA, with Instructors Notes.

---

**RYA GUIDANCE**

**INFORMATION FOR OBSERVERS AT HEARINGS**

(TO BE GIVEN TO ALL OBSERVERS PRIOR TO HEARING)

**Observers**

1. Observers' attendance is, at all times, at the discretion of the PC/Jury Chairman.
2. A party may object to an observer attending the hearing, and the PC/Jury Chairman shall determine whether it is appropriate for attendance.

**Conduct for Observers**

1. No cellular telephones, cameras or any other electronic recording or transmitting device are permitted in the PC/Jury room.
2. No communication is permitted between parties and observers in the PC/Jury room.
3. No communication is permitted between parties and observers outside the PC room during an adjournment of the hearing, or whilst the PC/Jury is deliberating prior to giving a decision.
4. Observers may not appear as witnesses.
5. The PC/Jury Chairman may revoke the invitation of one or more observers to attend the hearing at any time during the hearing.

**Media Representatives**

1. Any accredited media representative may apply to the PC/Jury Chairman to be included on a list of approved media representatives that may attend PC/Jury hearings as observers.
2. One representative from the approved list of media representatives may be permitted to attend a hearing.
3. Any such representative may make a request to the PC/Jury Chairman to be an observer at a particular hearing.
4. The media representative shall report to the PC/Jury Secretary.

**Conduct for the Media Representative**

1. A media representative must comply with all the requirements listed above for observers.

2. By accepting the position of approved media representative for the hearing, the representative agrees to report relevant information arising from the hearing to other media representatives.
3. The approved media representative must comply with any reasonable request for information about the hearing from other accredited media representatives.

## RYA GUIDANCE

### INFORMATION TO COMPETITORS FROM THE PROTEST COMMITTEE

(THIS DOCUMENT DOES NOT IN ANY WAY MODIFY  
OR REPLACE THE RULES OF THE COMPETITION)

#### 1 On the Water

Sailing is essentially a self-policing sport. The protest committee expect that boats will take a penalty promptly when appropriate. The primary responsibility for protesting breaches of the rules is with the competitors, not the protest committee. However, in addition to taking action in accordance with Appendix P, the protest committee may lodge protests in accordance with RRS 60.3.

The protest committee will not usually protest for a breach of a rule of Part 2 or rule 31 unless they observe an apparent breach of good sportsmanship (RRS 2). Examples of such breaches are:

- Deliberately breaking a rule without taking the appropriate penalty.
- Failing to take a penalty after knowingly touching a mark, with no justification for exoneration.
- Intimidating other boats – often evidenced by unnecessary shouting or foul language.
- Team tactics – sailing to benefit another boat to the detriment of your own position.
- Reckless sailing – sailing that results in, or is likely to result in, damage or injury.

#### 2 Propulsion

The ISAF Rule 42 Interpretations 2009-2012 are posted on the ISAF website: [www.sailing.org/35483.php](http://www.sailing.org/35483.php).

In addition to the ISAF Rule 42 Interpretations, where the Sailing Instructions state that Appendix P (Special Procedures for Rule 42) is in force, the following points may help you understand the application of the appendix:

- Although there are usually two judges in each jury boat, a single judge will signal a yellow flag penalty when satisfied a sailor has broken rule 42.
- When a yellow flag penalty for a breach of rule 42 penalty is imposed in a race that is subsequently postponed, recalled or abandoned, the boat may compete in the restarted race. However, every yellow flag penalty counts in the total penalties for the boat in the series
- Although judges will signal a rule 42 penalty as soon as possible, this might be after the boat has crossed the finishing line. In the case of a boat's first series penalty, she must complete her penalty turns, and return to the course side of the finishing line before finishing.

- If a boat retires after receiving a second or subsequent series penalty but then unavoidably crosses the finishing line, she must promptly inform the race committee that she retires from the race.

A competitor may ask the protest committee for an explanation of a yellow flag penalty after the completion of the race. The request can be made on the water or by asking the race office to arrange a meeting with the judges. A request for redress claiming the judges made an error when penalizing a boat is strictly limited in accordance with RRS P4. If granted, the redress will be limited to the removal of the penalty from the boat's record and award of average points for the race in question if the boat retired in accordance with Appendix P2.2 or P2.3. Redress will not include any allowance for penalty turns taken.

### **3 Outside Help – RRS 41**

The act of recovering a crew member from the water by another boat (racing or not) is allowed under rule 41, Outside Help, as changed by the RYA prescription. 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 or protest 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.

### **4 Requests for Redress, Claiming Race Committee Error in Scoring a Boat OCS or BFD**

Boats sometimes want to challenge the race committee's decision to score them OCS or BFD by requesting redress under rule 62.1(a). For a boat to be given redress, the competitor must provide conclusive evidence that the race committee has made an error in identifying the boat as OCS. Video evidence is rarely conclusive. In the absence of conclusive evidence to the contrary, the protest committee will uphold the race committee's decision. Evidence of the relative positions of two boats that are scored differently is not conclusive evidence that either boat started properly.

### **5 Recording Equipment in Hearings**

Recording equipment may not be used in a hearing without the permission of the panel chairman.

### **6 Video and Tracking Evidence**

A party wishing to bring video or tracking evidence to a hearing is responsible for providing the equipment required to view the evidence. It should be possible for all parties and the protest committee to view the evidence at the same time.

Tracking system information available from the event website may be presented where available, but is of limited accuracy. The system can be used to get an indicative position of boats for visualization, but it is not sufficiently precise to be used for race management purposes or protest committee decisions that require exact positioning information. The tracking information will, therefore, not be considered as conclusive evidence in a hearing of a request for redress on a race committee decision about a boat being scored OCS or BFD or about its finishing position.

## **7 Requests for Reopening**

It is the intention of the protest committee to hear requests for reopening as soon as possible, especially on the last day of a qualifying or opening series.

## **8 Observers at Hearings**

Each party may bring observers to a hearing, unless the protest committee decides in a particular case that it is inappropriate. Observers sit further back from the parties and unless authorised by the panel chairman, observers are not permitted to speak, communicate with the parties, use cellular phones, or use photographic or recording equipment. Observers leave with the parties while the protest committee is deliberating.

## **9 Rule 69**

Any form of cheating, including not telling the truth in a hearing is considered to be a breach of sportsmanship which may result in a hearing under rule 69 and a very heavy penalty.

