

JUDGING OCEANIC AND OFFSHORE RACING

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“This appendix is maintained jointly by the International Judges Sub - Committee and the Oceanic and Offshore Committee of ISAF. It is intended to help race organisers and judges react to disputes relating to the issues encountered in oceanic and offshore racing.

It is designed to be a learning tool and reference document for judges who are, or expect to be appointed to the Protest Committee (“PC”) of a race:-

- conducted day and night,
- substantially out of sight of land and
- using the International Regulations for Preventing Collisions at Sea (“IRPCAS”) in addition to or in place of the Racing Rules of Sailing (“RRS”).

Since our sport is constantly changing and evolving, a guide such as this has to be a living document that needs to be updated constantly. It is by no means faultless. Contributions to improve it are always welcome and will be posted on the ISAF Web (insert URL) site as updates are made.

Special thanks are due to the small team of experienced International Judges, International Race Officers, event organisers and oceanic race sailors who contributed to this guide. “

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1.0 Introduction

Generally, racing under the RRS is within sight of land and conducted during daylight hours.

To race a boat offshore and overnight requires additional skill sets in navigation, safety procedures, medical training and sea survival for it to be conducted safely.

Oceanic and offshore racing is highly visible to the public and whilst there are few Part 2 rules protests under the RRS, or protests under IRPCAS they do happen.

The nature of such races requires procedures which may vary the RRS, may require parts of the racing rules to be replaced by the IRPCAS and which may involve logistical and communications issues for PC members.

2.0 Judging Issues

2.1 Consultation and relations between officials RRS Appendix N 2.1.

- 2.1.1 It is difficult for race organisers, race officers and judges to acquire experience in the issues involved in ocean racing. There are relatively few events when compared to inshore and daytime only regattas.
- 2.1.2 Organisers may wish to vary racing rules and add or delete provisions of the Offshore Special Regulations (“OSR”).
- 2.1.3 Class rules may have specific requirements relating to the ethos and ultimately the cost structures relating to the events in which competitors may race.
- 2.1.4 Accordingly early consultation between race organisers, race management and judges is highly advisable in order to minimise the risk of conflict between the rules under which an event is raced.
- 2.1.5 Extensive consultation may be required under the terms of appendix N2.1 at almost any stage of a race.
- 2.1.6 Careful consideration of the organisers and race management’s intentions is necessary when reviewing the Notice of Race (“NOR”). In any subsequent disputes there can then be a clear understanding not just of the wording of any rule, which may prove to be imprecise or insufficient to cover the issue at hand, but the rationale behind it.

2.2 Safety and measurement disputes.

- 2.2.1 Pre race measurement disputes are generally little different to those in inshore racing. However the PC may become aware of confidential, commercially or race sensitive information during safety or measurement disputes. Care must be taken that irrespective of the nature of the dispute any such information must be kept under the control of the PC, its content safeguarded and precautions taken to prevent its release to any third parties.

- 2.2.2 Non compliance with safety or class requirements can lead to competitors being refused permission to race after their entry and entry fee have been provisionally accepted.
- 2.2.3 Refusal to allow competitors to race can lead to disputes requiring PC intervention especially when competitors have sponsorship obligations. Depending on the legislation of the Member National Authority (“MNA”) under which the start is organised, competitors may seek recourse to commercial courts for damages despite the rules of the race specifying that disputes should be dealt with under the RRS or (if applicable) by referral to the Court of Arbitration for Sport (“CAS”).
- 2.2.4 While racing, rules relating to sealed equipment, equipment not to be moved or to non-functioning tracking or other safety related devices can all lead to rules breaches and protests.

2.3 Race navigation Issues

- 2.3.1 Prohibited zones can include safety areas for swimmers or inshore craft, areas around oil rigs or other offshore structures, military exclusion zones and traffic separation schemes (“TSS”).
- 2.3.2 Race management may need to change the course during the race normally for safety reasons such as relocating ice gates or reflecting a particular navigational hazard.
- 2.3.3 Virtual marks or rounding waypoints may be introduced before or during a race – for safety reasons, to extend the course in unexpectedly fast races or to shorten the course in light winds.
- 2.3.4 Use of the engine and navigating under power into a safe port or anchorage to undertake repairs or for medical treatment may be permitted by the SIs under the provisions of RRS 42.3 (i) but may attract penalties.
- 2.3.5 Resolving all or any of the above race navigation issues will depend on good communications with competitors, clear instructions from the race team and may become the subject of a protest.

