RYA 2013/1

Rule 64.2 Decisions on Redress

When one or more competitors are found to have had their finishing positions adversely affected by an improper action of the race committee, the scores of those boats should be adjusted even if it is not known whether or not other boats might have been affected.

SUMMARY OF THE FACTS
During race 5 in a Topper class series, the windward mark dragged out of position and was replaced by a mark boat. The mark boat misheard the race officer's instruction and displayed flag N instead of flag M. A number of competitors assumed that the race had been abandoned and temporarily stopped racing, losing places as a result.
A single request for redress was lodged by Topper 47390 which identified three boats as affected. The hearing established that those boats had lost about 8, 3 and 3 places, respectively, and that their actual finishing positions had been 19th, 10th and 12th.
The protest committee awarded redress as there had been an improper action of the race committee. However, the protest committee was unable to discover how many boats might have been affected by the error and decided that the fairest result for all boats was to leave the scores unchanged. Topper 47390 appealed.

DECISION
Topper 47390's appeal is upheld. All three boats are to be rescored in race 5 – as finishing positions 8, 3 and 3 less than their actual finishing positions. No other boats' scores are to be changed.
The protest committee was correct in awarding redress but as the loss of places by the three boats were facts found it should have awarded improved places to the boats identified as affected, whether or not they had asked for redress. Leaving all scores unchanged is not as fair an arrangement as possible for all boats affected. The possibility that other boats might have been affected is not a good reason to refuse recompense to those boats known to have been disadvantaged by the error of the race committee.

Request for redress by *Topper 47390,* Datchet Water SC