## **10 Questions on Procedure and Policy**

The best time to raise questions is at the team leaders meeting, but competitors, team leaders and coaches may discuss procedure and policy with the chairman of the protest committee.

[Name of chairman]  
Chairman, Protest Committee  
[Date]

## RYA GUIDANCE

### PERMITTING USE OF AN ENGINE

(OR ANY OTHER METHOD FOR 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(g), Propulsion: Exceptions, allows various sorts of force to get clear after grounding or a collision, but the use of a propulsion engine is explicitly not permitted.

Rule 42.3(h), Propulsion: Exceptions, which was added for 2009 onwards, says:

**Sailing instructions may, in stated circumstances, permit propulsion using an engine or any other method, provided the boat does not gain a significant advantage in the race.**

If a boat uses her engine to get clear when aground she clearly gains an advantage and she must retire from the race. Sailing instructions permitting the use of an engine should confine the 'stated circumstances' to safety issues, for instance to cross a shipping lane, avoid commercial shipping or comply 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 boat that is protested for breaking this sailing instruction was the gaining of a significant advantage, the penalty will be at its discretion.**

Except as permitted by rule 42.3(h), it is not possible for sailing instructions to change rule 42 – see rule 86.1(a) and (b). However, it is possible to change the penalty, as in the example above. If it is desired to allow a boat to gain an advantage by using her engine after her preparatory signal to get to the starting area (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*].**



**Guidance for Race Committees**

When the sailing instruction requires a report to the race committee, it should send the report to any protest committee that is in being, unless it has already decided to protest the boat.

**Guidance for Protest Committees**

When a protest committee receives a report or declaration of the use of propulsion, it should protest the boat if there is a possibility that the sailing instruction was broken, or if significant advantage may have resulted.

When a protest committee has to decide if a boat gained a significant advantage by use propulsion permitted by the sailing instruction, it should take into account any gain of place or time saved compared with boats that did not need to use an engine.

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.

## RYA GUIDANCE

### PHOTOGRAPHY AT EVENTS

#### Introduction

- The availability, ease of use and low cost of taking video and still digital photos has made the use of video, digital and mobile phone originated media widespread at events managed, judged or umpired by RYA race officials.
- This document sets out the guidelines that RYA race officials should follow when considering taking and then using such media.

#### The Professional Relationship

- When invited to events as a race official, the primary purpose will be to act in the function required by the event organisers.
- The taking of still or video photographs must only be done at appropriate times and must not have the potential to affect the ability of a Race Official to focus appropriately on carrying out his/her primary role.
- It is recognised that the use of still and video images may support the role of the Race Official and that Race Officials may use photo and video images to illustrate incidents on the water when this is appropriate.

#### Publishing of Still and Video Images

- When considering the publication of still and/or video images, Race Officials must consider their professional responsibilities. Images should therefore only be published with the goal of enhancing the role of race officials or of racing in general.
- Particular caution should be taken when considering publishing images from youth and junior events (point 4 refers).

#### Child Protection Issues

- Race Officials must pay particular attention to the guidance given on page 12 of the RYA's Child Protection Guidance when considering taking still or video images at youth and junior events.

## RYA GUIDANCE

### 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 23.1 always applies and on all parts of the course:

*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 SI 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 23.1 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. To 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. To use clause L11.3 in sailing instructions and to 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.

## RYA GUIDANCE

### PROTECTING COMMITTEE BOATS

#### The Problem

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

Unless care is taken to comply with the definition *Mark* in the RRS an attachment 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 and allowing boats to barge in by legally 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 boat

- (a) is not attached temporarily, and
- (b) can reasonably be considered part of the committee boat or is clearly defined as such.

Alternatively additional starting marks can be laid and, if laid, they must be defined in the sailing instructions.

#### What Does 'Temporarily' Mean?

The definition *Mark* excludes objects that are temporarily attached. 'Temporarily' means different periods of time in different circumstances. A starting mark has significance only from the preparatory signal until all boats racing have either started and are well clear of the line, or it is reasonable to assume that they will not start correctly. A finishing line mark is similarly significant only when boats are finishing. Any object deliberately and obviously attached to the committee boat for the entire starting or finishing period is, for the purpose of this definition, not temporarily attached to it but it will rank as a mark (or part of a mark) only as described below.

#### Attachments

##### 1. When attachments to the committee boat are not described in the sailing instructions

A committee boat 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 boat. At one extreme, a pole projecting from inside the committee boat

and any type of fendering are clearly a part of it; conversely a dinghy, RIB or buoy streamed on a long line cannot be considered as part of the committee boat as the definition does not allow it. However there must come a point when the attachment is sufficiently close to the committee boat to be considered part of it.

This is the only safe interpretation of the definition *Mark*, but it cannot be said to be satisfactory if it then requires a boat at the time, and possibly a protest committee afterwards, to decide literally the 'length of a piece of string'. Thus it is recommended that any such attachment is defined in the sailing instructions as described below.

## **2. When the sailing instructions define the starting mark and any attachments**

The sailing instructions may make any object a starting or finishing mark by giving it a required side for a boat (as is the case with inner limit marks), and that may include a trailing dinghy or buoy. It is recommended that the mark is stated to comprise the vessel plus any attachments, which will then, as a whole, be surrounded by navigable water, and so not defeat the Section C Preamble. When this is done, the method of attachment of the object to the vessel is immaterial, but the duration must still not be 'temporary', so the entire object must be in position from the preparatory signal until after the starting signal and similarly during the finishing sequence.

A suitable sailing instruction is:

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

### **Additional Starting Marks**

At a start, it is common to protect a committee boat and at the same time to offer clear wind to all boats and a safe exit for a barger, 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 boat. However there may be circumstances when limit marks are quite properly laid some distance from 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 boat [and line vessel] [approximately on the starting line], it is a starting limit mark that shall be left on the same side as the nearby committee boat [and line vessel].

When a dinghy, RIB or buoy is attached to the committee boat on a long line it is recommended that, to avoid confusion, it is described as a separate starting mark, not as an attachment to the committee boat.

### RYA GUIDANCE

#### RACE OFFICIALS' CODE OF CONDUCT

RYA race officials (race officers, mark layers, judges and umpires) are among the most exposed officials of the sport. It is therefore essential that they behave with the highest degree of competence, propriety and integrity. At no time can or should a race official do anything to bring the sport into disrepute.