2.4 Outside help

- 2.4.1 There are very different approaches to outside help depending on the nature of the event.
- 2.4.2 Organisers will frequently prohibit the use of shore based meteorologists or navigators (“non routeing”) and provide or limit access to a common set of weather forecast files to all participants in a race. However controlling information flow can be extremely difficult when satellite phones, Satcom C and other long distance communication systems are in use.
- 2.4.3 Competitors may or may not be permitted to receive shore based technical advice from their support teams relating to on board repairs.
- 2.4.4 “Technical Stops” may be permitted under race rules.
- 2.4.5 Outside help to resolve medical problems during a race is frequently permitted.

2.5 Redress

- 2.5.1 Many oceanic and offshore races will have redress requests, often when a competitor has offered help to another competitor or mariner in danger. Such requests may be initiated by the RC or PC in accordance with RRS 60.2 or 60.3.
- 2.5.2 Calculating the amount of redress to award can however require an understanding of marine navigation, meteorology and the uses and limitations of Automatic Identification System (“AIS”) and tracker systems.
- 2.5.3 The amount of redress to award would usually be expressed as a reduction of elapsed time.

2.6 Protests under Part 2 of the RRS and IRPCAS

- 2.6.1 Protests under part 2 of the racing rules are mostly related to issues during the starting procedures and within the first hour or so of racing.
- 2.6.2 Protests under the IRPCAS frequently relate to non observance of regulations in parts C&D relating to light and sound signals or (because of RRS 48.2) rule 10 of part B of the IRPCAS relating to a TSS.
- 2.6.3 Consideration of breaches of section II of part B of the IRPCAS steering and sailing rules do have to be handled with a totally different approach than that of the RRS. The obligation is always that a give way vessel must take early action to avoid a collision.

2.7 Media requirements and related issues

- 2.7.1 Oceanic races frequently have media reporting requirements set out in the Notice of Race (NOR).
- 2.7.2 There can be specific obligations for competitors to attend press or other briefings, opening and closing ceremonies, “prologue” races or inshore display events.
- 2.7.3 Display of sponsor advertising is generally obligatory.
- 2.7.4 The appropriateness and location of advertising can be an issue depending on the ethos and ethics policies of a race.
- 2.7.5 On board reporting to organisers during the race is normally a requirement of race organisers, both from a safety and media point of view.
- 2.7.6 Breach of any of the above may be subject to financial rather than race time related penalties.

3.0 PC Skills, Location & Structure

- 3.1 In order to cope with the issues set out in chapter 2 above the PC will need additional skills in marine navigation.
- 3.2 An understanding of the applicability of IRPCAS, other aspects of governmental marine legislation and offshore safety is required.
- 3.3 Some experience of the seamanship issues encountered offshore – sailing in extreme conditions in heavy weather, in fog or at night is important in order to demonstrate credibility to competitors.

