

Case Book 2013 – 2016



Including
the
abstracts
of the
ISAF
cases



RYA Case Book 2013-2016

Notice

This version of the RYA Case Book 2013 – 2016 does not include the ISAF cases in either the index or the abstracts. These will be added once the ISAF Case Book 2013 – 2016 is published.

INTRODUCTION

This is the sixth edition of the RYA Case Book revised for the latest version of the Racing Rules of Sailing. It was first published in a single volume in 1993 under the late Mary Pera's editorship and subsequently was edited by Trevor Lewis up to the 2005 - 2008 edition.

Since the publication of the Case Book 2009 – 2012 this useful reference work has been brought into the computer age by the compilation of a hyperlinked version available for viewing on, or downloading from, the RYA website at www.rya.org.uk/racingrules. That version is updated each time a new case is published and, also, those new cases can be downloaded and printed to be added to this book. The hyperlinked version enables 'one click' links from any section of the Case Book to any other – index to cases, case to rules abstracts and so on. It makes the use of the Case Book easier for everyone.

The Racing Rules of Sailing 2013 – 2016 have made further refinements to the rules, mainly for simplification and clarification. The RYA Cases have been edited to reflect these changes and new cases have been added. The ISAF Cases have also been reviewed and some new ones added. The ISAF Case Book is published on the ISAF website at www.sailing.org. The ISAF Cases' abstracts are included in Section 2 of this book together with those of the RYA Cases and both are included in the 'Cases by Rules' index in Section 1. Some ISAF and RYA cases have been deleted because they are no longer pertinent to the current rules. Some ISAF Cases lack proper abstracts, because the cases are such that the whole case is needed for a proper understanding. This publication has added RYA-written (and, therefore, non-authoritative) abstracts of such cases in Section 2. For clarity the whole of the diagram for ISAF Case 36 has been reproduced.

ISAF Regulation 31.3 states that "the [ISAF] cases are authoritative interpretations and explanations of the rules for all racing". RYA Case 2002/13 states that "The RYA cases are illustrative and persuasive but not binding on any protest committee or jury. However, if a decision made were contrary to an RYA case on the same or very similar facts, and if the decision were appealed, it is likely that the appeal would be upheld. Many cases, however, turn on a narrow, particular set of facts, and a different decision may be correct where the facts are only slightly different".

There are some conventions that are followed in the reported cases: boats are treated as female and competitors as male when no suitable unisex word is available; all protests are valid and all collisions are assumed not to have resulted in damage, unless the case says otherwise. Therefore, where there is contact it may be the case that the right-of-way boat will have broken rule 14, Avoiding Contact, but, because the rule says that she is to be exonerated in the absence of damage, the case may not address that point.

It is important for the successful operation of the RYA Racing Charter, and other reasons, that there is uniform interpretation of the racing rules. To assist in that process references to the RYA are encouraged: from protest committees (under rule 70.2) of any decisions that may be useful to others or which were difficult or doubtful; from clubs and classes (under rule 70.4) in the form of questions; and, of course, from competitors or race committees in the form of appeals (under rule 70.1). The RYA Racing Rules Committee deals with about thirty such referrals each year and would encourage more where they will add clarity to the interpretation of the rules

To support the operation of the Racing Charter the RYA provides various ways by which rule understanding, observance and dispute resolution may be tackled:

- The Racing Rules Committee's Rules Advisory Service deals with a wide range of questions. The answers, from a panel of members of the Racing Rules Committee, are provided only to the questioner, and with the caveat that the answer cannot be taken as authoritative. However, when questions raise important issues the RYA may seek to have them submitted under rule 70.4 so that the answers can be more widely published.
- The RYA publishes guidance notes on numerous aspects of the rules on the RYA website (go to www.rya.org.uk/racingrules) including, inter alia: the new rules; scoring under Appendix A; competitor misconduct; outside help; rules disputes; and, redress. The guidance notes are added to and updated regularly throughout the 4-year rules cycle.
- The RYA has promoted alternative forms of dispute resolution so that reluctant competitors are no longer obliged to appear in the protest room. These include arbitration hearings, the exoneration penalty and advisory hearings and further guidance on these are available from the RYA website and, also, through RYA Regional Rules Advisors whose role is to promote rules knowledge and operation of the alternative processes in all RYA affiliated clubs.

In all of the foregoing the Case Book will serve a useful purpose in ensuring consistency of interpretations and decisions.

The RYA is most grateful to many of the members of the Racing Rules Committee for their work on the cases; to Michael Short for developing the hyperlinked version of this book; and, particularly, to Carol Haines, Trevor Lewis and Michael Short for their very hard work and time commitment to the review and editing of cases throughout the production of this casebook.

Chris Simon, Editor

SECTION 1

ISAF AND RYA CASES, INDEXED BY THE RACING RULES OF SAILING 2013-2016

RULE	RYA CASES					
Definitions						
<i>Clear astern and Clear ahead;</i> <i>Overlap</i>	1975/6					
<i>Finish</i>	1980/2	1985/4				
<i>Interested Party</i>	1981/10	1984/2	2011/2			
<i>Keep Clear</i>	1986/1	1986/3	1999/5	2001/5	2002/11	2003/8
	2006/4	2006/7	2008/4	2012/2		
<i>Mark-Room</i>	2003/7	2004/8				
<i>Obstruction</i>	1974/5	1989/12	2001/14			
<i>Party</i>	1995/3	2004/1				
<i>Proper Course</i>	1975/6	1988/8				
<i>Rule</i>	1989/6	1999/3	2002/14	2004/1		
<i>Start</i>	1982/13					
Basic Principles						
<i>Sportsmanship and the Rules</i>	1990/8	2001/2	2002/5	2004/3	2005/5	
2	1967/13	1986/6	1988/8	1989/6	1989/13	1990/8
	1999/5	2001/2	2004/3	2011/2		
3(a)	1994/10	1999/3				
Part 2 Preamble	1996/1	2002/14				
10	1981/3	1984/11	1986/1	1991/1		
	1991/4	1996/1				
11	1984/3	1986/3	1988/8	1990/1	2003/8	2008/7
	2011/3					
13	1975/6	1976/2				
14	1975/4	1986/3	1988/1	1988/7	1991/4	1999/5
	2002/3	2002/5	2002/11	2003/5	2003/8	2008/3
	2008/4	2011/1	2011/3	2012/2		
14(b)	2001/3	2004/3				
15	1990/1	2003/7	2006/4	2008/4	2008/6	
16.1	1967/5	1975/5	1990/6	1991/1	1993/5	2001/5
	2002/2	2002/5	2003/1	2003/7	2008/6	
16.2	1967/5	1975/5				
17	1975/6	2008/7				
18.1	1962/8	1981/3	1988/9	1996/5		
18.2(a)	1976/2	2008/7				
18.2(b) and (c)	1976/2	1981/3	1985/3	2003/1	2004/8	2008/7
18.2(d)	1992/9	2002/15				
18.2(e)	1985/3					
18.3	1974/8					
18.4	2003/7	2004/8				
19	1962/8	1968/11	1977/7	1984/11	1985/3	2001/14
	2011/1					
20.1	1973/5	1974/5	1984/11	2001/14		
20.2	1973/5	1974/5	1982/6	1988/3		
21	1975/6	2003/1	2003/5			
Section D Preamble	1990/6	1996/1				

RULE	RYA CASES					
23	1990/6					
24.1	1986/6	1996/1				
24.2	1967/13	1988/9				
25	1990/5					
26	1982/7					
27.1	1983/7	1997/2	2008/2			
28.1	1974/1	1980/2	1989/8	1993/1		
	2001/1	2001/6	2002/4	2003/6	2006/5	2008/2
28.2	1982/10	1982/13	1985/4	2000/5	2001/1	2006/8
	2010/2					
29.1	1967/3	1977/1	1994/8	1998/3	2004/7	2006/2
30	2004/9					
32.1	1982/17	1988/4	1999/8			
32.2	1969/1	1974/1	1996/4	2001/6	2008/8	
34	2002/10					
35	1998/2					
36	1993/5					
41	1993/6	1998/1	2005/5			
42	1988/7	2005/5	2006/3	2007/2		
44.1 & 2	1981/7	1986/7	2001/3	2002/5		
45	1962/4	2007/2				
46	1990/2	1997/1				
47.2	2007/2					
60	1969/11	1981/14	1982/3	1986/7	1990/7	1993/5
	1999/2	2001/12	2001/15	2003/3	2005/5	
61.1	1981/7	1981/14	1990/7	1996/2	1996/8	1999/1
	1999/2	2001/13	2001/15	2002/7	2005/5	2006/3
	2008/2					
61.2	1988/3	1990/7				
61.3	1989/7	1989/9	2005/7	2006/8		
62.1	1994/9	2002/6	2003/6			
62.1(a)	1969/12	1982/3	1985/3	1989/10	1990/5	1993/1
	1994/3	1996/6	1998/3	1999/4	2002/1	2002/8
	2002/10	2004/1	2004/7	2006/2	2006/8	2008/2
	2010/3					
62.1(b)	1993/5	1996/8	1999/2			
62.1(d)	1982/10					
62.2	1989/9	2002/1	2005/7	2010/1		
63.1	1981/14	1989/7	1989/8	1996/8	1999/3	2001/12
	2001/15	2005/5	2006/8			
63.2	1968/15	1981/14	1987/1	2001/15		
63.3	1981/5	1987/1				
63.4	1981/10	1984/2	2007/1	2011/2		
63.5	1981/5	1989/9	2001/13	2006/4		
63.6	1981/10	1984/14	1990/3	1992/7	1994/8	2006/4
	2008/4					
63.7	2002/8					
64.1	1969/1	1969/11		1994/4	1999/7	2001/12
	2003/3	2004/1	2005/5	2006/4	2006/5	2007/1
	2008/4					
64.1(a)	1989/12	1994/4	2001/3	2005/8		
64.1(b)	2002/5	2002/9	2005/5			
64.2	1984/2	1988/4	1989/10	1994/3	1999/6	2001/12
	2002/9	2006/2	2008/2			
64.3(b)	1992/2					

RULE	RYA CASES					
66	1994/3	2008/3	2008/5			
67 (RYA presc'n)	1996/8					
69.2	1986/6	2005/7				
70.1	1974/1	1981/5	1981/14	1995/3	2012/3	
70.2	2005/2	2005/6				
70.5	2005/2					
71.2	2002/6	2004/1				
71.4	2002/13					
76.1	1999/3					
78.1	1997/1	2005/7				
81	1999/9					
85	1989/6					
86.1(b)	1980/2	1997/2	1998/2	1999/6	2002/14	
89.2	2002/8					
90.2	1982/7	2002/8	2004/1			
90.3(a)	1989/9					
91	1984/13					
A2	1997/1					
A3	1962/1					
A5	1985/4	1989/7	1989/8	2006/8		
A9	2010/3					
App D	2005/2					
App E	2002/7					
J1.2 and J2.2	1984/13	1985/4	1989/6	1989/9	1990/2	2002/8
App M	1984/14	1987/1	2007/1	2008/5		
R2 [RYA pr'n]	2012/2					
R5	2003/3					
Race Signals	1982/7	1996/4	2004/1			
Race Signal, X	1977/1	2004/7				
IRPCAS	2002/14	2004/2				
RYA Arbitration	2012/3					
RYA Racing Charter	2007/1					

SECTION 2

ABSTRACTS OF ISAF AND RYA CASES BY RULE NUMBER

DEFINITIONS

Definitions, Clear Astern and Clear Ahead; Overlap

[RYA 1975/6](#)

When a boat tacks, the question of whether an overlap is created is decided at the moment she passes head to wind, but rule 17 will never apply to the leeward boat if the overlap is created while the windward boat is still subject to rule 13.

Definitions, Finish

[RYA 1980/2](#)

A hook-round finish is contrary to the definition Finish, and sailing instructions are not permitted to alter a definition.

[RYA 1985/4](#)

A race committee is not entitled to score a boat DNF because it believes she did not correctly sail the course; instead it must protest her under rule 28.

Definitions, Interested Party

[RYA 1981/10](#)

A member of a protest committee is not an interested party merely because he or she witnessed the incident. The protest committee is entitled to decide the protest even if the protestor was not present for some of the hearing.

[RYA 1984/2](#)

An interested party does not cease to be such because a party to the protest is willing to accept him as a member of the protest committee.

[RYA 2011/2](#)

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.

Definitions, Keep Clear

[RYA 1986/1](#)

When a port-tack boat is required to keep clear of a starboard-tack boat, she must act clearly and early enough to ensure that other boat is in no doubt that the port-tack boat will fulfil her obligation.

[RYA 1986/3](#)

A keep-clear boat cannot be said to have done so when, although there was no contact, there is firm evidence

that contact would have occurred had not the right-of-way boat altered course to comply with rule 14.

[RYA 1999/5](#)

When a give-way boat is already breaking a rule of Section A of Part 2 by not keeping clear, deliberate contact does not necessarily break rule 2.

[RYA 2001/5](#)

When a right-of-way boat changes course and deprives a give-way boat of room to keep clear, she will have complied with rule 16.1 by making a further change to a course that will give the other boat room to keep clear.

[RYA 2002/11](#)

A boat that takes action to keep clear or avoid contact and elects to pass very close astern of a boat crossing ahead of her does so at her own risk if she was able to pass further away, and there is contact resulting in serious damage.

[RYA 2003/8](#)

When boats are overlapped on the same tack on converging courses, the moment when the windward boat has failed to keep clear is, by definition, also the moment when the right-of-way boat must take avoiding action if she is to avoid penalization under rule 14, should contact causing damage then occur.

[RYA 2006/4](#)

When one boat must keep clear of the other, and the other changes course, the presence or absence of a hail does not affect the obligations of either boat.

[RYA 2006/7](#)

Keep Clear is a defined term that includes precise tests, and keeping clear is usually more than just avoiding contact.

[RYA2008/4](#)

When there is contact shortly after a boat gains right of way, it is for her to show that she gave the other boat room to keep clear.

[RYA 2012/2](#)

A right-of-way boat risks penalization if she does not act to avoid contact involving damage immediately it is evident that the other boat is not keeping clear.

Definitions, Mark-Room

[RYA 2003/7](#)

An inside overlapped boat that obtains right of way inside the zone is entitled to sail to windward of the room to sail to the mark to which she is entitled, but only if in the process she complies with rule 18.4, and with rules 15 and 16.1 with respect to the outside boat.

RYA 2004/8

The room an outside overlapped boat must give at a mark to an inside right-of-way boat includes room to gybe when that is part of the inside boat's proper course to round the mark.

Definitions, Obstruction

RYA 1974/5

When a close-hauled port-tack boat needs to make a substantial change of course to avoid an obstruction in the form of a close-hauled starboard-tack boat, she is entitled to hail a boat on the same tack as her, to windward or clear astern, for room to tack, even though she has an alternative means of escape by bearing away.

RYA 1989/12

A keep-clear boat is not an obstruction.

RYA 2001/14

The question of whether a moored vessel is an obstruction depends on the definition of the term, which cannot be changed in sailing instructions.

Definitions, Party

RYA 1995/3

A boat whose finishing position may have been made significantly worse as a result of redress sought by and given to other boats is not a penalized boat, is therefore not a party to a hearing, and so does not have the right to appeal against the decision: her remedy is first to seek redress herself.

RYA 2004/1

Only the protestor and protestee are parties to a protest hearing. No other boat, even if present at a protest hearing, can be penalized at that hearing, and the national authority has no power to confirm or re-impose the penalty: indeed, it will reverse any such penalization on appeal, even if it is not that boat which appealed.

Definitions, Proper Course

RYA 1975/6

A boat that luffs above close-hauled to pass to windward of a mark is not sailing above a proper course.

A right-of-way boat is exonerated if she breaks rule 16.1 while sailing a proper course at a mark and taking mark-room to which she is entitled.

RYA 1988/8

A boat's course as used in the definition Proper Course is her course made good over the ground, not the direction in which she is pointing.

Definitions, Rule

RYA 1989/6

'Other documents that govern the event' in the definition Rule must be stated or referred to in the notice of race and in the sailing instructions before they become mandatory for boats racing. When a race committee considers it necessary for boats to adhere to local regulations or prohibitions, it must issue an explicit notice of race and sailing instructions to that effect. When no such notice or instructions are issued, a boat that does not comply with a local regulation or prohibition does not break the Fair Sailing rule.

RYA 1999/3

By participating in a race, a competitor agrees to be governed by the rules, as defined, despite any assertion to the contrary.

RYA 2002/14

The preamble to Part 2 of the Racing Rules of Sailing (RRS) is a rule of Part 2.

RYA 2004/1

No statement made at a briefing by a race officer can change or add to a rule, which includes the sailing instructions and the meaning of a race signal in the Racing Rules of Sailing.

Definitions, Start

RYA 1982/13

A boat that has not left a starting mark on the required side will start if she later crosses the starting line in the correct direction, provided that the starting line remains open.

BASIC PRINCIPLE

Sportsmanship and the Rules

RYA 1990/8

After an incident, a boat that knows she has broken a rule cannot protect herself from the consequences of not taking a penalty by citing the absence of a protest by the other boat.

RYA 2001/2

When a boat believes that she may have broken a rule and retires in compliance with the Basic Principle, she may revoke her retirement within protest or declaration time if she later realises that she did not in fact break a rule. However, if she is not acting in good faith, she breaks rule 2, Fair Sailing.

RYA 2002/5

When a boat retires promptly after an incident, for whatever reason, she has complied with Sportsmanship and the Rules in respect of any rules (apart from rule 2) she may have broken. When there is serious damage which may have been her responsibility, she is, by retiring, exempted from further penalties in respect of that incident.

RYA 2004/3

When a right-of-way boat breaks rule 14 but there is no damage or injury, she is exonerated under rule 14 and does not break rule 2.