Specifically, RYA race officials are expected to:

- Maintain a good level of understanding and application of the racing rules, cases, procedures and RYA policies.
- Ensure that decisions are based upon the rules and principles of fairness and objectivity and are made with care without prejudice.
- Uphold the confidentiality of race official deliberations during and after the regatta.
- Be polite, open-minded and patient with colleagues, competitors, regatta officials, team officials, coaches and hosts, and deal with dissent in a fair and courteous manner.
- Declare any conflict of interest before accepting a race official invitation or when one becomes apparent at an event (a conflict of interest exists when an RYA race official has, or reasonably appears to have, a personal or financial interest which could affect the official's ability to be impartial).
- Plan to arrive at an event on time and remain until relevant issues are resolved.
- Incur only expenses that are necessary and when expenses are reimbursed claim only legitimate and essential out-of-pocket costs.
- Be on time and wear appropriate clothing on the water and ashore.
- Abstain from consuming alcohol until duties are over for the day. Race officials must never become inappropriately inebriated during an event.

**RYA GUIDANCE****RECOMMENDATIONS FOR PROTEST COMMITTEES**

(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*.

**M1 PRELIMINARIES (may be performed by race office staff)**

- Receive the *protest* or request for redress.
- Note on the form the time the *protest* or request is delivered and the protest time limit.
- Inform each *party*, and the race committee when necessary, when and where the hearing will be held.

Use the latest protest form, either from the ISAF website or the RYA version on the RYA website. The RYA version also allows for arbitration hearings.

Make sure that no race official refuses to accept a protest form because it was lodged outside the protest time limit. It is only the protest committee that can decide that a protest is out of time, and there may be a good reason to extend the time limit.

It is useful to have a clause in the sailing instructions saying that a notice will be posted on the official notice board within a stated time after the end of protest time listing the hearings, the parties and the place and approximate times of hearings, and that this is the notice required by rule 63.2. If a party does not attend, the protest committee can decide to start the hearing (rule 63.3(b)) with little danger of a need to reopen later. Some would also include in that notice the witnesses cited in the protest form, but it is the party calling the witness who is responsible for securing the witness's attendance, and should not be led to expect that someone else will arrange this. The protest committee cannot compel anyone, party or witness, to attend.

Try to ensure that the room where the hearings will take place is accessible to people with physical disabilities.



When there are to be several hearings, one or more of which are requests for redress against the race committee, try to schedule those requests for redress consecutively, and preferably as the first hearing(s), particularly if evidence from several members of the race committee may be needed. Do not rely on the notice of protest hearings for advising the race committee that it will be involved in a hearing – contact the race officer as soon as a request is lodged.

If a request for redress alleges that a boat has been wrongly scored, try to get the requester to raise the matter directly with the race committee to seek correction before any hearing, which will then be necessary only if the complaint cannot be resolved. Some events use 'clearance forms' for competitors to complete to get satisfaction over scoring queries without the matter ever needing to come to the protest committee.

For a request for redress concerning OCS, encourage the party and the race committee to exchange information before the hearing (including allowing the competitor to see any document or hear any tape that will be offered in evidence). It may lead the competitor to realise that the request is misplaced and to ask to withdraw it: or it may lead the race committee to come into the hearing admitting that a mistake has been made, which (if agreed by the protest committee) will result in the speedier granting of redress.

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

However, unless the sailing instructions say so, there is no obligation for a protestor or requester to use a protest form, anything written will suffice, and it need not be signed. Attach the document to a blank protest form and proceed normally. For protests, rule 61.2 allows the initial document to be valid even if considerably deficient in information, which can be added later. The same principle should be applied to requests for redress. For instance, a request for redress could be a letter or note from a boat. It may indeed not be clear from what is lodged that redress is being requested, as few of the particulars required for a redress claim in rule 62.1 may be set out. Similarly, there may be a claim written on a protest form that, if upheld, might result in redress being given, but the boat has not ticked the 'request redress' box on the protest form.

If there is a complaint in writing about race management that does not use a protest form, does not allege directly or indirectly that the boat's finishing position has been affected, and does not seek any particular remedy, refer the matter first to the race committee. But, if in doubt, treat a complaint as a possible request for redress, and call a hearing. . The boat will then be able to make her case, and the protest committee will decide whether each necessary requirement of rule 62.1 has been met. The request may then fall at an early hurdle, for instance by the boat not being able to show a worsened finishing position despite (say) a clear race committee mistake, but that is a judgement that can be made only in a hearing.

## **M2 BEFORE THE HEARING**

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
- No member of the protest committee is an *interested party*. Ask the *parties* whether they object to any member. When redress is requested under rule 62.1(a), a member of the race committee should not be a member of the protest committee.
- 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 measurement *protest* obtain the current class rules and identify the authority responsible for interpreting them (rule 64.3(b)).

When it is possible that a party may not know a member of the protest committee, introduce and name the protest committee members (including yourself) when asking for objections. At regattas with many hearings before the same protest committee, type the name of each member in 24 pt across the middle of a piece of paper and fold and tape it into a 'toblerone' shape to put as a name-plate in front of each protest committee member. It will speed the introductions. If a protest committee member is a Regional, National or International Judge, you might add the initials RJ, NJ or IJ to the name.

While only the parties are entitled to be present, it is good policy to agree to requests from others to observe, on the understanding that they can say nothing, that they sit behind (and so out of eye contact with) the parties, and that they cannot then be called as witnesses. When a protest involves children, the presence of a parent as observer is desirable, if only so that the parent can appreciate that the procedure was correct and any penalty was appropriate on the facts found.

Children should normally be expected to make out their own cases without assistance, whether as a party or a witness, but the protest committee must take considerable care to make the proceedings gentle and non-intimidatory – although always firm and structured. The normal configuration of protest committee of adults on one side of the table and the parties on the other can be off-putting for juniors, and convening 'round a table' may be preferable. If the weather serves, consider holding the hearing outside. For very young children, the assistance of an adult may be allowed. Do not try (however well-intentioned) to make things easier for children by hearing them in the absence of one or more parties.

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 'Will you need any help in giving your evidence, asking questions or understanding what is said?' Offer assistance in the form of a helper, and, if in doubt, insist on it.

When a request for redress might result in the need to make substantial changes to the results of other boats, and especially if abandonment is a possible outcome, consider acting under rule 60.3(b) to call a hearing to consider redress for the whole fleet, to be heard with the original request for redress, so that all boats potentially affected can attend and express a view. The protest committee will need to complete its own form initiating redress, and then the two forms can be the subjects of a concurrent hearing.

