

Racing Rules of Sailing

New Case based on Q&A J021

A submission from the Chairman of the Racing Rules Committee

Purpose or Objective

To propose a new case based on an ISAF Q&A.

Proposal

CASE XXX

Rule 43.1, Competitor Clothing and Equipment

Rule 60.2, Right to Protest; Right to Request Redress or Rule 69 Action

Rule 78, Compliance with Class Rules; Certificates

Rule A5, Scores Determined by the Race Committee

A person appointed to serve as an equipment inspector or event measurer is a member of the race committee only if appointed by that committee. Such a person must always make a report when one is required by rule 43.1(c) or rule 78.3. He may protest a boat under rule 60.2's last sentence only if the race committee delegates the responsibility for such protests to him. When a boat breaks rule 78.2, the race committee cannot disqualify her without a protest.

Question 1

Is an equipment inspector or measurer for an event a member of the race committee for that event?

Answer 1

An equipment inspector or event measurer is responsible for checking that the boats or the personal equipment used by competitors comply with the rules. The race committee includes any person performing a race committee function (see Terminology in the Introduction). The race committee's responsibilities, which determine its functions, are stated in many racing rules (see, for example, rules 85, 90, 60.2 and other rules, particularly those in Part 3). No racing rule makes the race committee responsible for checking that boats or personal equipment comply with the rules. However, if a person is appointed by the race committee to serve as an equipment inspector or event measurer, then that person is a member of the race committee.

Question 2

Do the rules permit a protest under rule 60.2's last sentence by an equipment inspector or event measurer who is a member of the race committee and who decides that a boat or personal equipment does not comply with the class rules or believes that a competitor may have broken rule 43.1(a) or 43.1(b)? Is it necessary for such an equipment inspector or event measurer to make a written report required by rule 43.1(c) or rule 78.3?

Answer 2

Such an equipment inspector or event measurer may protest a boat under rule 60.2's last sentence only if the race committee delegates the responsibility for such protests to him. A written report required by rule 43.1(c) or rule 78.3 must be made unless a sailing instruction changes rule 78.3 so that the report required by that rule is not required.

Assumed Facts for Question 3

A rule in the sailing instructions for an event requires that a certificate be produced or its existence verified before a boat races. One boat does not comply with this requirement, but before the first race she provides the race committee with a statement signed by the person in charge that the boat has a valid certificate. At the end of the event, the certificate has neither been produced nor verified.

Question 3

Rule 78.2 requires that the boat be disqualified from all races of the event. Is the race committee permitted to score the boat 'DSQ' for all races without a hearing?

Answer 3

No. Rule A5 lists the scoring actions the race committee may take without a hearing. An action under rule 78.2 is not in that list. Rule A5 also states that 'only the protest committee may take other actions that worsen a boat's score.' Therefore, the boat cannot be penalized for breaking rule 78.2 unless she is protested. The race committee may protest the boat (see rule 60.2(a)). In exercising its discretion to protest or not, the race committee ought to consider that other boats may not be aware that the boat has failed to produce her certificate or verify that it exists. If the boat is protested and the protest committee finds that she broke rule 78.2, her penalty is disqualification from all races of the event.

Current Position

None. The case is new. However, it is based on current ISAF Q&A J021.

Reason

To comply with an item in the minutes of the 2012 Racing Rules Committee meeting in Dublin by proposing a new case based on current ISAF Q&A J021. At that meeting, the Racing Rules Committee recommended that that Q&A was sufficiently helpful and interesting to competitors and officials that it be proposed as a new case.