[RYA 2005/5](#)

A boat that has retired may be protested, and a valid protest against her must be heard, but the boat is not to be penalized unless the penalty for the rule she broke is a non-excludable disqualification.

PART 1 – FUNDAMENTAL RULES

Rule 2, Fair Sailing

[RYA 1967/13](#)

When a boat that starts and finishes deliberately uses the right-of-way rules to ‘sail off’ another on the same leg of the course to benefit her own series position, she does not break rule 2 or rule 24.2.

[RYA 1986/6](#)

When a boat abandons her attempt to sail the course, she may be deemed to have retired and, if she then manoeuvres against, and interferes with, another boat that is racing, she will be penalized and the helmsman may be liable to disciplinary action.

[RYA 1988/8](#)

When two overlapped boats are close-hauled on the same tack and L suddenly heels to windward, she maintains her rights provided her action is not deliberate. If L’s action is deliberate, with the intention of causing W to break rule 11, she breaks rule 2.

[RYA 1989/6](#)

‘Other documents that govern the event’ in the definition Rule must be stated or referred to in the notice of race and in the sailing instructions before they become mandatory for boats racing. When a race committee considers it necessary for boats to adhere to local regulations or prohibitions, it must issue an explicit notice of race and sailing instructions to that effect. When no such notice or instructions are issued, a boat that does not comply with a local regulation or prohibition does not break the Fair Sailing rule.

[RYA 1989/13](#)

Use of standard, designed positions for equipment (e.g. a spray hood) not restricted by class rules or the sailing instructions does not break rule 2, since there is no clear-cut violation of the principle of sportsmanship.

[RYA 1990/8](#)

After an incident, a boat that knows she has broken a rule cannot protect herself from the consequences of not taking a penalty by citing the absence of a protest by the other boat.

[RYA 1999/5](#)

When a give-way boat is already breaking a rule of Section A of Part 2 by not keeping clear, deliberate contact does not necessarily break rule 2.

[RYA 2001/2](#)

When a boat believes that she may have broken a rule and retires in compliance with the Basic Principle, she may revoke her retirement within protest or declaration time if she later realises that she did not in fact break a rule. However, if she is not acting in good faith, she breaks rule 2, Fair Sailing.

[RYA 2004/3](#)

When a right-of-way boat breaks rule 14 but there is no damage or injury, she is exonerated under rule 14 and does not break rule 2.

[RYA 2011/2](#)

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.

Rule 3(a), Acceptance of the Rules

[RYA 1994/10](#)

When a sailing instruction requires a measurer at an event to check within a required time that a sail limitation has been complied with, and when this is not done, this does not relieve the competitor from the obligation to comply with the sail limitation.

[RYA 1999/3](#)

By participating in a race, a competitor agrees to be governed by the rules, as defined, despite any assertion to the contrary.

PART 2 – WHEN BOATS MEET

Part 2 Preamble

[RYA 1996/1](#)

The rules of Section A of Part 2 still apply when rule 24 applies, and a port tack boat that is racing must still keep clear of a starboard tack boat that has been racing, independently of the obligation on the starboard tack boat not to interfere with a boat that is racing.

[RYA 2002/14](#)

Sailing instructions cannot vary the obligations in the International Regulations for Preventing Collisions at Sea. The preamble to Part 2 of the Racing Rules of Sailing (RRS) is a rule of Part 2.

Section A – Right of Way

Rule 10, On Opposite Tacks

[RYA 1981/3](#)

When at a windward mark a boat that was clear ahead on the same tack at zone entry tacks to pass it, her entitlement to mark-room ends. Rule 10 applies, as if the mark were not there.

[RYA 1984/11](#)

At an obstruction, a close-hauled boat is not entitled to room under either rule 19 or rule 20 from another close-hauled boat that is on the opposite tack. Rule 10 alone governs such a situation.

[RYA 1986/1](#)

When a port-tack boat is required to keep clear of a starboard-tack boat, she must act clearly and early enough to ensure that other boat is in no doubt that the port-tack boat will fulfil her obligation.

RYA 1991/1

A right-of-way boat may change course in such a way that a keep-clear boat is newly obliged to take action to keep clear, until a further alteration of course would deprive the keep-clear boat of room to do so.

RYA 1991/4

A right-of-way boat may hold her course and presume that a keep-clear boat will give way until it is evident that she is not keeping clear.

RYA 1996/1

The rules of Section A of Part 2 still apply when rule 24 applies, and a port tack boat that is racing must still keep clear of a starboard tack boat that has been racing, independently of the obligation on the starboard tack boat not to interfere with a boat that is racing.

Rule 11, On the Same Tack, Overlapped

RYA 1984/3

When W can fulfil her obligation under rule 11 to keep clear only by tacking, she must do so. No racing rule requires a boat to keep clear simply because she is overtaking.

RYA 1986/3

A keep-clear boat cannot be said to have done so when, although there was no contact, there is firm evidence that contact would have occurred had not the right-of-way boat altered course to comply with rule 14.

RYA 1988/8

When two overlapped boats are close-hauled on the same tack and L suddenly heels to windward, she maintains her rights provided her action is not deliberate. If L's action is deliberate, with the intention of causing W to break rule 11, she breaks rule 2.

RYA 1990/1

When a boat is obliged to change course to keep clear of another boat that has acquired right of way, she must act promptly, since a right-of-way boat that does not change course is required only initially to give her room to do so. After that, rule 15 does not apply.

RYA 2003/8

When boats are overlapped on the same tack on converging courses, the moment when the windward boat has failed to keep clear is, by definition, also the moment when the right-of-way boat must take avoiding action if she is to avoid penalization under rule 14, should contact causing damage then occur.

RYA 2008/7

When a leeward boat is limited by rule 17, rule 11 applies to the windward boat even if the leeward boat sails above a proper course, and the windward boat is not to be exonerated if she failed to keep clear after having been given room to do so.

RYA 2011/3

That a boat did not keep clear is a conclusion which can be reached only by applying the criteria in that definition. Contact may be evidence that a boat has already failed to keep clear.

Rule 13, While Tacking

RYA 1975/6

When a boat tacks, the question of whether an overlap is created is decided at the moment she passes head to wind, but rule 17 will never apply to the leeward boat if the overlap is created while the windward boat is still subject to rule 13.

RYA 1976/2

When two boats are subject to rule 13 at the same time, one ahead of the other, the one astern must keep clear.

Section B – General Limitations

Rule 14, Avoiding Contact

RYA 1975/4

The test of whether it was reasonably possible for a right-of-way boat to avoid contact is an objective one, and the inexperience of her helmsman cannot justify a lower standard of care.

RYA 1986/3

A keep-clear boat cannot be said to have done so when, although there was no contact, there is firm evidence that contact would have occurred had not the right-of-way boat altered course to comply with rule 14.

RYA 1988/1

The right-of-way boat will not be penalized after contact that causes damage when there were no reasonable steps she could have taken to avoid it.

RYA 1988/7

When a keep-clear boat indicates that she will take avoiding action, a right-of-way boat is entitled to delay taking action to avoid contact.

RYA 1991/4

A right-of-way boat may hold her course and presume that a keep-clear boat will give way until it is evident that she is not keeping clear.

RYA 1999/5

When a give-way boat is already breaking a rule of Section A of Part 2 by not keeping clear, deliberate contact does not necessarily break rule 2.

RYA 2002/3

When there is contact that causes damage, a right-of-way boat does not break rule 14 if it was not reasonably possible for her to avoid contact.

RYA 2002/5

When a right-of-way boat changes her course to comply with rule 14 because the give-way boat is already not keeping clear. The right-of-way boat will be exonerated if in the process she breaks rule 16.1.

When it is clear that a give-way boat that is limited in her manoeuvrability cannot or will not keep clear, and the right-of-way boat maintains a collision course with her, the right-of-way boat breaks rule 14, even if the actions of the give way boat hinder the right-of-way boat from avoiding a collision.

RYA 2002/11

A boat that takes action to keep clear or avoid contact and elects to pass very close astern of a boat crossing ahead of her does so at her own risk if she was able to pass further away, and there is contact resulting in serious damage.

RYA 2003/5

Rule 21 offers no exoneration for breaking rule 14. In order to avoid penalization when damage results from a collision, a right-of-way boat rounding a mark may need to delay her normal change of course, or indeed change course in the other direction in order to comply with the requirement to avoid contact if reasonably possible.

RYA 2003/8

When boats are overlapped on the same tack on converging courses, the moment when the windward boat has failed to keep clear is, by definition, also the moment when the right-of-way boat must take avoiding action if she is to avoid penalization under rule 14, should contact causing damage then occur.

RYA 2008/3

In a protest, a party that is a right-of-way boat or one entitled to room may be penalized under rule 14 even if the damage or injury referred to in rule 14(b) is incurred only by a third boat that is not a party to the hearing, if it is a consequence of the original breach of a rule of Part 2 by one of the parties.

RYA 2008/4

When there is contact between boats, a right-of-way rule will normally have already been broken. A protest committee must find facts to enable it to decide whether any boat broke a rule. If a boat is found to have broken a rule the protest committee shall disqualify her unless some other penalty applies.

When there is contact shortly after a boat gains right of way, it is for her to show that she gave the other boat room to keep clear.

RYA 2011/1

An inside boat that reasonably believes that she is at an obstruction and acts accordingly is entitled to room from an outside boat. The inside boat is not required to endanger herself in order to claim her entitlement to room. If the outside boat disputes the inside boat's entitlement to room, she must nevertheless give room, and then, if she wishes, protest

RYA 2011/3

That a boat did not keep clear is a conclusion which can be reached only by applying the criteria in that definition. Contact may be evidence that a boat has already failed to keep clear.

RYA 2012/2

The time limit for notifying an appeal runs from receipt of the written decision of the protest committee.

A right-of-way boat risks penalization if she does not act to avoid contact involving damage immediately it is evident that the other boat is not keeping clear.

Rule 14(b), Avoiding Contact

RYA 2001/3

Damage includes something that a prudent owner would repair promptly. Damage includes damage a boat causes to herself. Damage may be serious, even if both boats are able to continue to race.

RYA 2004/3

When a right-of-way boat breaks rule 14 but there is no damage or injury, she is exonerated under rule 14 and does not break rule 2.

RYA 2012/2

A right-of-way boat risks penalization if she does not act to avoid contact involving damage immediately it is evident that the other boat is not keeping clear.

Rule 15, Acquiring Right of Way

RYA 1990/1

When a boat acquires right of way or when a right-of-way boat alters course, she is required to give room for the other boat to keep clear. The give-way boat must promptly manoeuvre in a way which offers a reasonable expectation that she will keep clear. If the give-way boat fails to keep clear she will break the relevant right-of-way rule unless she was not given room for that manoeuvre.

RYA 2003/7

An inside overlapped boat that obtains right of way inside the zone is entitled to sail to windward of the room to sail to the mark to which she is entitled, but only if in the process she complies with rule 18.4, and with rules 15 and 16.1 with respect to the outside boat.

RYA 2006/4

Rule 15 applies only when a boat initially acquires right of way, and not when the rule under which she continues to hold right of way changes.

RYA 2008/4

When there is contact shortly after a boat gains right of way, it is for her to show that she gave the other boat room to keep clear.

RYA 2008/6

When a boat acquires right of way or when a right-of-way boat alters course, she is required to give room for the other boat to keep clear. The other boat must promptly manoeuvre in a way which offers a reasonable expectation that she will keep clear. If she fails to keep clear she will break the relevant right-of-way rule unless she was not given room for that manoeuvre.

Rule 16.1, Changing Course

RYA 1967/5

A keep-clear boat may not invoke rule 16.1 against the right-of-way boat when she has been given room to keep clear.

A hail of 'Hold your course!' places no obligation on the hailed boat.

RYA 1975/5

S's response to a wind shift must not deprive P of room to keep clear, or, after the starting signal, oblige P (if sailing a course to keep clear by passing astern of S) to change course immediately to continue keeping clear.

RYA 1975/6

A right-of-way boat is exonerated if she breaks rule 16.1 while sailing a proper course at a mark and taking mark-room to which she is entitled.

RYA 1990/6

Rule 16 applies to a right-of-way boat that alters course out of control.

RYA 1991/1

A right-of-way boat may change course in such a way that a keep-clear boat is newly obliged to take action to keep clear, until a further alteration of course would deprive the keep-clear boat of room to do so.

RYA 1993/5

A give-way boat is not required to anticipate a right-of-way boat's alteration of course.

RYA 2001/5

When a right-of-way boat changes course and deprives a give-way boat of room to keep clear, she will have complied with rule 16.1 by making a further change to a course that will give the other boat room to keep clear.

RYA 2002/2

When a right-of-way boat changes course and the give-way boat is unable to keep clear, despite acting promptly in a seamanlike way, room has not been given.

RYA 2002/5

When a boat acquires right of way or when a right-of-way boat alters course, she is required to give room for the other boat to keep clear. The give-way boat must promptly manoeuvre in a way which offers a reasonable expectation that she will keep clear. If the give way boat fails to keep clear she will break the relevant right-of-way rule unless she was not given room for that manoeuvre.

When a right-of-way boat changes her course to comply with rule 14 because the give-way boat is already not keeping clear. The right-of-way boat will be exonerated if in the process she breaks rule 16.1

RYA 2003/1

When a right-of-way boat at a mark no longer needs room to leave the mark on the required side, rule 21 does not exonerate her if she breaks rule 16.1.

RYA 2003/7

An inside overlapped boat that obtains right of way inside the zone is entitled to sail to windward of the room to sail to the mark to which she is entitled, but only if in the process she complies with rule 18.4, and with rules 15 and 16.1 with respect to the outside boat.

RYA 2008/6

When a boat acquires right of way or when a right-of-way boat alters course, she is required to give room for the other boat to keep clear. The other boat must promptly manoeuvre in a way which offers a reasonable expectation that she will keep clear. If she fails to keep clear she will break the relevant right-of-way rule unless she was not given room for that manoeuvre.

Rule 16.2, Changing Course

RYA 1967/5

Rule 16.2 does not apply before the starting signal, nor when a port-tack boat is keeping clear by sailing to pass ahead of, or, when reaching, to windward of a starboard-tack boat.

A hail of 'Hold your course!' places no obligation on the hailed boat.

RYA 1975/5

S's response to a wind shift must not deprive P of room to keep clear, or, after the starting signal, oblige P (if sailing a course to keep clear by passing astern of S) to change course immediately to continue keeping clear.

Rule 17, On the Same Tack; Proper Course

RYA 1975/6

When a boat tacks, the question of whether an overlap is created is decided at the moment she passes head to wind, but rule 17 will never apply to the leeward boat if the overlap is created while the windward boat is still subject to rule 13.

A boat that luffs above close-hauled to pass to windward of a mark is not sailing above a proper course.

RYA 2008/7

When a leeward boat is limited by rule 17, rule 11 applies to the windward boat even if the leeward boat sails above a proper course, and the windward boat is not to be exonerated if she failed to keep clear after having been given room to do so.

When two boats sailing more than ninety degrees from the true wind are overlapped on the same tack and one of them gybes, they may remain overlapped. However, if rule 17 had placed a proper course limitation on one of them when the overlap began, that limitation ended when either of them gybed to the other tack, and it does not begin to apply again to either boat when a further gybe instantly results in them becoming overlapped on the same tack again.

Section C – At Marks and Obstructions

Section C Preamble

Rule 18.1, Mark-Room: When Rule 18 Applies

RYA 1962/8

The word 'side' in rule 19.2(a) (as also in rule 18.1) refers to the side of the boat on which the obstruction (or mark) is to be passed, and not to any 'side' that the obstruction (or mark) may happen to have.

[RYA 1981/3](#)

When at a windward mark a boat that was clear ahead on the same tack at zone entry tacks to pass it, her entitlement to mark-room ends. Rule 10 applies, as if the mark were not there.

[RYA 1988/9](#)

The rights of a boat that passes a mark on the wrong side, without touching it, and is unwinding, are not diminished in any way, she is sailing the same leg of the course as a boat rounding normally.

[RYA 1996/5](#)

When a boat is clear ahead of another when she enters the zone at a mark and is then leaving the mark when the other boat enters the zone, it is only the rules of Sections A and B of Part 2 that apply between them when they meet. Rule 18 does not apply.

Rule 18.2(a), Mark-Room: Giving Mark-Room

[RYA 1976/2](#)

When two close-hauled boats, clear ahead and clear astern, approach a windward mark, rule 18.2(b) ceases to apply when one of them tacks. If they then become overlapped on the same tack inside the zone, the outside boat shall then give the inside boat mark-room under rule 18.2(a).

[RYA 2008/7](#)

Rule 18.2 stops applying once a boat entitled to mark-room has been given that room.

Rule 18.2(b), Mark-Room: Giving Mark-Room

Rule 18.2(c), Mark-Room: Giving Mark-Room

[RYA 1976/2](#)

When two close-hauled boats, clear ahead and clear astern, approach a windward mark, rule 18.2(b) ceases to apply when one of them tacks.

[RYA 1981/3](#)

When at a windward mark a boat that was clear ahead on the same tack at zone entry tacks to pass it, her entitlement to mark-room ends. Rule 10 applies, as if the mark were not there.

[RYA 1985/3](#)

When there is conflict between the right to mark-room at a mark and the right to room at nearby obstruction, the deciding factors are the primary obligations under Section A of Part 2 and the ability to give room or mark-room or to keep clear.

[RYA 2003/1](#)

A boat at a mark may, at her own risk, take room to which she is not entitled

[RYA 2004/8](#)

In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them enters the zone.

[RYA 2008/7](#)

Rule 18.2 stops applying once a boat entitled to mark-room has been given that room.