Alternatively, proceed under the original request for redress, and invite the other boats to attend and speak their minds. Although that technically breaches the ban on witnesses being present throughout, the full exchange of views and provision of information may prevent the protest committee giving redress on the action of one boat alone, only for others to seek justifiable redress in turn, on the grounds that the original redress was unfair to them. That could take unnecessarily long to resolve.

### **M3 THE HEARING**

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

- Are the contents adequate (rule 61.2 or 62.1)?
- Was it delivered in time? If not, is there good reason to extend the time limit (rule 61.3 or 62.2)?

- 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))?
- 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).
- 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.

Rule 61.2 allows the protest form to be considerably inadequate and yet sufficient for a hearing to begin, as missing information can be added before or during the hearing. In a protest, the only mistake or omission that cannot be corrected is the requirement (rule 61.2(b)) to identify the incident, including where and when it occurred. The 'when' may be an explicit time, or a moment whose time can be deduced, such as 'race 3, first beat'. If the protestor has misidentified the protested boat, that is no reason to find the protest invalid, but it should result in the protest being promptly dismissed, because there is no evidence that the protested boat broke a rule.

When the description of the incident shows that the party has not ticked the correct box relevant to the protest and/or request for redress, this can be corrected. However, as seen below, anything that is clearly only a request for redress cannot be converted by the protest committee to a protest.

As already stated, a request for redress need not make out in writing every element of the start of rule 62.1, and so a hearing should continue even if the form does not make clear the extent of places or points alleged to be lost, or if there is no assertion that the requester was not at fault. These are matters to be established during the hearing.

There needs to be a good reason to extend the protest time limit. It is unlikely that there would be a good reason for extending the time limit for a *protest* after the end of a regatta. However, in redress situations where the facts justifying the request may not be known by the end of protest time – for instance, when the facts justifying a request are to be found in handicap results that are published and sent out after the event – then the protest committee should be satisfied with a request lodged within a day or so of receiving the information.

While it is never wrong to enquire diligently as to whether all requirements for flagging and hailing have been complied with, it will be proper to proceed with the hearing if the protestor's form says that notification was prompt, and, when asked, the protestee does not contest the validity of protest notification. If the protestee says that no protest hail was heard, but the protestor is firm that a hail including the word 'protest' was made, give the benefit of any doubt to the protestor.

With a protest and counter-protest over what is clearly the same incident, one hearing will suffice. If both protests are valid, offer the right to speak first to the party whose protest was lodged first.

### **M3.2** Take the evidence (rule 63.6).

- 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.
- 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 a member of the protest committee who saw the incident to give evidence (rule 63.6) but only in the presence of the *parties*. The member may be questioned and may remain in the room (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*.

Models are particularly useful for parties and witnesses to show the changes in positions of the boats. Ideally, have enough so that the models showing the position at the beginning of the incident can be left in place, and further models can be added and also left in place on the table for each stage of the incident. This will more clearly show up any inconsistencies. With sufficient models, these 'diagrams' from all parties can be set out side by side, so that the differences in the evidence can be highlighted. Otherwise, if it is necessary to remove one 'diagram' for another to be displayed, use a mobile phone's camera to record it. Suitable models are available from the RYA.

Each party and (especially) any witness should start afresh illustrating the situation, except that the chairman may leave undisturbed any non-contentious positions of wind or current direction, starting or finishing lines, or marks, as already established, to preserve orientation of what is described. Make sure you are told what had happened before the incident, and what happened after it.

### **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.

Facts and conclusions are NOT the same thing. Conclusions are drawn from the application of logic or of the rules to the facts – see below. To say that A did not keep clear of B is not a fact. It is a conclusion, based on unstated facts. The facts would be the relative positions and courses of A and B. Statements that there was serious damage, or that a boat did not sail the course, are also examples of conclusions, to be drawn from recorded facts of how the boat was harmed, or of the course designated by the race committee and the course she actually sailed. Only relevant facts need be recorded. Wind, sea-state and tide or current should be noted.

It may help to imagine that you are describing what happened to someone who was not present – as you will be if the protest goes to appeal. Simple statements made as ‘bullet points’ – just like the construction of this appendix – are recommended. The latest protest forms do not provide for protest committee diagrams unless asked for, but if time permits, a diagram can be useful – and may be necessary on appeal.

Failure to record facts properly is often the reason why a protest committee makes a wrong decision, to judge from appeals received by the RYA. This leads either to the appeal being upheld, or to the case being returned to the protest committee for further facts, and possibly a reopening. So keep the facts as facts, and say nothing judgmental at this stage.

### 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.*

Note the following from this example.

- First, it is not necessary for there to be contact in order for a boat to be found not to have *kept clear*, as the definition of that term shows. Contact is usually evidence that a boat has already broken a rule. (For instance, 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.) Second, it is quite possible, as here, that both boats may have broken a rule, in which case both are to be penalized. A boat is to be exonerated under rule 64.1(b) only when she was otherwise blameless, and was compelled to break a rule by the other boat's breaking of a rule. In this case, Boat A was required to keep clear and had the room to do so. The fact that boat B broke rule 17 does not exonerate boat A's breach of rule 11.
- If there is contact, facts and conclusions relevant to rule 14 must be recorded. When a give-way boat has broken a right-of-way rule (rule 10-13), she may have broken rule 14 as well if there was contact, but her disqualification will be based primarily on the right-of-way rule concerned.
- If there was damage, then facts and conclusions relevant to rule 14 must be arrived at concerning the boat with right of way under rules 10-13 or a boat (right-of-way or give-way) entitled to room under rules 15, 16, 18 or 19. For a right-of-way boat or one entitled to room to be penalized under rule 14, there must have been contact that caused damage, being contact that the right-of-way or room-entitled boat could have avoided. This too is a situation where both boats in a protest could be disqualified, regardless of which originally protested which – the give-way boat for not keeping clear, and the other for not avoiding contact. Note that the right-of-way or room-entitled boat is not required to act to avoid contact until it is **clear** that the other boat is not keeping clear or giving room.
- Disqualification is normally the only possible outcome when a protest committee, considering a *protest*, decides that a boat has broken a rule, including a class rule or sailing instruction (which are themselves rules), unless the rule concerned offers some other possibility. Sailing instructions can be constructed in differing ways: some instructions say that a boat shall or shall not do something; others state that any boat doing or not doing something will be disqualified. The effect is the same – the outcome of a breach is disqualification when no other penalty is stated to apply.
- In a protest, the decision must be confined to the parties and to the incident stated on the protest form. It is quite possible that the protest against the protestee will be dismissed, but the protestor will be found to have broken a rule and is to be disqualified. You can disqualify any party – but only a party. If it is decided that a rule was broken by another boat that is not a party to the protest, that boat (even if a witness at the hearing) cannot be penalized unless a fresh protest is lodged against her by the protest committee (rule 60.3(a)(2)) in which case rule 61.1(c) says the current hearing shall be closed, and the original and new protests are to be heard together.
- If a protest is found to be invalid, but there is an allegation or possibility of injury or serious damage, rule 60.3(a)(1) permits the protest committee to protest any boat involved. When the new protestee is the boat already protested in the invalid protest, a fresh protest is nevertheless required, with a fresh protest form completed by the protest committee. A fresh hearing must be called (which may however be as near immediately as possible, if the protestee does not ask for further time.) The first matter to be ascertained is whether there was indeed serious damage or serious injury. If not, close the hearing.