- 3.4 It is not expected that all PC members will necessarily have all the skills. But there should be a sufficient depth of experience that any issues encountered can be resolved.
- 3.5 PC accommodation and travel expense is a significant cost to organisers. PC location can therefore be an issue. It is normally expected that judges will meet prior to the start. During the race issues may be resolvable by email, conference call or other means. However if there are post leg or race finish protests or redress issues it may be impractical and costly to transport all judges from the original panel to the finish.
- 3.6 It is quite usual for the PC to have a different set of judges at the finish. It should however, for the sake of continuity, contain at least the chairman and one other member associated with the entire race whether it is divided into legs or non-stop.
- 3.7 Wherever judges are located they will have to be available and contactable throughout a race. Judges will need to be comfortable with modern forms of communication technology and to operate through different time zones.
- 3.8 Marine Navigation
- 3.8.1 There must be an adequate understanding of Marine Navigation within the PC in order to resolve protests dealing with navigational issues or redress.
- 3.8.2 Navigation calculations are still an imprecise science. Working out courses, distances and time lost or gained can be done using charts, great circle, Mercator or plane sailing. Arithmetical solutions can come from traverse tables, computers or GPS navigators and can all be equally valid whilst giving differing results.
- 3.8.3 Navigation equipment and software programmes may be new or specially developed for competitors needs. When information from such software or equipment is needed to sort out a dispute, the PC may not have sufficient knowledge to be able to interpret the data provided. Under such circumstances expert assistance should be sought from outside the jury.
- 3.8.4 Agreeing the methods, basis and results of a set of navigational calculations can therefore need a team approach.
- 3.8.5 Whilst internal PC considerations will be confidential it may be helpful for competitors to know the philosophy behind a redress award or a protest penalty such that the credibility of the PC solution is apparent and sustainable.
- 3.9 Offshore Safety and related Regulations
- 3.9.1 The provisions of the Offshore Special Regulations (“OSR”) and the rationale behind construction standards, equipment provision, safety and training requirements need to be thoroughly understood by PC members.
- 3.9.2 Appendix H of the OSR has been drafted to provide advice on safety aspects of organisation of Oceanic races but many of its provisions apply equally to offshore races of a lesser distance and duration.
- 3.9.3 The role of maritime rescue co-ordination centres and rescue services together with the effectiveness of coastguard or naval resources in Littoral states can also have an impact on redress cases.

- 3.9.4 There can be unintended breaches of Governmental regulations in Littoral states – judges need to be aware of their potential impacts so as to be able to consider appropriate penalties.

4.0 Protest Committee Preparation

4.1 Race Documentation & Review

- 4.1.1 Race documentation can be complex and thus a detailed review of the draft NOR and Class Rules is essential, preferably before the NOR is first issued. RRS 88 relating to applicability of National Prescriptions is also relevant.
- 4.1.2 It is equally essential to ensure that the SIs are reviewed before they are issued to competitors.
- 4.1.3 In many oceanic events meetings are held with race management and competitors before the event and race documentation reviewed with them at that stage. The objective is to ensure that all involved have a clear understanding of the additional rules applying to the event and that issues regarding application of disqualification or discretionary penalties can be clarified in advance.
- 4.1.4 There are arguments for and against publishing fixed discretionary penalties (“DPI”) in the SIs. It is probably safe to publish financial penalties relating to breach of media obligations. Financial penalties should be applied, without a hearing, by the OA. Involvement of the PC would only be appropriate should there be any disagreement about the facts of the dispute.
- 4.1.5 It is not advisable to publish DPIs relating to part 2 rules breaches, breaches under IRPCAS or those requiring navigational calculations.

4.2 Initial PC meeting – additional issues in Ocean Racing

- 4.2.1 Application of DPIs during the race may be after email, telephone or conference calls. So that the PC policy can be applied evenly and to reduce misunderstandings, the application of DPI should be reviewed in confidence in the context of the penalty structure set out in the sailing instructions and any written clarifications made subsequent to competitor and/or race management meetings.
- 4.2.2 Communications methods and response times should be agreed amongst all PC members. Any technical innovations, teleconferencing, “Go to meeting” technology, use of Skype or other internet systems should be discussed. If there are communications techniques with which PC members are not familiar it may be helpful to practice using them whilst all PC members are present prior to the start.
- 4.2.3 Navigational and other methods of achieving a redress solution should be discussed and input sought from the race committee in terms of their ability to provide tracking, meteorological analyses and other data to support a redress claim.
- 4.2.4 Media contact can be expected by all PC members if there are issues during a race. Accordingly there should be a clear policy on PC communications with media contact restricted to either the PC chairman or a member of the PC specifically appointed to the role.

4.2.5 PC members must be made aware of the sensitivity of any information relating to emergencies, serious accidents or any dangers relating to competitors. The confidentiality of any such information must be safeguarded. It can be expected that the OA and race committee will have specific procedures relating to these issues and the PC should be briefed and act accordingly.