Rule 18.2(d), Mark-Room: Giving Mark-Room

[RYA 1992/9](#)

A protest committee should have recourse to rule 18.2(d) only when there is insufficient reliable evidence for it to decide the case otherwise.

[RYA 2002/15](#)

Rule 18.2(d) is addressed to the protest committee. It does not change rights and obligations on the water.

Rule 18.2(e), Mark-Room: Giving Mark Room

[RYA 1985/3](#)

When there is conflict between the right to mark-room at a mark and the right to room at nearby obstruction, the deciding factors are the primary obligations under Section A of Part 2 and the ability to give room or mark-room or to keep clear.

Rule 18.3, Mark-Room: Tacking in the Zone

[RYA 1974/8](#)

When a port-tack boat tacks to starboard within the zone at a windward port-hand mark, and a boat that is approaching the mark on starboard tack becomes overlapped inside her, the boat that tacked must not prevent the other boat from passing the mark on the required side, and must keep clear of her.

Rule 18.4, Mark-Room: Gybing

[RYA 2003/7](#)

An inside overlapped boat that obtains right of way inside the zone is entitled to sail to windward of the room to sail to the mark to which she is entitled, but only if in the process she complies with rule 18.4, and with rules 15 and 16.1 with respect to the outside boat.

[RYA 2004/8](#)

The room an outside overlapped boat must give at a mark to an inside right-of-way boat includes room to gybe when that is part of the inside boat's proper course to round the mark.

Rule 19, Room to Pass an Obstruction

[RYA 1962/8](#)

The word 'side' in rule 19.2(a) (as also in rule 18.1) refers to the side of the boat on which the obstruction (or mark) is to be passed, and not to any 'side' that the obstruction (or mark) may happen to have.

There is no zone at an obstruction that is not also a mark. Rule 19.2(b) does not apply when it is not possible to identify which of two boats overlapped at an obstruction is the outside boat and which the inside boat.

RYA 1968/11

There is no zone at an obstruction to which rule 19 applies. A boat astern and required to keep clear is entitled to room if she becomes overlapped between the boat that was ahead and a continuing obstruction, provided that there was room to pass between them when the overlap began.

When the nature of a continuing obstruction changes because of a projection or shallows, these features form part of the continuing obstruction, and a boat that has properly established an inside overlap is then entitled to any necessary additional room.

RYA 1977/7

When two overlapping same-tack boats are less than one hull length apart, and when another boat clear astern is closing on them, the right of way boat will rank as an obstruction to the other two boats. The boat clear astern may establish an overlap between the boats ahead, with an entitlement from the windward boat to room, provided that the windward boat is able to give room.

When a boat is required to act to keep clear, no rule entitles her to room to prevent her becoming OCS.

RYA 1984/11

At an obstruction, a close-hauled boat is not entitled to room under either rule 19 or rule 20 from another close-hauled boat that is on the opposite tack. Rule 10 alone governs such a situation.

RYA 1985/3

When there is conflict between the right to mark-room at a mark and the right to room at nearby obstruction, the deciding factors are the primary obligations under Section A of Part 2 and the ability to give room or mark-room or to keep clear.

RYA 2001/14

The question of whether a moored vessel is an obstruction depends on the definition of the term, which cannot be changed in sailing instructions.

When overlapped boats on the same tack are approaching an obstruction that could be passed on either side by both of them, the leeward right-of-way boat may decide that both shall pass to windward. If the leeward boat decides to pass the obstruction to leeward, she must be prepared to give room to the windward boat to do the same.

RYA 2011/1

An inside boat that reasonably believes that she is at an obstruction and acts accordingly is entitled to room from an outside boat. The inside boat is not required to endanger herself in order to claim her entitlement to room. If the outside boat disputes the inside boat's entitlement to room, she must nevertheless give room, and then, if she wishes, protest.

Rule 20.1, Room to Tack at an Obstruction: Hailing

RYA 1973/5

A boat that hails for room to tack at an obstruction must herself tack as soon possible. Hailing when safety does not require a substantial course change breaks rule 20.1. Not then tacking as soon as possible after the hailed boat tacks breaks rule 20.2(d).

RYA 1974/5

When a close-hauled port-tack boat needs to make a substantial change of course to avoid an obstruction in the form of a close-hauled starboard-tack boat, she is entitled to hail a boat on the same tack as her, to windward or clear astern, for room to tack, even though she has an alternative means of escape by bearing away.

RYA 1984/11

At an obstruction, a close-hauled boat is not entitled to room under either rule 19 or rule 20 from another close-hauled boat that is on the opposite tack. Rule 10 alone governs such a situation.

RYA 2001/14

The question of whether a moored vessel is an obstruction depends on the definition of the term, which cannot be changed in sailing instructions.

Rule 20.2, Room to Tack at an Obstruction: Responding

RYA 1973/5

A boat that hails for room to tack at an obstruction must herself tack as soon possible. Hailing when safety does not require a substantial course change breaks rule 20.1. Not then tacking as soon as possible after the hailed boat tacks breaks rule 20.2(d).

RYA 1974/5

When a close-hauled port-tack boat needs to make a substantial change of course to avoid an obstruction in the form of a close-hauled starboard-tack boat, she is entitled to hail a boat on the same tack as her, to windward or clear astern, for room to tack, even though she has an alternative means of escape by bearing away.

RYA 1982/6

A boat that responds to a hail for room to tack by starting to tack, but so slowly that she delays completion of the tack beyond a reasonable time, is not responding as soon as possible after the hail.

RYA 1988/3

It is implicit in rule 20.2 that a boat's hail for room to tack must be capable of being heard by the hailed boat. Although the hailed boat is not required to take any action before the hail is given, she must be on the alert for it and, when it is made, must promptly respond to it.

Section D Preamble

[RYA 1990/6](#)

Rule 16 applies to a right-of-way boat that alters course out of control. When a boat has capsized near another, obligations under the rules of Section A of Part 2 end, and are replaced with an obligation to avoid the capsized boat, if possible. A boat is not to be penalized when she is unable to avoid a capsized boat.

[RYA 1996/1](#)

The rules of Section A of Part 2 still apply when rule 24 applies, and a port tack boat that is racing must still keep clear of a starboard tack boat that has been racing, independently of the obligation on the starboard tack boat not to interfere with a boat that is racing.

Rule 21, Exoneration

[RYA 1975/6](#)

A right-of-way boat is exonerated if she breaks rule 16.1 while sailing a proper course at a mark and taking mark-room to which she is entitled.

[RYA 2003/1](#)

When a right-of-way boat at a mark no longer needs room to leave the mark on the required side, rule 21 does not exonerate her if she breaks rule 16.1.

[RYA 2003/5](#)

Rule 21 offers no exoneration for breaking rule 14. In order to avoid penalization when damage results from a collision, a right-of-way boat rounding a mark may need to delay her normal change of course, or indeed change course in the other direction in order to comply with the requirement to avoid contact if reasonably possible.

Rule 23, Capsized, Anchored or Aground; Rescuing

[RYA 1990/6](#)

When a boat has capsized near another, obligations under the rules of Section A of Part 2 end, and are replaced with an obligation to avoid the capsized boat, if possible. A boat is not to be penalized when she is unable to avoid a capsized boat.

Rule 24.1, Interfering with Another Boat

[RYA 1986/6](#)

When a boat abandons her attempt to sail the course, she may be deemed to have retired and, if she then manoeuvres against, and interferes with, another boat that is racing, she will be penalized and the helmsman may be liable to disciplinary action.

[RYA 1996/1](#)

The rules of Section A of Part 2 still apply when rule 24 applies, and a port tack boat that is racing must still keep clear of a starboard tack boat that has been racing, independently of the obligation on the starboard tack boat not to interfere with a boat that is racing.

Rule 24.2, Interfering with Another Boat

[RYA 1967/13](#)

When a boat that starts and finishes deliberately uses the right-of-way rules to 'sail off' another on the same leg of the course to benefit her own series position, she does not break rule 2 or rule 24.2.

[RYA 1988/9](#)

The rights of a boat that passes a mark on the wrong side, without touching it, and is unwinding, are not diminished in any way, she is sailing the same leg of the course as a boat rounding normally.

PART 3 – CONDUCT OF A RACE

Rule 25, Notice of Race, Sailing Instructions and Signals

[RYA 1990/5](#)

When a race officer warns a boat that she may be protested by the race committee, and as a result she takes a two-turns penalty, she is not eligible for redress. Oral instructions, unless specifically authorised in sailing instructions, need not be complied with.

Rule 26, Starting Races

[RYA 1982/7](#)

A signal comprises both a flag (or object of similar appearance) and a sound signal, unless rule 26 applies.

Rule 27.1, Other Race Committee Actions Before the Starting Signal

[RYA 1983/7](#)

Physical limitations on signalling the course no later than the warning signal cannot excuse a race committee from not complying with rule 27. A race must be postponed until the course can be displayed no later than the warning signal.

[RYA 1997/2](#)

A sailing instruction that states how a change of course will be signalled, but which does not refer to rule 27.1, does not change that rule, and therefore does not empower the race committee to signal a course change after the warning signal.

[RYA 2008/2](#)

The simultaneous display of more than one valid course for a class is an improper action of the race committee, which may entitle boats to redress, with any doubt being resolved in favour of the competitor.

Rule 28, Sailing the Course

Rule 28.1, Sailing the Course

[RYA 1974/1](#)

When a race committee intends boats to cross the line used for starting or finishing in order to complete a round of the course, the sailing instructions must say so.

RYA 1980/2

A hook-round finish is contrary to the definition Finish, and sailing instructions are not permitted to alter a definition. When the course is shortened and a course mark becomes a finishing line mark, its required side may change.

RYA 1989/8

A race committee is not allowed to disqualify a boat without a hearing, except under the Black Flag rule. A race committee is not allowed to score a boat DNF for failing to sail the course if she complies with the definitions Start and Finish. A protest is needed.

RYA 1993/1

When a course set by the race committee is ambiguous, so that all boats break, or appear to break, rule 28, they are all entitled to redress.

RYA 2001/1

A leg of a course does not end until the mark ending it has been left on the required side. When a boat leaves a mark on her wrong side, it is only at that mark that she must unwind and round to correct her course. Her course around any subsequent marks, between making her mistake and correcting it, is not relevant to the 'string test'.

RYA 2001/6

When a course is shortened, the finishing line is at the line or to the mark that is nearest to the finishing vessel. If the shorten-course signal is made when boats still have to round other marks before they would reach the new finishing line, they shall sail so as to leave those marks on the required side and in the correct order, unless the sailing instructions make some other provision.

RYA 2002/4

A boat is not to be penalized for not leaving a starting mark on the required side if the buoy laid as a starting mark is not as described in the sailing instructions, if she has not been validly notified of this, and if she believes some other buoy near the committee boat is the starting mark.

RYA 2003/6

When a boat is on the course side at her starting signal because another boat broke a rule, she is still required to return and start. Normally, she is not entitled to redress for the time lost in so doing.

RYA 2006/5

When the sailing instructions are ambiguous, so that it is not clear whether a mark has a required side, any doubt is to be resolved in favour of a boat liable to penalization.

RYA 2008/2

A protest that a boat has not complied with rule 28.1 does not have to be notified before the protested boat has finished.

Rule 28.2, Sailing the Course

RYA 1982/10

A boat that has been forced the wrong side of a mark is not exempted by any rule from sailing the course, nor is redress normally available to her.

RYA 1982/13

A boat that has not left a starting mark on the required side will start if she later crosses the starting line in the correct direction, provided that the starting line remains open.

RYA 1985/4

When a race committee intends a mark to be looped, the mark must be identified as a rounding mark. When the sailing instructions do not do so, or when they are ambiguous, a boat may elect not to round a mark when she can still leave it on the required side and in the correct order.

RYA 1993/1

When a course set by the race committee is ambiguous, so that all boats break, or appear to break, rule 28, they are all entitled to redress.

RYA 2000/5

When the sailing instructions state that a mark is to be rounded, boats shall do so, even if the intentions of the race committee were otherwise. However, a boat that did not do so for good safety reasons would be entitled to redress.

The string in rule 28.2 is to be taken to lie, when taut, in navigable water only.

When a mark to be rounded is too close to the rhumb line from the previous mark to the next mark for a boat to be able to decide visually whether it has to be looped, a boat that does not loop it and is successfully protested is entitled to redress.

However, she will not be entitled to redress if the marks are charted and the boat can be expected to carry charts that will show that the mark can be rounded only by looping it.

RYA 2001/1

A leg of a course does not end until the mark ending it has been left on the required side. When a boat leaves a mark on her wrong side, it is only at that mark that she must unwind and round to correct her course. Her course around any subsequent marks, between making her mistake and correcting it, is not relevant to the 'string test'.

RYA 2006/8

Unless otherwise specified in the sailing instructions, a race committee has no power to disqualify a boat without a hearing, or score her DNF if she finishes, if it believes she has not sailed the course. Instead it must protest her within the protest time limit. A boat wrongly disqualified without a hearing or incorrectly scored DNF is entitled to be reinstated into her finishing position.

RYA 2010/2

When a mark is not at its advertised position, a boat that rounds that position (but not the mark itself) breaks rule 28.2.

Rule 29.1, Recalls: Individual Recall

RYA 1967/3

A boat returning to start after a recall is entitled to consider that the removal of flag X indicates that she has returned completely to the pre-start side of the starting line.

RYA 1977/1

A hail does not constitute the sound signal of an individual recall signal. It is reasonable to expect the recall sound signal to be equally as audible as the starting sound signal.

RYA 1994/8

In finding facts, a protest committee will be governed by the weight of evidence. In general, a race official sighting the line is better placed than any competing boat to decide whether a boat that was over the line at the starting signal did in fact return and start properly.

RYA 1998/3

When a boat has no reason to know that she crossed the starting line early and the race committee fails to signal 'individual recall' promptly and scores her OCS, this is an error that significantly worsens the boat's score through no fault of her own and therefore entitles her to redress.

RYA 2004/7

When the race committee intends an individual recall but, while displaying flag X, makes two sound signals in addition to the starting sound signal, this is an improper action. However, a boat that ceases racing before she can see which recall flag, if any, is displayed may be at fault and hence not entitled to redress.

A race committee signal comprises both the flag and the sound.

RYA 2006/2

When there is an improper action of the race committee, a boat is entitled to redress only when she can show a clear link between that action and her score. If flag X is removed prematurely, an OCS boat that does not return will be entitled to redress only if she can show that she would have returned had it been displayed for longer. If she can satisfy the protest committee on this point, appropriate redress would take into account the time she would then have taken to return and start. Reinstatement into her finishing position is unlikely to be equitable to all boats.

Rule 30.3, Starting Penalties: Black Flag Rule

RYA 2004/9

The ends of the starting line are as stated in the sailing instructions, and determine the beginning of the extension of the starting line for rule 30.1 and the base of the triangle in rules 30.2 and 30.3, unless the sailing instructions say otherwise.

Rule 32.1, Shortening or Abandoning After the Start

RYA 1982/17

'Insufficient wind' does not constitute grounds for abandoning a race when sailing instructions prescribe no time limit.

RYA 1988/4

When boats are entitled to redress, and the nature of the appropriate redress is clear, a protest committee cannot instead abandon the race, citing an error made by the race officer earlier in the race about which no boat has requested redress and the race committee has taken no action.

RYA 1999/8

When the wind falls light in a race that cannot be shortened, it is not proper for the race committee to abandon until it is unlikely that any boat will finish within the time limit. The possibility of a revival of the wind must be taken into account.

Rule 32.2, Shortening or Abandoning After the Start

RYA 1969/1

Unless the sailing instructions state otherwise, when courses are shortened using flag S, the finishing line must be between the committee boat and a mark, or at a line or a gate.

RYA 1974/1

When a race committee intends boats to cross the line used for starting or finishing in order to complete a round of the course, the sailing instructions must say so. When they do not say so, that line cannot be used to shorten course unless the sailing instructions change rule 32.2.

RYA 1996/4

A sound signal made when a boat crosses a finishing line is only a courtesy. It has no bearing on the race. A race committee cannot shorten course without the appropriate signal.

RYA 2001/6

When a course is shortened, the finishing line is at the line or to the mark that is nearest to the finishing vessel. If the shorten-course signal is made when boats still have to round other marks before they would reach the new finishing line, they shall sail so as to leave those marks on the required side and in the correct order, unless the sailing instructions make some other provision.

RYA 2008/8

Unless the sailing instructions validly change rule 32.2, flag S with two sounds must be used to shorten course, and a race cannot be shortened to the course's designated finishing line or any other line unless it complies with (a), (b) or (c) of rule 32.2.

Rule 34, Mark Missing

RYA 2002/10

When a race committee learns before a race that a fixed mark is out of place, it must advise competitors. If it learns of this during a race, it must, if possible, act under rule 34. If it could do either, but does not, this can give rise to the possibility of redress, which is not to be refused to a boat affected and without fault because of a clause in the sailing instructions denying liability for the accuracy of the position given for the mark. However, a boat that relies solely on GPS for navigation is not without fault if she herself could have earlier detected the error visually.

A race committee is not under a duty to check the positions it receives for all the fixed marks it may use.

Rule 35, Time Limit and Scores

RYA 1998/2

When it is intended that no boat finishing outside a time limit shall have a finishing place, this requires a change to rule 35. To be valid, the sailing instruction concerned must refer to the rule and state the change.

Rule 36, Races to be Restarted or Resailed

RYA 1993/5

While rule 36 may remove the possibility of a boat being penalized because the race was recalled, a boat is entitled to have her protest heard. If it is found as a fact in the protest that the other boat broke a rule of Part 2, the protest committee may go on to consider whether redress under rule 62.1(b) is applicable.

PART 4 – OTHER REQUIREMENTS WHEN RACING

Rule 41, Outside Help

RYA 1993/6

When a boat acts on potentially useful advice given by an interested person, she receives outside help.