- If a party to a protest has also requested redress (for instance, if claiming to have been physically damaged by the other boat), then the protest decision and redress decision can be stated on the same form. Decide the protest first, add any further facts relevant to redress. That will now be the basis for deciding whether redress is due, and, if so, what redress.
- It may be that a boat that is a party in a protest hearing has not requested redress, but redress is clearly in order under a clause of rule 62.1. It would be appropriate to say that the protest hearing will become a redress hearing in favour of the boat, without needing to make a fresh start. Use the same protest form to record any additional relevant facts and state the redress given.

## REQUESTS FOR REDRESS

In order to qualify for redress, a boat's finishing position in a race or series must have been made significantly worse by one of the causes listed in rule 62.1, and she herself must not have been at fault. Facts need to be found to enable these to be drawn as conclusions.

### 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 in the direction of the course from the last mark, 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 that 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 in fact have to be stated explicitly in the sailing instructions, as a change to rule 63.1. She is to be reinstated.

**The only outcome of a valid request for redress is either the granting or refusal of redress.**

In the examples above, the matter to be decided in the boat's request for redress is whether the race committee was empowered to change her finishing position without a hearing. What the competitor actually did or did not do is not relevant. If the race committee was acting outside its powers, the boat is to be reinstated. The protest committee is not entitled to convert the redress hearing to a protest hearing, and it cannot therefore uphold or reimpose the disqualification. It may well seem that the boat will be fortunate to be awarded her finishing place, but it is not for the protest committee to make up for the failings of the race committee in not protesting properly (or not writing its sailing instructions properly) in the first place.

- A boat claims she was wrongly identified as OCS (or ZFP or BFD): give the benefit of any doubt to the race committee, whose race officer will have been best placed to identify her.

See additional guidance on redress on the RYA website at [www.rya.org.uk/racingrules](http://www.rya.org.uk/racingrules).

### 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.

Remember to give details of your decisions to the scorers!

#### **M4 REOPENING A HEARING (rule 66)**

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.

#### **M5 GROSS MISCONDUCT (rule 69)**

**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 the same rules as other hearings but the protest committee must have at least three members (rule 69.1(b)). 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** 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 this rule.

**M5.4** Although action under rule 69 is taken against a competitor, not a boat, a boat may also be penalized (rule 69.1(b)).

**M5.5** The protest committee may warn the competitor (rule 69.1(b)), in which case no report need be made to the national authority (rule 69.1(c)). When a penalty is imposed and a report is made to national authorities, it is helpful to recommend to whether or not further action should be taken.

See separate Misconduct Guidance for RYA Race Officials on the RYA website at [www.rya.org.uk/racingrules](http://www.rya.org.uk/racingrules). If you would still like advice before proceeding, contact the Racing Division at the RYA.

#### **M6 APPEALS (rule 70 and Appendix F)**

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 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 videotapes 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 tape 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?

## RYA GUIDANCE

### SCORING

(WITH ADVISORY NOTES FROM THE RYA)

*See rule 90.3.*

#### A1 NUMBER OF RACES

The number of races scheduled and the number required to be completed to constitute a series shall be stated in the sailing instructions.

#### A2 SERIES SCORES

Each boat's series-score shall be the total of her race scores excluding her worst score. (The sailing instructions may make a different arrangement by providing, for example, that no score will be excluded, that two or more scores will be excluded, or that a specified number of scores will be excluded if a specified number of races are completed. A race is completed if scored; see rule 90.3(a)). If a boat has two or more equal worst scores, the score(s) for the race(s) sailed earliest in the series shall be excluded. The boat with the lowest series score wins and others shall be ranked accordingly.

Rule 90.3(a) states that a race shall be scored if it not *abandoned* and if one boat sails the course in compliance with rule 28.1 and *finishes* within the time limit, if any, even if she retires after *finishing* or is disqualified. Therefore circumstances can theoretically arise when no boat receives a score for a finishing place, but the race is nevertheless 'completed' for the purposes of constituting a series – see rule A1. An abandoned race is not scored and therefore not completed. Normally, if race 5 (for instance) of a 10-race regatta is abandoned, the next race to be sailed will still be race 5 (and as a result race 10 may never be sailed). Care is needed over describing race prizes – is it a prize for race number x, or a prize for a race on a stated day?

#### A3 STARTING TIMES AND FINISHING PLACES

The time of a boat's starting signal shall be her starting time, and the order in which boats *finish* a race shall determine their finishing places. However, when a handicap or rating system is used a boat's corrected time shall determine her finishing place.

Rule A3 does not require corrected times to be rounded to the nearer second. That is a matter for the handicap or rating system to specify. IRC and Portsmouth Yardstick, for example, have a time-rounding rule. If you need to decide a rounding policy for your own handicap system, consider whether a decimal of a second of corrected time, as in the following example, is meaningful when it derives from elapsed times taken at the finishing line at best to the nearer second.

**Example:** Boat A is corrected to 1200.499 (etc) seconds, Boat B is corrected to 1199.5011 (etc) seconds. Without rounding, B gets the better place. If your handicap system states that corrected times are to be rounded to the nearer whole second, rounding 0.5 to the larger number, each time rounds to 1200 seconds, and the boats are tied for a place. Apply A7 to calculate their points for the tied place in that race. Rounding might be fairer, though it slightly increases the probability of a tie for a place.

