

## **RYA 2011/2**

Rule 2, Fair Sailing

Rule 63.4, Hearings: Interested Party

Definitions, Interested Party

*A boat does not break rule 2 when she believes reasonably, even if incorrectly, that, in manoeuvring against another boat, she will protect her series score by worsening the score of the other boat.*

*Knowing a party to the protest through past common membership of the same club does not automatically make a member of the protest committee an interested party. However, such knowledge should be declared at the outset so the possibility of a close personal interest can be investigated.*

### **SUMMARY OF THE FACTS**

After the penultimate race (Race 8) of the GP14 National Championship, *One Purpose 14* (14067) tried to calculate out the overall points of the leading boats as a second discard had become available on completion of 8 races and the last race of the Championship (Race 9) was about to be started. 14067 calculated incorrectly that, in order to protect her second place overall, it was necessary that *Ding Dong Do* (14057) did not win the final race.

For a period between the preparatory and starting signals for the gate start of Race 9, 14067 manoeuvred close to 14057 in an effort to affect 14057's position among the boats waiting for the gate to open. After the start 14067 retired from the race. 14057 finished the race in 8<sup>th</sup> place. 14057 protested 14067 under rule 2 and requested redress under rule 62.1(d).

The protest committee found no evidence that rule 2 had been broken and dismissed both the protest and request for redress. However, between the taking of evidence and the giving of the decision, 14057 became aware that the helm of 14067 was known personally to one member of the protest committee, which fact had not been declared earlier. 14057 asked for a reopening of the hearing which was refused as impractical and she was advised to appeal, which she did on the grounds that: there had been a breach of rule 63.4; the protest committee had failed to reopen the hearing; and rule 2 and ISAF Case 78 had not been properly applied.

### **DECISION**

*Ding Dong Do's* appeal is dismissed. *One Purpose 14's* score in Race 9 is to remain DNF.

ISAF Case 78 gives guidance on some specific circumstances in which a boat may attempt to slow the progress of another boat, but none of those circumstances apply to this case. The general criterion stated by Case 78 is that a tactic is sportsmanlike if "there is good reason to believe that the tactic benefitted or could have benefitted" her series score. The RYA is satisfied that, in the absence of definitive cumulative results for the series after Race 8, it was reasonable for 14067 to believe that 14057 could finish ahead of her in the series if she won the final race. Therefore, although 14067 was mistaken, her tactics did not break rule 2.

There was no evidence that the member of the protest committee had a close personal interest in the decision; therefore, he was not an *interested party*. Friendships in the sport are common and do not automatically make such persons interested parties. However, when any protest committee member is well acquainted with a party, it is recommended that this fact is declared at the start of a hearing so that another party has the opportunity to object and a ruling can be made on whether there is a close personal interest. A failure to make a declaration does not, in the absence of other evidence, necessarily prejudice the hearing.