RYA 1998/1

The issues as to whether information and advice are permissible outside help will depend on whether they were asked for, whether they were available to all boats, and whether the source was disinterested.

RYA 2005/5

Information available at no cost other than the cost of subscribing to and using a generally available and non-specialised service through which it is to be obtained is 'freely available'.

Rule 42, Propulsion

RYA 1988/7

A boat that checks way by abnormal methods not permitted by rule 42, including using her engine in reverse, breaks that rule.

RYA 2005/5

Although rule 42.3(i) permits the sailing instructions to allow the use of an engine for propulsion in stated circumstances, a boat that avails herself of this breaks rule 42 if she gains a significant advantage in the race.

RYA 2006/3

A two-turns penalty is not available for breaking rule 42, unless the sailing instructions say so.

A race committee intending to protest a boat over an incident it observes in the racing area is required to notify the protestee after the race. Provided it does so, it may also do so during the race as an additional courtesy.

RYA 2007/2

When a boat goes aground or is about to go aground, jumping over the side and pushing off is normally an act of seamanship permitted by rule 42.1, and is permitted by rule 45.

Rule 44.2, Penalties at the Time of an Incident: One-Turn and Two-Turns Penalties

RYA 1981/7

When a boat protests, believing that another boat has not taken a penalty as described in rule 44.2, she must establish first that the other boat broke a rule of Part 2 (or rule 31).

RYA 1986/7

Rule 44 allows a boat to take a two-turns penalty and protest without risk of further penalty, provided that she did not break rule 2, and that, if she did in fact break a rule of Part 2, she did not thereby gain a significant advantage, or cause injury or serious damage.

RYA 2001/3

Damage includes something that a prudent owner would repair promptly. Damage includes damage a boat causes to herself. Damage may be serious, even if both boats are able to continue to race.

When a boat may have caused injury or serious damage in breaking a rule of Part 2 or rule 31 but does not retire, a protest against her is to be heard and decided on the basis of the appropriate rule. Only when she is found to have broken such a rule and to have caused injury or serious damage does the question of compliance with rule 44.1(b) become relevant.

RYA 2002/5

When a boat retires promptly after an incident, for whatever reason, she has complied with Sportsmanship and the Rules in respect of any rules (apart from rule 2) she may have broken. When there is serious damage which may have been her responsibility, she is, by retiring, exempted from further penalties in respect of that incident.

Rule 45, Hauling Out; Making Fast; Anchoring

RYA 1962/4

When a boat that is afloat is being held by a person at or after the preparatory signal, the question of whether rule 45 has been broken depends on the reason for so doing and on whether that person is standing in or out of the water.

RYA 2007/2

When a boat goes aground or is about to go aground, jumping over the side and pushing off is normally an act of seamanship permitted by rule 42.1, and is permitted by rule 45.

Rule 46, Person in Charge

RYA 1990/2 (incorporating RYA 1963/5)

The racing rules do not differentiate between helmsman and crew. Restrictions on the helming of a boat may be imposed by class rules or by the notice of race and the sailing instructions. In the absence of any other provision, an owner or person in charge is free to invite anyone to steer the boat. The notice of race and the sailing instructions must state clearly when points are to be awarded to helmsmen rather than to boats and state any restrictions or qualifications that apply.

RYA 1997/1

When a boat takes part in one race in a series under a different name, and with a different person in charge, she remains the same boat, and her race points will count towards her series points, unless class rules, notice of race or sailing instructions say otherwise.

Rule 47.2, Limitations on Equipment and Crew

RYA 2007/2

When a crew member leaves a boat, the boat will not break rule 47.2 when the 'leaving' is temporary and the crew member stays within the vicinity of the boat.

PART 5 – PROTESTS, REDRESS, HEARINGS, MISCONDUCT AND APPEALS

Section A – Protests; Redress; Rule 69 Action

Rule 60, Right to Protest, Right to Request Redress or Rule 69 Action

RYA 1969/11

When a declaration after finishing is required by a sailing instruction and when a boat states in hers that she has broken a rule, the race committee or protest committee is entitled to protest her.

RYA 1981/14

When a protest committee believes that a boat that is not a party to a hearing may have broken a rule, it must first make her a party to a hearing by protesting her. She must be notified and given time to prepare her

defence and she has the same rights as any protestee to call and question witnesses.

RYA 1982/3

A boat is eligible for redress only when she can show that, through no fault of her own, her score has been made significantly worse. She cannot protest the race committee.

RYA 1986/7

Rule 44 allows a boat to take a two-turns penalty and protest without risk of further penalty, provided that she did not break rule 2, and that, if she did in fact break a rule of Part 2, she did not thereby gain a significant advantage, or cause injury or serious damage.

RYA 1990/7

Rule 61.2 does not permit a protest committee to change a request for redress into a protest against a boat. A protest by a boat must always comply with rule 61.1(a).

RYA 1993/5

While rule 36 may remove the possibility of a boat being penalized because the race was recalled, a boat is entitled to have her protest heard. If it is found as a fact in the protest that the other boat broke a rule of Part 2, the protest committee may go on to consider whether redress under rule 62.1(b) is applicable.

RYA 1999/2

After an incident, a boat may both protest another boat and request redress: the use of 'or' in rule 60.1 does not preclude both options being used together. A race committee cannot be compelled to exercise its right to protest.

RYA 2001/12

A class association has no power to protest a boat, let alone disqualify her without a hearing. A protest committee cannot protest based on information learned in a request for redress.

RYA 2001/15

When a protest committee learns from an invalid protest of an incident that may have resulted in injury or serious damage and decides to protest a boat named as a party in the invalid protest, it must lodge a fresh protest against her, and she is entitled to new notification of the new hearing, even if she was the protestee in the invalid protest and had been properly notified of the original hearing but had not been present.

RYA 2003/3

If there is a causal link between a series of collisions, they may be regarded as a single incident for the purposes of rule 60.3(a)(1)

RYA 2005/5

A boat that has retired may be protested, and a valid protest against her must be heard, but the boat is not to be penalized unless the penalty for the rule she broke is a non-excludable disqualification.

Rule 61.1, Protest Requirements: Informing the Protestee

RYA 1981/7

A third boat that has witnessed an incident between other boats, and wishes to protest, cannot justify her own failure to display a protest flag on the grounds that none of the other boats lodged a valid protest after displaying a protest flag.

RYA 1981/14

When a protest committee believes that a boat that is not a party to a hearing may have broken a rule, it must first make her a party to a hearing by protesting her. She must be notified and given time to prepare her defence and she has the same rights as any protestee to call and question witnesses.

RYA 1990/7

Rule 61.2 does not permit a protest committee to change a request for redress into a protest against a boat. A protest by a boat must always comply with rule 61.1(a).

RYA 1996/2

When a boat sees an incident between two other boats in the racing area and wishes to protest one or both of them, she must display a protest flag, when applicable, at the first reasonable opportunity after the incident.

RYA 1996/8

The phrase 'an incident in the racing area' covers the period envisaged by the preamble to Part 2 when boats are subject to the racing rules.

RYA 1999/1

A protest flag must be kept close at hand. A boat that waits to see whether another boat will take a penalty before displaying a protest flag has not acted at the first reasonable opportunity. A protest committee need not investigate the promptness of the display of a protest flag when no question of delay arises in the written protest, and when the protestee, when asked, makes no objection. When a boat that is already displaying a protest flag wishes to protest again, only a hail is required.

RYA 1999/2

After an incident, a boat may both protest another boat and request redress: the use of 'or' in rule 60.1 does not preclude both options being used together. A race committee cannot be compelled to exercise its right to protest

RYA 2001/13

A glove cannot be a protest flag.

RYA 2001/15

When a protest committee learns from an invalid protest of an incident that may have resulted in injury or serious damage and decides to protest a boat named as a party in the invalid protest, it must lodge a fresh protest against her, and she is entitled to new notification of the new hearing, even if she was the protestee in the invalid protest and had been properly notified of the original hearing but had not been present.

RYA 2002/7

When rule 61.1(a) applies (whether as printed or as altered by rule E6.3) compliance with the requirement to hail and, when required, to flag, fulfils the requirement to notify the protestee.

RYA 2005/5

A boat that has retired may be protested, and a valid protest against her must be heard, but the boat is not to be penalized unless the penalty for the rule she broke is a non-excludable disqualification.

'Damage' in rule 61.1(a)(4) need not be serious. For the relaxation of general protest notification requirements to apply, the injury or damage must be, or ought to be, obvious to all the boats involved in the incident, not just the boat that wishes to protest.

RYA 2006/3

A race committee intending to protest a boat over an incident it observes in the racing area is required to notify the protestee after the race. Provided it does so, it may also do so during the race as an additional courtesy.

RYA 2008/2

A protest that a boat has not complied with rule 28.1 does not have to be notified before the protested boat has finished.

Rule 61.2, Protest Requirements: Protest Contents

RYA 1988/3

Neither protestor nor protestee is required to produce a diagram of the incident.

RYA 1990/7

Rule 61.2 does not permit a protest committee to change a request for redress into a protest against a boat. A protest by a boat must always comply with rule 61.1(a).

Rule 61.3, Protest Requirements: Protest Time Limit

RYA 1989/7

When a race committee believes that a boat has broken a sailing instruction, it cannot disqualify her without a hearing or deem her to have retired. The race or protest committee must first lodge a protest against her, within the time limit for doing so, and a hearing must then be called.

RYA 1989/9

A request that seeks the correction of an alleged error of the race committee ranks as a request for redress even if it does not use those words. If it is lodged promptly after the facts are known, this is sufficient good reason for a protest committee to extend the normal time limit.

RYA 2005/7

The hearing of requests for redress and rule 69 actions may unavoidably have to take place after the end of an event, but the time limit for lodging a protest should not normally be extended beyond then.

[RYA 2006/8](#)

Unless otherwise specified in the sailing instructions, a race committee has no power to disqualify a boat without a hearing, or score her DNF if she finishes, if it believes she has not sailed the course. Instead it must protest her within the protest time limit.

Rule 62.1, Redress

[RYA 1994/9](#)

Redress is not available for a boat that is in part the author of her own misfortune.

[RYA 2002/6](#)

When there is a prize for a certain category of boat within the overall results of a race, competition for the prize ranks as a race for the purposes of rule 62.1.

When a boat is on the course side at her starting signal because another boat broke a rule, she is still required to return and start. Normally, she is not entitled to redress for the time lost in so doing.

[RYA 2003/6](#)

When a boat is on the course side at her starting signal because another boat broke a rule, she is still required to return and start. Normally, she is not entitled to redress for the time lost in so doing.

Rule 62.1(a), Redress

[RYA 1969/12](#)

A race committee action or omission may be improper, even if no rule is broken, and even when it occurs before the preparatory signal.

[RYA 1982/3](#)

A boat is eligible for redress only when she can show that, through no fault of her own, her score has been made significantly worse. She cannot protest the race committee.

[RYA 1985/3](#)

Redress is not to be granted when, despite a boat's score being made significantly worse by an action of the race committee, that action was not improper because there was no other action the race committee could have taken.

[RYA 1989/10](#)

Redress may be given for a race committee's failure to provide suitably equipped marks. In cases involving errors by the race committee, it is a good principle that any doubts be resolved in favour of the competitor.

[RYA 1990/5](#)

When a race officer warns a boat that she may be protested by the race committee, and as a result she takes a two-turns penalty, she is not eligible for redress. Oral instructions, unless specifically authorised in sailing instructions, need not be complied with.

[RYA 1990/7](#)

Rule 61.2 does not permit a protest committee to change a request for redress into a protest against a boat. A protest by a boat must always comply with rule 61.1(a).

[RYA 1993/1](#)

When a course set by the race committee is ambiguous, so that all boats break, or appear to break, rule 28, they are all entitled to redress.

[RYA 1994/3](#)

A boat that is not a party to a request for redress is not entitled to request a re-opening. She is, however, entitled to seek redress in her own right when she believes that the redress given in that other hearing makes her own finishing position significantly worse.

[RYA 1996/6](#)

When a competitor is injured or hindered through no fault of his own by race committee equipment, his boat is eligible for redress.

[RYA 1998/3](#)

When a boat has no reason to know that she crossed the starting line early and the race committee fails to signal 'individual recall' promptly and scores her OCS, this is an error that significantly worsens the boat's score through no fault of her own and therefore entitles her to redress.

[RYA 1999/4](#)

A boat that believes she has been adversely affected by a mistake of the race committee, but which chooses not to race or to continue racing although able to do so, is not without fault, since she contributes to her own worsened score, and so is not entitled to redress.

[RYA 2002/1](#)

When a boat complains in writing that her score has been adversely affected by an improper action of the protest committee, the protest committee shall treat this as a request for redress, even when it was lodged as an invalid request to reopen a hearing. For the request to succeed, a complainant must establish an improper action or omission of the protest committee that made significantly worse that boat's score in a race or series through no fault of her own. These are matters to be established during the hearing, and every detail supporting her claim need not be set out in the written complaint or request, although the reason for the request must be stated. However, the scope of the hearing is to be limited to the essence of the complaint.

[RYA 2002/8](#)

An organizing authority can change its notice of race if it gives adequate notice. The notice of race may also say that it can be changed by the race committee. When the organizing authority or (if permitted to do so) the race committee changes the notice of race, this can give rise to redress when the change is improper and adversely affects a boat's score.

[RYA 2002/10](#)

When a race committee learns before a race that a fixed mark is out of place, it must advise competitors. If it learns of this during a race, it must, if possible, act under rule 34. If it could do either, but does not, this can give rise to the possibility of redress, which is not to be refused to a boat affected and without fault because of a clause in the sailing instructions denying liability for the accuracy of the position given for the mark. However, a boat that relies solely on GPS for

navigation is not without fault if she herself could have earlier detected the error visually.

A race committee is not under a duty to check the positions it receives for all the fixed marks it may use.

RYA 2004/1

No statement made at a briefing by a race officer can change or add to a rule, which includes the sailing instructions and the meaning of a race signal in the Racing Rules of Sailing. A boat that relies on such a statement is at fault for the purposes of redress if she chooses as a result to attribute a different meaning to a race signal.

RYA 2004/7

When the race committee intends an individual recall but, while displaying flag X, makes two sound signals in addition to the starting sound signal, this is an improper action. However, a boat that ceases racing before she can see which recall flag, if any, is displayed may be at fault and hence not entitled to redress.

RYA 2006/2

When there is an improper action of the race committee, a boat is entitled to redress only when she can show a clear link between that action and her score. If flag X is removed prematurely, an OCS boat that does not return will be entitled to redress only if she can show that she would have returned had it been displayed for longer. If she can satisfy the protest committee on this point, appropriate redress would take into account the time she would then have taken to return and start. Reinstatement into her finishing position is unlikely to be equitable to all boats.

RYA 2006/8

Unless otherwise specified in the sailing instructions, a race committee has no power to disqualify a boat without a hearing, or score her DNF if she finishes, if it believes she has not sailed the course. Instead it must protest her within the protest time limit. A boat wrongly disqualified without a hearing or incorrectly scored DNF is entitled to be reinstated into her finishing position.

RYA 2008/2

The simultaneous display of more than one valid course for a class is an improper action of the race committee, which may entitle boats to redress, with any doubt being resolved in favour of the competitor.

RYA 2010/3

When the starting area is not stated in the sailing instructions, it will normally be the area where boats in good time for their start will sail between their preparatory signal and starting signal.

When a boat never reaches the starting area, for whatever reason, she is to be scored DNC. When she reaches the starting area after the starting signal but does not start, DNS will be the correct score if the race committee and starting line are still in position, otherwise she is to be scored DNC.

Rule 62.1(b), Redress

RYA 1993/5

While rule 36 may remove the possibility of a boat being penalized because the race was recalled, a boat is entitled to have her protest heard. If it is found as a fact in the protest that the other boat broke a rule of Part 2, the protest committee may go on to consider whether redress under rule 62.1(b) is applicable.

RYA 1996/8

A boat that is seeking redress for having been physically damaged by a boat required to keep clear in an incident before she is racing is advised to protest as well as to ask for redress.

RYA 1999/2

After an incident, a boat may both protest another boat and request redress: the use of 'or' in rule 60.1 does not preclude both options being used together. A race committee cannot be compelled to exercise its right to protest.

Rule 62.1(d), Redress

RYA 1982/10

A boat that has been forced the wrong side of a mark is not exempted by any rule from sailing the course, nor is redress normally available to her.

Rule 62.2, Redress

RYA 1989/9

A request that seeks the correction of an alleged error of the race committee ranks as a request for redress even if it does not use those words. If it is lodged promptly after the facts are known, this is sufficient good reason for a protest committee to extend the normal time limit.

RYA 2002/1

When a boat complains in writing that her score has been adversely affected by an improper action of the protest committee, the protest committee shall treat this as a request for redress, even when it was lodged as an invalid request to reopen a hearing. For the request to succeed, a complainant must establish an improper action or omission of the protest committee that made significantly worse that boat's score in a race or series through no fault of her own. These are matters to be established during the hearing, and every detail supporting her claim need not be set out in the written complaint or request, although the reason for the request must be stated. However, the scope of the hearing is to be limited to the essence of the complaint.

RYA 2005/7

The hearing of requests for redress and rule 69 actions may unavoidably have to take place after the end of an event, but the time limit for lodging a protest should not normally be extended beyond then.

RYA 2010/1

The time within which a boat must lodge a claim for redress regarding her score in the results begins when the boat's owner or person in charge learns of the score, even if the results are marked 'provisional'.

Section B – Hearings and Decisions

Rule 63.1, Hearings: Requirement for a Hearing

RYA 1981/14

When a protest committee disqualifies a boat that is not a party to a hearing that boat has a right of appeal having been denied a hearing.