#### A4 LOW POINT AND BONUS POINT SYSTEMS

*Most series are scored using either the Low Point System or the Bonus Point System. The Low Point System uses a boat's finishing place as her race score. The Bonus Point System benefits the first six finishers because of the greater difficulty in advancing from fourth place to third, for example, than from fourteenth place to thirteenth. The Low Point System will apply unless the sailing instructions specify another system; see rule 90.3(a). If the Bonus Point system is chosen it can be made to apply by stating in the sailing instructions that 'The Bonus Point System of Appendix A will apply.'*

When the sailing instructions are silent, the default is that the series will be scored by the Low Point System (see rule 90.3(a)), with one discard (see rule A2). If all races are to count, using Appendix A Scoring, this requires a sailing instruction to that effect.

**A4.1** Each boat *starting* and *finishing* and not thereafter retiring, being penalized or given redress shall be scored points as follows:

<i>Finishing place</i>	<i>Low Point System</i>	<i>Bonus Point System</i>
First	1	0
Second	2	3
Third	3	5.7
Fourth	4	8
Fifth	5	10
Sixth	6	11.7
Seventh	7	13
Each place thereafter	Add 1 point	Add 1 point

**A4.2** A boat that did not *start*, did not *finish*, retired after *finishing* or was disqualified shall be scored points for the finishing place one more than the number of boats entered in the series. A boat that is penalized under rule 30.2 or that takes a penalty under rule 44.3(a) shall be scored points as provided in rule 44.3(c).

**Example 1:** 23 boats entered the series. Boat A finishes 3rd in the race but is ZFP. The penalty is 20% of 23 = 4.6 places, rounded to 5 places so she receives points for the place equal to her finishing place of 3rd plus 5 penalty places - 8th place. Under the Low Point System, 8th place receives 8 points so points for the race are: 1, 2, 4, 5, 6, 7, 8, 8, 9, 10 ... 23. (The boxed number is A's score.) The two boats scoring 8 points will share any race prize for 7th place; the boat scoring 9 points will receive any race prize for 9th place. Remember that under rule 44.3(c) (and therefore under rule 30.2) a boat shall not receive a score that is worse than DNF would receive. A DNF score in this race would be 24 (23 series entrants, plus 1), which would be the penalty for a ZFP boat with a finishing position of 20<sup>th</sup> or worse.

Scoring penalties under rules 30.2 and/or 44.3 are cumulative but are calculated individually. For example, if a boat breaks rule 30.2 and the race is recalled and she again breaks rule 30.2 in the restart, she will have two 20% penalties. Similarly, if she breaks 30.2 and also takes a Scoring Penalty under rule 44.3(a) (SCP) she will have two 20% penalties (assuming the sailing instructions do not specify that the Scoring Penalty will be other than 20%).

**Example 2:** Same as **Example 1** above except that boat A also takes a 20% SCP under rule 44.3. She receives two penalties of 5 places each for a total of 10 places (not a 40% penalty of 9.2 places rounded to 9 places). Her score would be the score for 13th place, namely her finishing place of 3rd plus 10 penalty places. Points for the race are: 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13, 14, 15...

The score of a boat receiving a scoring penalty may be affected by the disqualification of a boat whose finishing place is ahead of her.

**Example 3:** Same as **Example 1** above except that the boat that finished second is disqualified (and receives 24 points). All boats with a finishing place after the disqualified boat move up one place (see rule A6(1)). Boat A receives points for 7th place, namely her adjusted finishing place of 2nd (as a result of the disqualification) plus 5 penalty places, leaving that '2 point slot' vacant. Points for that race would be: 1, 3, 4, 5, 6, 7,  $\boxed{7}$ , 8, 9, ... 22, 24.

**Example 4:** Same as **Example 3** above except that the boat that is disqualified finished sixth (not second). All boats with a finishing place after the disqualified boat move up one place (see rule A6(1)). Boat A receives points for 8th place, namely her finishing place of 3rd (not changed as the result of the disqualification of a boat whose finishing place is after her) plus 5 penalty places. The '3 point slot' remains vacant. Points for that race would be: 1, 2, 4, 5, 6, 7, 8,  $\boxed{8}$ , 9, ... 22, 24.

#### **A5 SCORES DETERMINED BY THE RACE COMMITTEE**

A boat that did not *start*, comply with rule 30.2 or 30.3, or *finish*, or that takes a penalty under rule 44.3(a) or retires after *finishing*, shall be scored accordingly by the race committee without a hearing. Only the protest committee may take other scoring actions that worsen a boat's score.

DNC, DNS, OCS, ZFP, BFD and DNF are race committee scores. DSQ, DNE, DGM and RDG are protest committee scores. SCP and RAF are scores accepted by a boat, notified to and implemented by the race committee. See A11.

#### **A6 CHANGES IN PLACES AND SCORES OF OTHER BOATS**

**A6.1** If a boat is disqualified from a race or retires after *finishing*, each boat with a worse finishing place shall be moved up one place.

**A6.2** If the protest committee decides to give redress by adjusting a boat's score, the scores of other boats shall not be changed unless the protest committee decides otherwise.

#### **A7 RACE TIES**

If boats are tied at the finishing line or if a handicap or rating system is used and boats have equal corrected times, the points for the place for which the boats have tied and for the place(s) immediately below shall be added together and divided equally. Boats tied for a race prize shall share it or be given equal prizes.

**Example:** Two boats have the same corrected time for third place. Under the Low Point System they would each score 3.5 points  $[(3+4)/2]$ , and there is no change to the scores of any other boats. Points for the race are: 1, 2,  $\boxed{3.5}$ ,  $\boxed{3.5}$ , 5... Note: As provided in rules A6(1) and 44.3(c), the 'split the points' principle of the first sentence of A7 does **not** apply when the tie in race scores results from a grant of redress or the application of a scoring penalty. (See A4.2, above).

#### **A8 SERIES TIES**

**A8.1** If there is a series-score tie between two or more boats, each boat's race scores shall be listed in order of best to worst, and at the first point(s) where there is a difference the tie shall be broken in favour of the boat(s) with the best score(s). No excluded scores shall be used.

**Example:** Scoring: Low Point – one score excluded

Race No:	1	2	3	4	5	6	TOTAL	REORDERED COUNTING SCORES	SCORES NOT USED
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 3 7	14

Rule A8.1 is sometimes known as ‘most firsts, etc.’ It breaks the tie between C and the two other boats in C’s favour. It does not break the tie between A and B. Rule A8.2 must now be applied to break that tie (in favour of B, for her better last race score).