5.0 Oceanic Racing and the Rules

- 5.1 In races of extended duration disqualifying competitors for minor rules breaches is inappropriate.
- 5.2 Certain rules may be wholly inappropriate for ocean racing yachts
- 5.3 Breaches of other rules may have discretionary time or financial penalties
- 5.4 The following section outlines the racing rules commonly changed and the rationale for so doing.

Issue	Rules Affected	Comment
OCS	28.1 & 29.1	For media and safety reasons organisers may wish to penalise boats that are OCS rather than have them re-cross the line. Under such circumstances the SIs should prohibit OCS boats from returning to start, change the requirement to start in rule 28.1, but should not seek to change the definition “Start”. Methods of advising competitors of their breach may include VHF.
Navigation	28,1 and 48.2	Breach of any navigation rules related to prohibited zones or TSS or not sailing the course described in the sailing instructions may be more appropriately penalised via a discretionary time penalty in the SIs. The penalty will form part of the discretionary penalty tariff agreed by the PC pre-race.
String Test	28.2	If a competitor has incorrectly sailed the course, for whatever reason, it may be unsafe or unwise to require them to comply with the string test to correct the error. Under such circumstances it may be appropriate to amend 28.2 and a discretionary time penalty may be applied in the SIs
Individual Recall	29.1	When competitors are not required to return to re-cross the line there will be a need to change this rule. References to rule 30 contained within the rule also need to be amended.
Touching a Mark	31	Rule 31 cannot apply at virtual marks or turning waypoints
Outside Assistance	41	The range of issues covering outside assistance has been set out in para 2.4 above. In drafting the SIs it is essential to be clear and unambiguous as regards what is and is not permitted. A range of discretionary and/or financial penalties may be appropriate depending on the nature of any rules breach.

Issue	Rules Affected	Comment
Propulsion	42	Under the terms of rule 42.3 (i) sailing instructions are frequently varied to permit the use of the engine under defined circumstances. Despite the provisions of the rule as regards “significant advantage” there may be additional penalties after the engine has been used.
Hauling Out, Making Fast	45	Competitors may be permitted, by the SIs to go into port for technical stops, to be hauled out and to make fast alongside. Any rule change needs to be clear and unambiguous as regards what is and what is not permitted. A range of penalties may apply.
Limitations on Crew	47.2	Crew may be permitted to go ashore during technical/repair stops. There may be penalties in addition to the time lost whilst undertaking repairs. Crew may be replaced during the race for medical reasons and under such circumstances there are unlikely to be penalties provided prior approval of the RC is received.
Fog Signals and Lights	48.1	Competitors may be required to show lights at night under all circumstances and not just “when safety requires”.
Traffic Separation Schemes	48.2	Breaches of this rule are likely to attract discretionary penalties laid down in the SIs.
Setting and Sheeting sails	50.2	Competitors may be permitted to use twin spinnaker poles and whisker poles.
Outriggers	50.3	Frequently changed by oceanic one design classes.
Moveable ballast	51	Often changed to permit canting keels, water ballast and sails to be stacked as ballast.
Manual Power	52	Auto Pilots, powered winches and rig adjustment are frequently permitted by class rules or organisers with appropriate amendments to this rule.
Forestays & Headsail Tacks	54	May be amended by class rules or organisers with appropriate amendments to this rule.
Trash Disposal	55	This rule can be changed by the SIs to make clearer what is and what is not permitted.
Protests - Informing the Protestee	61.1 (a)	61.1 (a) Display of a red flag may be waived. 61.1 (a) (1) The means of informing the other boat or boats may be specified in sailing instructions and could include e.g. satellite phones, VHF, email, other electronic communication systems. 61.1 (a) (3) Competitors may be required to protest as soon as reasonably possible when the protest relates to errors in sailing the course.
RC and PC Protests before the end of the race	61.1(b)	Races may be tracked and reported on throughout the race. The means by which breaches are “observed” may need to be defined as they may be by electronic communications, satellite or other position reporting systems in addition to visually. Having “observed” a breach of the rules during the race it may then be appropriate to protest before the end of the race.