When a protest committee believes that a boat that is not a party to a hearing may have broken a rule, it must first make her a party to a hearing by protesting her. She must be notified and given time to prepare her defence and she has the same rights as any protestee to call and question witnesses.

RYA 1989/7

When a race committee believes that a boat has broken a sailing instruction, it cannot disqualify her without a hearing or deem her to have retired. The race or protest committee must first lodge a protest against her, within the time limit for doing so, and a hearing must then be called.

RYA 1989/8

A race committee is not allowed to disqualify a boat without a hearing, except under the Black Flag rule. A race committee is not allowed to score a boat DNF for failing to sail the course if she complies with the definitions Start and Finish. A protest is needed.

RYA 1996/8

A protest committee must hear a valid protest, even if there is no prospect of a boat being penalized.

RYA 1999/3

A race committee cannot disqualify a boat, except under rule 30.3.

RYA 2001/12

A class association has no power to protest a boat, let alone disqualify her without a hearing.

RYA 2001/15

When a protest committee learns from an invalid protest of an incident that may have resulted in injury or serious damage and decides to protest a boat named as a party in the invalid protest, it must lodge a fresh protest against her, and she is entitled to new notification of the new hearing, even if she was the protestee in the invalid protest and had been properly notified of the original hearing but had not been present.

RYA 2005/5

A boat that has retired may be protested, and a valid protest against her must be heard, but the boat is not to be penalized unless the penalty for the rule she broke is a non-excludable disqualification.

RYA 2006/8

Unless otherwise specified in the sailing instructions, a race committee has no power to disqualify a boat without a hearing, or score her DNF if she finishes, if it believes she has not sailed the course. Instead it must protest her within the protest time limit.

Rule 63.2, Hearings: Time and Place of the Hearing; Time for Parties to Prepare

RYA 1968/15

A boat that claims that she has not been allowed reasonable time to prepare her defence must raise this objection at the beginning of a hearing of the protest against her.

RYA 1981/14

When a protest committee believes that a boat that is not a party to a hearing may have broken a rule, it must first make her a party to a hearing by protesting her. She must be notified and given time to prepare her defence and she has the same rights as any protestee to call and question witnesses.

RYA 1987/1

When one boat knows that she has been protested by another, she is under an obligation to act reasonably question all witnesses.

RYA 2001/15

When a protest committee learns from an invalid protest of an incident that may have resulted in injury or serious damage and decides to protest a boat named as a party in the invalid protest, it must lodge a fresh protest against her, and she is entitled to new notification of the new hearing, even if she was the protestee in the invalid protest and had been properly notified of the original hearing but had not been present.

Rule 63.3, Hearings: Right to be Present

RYA 1981/5

A protest committee may confer in private for the purpose of reaching a decision on a procedural point.

RYA 1981/10

A member of a protest committee is not an interested party merely because he or she witnessed the incident.

RYA 1987/1

One party shall not be excluded while another is present during the hearing, and all parties are entitled to hear and question all witnesses.

Rule 63.4, Interested Party

RYA 1981/10

A member of a protest committee is not an interested party merely because he or she witnessed the incident.

RYA 1984/2

An interested party does not cease to be such because a party to the protest is willing to accept him as a member of the protest committee.

RYA 2007/1

When a protest committee includes an interested party, whose interest has not been disclosed to the parties and who takes part in the proceedings, its decision is improper.

[RYA 2011/2](#)

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.

Rule 63.5, Hearings: Validity of the Protest or Request for Redress

[RYA 1981/5](#)

A protest committee may confer in private for the purpose of reaching a decision on a procedural point. A boat that waives an opportunity to object to the validity of the protest against her cannot later introduce that objection as the grounds for her appeal.

[RYA 1989/9](#)

A request that seeks the correction of an alleged error of the race committee ranks as a request for redress even if it does not use those words. If it is lodged promptly after the facts are known, this is sufficient good reason for a protest committee to extend the normal time limit.

[RYA 2001/13](#)

When the display of a protest flag is required but not complied with, a protestee's objection at the start of a hearing to the validity of the protest is to be upheld even if the protestee must have been well aware of the intention to protest.

[RYA 2006/4](#)

When boats protest each other over the same incident, the hearing will continue if only one of the protests is valid.

Rule 63.6, Hearings: Taking Evidence and Finding Facts

[RYA 1981/10](#)

A member of a protest committee is not an interested party merely because he or she witnessed the incident. The protest committee is entitled to decide the protest even if the protestor was not present for some of the hearing.

[RYA 1984/14](#)

A party to the hearing, not the protest committee, is responsible for calling that party's witnesses.

[RYA 1990/3](#)

When there is no collision there is a primary onus of proof on the protestor to show that a rule has been broken.

[RYA 1992/7](#)

When there is no other evidence, the protest committee is entitled to reach a decision on the evidence of the protestor and protestee alone. An additional witness is desirable but not essential.

[RYA 1994/8](#)

In finding facts, a protest committee will be governed by the weight of evidence. In general, a race official sighting the line is better placed than any competing boat to decide whether a boat that was over the line at the starting signal did in fact return and start properly.

[RYA 2006/4](#)

The responsibility for calling witnesses at a protest hearing lies primarily with the parties to the protest.

[RYA 2008/4](#)

When there is contact between boats, a right-of-way rule will normally have already been broken. A protest committee must find facts to enable it to decide whether any boat broke a rule. If a boat is found to have broken a rule the protest committee shall disqualify her unless some other penalty applies.

Rule 63.7, Hearings: Conflict between the Notice of Race and the Sailing Instructions

[RYA 2002/8](#)

When there is a conflict between a sailing instruction and the notice of race, this is to be resolved by rule 63.7. In isolation, a statement in the sailing instructions that a sailing instruction will prevail over a conflicting provision in the notice of race is not binding.

Rule 64.1, Decisions: Penalties and Exoneration

[RYA 1969/1](#)

When sailing instructions include an obligation that applies before or after a boat is racing, a boat may be penalized for breaking that rule. The penalty is to be applied to the race nearest in time to the incident.

[RYA 1969/11](#)

In the absence of any other applicable penalty in the sailing instructions, there is no alternative to disqualification for breaking a rule.

[RYA 1994/4](#)

A boat that breaks a rule while she is out of control cannot be exonerated for that reason alone.

[RYA 1999/7](#)

The decision of a protest committee may be altered only when a case is reopened or on appeal. It is not open to a club sailing committee to change a protest committee's decision.

[RYA 2001/12](#)

A class association has no power to protest a boat, let alone disqualify her without a hearing.

When a boat seeks redress for having been disqualified without a hearing, the only permitted outcome is the granting or refusal of redress. Only a party to a protest hearing can be penalized, and a redress hearing is not a protest hearing.

[RYA 2003/3](#)

When a protest committee uses rule 60.3(a)(1) to protest a boat, and the boat then is found to have been involved in an incident that resulted in serious damage or serious injury, and to have broken a rule, she is to be penalized under the appropriate rule, even if it were not she that caused the serious damage or serious injury.

[RYA 2004/1](#)

A protest committee may dismiss the protest against the protestee, but disqualify the protestor.

Only the protestor and protestee are parties to a protest hearing. No other boat, even if present at a protest hearing, can be penalized at that hearing, and the national authority has no power to confirm or re-impose the penalty: indeed, it will reverse any such penalization on appeal, even if it is not that boat which appealed.

[RYA 2005/5](#)

A boat that has retired may be protested, and a valid protest against her must be heard, but the boat is not to be penalized unless the penalty for the rule she broke is a non-excludable disqualification.

[RYA 2006/4](#)

A boat may be disqualified even if it were only she that lodged a valid protest.

[RYA 2006/5](#)

When the sailing instructions are ambiguous, so that it is not clear whether a mark has a required side, any doubt is to be resolved in favour of a boat liable to penalization.

[RYA 2007/1](#)

An organizing authority has no power to revoke a decision of a protest committee to rehear a protest.

[RYA 2008/4](#)

When there is contact between boats, a right-of-way rule will normally have already been broken. A protest committee must find facts to enable it to decide whether any boat broke a rule. If a boat is found to have broken a rule the protest committee shall disqualify her unless some other penalty applies.

Rule 64.1(a), Decisions: Penalties and Exoneration

[RYA 1989/12](#)

A boat compelled by another boat to break a rule is to be exonerated. A keep-clear boat is not an obstruction.

[RYA 1994/4](#)

A boat that breaks a rule while she is out of control cannot be exonerated for that reason alone.

[RYA 2001/3](#)

When a boat may have caused injury or serious damage in breaking a rule of Part 2 or rule 31 but does not retire, a protest against her is to be heard and decided on the basis of the appropriate rule. Only when she is found to have broken such a rule and to have caused injury or serious damage does the question of compliance with rule 44.1(b) become relevant.

[RYA 2005/8](#)

A boat is to be exonerated only when compelled by another boat's infringement to fail to comply with what the rule concerned obliges her to do or not do.

Rule 64.1(b), Decisions: Penalties and Exoneration

[RYA 1986/7](#)

Rule 44 allows a boat to take a two-turns penalty and protest without risk of further penalty, provided that she did not break rule 2, and that, if she did in fact break a rule of Part 2, she did not thereby gain a significant advantage, or cause injury or serious damage.

[RYA 2002/5](#)

When a boat retires promptly after an incident, for whatever reason, she has complied with Sportsmanship and the Rules in respect of any rules (apart from rule 2) she may have broken. When there is serious damage which may have been her responsibility, she is, by retiring, exempted from further penalties in respect of that incident.

[RYA 2002/9](#)

When redress is being considered for a boat as a result of physical damage, a separate protest hearing is not essential for there to be a conclusion that another boat did or did not break a rule of Part 2, but in practice it is desirable, even if the protestee has taken a penalty and so cannot be penalized.

[RYA 2005/5](#)

A boat that has retired may be protested, and a valid protest against her must be heard, but the boat is not to be penalized unless the penalty for the rule she broke is a non-excludable disqualification.

Rule 64.2, Decisions: Decisions on Redress

[RYA 1984/2](#)

When reasonable doubt exists as to the interpretation of a sailing instruction it must be resolved in favour of the competitor.

[RYA 1988/4](#)

When boats are entitled to redress, and the nature of the appropriate redress is clear, a protest committee cannot instead abandon the race, citing an error made by the race officer earlier in the race about which no boat has requested redress and the race committee has taken no action.

[RYA 1989/10](#)

In cases involving errors by the race committee, it is a good principle that any doubts be resolved in favour of the competitor.

[RYA 1994/3](#)

A protest committee is entitled to award the redress it thinks most suitable for compliance with rule 64.2

[RYA 1999/6](#)

While it is to be avoided when more equitable arrangements are available, abandonment may, very occasionally, be the least unfair option.

[RYA 2001/12](#)

When a boat seeks redress for having been disqualified without a hearing, the only permitted outcome is the granting or refusal of redress. Only a party to a protest hearing can be penalized, and a redress hearing is not a protest hearing.

[RYA 2002/9](#)

When redress is requested, a protest committee is not entitled to award redress to a boat that is not a party to that hearing based on facts outside the scope of the request. A fresh hearing is required

[RYA 2003/6](#)

When a boat is on the course side at her starting signal because another boat broke a rule, she is still required to return and start. Normally, she is not entitled to redress for the time lost in so doing.

[RYA 2006/2](#)

When there is an improper action of the race committee, a boat is entitled to redress only when she can show a clear link between that action and her score. If flag X is removed prematurely, an OCS boat that does not return will be entitled to redress only if she can show that she would have returned had it been displayed for longer. If she can satisfy the protest committee on this point, appropriate redress would take into account the time she would then have taken to return and start. Reinstatement into her finishing position is unlikely to be equitable to all boats.

[RYA 2008/2](#)

The simultaneous display of more than one valid course for a class is an improper action of the race committee, which may entitle boats to redress, with any doubt being resolved in favour of the competitor

Rule 64.3, Decisions: Decisions on Protests Concerning Class Rules

[RYA 1992/2](#)

When a protest committee is not in doubt about the meaning of a measurement rule, there is no reason to send questions to the relevant authority.

A class measurer is not the authority responsible for interpreting a class measurement rule when the class rules state otherwise, but may give evidence to assist a protest committee to interpret a measurement rule.

Rule 66, Reopening a Hearing

[RYA 1994/3](#)

A boat that is not a party to a request for redress is not entitled to request a reopening. She is, however, entitled to seek redress in her own right when she believes that the redress given in that other hearing makes her own finishing position significantly worse.

[RYA 2008/3](#)

When a protest committee reopens a hearing to hear additional evidence, and when this is invalid because that evidence would have been available with the exercise of due diligence at the time of the original hearing, the fact that the protest committee realises that its original decision was incorrect on the facts originally found does not negate that invalidity.

[RYA 2008/5](#)

A protest committee should reopen a hearing, whether or not requested to do so, if it may have made a mistake, or if there is new evidence not available at the original hearing. However, it need not do so if there is no prospect of a changed decision, or when a changed decision would not affect the major places when final event results are urgently needed.

A party asking for a reopening must offer a good reason, and the protest committee need not hear from any other party before deciding whether or not to reopen. However, when it decides to reopen, its decision to do so may be open to appeal by another party if an objection to the reopening is made at the start of the reopened hearing.

Evidence that was clearly relevant to the original hearing and that was, or should have been, available at that hearing is not new evidence. However, evidence related to issues not arising until during the original hearing, or evidence or a witness that the protest committee knows had been unsuccessfully sought for the original hearing may be 'new'.

When a hearing is reopened, all parties are entitled to present new evidence relating to the issue which was the basis for the reopening.

Rule 67, Damages (RYA Prescription)

[RYA 1996/8](#)

A protest committee must hear a valid protest, even if there is no prospect of a boat being penalized.

A boat that is seeking redress for having been physically damaged by a boat required to keep clear in an incident before she is racing is advised to protest as well as to ask for redress.

Section C – Gross Misconduct

Rule 69.2, Allegations of Gross Misconduct: Action by a Protest Committee

[RYA 1986/6](#)

When a boat abandons her attempt to sail the course, she may be deemed to have retired and, if she then manoeuvres against, and interferes with, another boat that is racing, she will be penalized and the helmsman may be liable to disciplinary action.

[RYA 2005/7](#)

The hearing of requests for redress and rule 69 actions may unavoidably have to take place after the end of an event, but the time limit for lodging a protest should not normally be extended beyond then.

Section D – Appeals

Rule 70.1, Appeals and Requests to a National Authority

[RYA 1974/1](#)

A boat that was not a party to a hearing does not have a right to appeal the decision of that hearing.

RYA 1981/5

A boat that waives an opportunity to object to the validity of the protest against her cannot later introduce that objection as the grounds for her appeal.

RYA 1981/14

When a protest committee disqualifies a boat that is not a party to a hearing that boat has a right of appeal having been denied a hearing.

RYA 1995/3

A boat whose finishing position may have been made significantly worse as a result of redress sought by and given to other boats is not a penalized boat, is therefore not a party to a hearing, and so does not have the right to appeal against the decision: her remedy is first to seek redress herself.

RYA 2012/3

An RYA Arbitration hearing is not a protest committee hearing but an agreed arrangement between the parties and the arbitrator. Only full protest hearing decisions or procedures may be appealed.

Rule 70.2, Appeals and Requests to a National Authority

RYA 2005/2

Even if the right to appeal has been denied under rule 70.5(a), this does not preclude the protest committee from requesting confirmation of its decision under rule 70.2, since that is not an appeal.

RYA 2005/6

A protest committee may not refer only part of its decision for correction or confirmation: the RYA will review all decisions related to an incident.

Rule 70.5, Appeals and Requests to a National Authority

RYA 2005/2

Even if the right to appeal has been denied under rule 70.5(a), this does not preclude the protest committee from requesting confirmation of its decision under rule 70.2, since that is not an appeal.

Rule 71.2, National Authority Decisions

RYA 2002/6

When the conditions relating to the awarding of a trophy are ambiguous, the RYA is normally no better placed than the protest committee to interpret them.

RYA 2004/1

Only the protestor and protestee are parties to a protest hearing. No other boat, even if present at a protest hearing, can be penalized at that hearing, and the national authority has no power to confirm or re-impose the penalty: indeed, it will reverse any such penalization on appeal, even if it is not that boat which appealed.

Rule 71.4, National Authority Decisions

RYA 2002/13

Published RYA appeal cases are persuasive but not binding.

PART 6 – ENTRY AND QUALIFICATION

Rule 76.1, Exclusion of Boats or Competitors

RYA 1999/3

To reject or cancel the entry of a boat in a series under rule 76, the organizing authority or race committee must do so before the first race of the series.

Rule 78.1, Compliance with Class Rules; Certificates

RYA 1997/1

When a boat takes part in one race in a series under a different name, and with a different person in charge, she remains the same boat, and her race points will count towards her series points, unless class rules, notice of race or sailing instructions say otherwise.

RYA 2005/7

The protection of ISAF case 57 does not extend to an owner or person in charge who knows, or should know, that the boat does not comply with class rules.

Rule 81, Rescheduled Event

RYA 1999/9

When a race is abandoned, and the race committee or protest committee decides that it will be resailed on another day, rule 81 applies. A boat that had entered but not sailed the abandoned race has a right to take part. A boat that took part in the abandoned race but is not able to participate in the resail is not entitled to redress, even though the abandonment resulted from her own previous request for redress, provided that the race committee acts reasonably in deciding a date for the resail.

PART 7 – RACE ORGANIZATION

Rule 85, Governing Rules

RYA 1989/6

'Other documents that govern the event' in the definition Rule must be stated or referred to in the notice of race and in the sailing instructions before they become mandatory for boats racing. When a race committee considers it necessary for boats to adhere to local regulations or prohibitions, it must issue an explicit notice of race and sailing instructions to that effect. When no such notice or instructions are issued, a boat that does not comply with a local regulation or prohibition does not break the Fair Sailing rule.