**A8.2** If a tie still remains between two or more boats, they shall be ranked in order of their scores in the last race. Any remaining ties shall be broken by using the tied boats’ scores in the next-to-last race and so on until all ties are broken. These scores shall be used even if some of them are excluded scores.

**Example:** Scoring: Low Point – one score excluded.

Race No:	1	2	3	4	TOTAL
Boat A	3	4	5	10	12
Boat B	11	3	4	5	12
Boat C	5	15	3	4	12
Boat D	4	5	6	3	12

A8.1 does not break any tie, as they each have scores of 3, 4, 5 that count.

A8.2 applies, and the tie is broken in the order of D, C, B, A, the order of their last race scores. Note that A’s race 4 result was her discard, but it is still used to break the tie.

Ties in A8.1 and A8.2 are broken on scores, not finishing places. If this had been a 40-boat entry, and A had been second in race 4, only to receive a 20% (8-place) ZFP, the outcome of the tie-break is the same.

Normally, the last race will resolve most ties. The next-to-last race (and so on) will need to be used only if two boats have the same score in the last race, which might result from a ZFP, from a tie on the water or on handicap, or from both receiving non-finishing points resulting from DNC, DNS, OCS, BFD, DNF, RAF, DSQ, DNE or DGM.

The policy behind rule A8.2 is to add a little extra importance to the last race, particularly if this would result in a boat leading the series before the last race finding herself at risk of losing the series if she does not compete in the last race. That is very much a ‘regatta-oriented’ rule, and typical club ‘long series’ scoring sometimes disappplies rule A8.2 and specifies instead a different final tie-breaker, such as best discard, which incentivises participation in all races.

## **A9 RACE SCORES IN A SERIES LONGER THAN A REGATTA**

For a series that is held over a period of time longer than a regatta, a boat that came to the starting area but did not *start*, did not *finish*, retired after *finishing* or was disqualified shall be scored points for the finishing place one more than the number of boats that came to the starting area. A boat that did not come to the starting area shall be scored points for the finishing place one more than the number of boats entered in the series.

## **A10 GUIDANCE ON REDRESS**

If the protest committee decides to give redress by adjusting a boat’s score for a race, it is advised to consider scoring her

- (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 in question;

- (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 in question; or
- (c) points based on the position of the boat in the race at the time of the incident that justified redress.

Example: average points of 2.85 rounds to 2.9. 'Upward' means to a larger number (and therefore worse score).

Another option is the average of points in the other races of the day in question.

For further advice see the RYA Guidance on Redress.

## A11 SCORING ABBREVIATIONS

These abbreviations are recommended for recording the circumstances described:

- DNC Did not *start*; did not come to the starting area
- DNS Did not *start* (other than DNC and OCS)
- OCS Did not *start*; on the course side of the starting line at her starting signal and failed to *start*, or broke rule 30.1
- ZFP 20% penalty under rule 30.2
- BFD Disqualification under rule 30.3
- SCP Took a Scoring Penalty under rule 44.3(a)
- DNF Did not *finish*
- RAF Retired after *finishing*
- DSQ Disqualification
- DNE Disqualification (other than DGM) not excludable under rule 90.3(b)
- DGM Disqualification for gross misconduct not excludable under rule 90.3(b)
- RDG Redress given

DNF (like DNC and OCS) is a statement of fact – a boat has not finished, for whatever reason, whether as a result of gear failure, boredom, or because she was required to retire by rule 31.2, 44.1 or P2.2. There is no separate designation (such as RET) reserved for voluntary or required retirement during a race, but that could be specified and used when the sailing instructions call for retirement declarations.

A race committee will know which boats finished, but may not know, in a large regatta fleet, whether those that entered but did not finish are DNC, DNS or DNF. Since the score for these are the same, it would be appropriate for the convenience of scoring for a sailing instruction to say that any boat that enters but does not *finish* as defined will be scored DNF whether or not she came to the starting area or started. However, tallying or having the sail number acknowledged by the committee boat before starting will identify DNC boats.

## How to Score using Appendix A – General Guidance

1. Choose the appropriate wording to appear in the notice of race – see K13, Notice of Race Guide – and in the sailing instructions – see L17, Sailing Instructions Guide. If the series is to be scored by the Low Point System, Appendix A, with one discard, then the sailing instructions do not need to specify the scoring system, since this is the default (see rules 90.3 and A2). However, it does no harm to state the scoring system. State races to count. Some clubs like a different tariff of scores for non-finishing places, in particular scoring DNC more heavily to encourage participation.
2. The score for non-finishing places can change during a series if new boats can enter during the series (see rules A4.2 and A9); this is common in long club series (A9), affecting DNC scores. To avoid the need to recalculate, the sailing instructions can say that *'The last sentence of rule A9 is replaced with: "A boat that did not come to the starting area shall be scored points decided by the race committee".'* The race committee can then decide a value for this at the start of the series, being a number larger than the maximum expected series entry. Alternatively, give a fixed (but possibly heavier –see 1 above) value to DNC as with other non-finishing scores by saying: *'The last sentence of rule A9 is replaced with: "A boat that did not come to the starting area shall be scored as if she did not start [+ n points]."*
3. If scoring manually, apply rules A3, A4 and A5 to the results, in tabular form. The sequence is:
  - Take order of finish (non-handicap races) or elapsed times (handicap races).
  - Correct elapsed times using handicap or rating factor (handicap or rating races only). Apply rounding if specified.
  - Identify and score for DNC, DNS, OCS, BFD, RAF and DNF (which includes those not finishing within a time limit if so provided in the sailing instructions).<sup>4</sup> Use A4.2 for short series, A9 for long series ('longer than a regatta').
  - Rank remaining boats for their preliminary finishing places by:
    - Corrected times (handicap races only), otherwise
    - Finishing order.
  - Assign points to preliminary finishing places based on the specified scoring system, breaking race ties (rule A7).<sup>5</sup>
  - Identify and add penalty places to the preliminary finishing places for boats scored SCP or ZFP (do not change the scores of other boats - see rule A4.2).
  - If appropriate, post preliminary results for the race and series (stated to be 'subject to changes resulting from protests and requests for redress').
  - Remove the finishing place and change the score of boats that the protest committee instructs should be scored DSQ, DNE or DGM. The finishing places, and thus the scores, of boats with finishing places after the boat to be scored DSQ, DNE or DGM will also change - see rule A6.1. When a boat in that race has been scored SCP or ZFP it is important to remember that her score, which is her finishing place plus penalty places, will change only if her original finishing place was **after** that of the DSQ, etc, boat before it was removed – see rule A4.2 example.