Issue	Rules Affected	Comment
RC protests after a boat finishes	61.1(b)	In many oceanic events, these form the majority of hearings. They will often concern broken seals or loss of equipment. The race committee should be encouraged to be meticulous over informing the boat of the protest and the lodging of the written protest.
Protest contents	61.2	Protests may not necessarily be in writing. Judges on the water may umpire the start sequence of a race. During the race protests may be by email or other electronic means. Although a protest may be sent electronically it may be difficult to guarantee reception.
Protest Time Limit	61.3	The protest time limit provisions are frequently changed to highlight that protests can be lodged during the race and that sailing and weather conditions may lead the PC to extend the protest time limit. The protest committee should err on the side of the sailor when considering validity of a protest. Sailors should not have to feel disadvantaged by being forced to respond to a protest when sailing conditions demand that they must concentrate on racing or safety.
Redress	62.2	In many oceanic races the redress request may be delivered electronically during the race. It may be a requirement that the redress request should be delivered as soon as practicable after the incident giving rise to the request.
Hearings	63	There is no definition or case as to what constitutes a hearing. In oceanic races they are frequently conducted during the race by email or other means at the discretion of the PC. Responding to email protests can be difficult for sailors due to fatigue or weather considerations. As yet there is no satisfactory, cost effective conference call system which would enable hearings to be heard or televised live during a race.
Presence of Parties	63.3 (a)	If holding hearings during a race parties cannot be physically present. SIs will provide for the means of contact, the method by which evidence is taken and how parties present their evidence. The SIs should give a precise procedure for the rights of the parties to be protected. All time limits for answers to questions from other parties or the PC would be considered depending on circumstances (particularly for short-handed racing). Media and all those involved with the management of the race should be advised that the process can be unavoidably protracted, often taking days rather than hours.
Taking evidence	63.6	Has to be changed if parties are not physically present at a hearing.

Issue	Rules Affected	Comment
Penalties	64.1	<p>Penalties will be stated in SIs. Penalty structures can vary with the requirements of the race organiser and the ethos of the race but the following are common:</p> <ul style="list-style-type: none"> • Time penalties are frequently applied as a percentage of elapsed time in offshore races of relatively short duration. • Time penalties may also be expressed in hours or minutes added to a competitor’s elapsed time. • “Stop” penalties may require competitors to pass though the same waypoint at the beginning and after the end of the penalty period. The penalty would have a specified duration – normally expressed in hours. • “Stay” penalties make competitors remain in port for a minimum period, normally expressed in days after entering a harbour. These penalties are normally imposed when competitors enter harbour for repairs. • Financial penalties may be applied to breaches of media obligations and preferably applied by the RC without a hearing by the protest committee. <p>The longer the race, the more reluctant organisers will be to see a competitor disqualified. Furthermore “turns” penalties under the terms of rule 44.1 may be an inadequate penalty for any potential breach of the rules involving contact between competitors’ boats. Accordingly DPI may be applicable for breaches of part 2 rules or those of section II of part B of IRPCAS.</p>
Compliance with Class Rules	78.2	Compliance with class rules and any rules concerning safety are of utmost importance in oceanic racing and accordingly rule 78.2 may be amended.

5.5 Discretionary penalties - DPI

- 5.5.1 Organisers, race committee, protest committee, competitors and media should be fully aware of the penalty structure and its implications.
- 5.5.2 The race committee, organisers and protest committee should be aware of the laws of the unintended consequences when rules changes are introduced.
- 5.5.3 Protest committees can be trapped into an inappropriate penalty structure.
- 5.5.4 Whatever penalty is imposed there may be criticism.
- 5.5.5 As far as possible therefore the protest committee should work with race committee, competitors and organisers to manage expectations!

List of abbreviations

AIS Automatic Identification System
 CAS Court of Arbitration for Sport
 DPI Discretionary Penalty

IRPCAS	International Regulations for Preventing Collision at Sea
MNA	Member National Authority
NOR	Notice of Race
OA	Organising Authority
OSR	Offshore Special Regulations
PC	Protest Committee
RC	Race Committee
RRS	Racing Rules of Sailing
SI	Sailing Instruction
TSS	Traffic Separation Scheme