Rule 86.1(b), Changes to the Racing Rules

RYA 1980/2

A hook-round finish is contrary to the definition Finish, and sailing instructions are not permitted to alter a definition.

RYA 1997/2

A sailing instruction that states how a change of course will be signalled, but which does not refer to rule 27.1, does not change that rule, and therefore does not empower the race committee to signal a course change after the warning signal.

RYA 1998/2

When it is intended that no boat finishing outside a time limit shall have a finishing place, this requires a change to rule 35. To be valid, the sailing instruction concerned must refer to the rule and state the change.

RYA 1999/6

A race officer cannot overrule a sailing instruction.

RYA 2002/14

Sailing instructions cannot vary the obligations in the International Regulations for Preventing Collisions at Sea. The preamble to Part 2 of the Racing Rules of Sailing (RRS) is a rule of Part 2.

Rule 89.2, Organizing Authority; Notice of Race; Appointment of Race Officials; Notice of Race; Appointment of Race Officials

RYA 2002/8

An organizing authority can change its notice of race if it gives adequate notice. The notice of race may also say that it can be changed by the race committee. When the organizing authority or (if permitted to do so) the race committee changes the notice of race, this can give rise to redress when the change is improper and adversely affects a boat's score.

Rule 90.2, Race Committee; Sailing Instructions; Scoring; Sailing Instructions

RYA 1982/7

When oral instructions are not provided for in sailing instructions, instructions so given may be ignored.

RYA 2002/8

An organizing authority can change its notice of race if it gives adequate notice. The notice of race may also say that it can be changed by the race committee. When the organizing authority or (if permitted to do so) the race committee changes the notice of race, this can give rise to redress when the change is improper and adversely affects a boat's score.

When there is a conflict between a sailing instruction and the notice of race, this is to be resolved by rule 63.7. In isolation, a statement in the sailing instructions that a sailing instruction will prevail over a conflicting provision in the notice of race is not binding.

RYA 2004/1

No statement made at a briefing by a race officer can change or add to a rule, which includes the sailing instructions and the meaning of a race signal in the Racing Rules of Sailing. A boat that relies on such a statement is at fault for the purposes of redress if she chooses as a result to attribute a different meaning to a race signal.

Rule 90.3(a), Race Committee; Sailing Instructions; Scoring; Scoring

RYA 1989/9

A boat appearing alone at the start is entitled to sail the course and to be awarded any prize unless sailing instructions say otherwise.

Rule 91, Protest Committee

RYA 1984/13

It is undesirable for a member of the race committee to serve on a protest committee when a request is made for redress for an action or omission of the race committee. It is desirable for a protest committee to consist of more than one person.

APPENDIX A – SCORING

Rule A2, Series Scores

RYA 1997/1

When a boat takes part in one race in a series under a different name, and with a different person in charge, she remains the same boat, and her race points will count towards her series score, unless class rules, notice of race or sailing instructions say otherwise.

Rule A3, Starting Times and Finishing Places

RYA 1962/1

When the sailing instructions do not specify a time limit for starting or finishing, a boat may start within a reasonable time after her starting signal, and she is entitled to a finishing position whenever she finishes.

Rule A5, Scores Determined by the Race Committee

RYA 1985/4

A race committee is not entitled to score a boat DNF because it believes she did not correctly sail the course; instead it must protest her under rule 28.

RYA 1989/7

When a race committee believes that a boat has broken a sailing instruction, it cannot disqualify her without a hearing or deem her to have retired. The race or protest committee must first lodge a protest against her, within the time limit for doing so, and a hearing must then be called.

[RYA 1989/8](#)

A race committee is not allowed to disqualify a boat without a hearing, except under the Black Flag rule. A race committee is not allowed to score a boat DNF for failing to sail the course if she complies with the definitions Start and Finish. A protest is needed.

[RYA 2006/8](#)

Unless otherwise specified in the sailing instructions, a race committee has no power to disqualify a boat without a hearing, or score her DNF if she finishes, if it believes she has not sailed the course. Instead it must protest her within the protest time limit.

Rule A9, Race Scores in a Series Longer than a Regatta

[RYA 2010/3](#)

When the starting area is not stated in the sailing instructions, it will normally be the area where boats in good time for their start will sail between their preparatory signal and starting signal.

When a boat never reaches the starting area, for whatever reason, she is to be scored DNC. When she reaches the starting area after the starting signal but does not start, DNS will be the correct score if the race committee and starting line are still in position, otherwise she is to be scored DNC.

APPENDIX D - TEAM RACING RULES

[RYA 2005/2](#)

In team racing, a request for redress following a breakdown of a supplied boat shall be decided by the race committee.

Before granting redress the race committee shall consider all the requirements for redress in rule D5. A boat is required to display a red flag when she should be aware of the facts, while racing, but not when the facts cannot be learned until after the race. The decision of the race committee may be contested via a request for redress, which is a matter for a protest committee to consider.

APPENDIX E - RADIO CONTROLLED BOAT RACING RULES

Rule E6.3, Informing the Protestee

[RYA 2002/7](#)

When rule 61.1(a) applies (whether as printed or as altered by rule E6.3) compliance with the requirement to hail and, when required, to flag, fulfils the requirement to notify the protestee.

The protest hail procedure in radio-controlled boat racing requires the number of the protesting boat to precede the number of the protested boat, with the word 'protest' or a variant thereof between the numbers.

APPENDIX J – NOTICE OF RACE AND SAILING INSTRUCTIONS

Rule J1.2, Notice of Race Contents

Rule J2.2, Sailing Instruction Contents

[RYA 1984/13](#)

Sailing instructions must describe the course clearly, including the location of the starting area.

[RYA 1985/4](#)

When a race committee intends a mark to be looped, the mark must be identified as a rounding mark. When the sailing instructions do not do so, or when they are ambiguous, a boat may elect not to round a mark when she can still leave it on the required side and in the correct order.

[RYA 1989/6](#)

'Other documents that govern the event' in the definition Rule must be stated or referred to in the notice of race and in the sailing instructions before they become mandatory for boats racing. When a race committee considers it necessary for boats to adhere to local regulations or prohibitions, it must issue an explicit notice of race and sailing instructions to that effect. When no such notice or instructions are issued, a boat that does not comply with a local regulation or prohibition does not break the Fair Sailing rule.

[RYA 1989/9](#)

A boat appearing alone at the start is entitled to sail the course and to be awarded any prize unless sailing instructions say otherwise.

[RYA 1990/2](#) (incorporating RYA 1963/5)

The racing rules do not differentiate between helmsman and crew. Restrictions on the helming of a boat may be imposed by class rules or by the notice of race and the sailing instructions. In the absence of any other provision, an owner or person in charge is free to invite anyone to steer the boat. The notice of race and the sailing instructions must state clearly when points are to be awarded to helmsmen rather than to boats and state any restrictions or qualifications that apply.

[RYA 2002/8](#)

An organizing authority can change its notice of race if it gives adequate notice. The notice of race may also say that it can be changed by the race committee. When the organizing authority or (if permitted to do so) the race committee changes the notice of race, this can give rise to redress when the change is improper and adversely affects a boat's score.

When there is a conflict between a sailing instruction and the notice of race, this is to be resolved by rule 63.7. In isolation, a statement in the sailing instructions that a sailing instruction will prevail over a conflicting provision in the notice of race is not binding.

APPENDIX M – RECOMMENDATIONS FOR PROTEST COMMITTEES

RYA 1984/14

A party to the hearing, not the protest committee, is responsible for calling that party's witnesses.

RYA 1987/1

When one boat knows that she has been protested by another, she is under an obligation to act reasonably. One party shall not be excluded while another is present during the hearing, and all parties are entitled to hear and question all witnesses.

RYA 2007/1

When a protest committee includes an interested party, whose interest has not been disclosed to the parties and who takes part in the proceedings, its decision is improper.

RYA 2008/5

A protest committee should reopen a hearing, whether or not requested to do so, if it may have made a mistake, or if there is new evidence not available at the original hearing. However, it need not do so if there is no prospect of a changed decision, or when a changed decision would not affect the major places when final event results are urgently needed.

A party asking for a reopening must offer a good reason, and the protest committee need not hear from any other party before deciding whether or not to reopen. However, when it decides to reopen, its decision to do so may be open to appeal by another party if an objection to the reopening is made at the start of the reopened hearing.

Evidence that was clearly relevant to the original hearing and that was, or should have been, available at that hearing is not new evidence. However, evidence related to issues not arising until during the original hearing, or evidence or a witness that the protest committee knows had been unsuccessfully sought for the original hearing may be 'new'.

When a hearing is reopened, all parties are entitled to present new evidence relating to the issue which was the basis for the reopening.

APPENDIX R – PROCEDURES FOR APPEALS AND REQUESTS

Rule R2.1.1 [as prescribed by the RYA], SUBMISSION OF DOCUMENTS

RYA 2012/2

The time limit for notifying an appeal runs from receipt of the written decision of the protest committee.

Rule R5, INADEQUATE FACTS; REOPENING

RYA 2003/3

In an appeal, the national authority must accept the facts found by the protest committee, but need not accept the conclusions of the protest committee based on those facts.

RACE SIGNALS

RYA 1982/7

A signal comprises both a flag (or object of similar appearance) and a sound signal, unless rule 26 applies. Unless the sailing instructions state otherwise, sound signals without visual signals have no particular significance under the rules.

When oral instructions are not provided for in sailing instructions, instructions so given may be ignored.

RYA 1996/4

A sound signal made when a boat crosses a finishing line is only a courtesy. It has no bearing on the race. A race committee cannot shorten course without the appropriate signal.

RYA 2004/1

No statement made at a briefing by a race officer can change or add to a rule, which includes the sailing instructions and the meaning of a race signal in the Racing Rules of Sailing.

Race Signals, Flag X

RYA 1977/1

A hail does not constitute the sound signal of an individual recall signal. It is reasonable to expect the recall sound signal to be equally as audible as the starting sound signal.

RYA 2004/7

When the race committee intends an individual recall but, while displaying flag X, makes two sound signals in addition to the starting sound signal, this is an improper action. However, a boat that ceases racing before she can see which recall flag, if any, is displayed may be at fault and hence not entitled to redress.

A race committee signal comprises both the flag and the sound.

INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

RYA 2002/14

Sailing instructions cannot vary the obligations in the International Regulations for Preventing Collisions at Sea.

RYA 2004/2

When a boat that is racing meets a large powered vessel in a fairway or narrow channel, she is to presume and act on the basis that the vessel can safely navigate only within the channel, and therefore has right of way.

RYA Arbitration

RYA 2012/3

An RYA Arbitration hearing is not a protest committee hearing but an agreed arrangement between the parties and the arbitrator. Only full protest hearing decisions or procedures may be appealed.

RYA Charter

RYA 2007/1

An organizing authority has no power to revoke a decision of a protest committee to rehear a protest.

When a protest committee includes an interested party, whose interest has not been disclosed to the parties and who takes part in the proceedings, its decision is improper.

SECTION 3

RYA CASES SINCE 1962

RYA 1962/1

[Rule A3, Starting Times and Finishing Places](#)
[Rule J2.1 \(7\), Sailing Instruction Contents](#)
[Rule J2.2 \(19\), Sailing Instruction Contents](#)

When the sailing instructions do not specify a time limit for starting or finishing, a boat may start within a reasonable time after her starting signal, and she is entitled to a finishing position whenever she finishes.

QUESTION 1

What time limit, if any, should a race officer place on a late starter?

ANSWER 1

The rules themselves do not debar a boat from making a late start and she should be allowed to do so whenever it is reasonable. When a race committee wants a time limit for starting, it must say so in the sailing instructions.

QUESTION 2

When may a race committee remove the finishing marks?

ANSWER 2

The finishing line must remain effective until the last boat has finished or retired, or until the expiry of any time limit in the sailing instructions, whichever is the first to occur.

Questions from Royal Akarana YC, NZ

RYA 1962/4

[Rule 45, Hauling Out: Making Fast: Anchoring](#)

When a boat that is afloat is being held by a person at or after the preparatory signal, the question of whether rule 45 has been broken depends on the reason for so doing and on whether that person is standing in or out of the water.

In answer to questions, the RYA stated that:

1. If a person is standing in water about six inches deep on a concrete ramp, holding a boat which is afloat, this does not break rule 45.
2. If the person is holding the boat as before, on the same ramp, but standing just out of the water, the boat is made fast, which, at and after the preparatory signal, rule 45 permits only for bailing out, reefing or repairs.

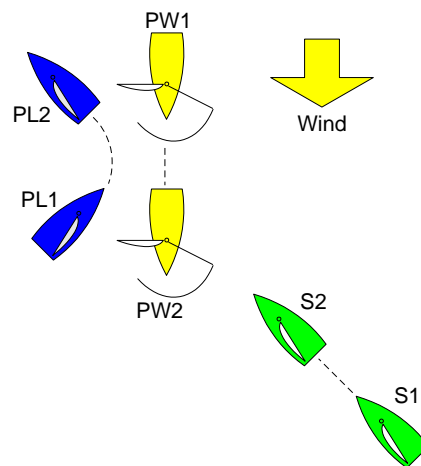
Questions from Royal Suva YC, Fiji

RYA 1962/8

[Rule 11, On the Same Tack, Overlapped](#)
[Rule 18.1, Mark-Room: When Rule 18 Applies](#)
[Rule 19.2\(a\), Room to Pass an Obstruction: Giving Room at an Obstruction](#)
[Rule 19.2\(b\), Room to Pass an Obstruction: Giving Room at an Obstruction](#)

The word 'side' in rule 19.2(a) (as also in rule 18.1) refers to the side of the boat on which the obstruction (or mark) is to be passed, and not to any 'side' that the obstruction (or mark) may happen to have.

There is no zone at an obstruction that is not also a mark. Rule 19.2(b) does not apply when it is not possible to identify which of two boats overlapped at an obstruction is the outside boat and which the inside boat.



SUMMARY OF THE FACTS

PW, running on port tack overlapped to windward of PL, caused PL, close-hauled on port tack, to alter course to avoid contact. In the absence of the other, each would have passed ahead of S.

PW was disqualified under rule 11 and appealed on the ground that the protest committee had failed to take into account any right to room under rule 19.

DECISION

PW's appeal is dismissed. She did not keep clear of PL as required by rule 11, and she had no entitlement to room under rule 19.

S was an obstruction to PW and PL. PL, holding right of way over PW under rule 11, exercised her entitlement under rule 19.2(a) by choosing to pass the obstruction on her starboard side. Note that in this rule, as in rule 18, the 'side' is always the side of the boat to which that word applies, and not any side either that a mark or obstruction may happen to have or that is quite validly made relevant by a sailing instruction, such as 'leave channel marks on the channel side', or 'pass to the north of xx'.

However, rule 19.2(b) did not create any entitlement to room for either boat. The situations at a mark under rule 18 and at an obstruction under rule 19 are different. When a mark is being approached on the same tack by boats on widely differing courses, an obligation will apply from zone entry onwards for the one that will be

outside at the mark to give room to the other, with the mark on the same required side for both – see ISAF case 12 and RYA case 2004/8. Under rule 19, there is no zone, and the obstruction may be left to port or to starboard, as decided by the right-of-way boat. Room then has to be given at the obstruction by an outside boat. Although PW and PL were overlapped, the terms ‘outside’ and ‘inside’ are not capable of applying at an obstruction to boats approaching each other at such a divergent angle.

Ariadne v Inyala, Western Province SA

RYA 1967/3

[Rule 29.1, Recalls: Individual Recall](#)

A boat returning to start after a recall is entitled to consider that the removal of flag X indicates that she has returned completely to the pre-start side of the starting line.

SUMMARY OF THE FACTS

When the starting signal was made, *Uncle Sam* was over the line; an individual recall was signalled and she turned back for the starting line. When she saw flag X lowered, believing that she had returned completely to the pre-start side of the starting line, she hardened up and sailed towards the first mark of the course. In fact flag X had been removed before she recrossed the starting line. She was scored OCS, and requested redress.

This was refused on the grounds that the words in the sailing instruction ‘The responsibility for returning will rest with the helmsman concerned’ meant that the race officer’s mistake in lowering the recall flag prematurely in no way relieved her of her responsibility. She appealed.

DECISION

Uncle Sam’s appeal is upheld, and she is to be reinstated into her finishing position.

She was entitled to interpret the lowering of the individual recall signal as confirmation of her opinion that she had correctly returned to start. The race committee cannot escape its obligations by placing the responsibility on the boat concerned.

Request for Redress by *Uncle Sam*, Montrose SC

RYA 1967/5

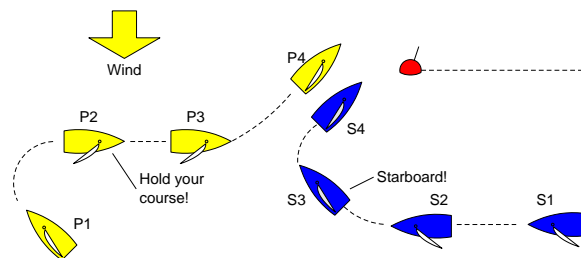
[Rule 10, On Opposite Tacks](#)

[Rule 16.1, Changing Course](#)

[Rule 16.2, Changing Course](#)

A keep-clear boat may not invoke rule 16.1 against the right-of-way boat when she has been given room to keep clear. Rule 16.2 does not apply before the starting signal, nor when a port-tack boat is keeping clear by sailing to pass ahead of, or, when reaching, to windward of a starboard-tack boat.

A hail of ‘Hold your course!’ places no obligation on the hailed boat.