---

<sup>4</sup> In the absence of a sailing instruction to the contrary, a race committee must give a finishing place to any boat that *starts* and *finishes* as defined. If a boat is believed not to have sailed the right course before she *finishes*, as defined, a protest is required for her score to be changed. Under the last sentence of rule A5 the race committee cannot disqualify her without a hearing nor score her DNF.

<sup>5</sup> When races comprise the fleet split into two or more flights or groups, the results of which are then combined, there will be initially at least two boats with the same score for every place. These do not rank as ties to be broken.

- Change the score of any boat granted redress (mark RDG against the revised score) when instructed by the protest committee. (The final value of RDG under A10(a) will vary until the end of the series; do not change the finishing places or scores of other boats unless the protest committee decides otherwise - see rule A6.2). If the redress score is the same as another boat's place score, do not treat it as a tie to be broken. If the protest committee's decision is stated to be simply 'average points redress', seek clarification as to whether it is A10(a), A10(b) or some other method that is to be applied.<sup>6</sup>
- Post final results for the race and update the series results, applying the discard(s) appropriate at that stage.
- At the end of the series:
  - Exclude the appropriate number of discards of 'worst scores' as required by scoring system or sailing instructions (exclude the earliest of two or more equal worst scores - see rule A2: however, due to previous changes to rule A8, no error occurs if it is not the earliest of two equal scores that is excluded).
  - Break any ties in series scores as provided by rule A8.
  - Post the series results.

---

<sup>6</sup> Make sure your scoring system implements average-points redress (rule A10(a) and A10(b)) correctly. In standard format, the average is taken of all relevant race scores, including scores that will later be discarded. It has been detected that some scoring programs still default to an earlier (and normally over-generous) version of A10(a) which allowed an ultimately discardable score to be excluded from the race scores to be averaged. In a regatta, the redress score should reflect the full spectrum of the boat's other results, good and bad. The same worst score will still then drop out as a discard, **after** it has been used to find the average. However, the principle of that older system may still be appropriate for a protest committee to specify in its decision - to exclude from the races to be averaged not only the race in question but also any race before the race in question if the boat to be redressed did not compete in it (for instance, in a long club series). Where there is a separate qualifying series and final series (for example, with separate 'Gold' and 'Silver' fleets) the protest committee must be careful to specify exactly which races to include in the 'average points' calculation.



## RYA GUIDANCE

### STARTING PENALTIES

#### Question

At events with many competitors or many spectator vessels, it is sometimes undesirable for an OSC boat 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.

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 say either 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 the 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 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 stated line, mark or map reference, which will not then require any 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 to a boat any part of which 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 and in the sailing instructions. This may include rules 28.1, 29.1, 63.1 and A4.2.

## RYA GUIDANCE

### ZONE SIZE

#### Background

A mark's default zone in fleet racing when rule 18, Mark-Room applies is now 'the area around a mark within three hull lengths of the boat nearer to it' - see definition Zone.

However, 'sailing instructions may change to 'two' or 'four' the number of hull lengths determining the zone around marks, provided that the number is the same for all marks and all boats using those marks' - see rule 86.1(b).

#### Who can decide to change the zone size?

The decision is published by the race committee in the sailing instructions (see rule 90.2(a)). However, the organizing authority is likely in practice to be involved in a policy decision about this. The organizing authority appoints the race committee (see rule 89.2(b) and may direct it on the conduct of races (see rule 90.1). If a decision to change the zone size is made, the organizing authority is recommended to give advance notice of this change in the notice of race - see rule J1.2(1).

It is not open to a class to make a decision on this matter purporting to apply to races for boats of that class, except through its participation in the organizing authority (see rule 89.1) or by agreement with the club hosting its event, as then expressed in the sailing instructions.

#### When is the zone size important?

Normally, the three hull-lengths distance is important only when boats are approaching the mark, for the purpose of deciding, in some cases, whether a boat is entitled to mark-room. Although rule 18.1 says that rule 18 applies when at least one of the boats concerned is in the zone, it also says that rule 18 applies when they are required to leave a mark on the same side. So the rule, and therefore the zone, will not apply when the mark has been left as required by the boats concerned, and in any case it is not relevant once mark-room as required has been given.

#### **We sail on a river which is less than six hull lengths wide at the point where we need to lay a mark. Should we consider changing all our zones to two hull lengths?**

It should not be necessary to revert to two hull lengths.

When boats are reaching or running to a mark, the effect of a three hull-length zone is that the question as to whether a boat is entitled to mark-room is decided an extra hull length from the mark. An inside overlap that begins when the some part of the leading boat is between two and three hull lengths from the mark will no longer entitle the inside boat to mark-room. That would be equally true in open waters. The fact that parts of the zone may not be navigable water has little significance, for the reason already given.

When the mark is a windward mark that cannot be fetched from outside the zone, rule 18.2(b) will still decide mark-room entitlement at zone entry between same-tack boats that will need to tack for the mark in the zone. When one tacks, rule 18 stops applying. If they are overlapped after they have both tacked together, rule 18.2(a) then applies. That would equally be the case in open water when boats choose to approach the mark in this way.

The main effect of the increased zone size at a windward mark is to extend the distance from the mark at which rule 18.3 will apply to a boat that tacks for the mark close to a boat that is already fetching the mark. It is not relevant whether the boat that is fetching the mark

had tacked for mark inside the zone or outside it. Again, this is no different from the situation in open water.

**The rapid increase of water depth means we cannot lay a mark more than two lengths from the shore. Should we therefore make the zone for this mark (and therefore for all course marks) two hull lengths?**

The same considerations apply as on a river.

**What other considerations are there?**

For gate marks, the main consideration when deciding the width of a gate is safe racing for the boats concerned in the prevailing conditions. This will normally result in a separation of six hull lengths or more, depending on the number and type of the competitors. Ten hull lengths would not be unusual. However, if zones intersect, and overlapped boats intend to round different marks, the right-of-way boat's choice will prevail, subject to her giving mark-room to the other boat if they were overlapped at the zone of the mark the right-of-way boat chooses to round. This is therefore a race management rather than a racing rules issue.

A spreader mark should ideally be laid at least six hull lengths from the windward mark.