SUMMARY OF THE FACTS

During pre-start manoeuvres, about fifty seconds before the starting signal, two boats were reaching away from the line on starboard tack. P tacked onto port tack, intending to pass ahead of S. P hailed ‘Hold your course’, but S luffed, hailing ‘Starboard’ more than once. P did not immediately respond. S then tacked in order to avoid contact. Both boats protested, P under rule 16, S under rule 10.

The protest committee found that P had ample room to keep clear of S after S had luffed to a close-hauled course. P’s protest was dismissed and she was disqualified under rule 10. She appealed on the grounds that S had failed to observe both rule 16.1 and 16.2 by altering course after she, P, had hailed, and by continuing to luff until (in P’s opinion) there was risk of contact.

DECISION

P’s appeal is dismissed.

A hail of ‘Hold your course!’ is merely an assertion by the hailing boat that she can keep clear as required if the hailed boat does not change course towards her. It places no obligation on the hailed boat to comply.

S was entitled to harden up to a close-hauled course on starboard tack because P thereafter had room to keep clear, and so rule 16.1 was not broken. Even if S’s luff had made P need to change course immediately to continue keeping clear, rule 16.2 did not apply as the incident occurred before the starting signal. If the incident had occurred after the starting signal, rule 16.2 would not apply when the port-tack boat was keeping clear by sailing to pass ahead of or, when both boats are reaching, to windward of S. P, being on port tack, was required by rule 10 to keep clear of S, and was correctly disqualified under that rule for not doing so.

Nausicaa v Sylmer, Karachi SC

RYA 1967/13

[Rule 2, Fair Sailing](#)

[Rule 24.2, Interfering with Another Boat](#)

When a boat that starts and finishes deliberately uses the right-of-way rules to ‘sail off’ another on the same leg of the course to benefit her own series position, she does not break rule 2 or rule 24.2.

ASSUMED FACTS

After the third race of a four-race series with one discard, B would win the series if she could win the fourth race. Otherwise, A would win the series. Both boats started correctly. At and after the start, A deliberately maintained a windward overlap on B, carrying her well past the point where she would have wished to have tacked.

When it became apparent that B was virtually out of the running, A tacked, and both boats then found themselves a long way behind the rest of the fleet. A continued racing, and finished. It was clear that A did not try to win the race, nor was she interested in doing so.

QUESTION

Could B have won a protest against A?

ANSWER

No. In these circumstances, interfering with an opponent does not break rule 2, Fair Sailing, nor does it break rule 24.2, Interfering with Another Boat, because although A ceased to sail her proper course, the boats were on the same leg of the course. See ISAF Case 78.

Question from Ullswater SC

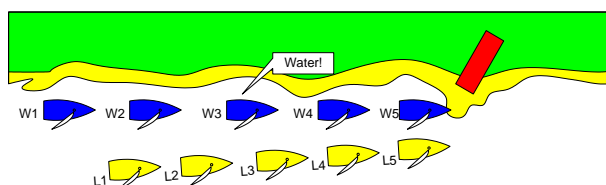
RYA 1968/11

[Rule 19.2\(b\), Room to Pass an Obstruction: Giving Room at an Obstruction](#)

[Rule 19.2\(c\), Room to Pass an Obstruction: Giving Room at an Obstruction](#)

There is no zone at an obstruction to which rule 19 applies. A boat astern and required to keep clear is entitled to room if she becomes overlapped between the boat that was ahead and a continuing obstruction, provided that there was room to pass between them when the overlap began.

When the nature of a continuing obstruction changes because of a projection or shallows, these features form part of the continuing obstruction, and a boat that has properly established an inside overlap is then entitled to any necessary additional room.



SUMMARY OF THE FACTS

W established an overlap on L between positions 1 and 2 when L was one and a half to two boat lengths from the shore. Several boat-lengths ahead, some shallows extended from the shore from a brickwork structure. W hailed 'Water' but L, although acknowledging the hail, made no attempt to give room and W ran aground.

W protested L under rules 19.2(b) and 19.2(c), but the protest committee dismissed the case, stating that W had tried to force a passage between L and the shore, L having been clear ahead when she came within three hull lengths of the obstruction. W appealed.

DECISION

W's appeal is upheld. She is reinstated, and L is disqualified under rule 19.2(b).

There is no zone at an obstruction - continuing or otherwise - at which rule 19 applies, and so the situation when one of the boats comes within three hull lengths of an obstruction is not relevant. Rule 19.2(c) says that the inside boat's right to establish an overlap between a

boat and a continuing obstruction depends on whether there was room, as defined, to pass between the boat that was ahead and the continuing obstruction at the moment the overlap was established.

When W established her overlap, there was room to pass between L and the shore, and the overlap was therefore properly established. L initially then gave room as required by rule 19.2(b) but ceased to do so when the projecting shallows were reached. These shallows and the adjacent brick structure were part of the continuing obstruction, and W continued to be entitled to room.

Bald Eagle v Poseidon, Blue Circle SC

RYA 1968/15

[Rule 63.2, Hearings: Time and Place of the Hearing: Time for Parties to Prepare](#)

A boat that claims that she has not been allowed reasonable time to prepare her defence must raise this objection at the beginning of a hearing of the protest against her.

SUMMARY OF THE FACTS

After a protest under a rule of Part 2 and a hearing, *Sylphide* was disqualified. She appealed on the grounds that a copy of the protest had not been made available to her, that she was given no time to prepare a defence or find possible witnesses, and that she did not know the basis of the protest until summoned to appear before the protest committee when the protest was read by the chairman.

The protest committee observed that the protest had been read out three times and had been available for inspection. *Sylphide* made no complaint at the hearing nor did she ask for an extension of time to prepare a defence.

DECISION

Sylphide's appeal is dismissed.

At the hearing of the protest, *Sylphide* did not complain that she had no time to prepare a defence nor did she ask for an extension. Therefore, her appeal fails.

Ffareida v Sylphide, Monklands SC

RYA 1969/1

[Rule 25, Notice of Race, Sailing Instructions and Signals](#)

[Rule 32.2, Shortening or Abandoning After the Start](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

[Rule 86.1\(b\), Changes to the Racing Rules](#)

Unless the sailing instructions state otherwise, when courses are shortened using flag S, the finishing line must be between the committee boat and a mark, or at a line or a gate.

When sailing instructions include an obligation that applies before or after a boat is racing, a boat may be penalized for breaking that rule. The penalty is to be applied to the race nearest in time to the incident.

ASSUMED FACTS FOR QUESTION 1

On a triangular course, the wind falls light and it becomes necessary to shorten course. A launch is

placed on the reach between marks one and two, flag S is displayed with two sound signals, and the boats are timed when they cross a line projected from the timekeeper through the mast of the launch.

QUESTION 1

Is this procedure acceptable?

ANSWER 1

No, it does not comply with rule 32.2. When the race officer wishes to use a transit line from a race committee vessel, the line must be described in the sailing instructions which, to comply with rules 25 and 86.1(b), must also state that rule 32.2 and the meaning of flag S are changed.

ASSUMED FACTS FOR QUESTION 2

Club byelaws state that personal flotation devices must be worn at all times when afloat. This is repeated in the sailing instructions. A helmsman enters for a race and goes for a short trial spin without wearing a personal flotation device; he puts it on just before the preparatory signal. His boat is protested and, despite his maintaining that sailing instructions did not become operative until this signal, she is disqualified.

QUESTION 2

Is her disqualification valid?

ANSWER 2

Yes, When a boat breaks a sailing instruction that is stated to apply before or after a boat is racing, rule 64.1 says that she is to be penalized in the race sailed nearest in time to that of the incident.

Questions from Prestwick SC

RYA 1969/11

[Rule 60.2\(a\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 60.3\(a\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

When a declaration after finishing is required by a sailing instruction and when a boat states in hers that she has broken a rule, the race committee or protest committee is entitled to protest her. In the absence of any other applicable penalty in the sailing instructions, there is no alternative to disqualification for breaking a rule.

SUMMARY OF THE FACTS

The sailing instructions required boats to sign a declaration after finishing to confirm that they had complied with the rules. After a race lasting two days, *Barada* lodged her signed declaration, adding the sentence: 'Except that during the hours 0200 to 0500 we were forced to sail without navigation lights...' The protest committee protested her and found that she had broken rule 48.1, Fog Signals and Lights; Traffic Separation Schemes. It imposed a 5% time penalty. *Barada* appealed on the grounds that the protest was invalid and that no provision was made in the sailing instructions for that penalty.

DECISION

Barada's first ground of appeal is dismissed. Her second ground of appeal is upheld, but her penalty is changed to disqualification.

Barada admitted in her declaration that she had broken rule 48.1. This admission entitled the protest committee (or the race committee) to protest her, as permitted by rules 60.2(a) and 60.3(a). Those rules preclude a race committee or a protest committee from protesting based on information from an interested party, and *Barada* was an interested party, as defined, since her report opened her to protest and penalization. However, those rules make a specific exception for information from the representative of the boat herself. The protest committee's protest was therefore valid.

The only penalty a protest committee may impose for breaking a rule, unless otherwise stated in the racing rules or in the sailing instructions, is disqualification.

Protest Committee v *Barada*, Royal Malta Yacht Club

RYA 1969/12

[Rule 62.1\(a\), Redress](#)

A race committee action or omission may be improper, even if no rule is broken, and even when it occurs before the preparatory signal.

SUMMARY OF THE FACTS

About 15 minutes before the preparatory signal the race officer moved the starting line about half a mile from its original location. In spite of a boat being sent to tow them, two boats arrived respectively four and seven minutes late for the start. They started, and were the last to finish. They requested redress because the race officer had moved the line without a postponement that was long enough to allow them to reach the new line. The request was refused on the grounds that the race officer did not break the sailing instructions. The boats appealed.

DECISION

The appeals are upheld, and the cases are returned to the protest committee to award redress.

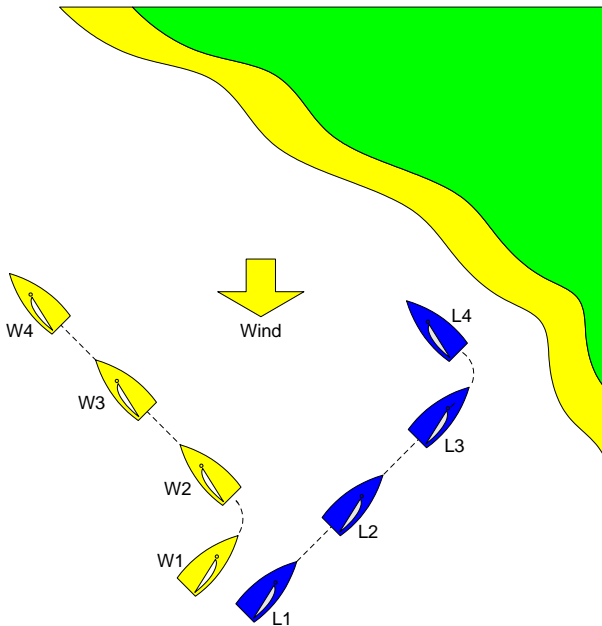
The race officer laid a fresh starting line without adequately postponing the start of the race to enable the boats to reach the new position and to manoeuvre to obtain a good start. This made their scores significantly worse: it was improper, even though it broke no racing rule or sailing instruction; and the boats were not at fault.

Request for Redress by *Ajira* and *Goldcrest*, Dale YC

RYA 1973/5

[Rule 20.1, Room to Tack at an Obstruction: Hailing](#)
[Rule 20.2, Room to Tack at an Obstruction: Responding](#)

A boat that hails for room to tack at an obstruction must herself tack as soon as possible. Hailing when safety does not require a substantial course change breaks rule 20.1. Not then tacking as soon as possible after the hailed boat tacks breaks rule 20.2(d).



SUMMARY OF THE FACTS

W and L were sailing parallel courses, close-hauled on port tack, under a hull-length apart, approaching the shore. L hailed for room to tack and W tacked immediately. L maintained her original course for about a further three hull-lengths before tacking, some 8 seconds after W tacked. W protested L under rule 20.2(d) in that she failed, W having tacked, to tack as soon as possible.

The protest committee dismissed the protest, considering that in view of the conditions prevailing and the experience of the helmsman, the time taken by L complied with rule 20.2(d) W appealed, stating that L was the more experienced helmsman of the two and that there had been no reason why she should not have tacked earlier.

DECISION

W's appeal is upheld. L is disqualified.

In hailing when safety did not require her to do, as evidenced by her being able to delay her tack, L broke rule 20.1(a). Rule 20.2(d) requires the hailing boat to tack immediately she has room to do so. L sailed on for about three boat lengths after W had tacked, which broke rule 20.2(d)

Barfly v Nausicaa, Wewak YC, New Guinea

RYA 1974/1

[Rule 28.1, Sailing the Course](#)

[Rule 32.2, Shortening or Abandoning After the Start](#)

[Rule 70.1\(a\), Appeals and Requests to a National Authority](#)

When a race committee intends boats to cross the line used for starting or finishing in order to complete a round of the course, the sailing instructions must say so.

When they do not say so, that line cannot be used to shorten course unless the sailing instructions change rule 32.2.

A boat that was not a party to a hearing does not have a right to appeal the decision of that hearing.

SUMMARY OF THE FACTS

After rounding the last mark of the first round, some boats sailed to the first mark of the second round without passing through the line that was used for both starting and finishing, and were protested by the race committee for failing to sail the course correctly. The race committee argued that:

- The race consisted of two rounds. The word 'round' means something that begins and ends at the same place.
- The line had been included in each round of this race for many years as was the local custom.
- Any other interpretation made the rules for shortening course unintelligible and unworkable.

The protest committee dismissed the protest, deciding that sailing instructions did not require boats to cross the line between the first and second rounds and that no mark of that line was a mark of the course on the relevant leg. Two boats that had sailed the course as desired by the race committee lodged an appeal.

DECISION

The appeal is refused because the appellants were not parties to the original hearing.

Nevertheless it should be made clear that the protest committee's interpretation of the rules was correct. If the race committee intended boats to cross the line at the end of the first round, the sailing instructions should have included the committee boat and ODM as marks of the course at the end of the first round.

As concerns shortening the course, a line that boats are not required to cross at the end of each lap cannot be used for shortening, as it is not one that is listed in rule 32.2. That is easily remedied with a suitable sailing instruction that validly changes rule 32.2, but it was not done in this case. If it had been done, it would still not mean that boats had to cross that line at the end of a round.

Race Committee v Red Cloud and others, Civil Service SA

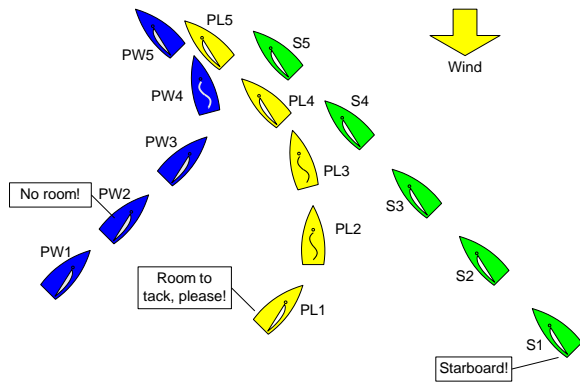
RYA 1974/5

[Definitions, Obstruction](#)

[Rule 20.1, Room to Tack at an Obstruction: Hailing](#)

[Rule 20.2, Room to Tack at an Obstruction: Responding](#)

When a close-hauled port-tack boat needs to make a substantial change of course to avoid an obstruction in the form of a close-hauled starboard-tack boat, she is entitled to hail a boat on the same tack as her, to windward or clear astern, for room to tack, even though she has an alternative means of escape by bearing away.



SUMMARY OF THE FACTS

PL and PW were close-hauled. PL could not tack without colliding with PW. Both boats came on a converging course with S.

S hailed ‘Starboard’ and PL hailed for room to tack. She then luffed to avoid contact with S. PW, intending to cross S, held her course and informed PL that she had no rights under rule 20.1.

PL continued to luff and then tacked. Finally PW tacked too. PW protested PL under rule 13. The protest committee dismissed the protest, disqualified PW under rule 20.1, and referred the case to the RYA.

DECISION

The decision of the protest committee to disqualify PW is confirmed.

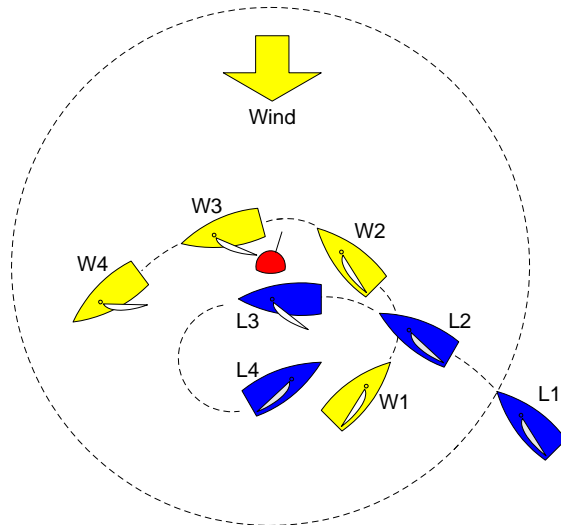
The protest committee correctly decided that S, close-hauled, holding right of way under rule 10, was an obstruction, as defined, to PL. PL was required to make a substantial course change to clear S, either by bearing away hard or by tacking to clear the obstruction. Although PL could have avoided S by bearing away, no rule required her to do so and she was entitled, under rule 20.1, to hail for room to tack. When S hailed, PW was required by rule 20.2 to respond as soon as possible, she did not do so and was correctly disqualified.

Lindy v Symphony, St Mawes SC

RYA 1974/8

[Rule 11, On the Same Tack, Overlapped](#)
[Rule 18.3, Mark-Room: Tacking in the Zone](#)

When a port-tack boat tacks to starboard within the zone at a windward port-hand mark, and a boat that is approaching the mark on starboard tack becomes overlapped inside her, the boat that tacked must not prevent the other boat from passing the mark on the required side, and must keep clear of her.



SUMMARY OF THE FACTS

W completed a tack inside the zone, immediately after which L, which had been fetching the mark, established a leeward overlap. W hailed 'No room' and bore away to pass the mark. L, to avoid contact, was forced to bear away, pass the wrong side of the mark and circle back. The protest committee dismissed L's protest on the grounds that L's overlap was established after W's tack was completed and referred its decision to the RYA.

DECISION

The protest committee's decision is reversed. W is to be disqualified.

Before W tacked, rule 18 did not apply, since, as stated in rule 18.1(b), the boats were on opposite tacks, and also because W's proper course in passing the mark was to tack. When W tacked within the zone, rule 18.3 began to apply. The question of whether an overlap began outside the zone is relevant at a windward mark only to boats on the same tack, under rule 18.2(b). Overlaps established by a tack in the zone are addressed either by rule 18.2(a) or (as here when one boat is fetching the mark) by rule 18.3.

W was required by rule 18.3(a) not to prevent the other boat from passing the mark, by rule 11 to keep clear when L became overlapped inside her, and by rule 18.3(b) to give mark-room to L. W prevented L from passing the mark, denied her mark-room, did not keep clear of her, and is to be disqualified.

Aurora v Carinna, Loch Long OD Association

RYA 1975/4

[Rule 14, Avoiding Contact](#)

The test of whether it was reasonably possible for a right-of-way boat to avoid contact is an objective one, and the inexperience of her helmsman cannot justify a lower standard of care.

SUMMARY OF THE FACTS

P, close-hauled, was approaching the windward, starboard-hand mark when one of her crew told the helmsman to bear away hard, as P was on a collision course with S which had passed the mark and was reaching towards P in the direction of the finishing line. Both boats tried, but failed, to alter course to avoid contact. The boats collided and both suffered damage. S

did not deliberately hit P, although she was keeping no lookout to leeward. P's helmsman was experienced, S's was inexperienced. S protested under rule 10 while P protested under rule 14.

The protest committee disqualified P under rule 10, but did not find S to have broken rule 14, as her effort to avoid a collision was reasonable for an inexperienced helmsman, even though she did not act to avoid contact until after it was clear that P was not going to keep clear. P appealed.

DECISION

P's appeal is dismissed, and her disqualification is confirmed. In addition, S is also disqualified, under rule 14.

P did not keep clear, and was correctly disqualified. The test of whether it was reasonably possible for S to avoid contact is an objective one. The inexperience of helmsman or crew cannot justify a lower standard of care.

Jemalda v Sudo & v.v., Royal Cornwall YC

RYA 1975/5

[Definitions, Room](#)
[Rule 16.1, Changing Course](#)
[Rule 16.2, Changing Course](#)

S's response to a wind shift must not deprive P of room to keep clear, or, after the starting signal, oblige P (if sailing a course to keep clear by passing astern of S) to change course immediately to continue keeping clear.

QUESTION

When two boats, close-hauled or reaching on opposite tacks, meet, at what distance in hull lengths must the right-of-way boat, S, hold her course and not follow a wind shift, thus preventing P from keeping clear?

ANSWER

It is not possible to lay down any precise distance in hull lengths since this will vary according to the existing conditions and the class of boat concerned.

If it is after the starting signal, if the boats are about to cross, and if P is otherwise keeping clear of S by sailing a course to pass astern of her, rule 16.2 prohibits S from changing course by bearing away, if as a result P would immediately need to change to continue keeping clear.

Before the starting signal, or if P and S are already on a collision course, or if P is sailing to keep clear by passing to windward of S, S may change course at any time in response to a wind shift, unless she is so close to P that S's change of course would not give P room to keep clear. Room is defined as the space P needs in the existing conditions while manoeuvring promptly in a seamanlike way.

Question from Dorchester SC

RYA 1975/6

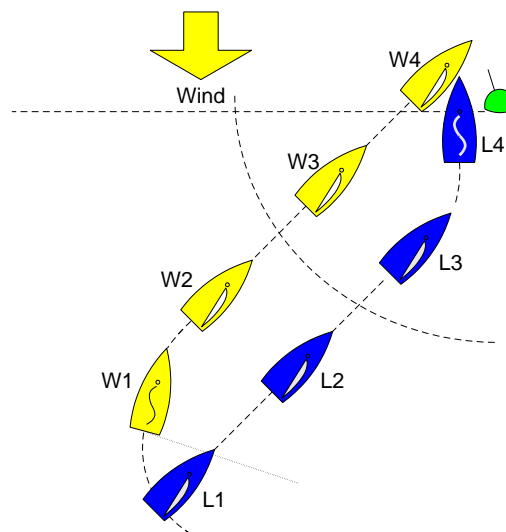
[Definitions, Clear Astern and Clear Ahead; Overlap](#)
[Definitions, Leeward and Windward](#)
[Definitions, Proper Course](#)
[Definitions, Tack, Starboard or Port](#)
[Rule 11, On the Same Tack, Overlapped](#)
[Rule 13, While Tacking](#)

[Rule 16.1, Changing Course](#)
[Rule 17, On the Same Tack; Proper Course](#)
[Rule 18.2 \(b\), Mark-Room: Giving Mark-Room](#)
[Rule 21\(a\): Exoneration](#)

When a boat tacks, the question of whether an overlap is created is decided at the moment she passes head to wind, but rule 17 will never apply to the leeward boat if the overlap is created while the windward boat is still subject to rule 13.

A boat that luffs above close-hauled to pass to windward of a mark is not sailing above a proper course.

A right-of-way boat is exonerated if she breaks rule 16.1 while sailing a proper course at a mark and taking mark-room to which she is entitled.



SUMMARY OF THE FACTS

W crossed L and tacked, outside the finishing line mark's zone. L established a leeward overlap before W was on a close-hauled course. L and W approached the finishing mark close-hauled and overlapped, both on port tack, nearly a hull-length apart. W was laying the mark, while L could fetch it by pinching. L luffed to shoot the mark on the required side and hit W on her starboard quarter. There was no damage. L did not go beyond head to wind. After hearing the protest and counter-protest, the protest committee disqualified W for failing to give L room to pass the mark. W appealed.

DECISION

W's appeal is dismissed.

W became a port-tack boat when she passed head to wind. At that moment, she was clear ahead of L. L then established a leeward overlap from clear astern before W reached a close-hauled course. W was required to keep clear by rule 11 and then to give mark-room after zone entry by the first sentence of rule 18.2(b). Initially, W kept clear and gave L room to sail to the mark. L then luffed to fetch the mark. L was sailing a proper course at the mark. A proper course is defined as one that a boat would sail to finish as soon as possible in the absence of the other boats referred to in the rule using the term. L would have pinched or shot head to wind in order to finish as quickly as possible whether or not W was near, and so was sailing a proper course.

L was therefore taking mark-room to which she was entitled. W was required to keep clear and give mark-room, and did neither. W was properly disqualified, under rules 11 and 18.2(b), while L was exonerated for any breach of rule 16.1 because of rule 21(a).

Because the overlap began while W was required by rule 13 to keep clear, rule 17 did not apply.

If the facts had been otherwise, and W had completed her tack before L established her overlap within two hull lengths from clear astern, L's course would not have broken rule 17, since, for the reasons stated above, she never sailed above a proper course.

Janet v Minx, Portsmouth SC

RYA 1976/2

[Rule 11, On the Same Tack, Overlapped](#)

[Rule 13, While Tacking](#)

[Rule 15, Acquiring Right of Way](#)

[Rule 18.2\(a\), Mark-Room: Giving Mark-Room](#)

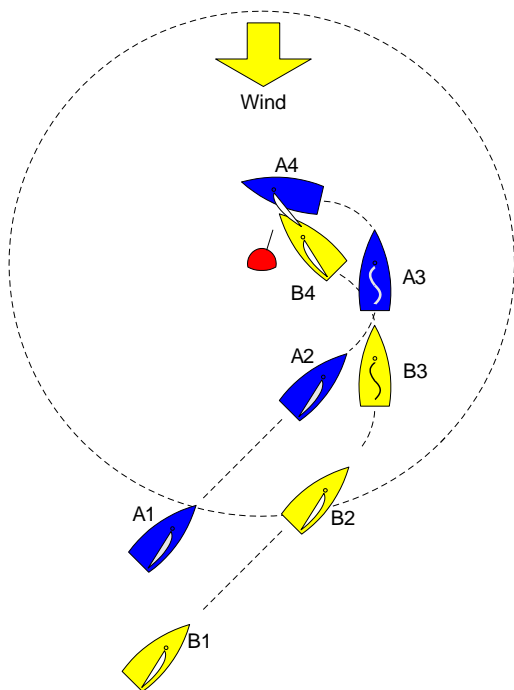
[Rule 18.2\(b\), Mark-Room: Giving Mark-Room](#)

[Rule 18.2\(c\), Mark-Room: Giving Mark-Room](#)

When two close-hauled boats, clear ahead and clear astern, approach a windward mark, rule 18.2(b) ceases to apply when one of them tacks.

When two boats are subject to rule 13 at the same time, one ahead of the other, the one astern must keep clear.

If they then become overlapped on the same tack inside the zone, the outside boat shall then give the inside boat mark-room under rule 18.2(a).



SUMMARY OF THE FACTS

Two boats, A and B, approached a mark on port tack, A clear ahead of B. Both boats tacked inside the zone, A passing head to wind sooner than B. When their tacks, slightly delayed because of another boat ahead of them, were completed they found themselves overlapped, both on starboard tack, A to windward of B. There was then a collision not involving damage. After protest and

counter-protest the protest committee disqualified B under rule 18.2(b) and she appealed.

DECISION

B's appeal upheld. She is to be reinstated into her finishing position, and A is disqualified.

Once A entered the zone clear ahead, B was required to keep clear under rule 12, and to give A mark-room under the second sentence of rule 18.2(b), both of which she did. When A passed head to wind rule 18.2(b) ceased to apply, as stated in rule 18.2(c). At that moment no other part of rule 18 applied. (Rule 18 would also have ceased to apply if it had been B that had been the first to pass head to wind, because of rule 18.1(a).) While both boats were then between head to wind and close-hauled at the same time, B astern of A, B was required by the last sentence of rule 13 to keep clear of A, and she did so. B broke no rule.

As both bore away to a close-hauled course, A was required by rule 16.1 to give B room to keep clear. A did so while rule 13 applied. They became overlapped. A, as an outside boat, was now required by rule 18.2(a) to give mark-room to B. By continuing to bear away below a close-hauled course, A did not do so. Once both boats had reached a close-hauled course, B had acquired right of way under rule 11, requiring A to keep clear, which she did not do, despite having room to do so. There was contact which it was possible for A to avoid. A broke rules 18.2(a), 11 and 14.

Shamaal v Jan & v.v., Sunderland YC

RYA 1977/1

[Rule 25.2, Notice of Race, Sailing Instructions and Signals](#)

[Rule 29.1, Recalls: Individual Recall](#)
[Race Signals: Flag X](#)

A hail does not constitute the sound signal of an individual recall signal. It is reasonable to expect the recall sound signal to be equally as audible as the starting sound signal.

SUMMARY OF THE FACTS

The race committee's sound signals were audible at any point of the starting line. At the starting signal for a race, three boats were on the course side of the starting line. Flag X was displayed and a hail of 'Numbers 13, 16 and 20, you are over' was shouted twice. Number 13 heard and returned. Numbers 16 and 20 did not believe themselves to be OCS, did not hear the hail, failed to return and were scored OCS. They requested redress, which was refused by the protest committee, and they appealed.

DECISION

The appeals of numbers 16 and 20 are upheld. The case is returned to the protest committee to decide redress.

A sound signal must be made when flag X is displayed. A hail is not a sound signal. Whatever the sound signal used with the starting signal, it would be reasonable to expect the recall sound signal to be equally audible. The statement in sailing instructions that 'whenever practicable, sail numbers of recalled boats will be hailed, but this cannot be claimed as a right' does not

negate the requirement for a suitable sound signal. See ISAF Case 31, both as concerns the principle of this appeal and the redress to be awarded.

Request for Redress by *Windhover*, Hoylake SC

RYA 1977/7

[Rule 11, On the Same Tack, Overlapped](#)

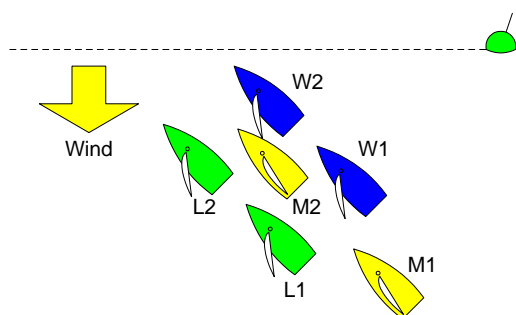
[Rule 14, Avoiding Contact](#)

[Rule 19.1, Room to Pass an Obstruction: When Rule 19 Applies](#)

[Rule 19.2, Room to Pass an Obstruction: Giving Room at an Obstruction](#)

When two overlapping same-tack boats are less than one hull length apart, and when another boat clear astern is closing on them, the right of way boat will rank as an obstruction to the other two boats. The boat clear astern may establish an overlap between the boats ahead, with an entitlement from the windward boat to room, provided that the windward boat is able to give room.

When a boat is required to act to keep clear, no rule entitles her to room to prevent her becoming OCS.



SUMMARY OF THE FACTS

Approaching the starting line, M established an overlap from clear astern between L and W. W took no action to keep clear, and there was then contact (not involving damage or injury) between M and W. W protested M under rule 15, on the grounds that she had not been given room to keep clear. The protest committee found that, had she acted promptly, W could have kept clear when M became overlapped to leeward of her. It disqualified W for failing to keep clear under rule 11 and W appealed, claiming that to have done so would have meant sheeting in, moving forwards faster and becoming OCS, and that she (W) was entitled to room from M to prevent this happening.

DECISION

W's appeal is dismissed.

L and W were overlapped, abreast, less than one length apart. L held right of way over W under rule 11, and L ranked as an obstruction to W.

L was also an obstruction to M, the boat clear astern of L and W, which became overlapped between them.

W did not keep clear, although given room to do so, and was correctly disqualified for breaking rule 11. No rule entitles a boat required to act to keep clear to room to avoid her becoming OCS.

M broke rule 14, but is exonerated for doing so in the absence of injury or damage.

No Name v Mad Scramble, Hollingworth Lake SC

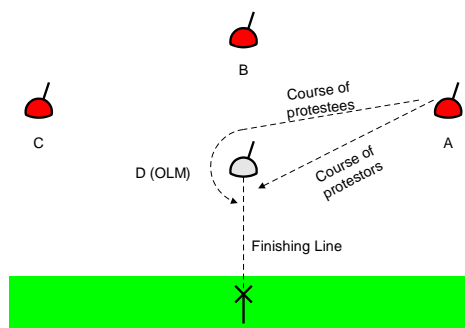
RYA 1980/2

[Definitions, Finish](#)

[Rule 28.1, Sailing the Course](#)

[Rule 86.1\(b\), Changes to the Racing Rules](#)

A hook-round finish is contrary to the definition Finish, and sailing instructions are not permitted to alter a definition. When the course is shortened and a course mark becomes a finishing line mark, its required side may change.



SUMMARY OF THE FACTS

A course was set round the marks shown in the diagram as follows: 'A - D - A - B - C - D (two rounds), then A - D - A - B - C - finish; Round all marks to port.'

The race officer signalled a shortened course when the boats had completed one round and the leading boat was approaching D for the first time in the second round, so that the course actually sailed was A - D - A - B - C - D, then A - D). Some boats left D, then crossed the finishing line from the direction of mark C, and were given finishing positions. The race officer scored as DNF the numerous boats that crossed the finishing line leaving D to starboard.

These boats sought redress and protested the rest of the fleet, maintaining that they themselves had finished correctly, in that they had crossed the finishing line from the course side from the last mark, A, leaving mark D to starboard, whereas the protestees had rounded mark D to port and crossed the finishing line from the wrong direction.

The protest committee dismissed the protests and requests, affirming that the protestees, in leaving D to port, had sailed the prescribed course. The protestors appealed.

DECISION

The appeals are upheld. The protestors are reinstated and the protestees are disqualified.

Rule 86.1(b) states that the sailing instructions may not alter the definitions; hence a 'hook-round' finish can never be valid.

When mark D became the outer limit mark of the finishing line, it ceased to be a rounding mark and became a finishing line limit mark to be passed in accordance with the definition Finish. Consequently only the boats that finished by crossing the line from the course side from A, the last mark, leaving mark D to starboard, finished correctly.

Wings and others v Wispozora and others, Clacton SC

RYA 1981/3

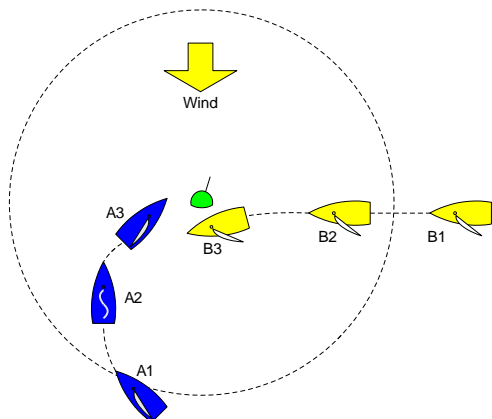
[Rule 10, On Opposite Tacks](#)

[Rule 18.1\(b\), Mark-room: When Rule 18 Applies](#)

[Rule 18.2\(b\), Mark-room: Giving Mark-Room](#)

[Rule 18.2\(c\), Mark-room: Giving Mark-Room](#)

When at a windward mark a boat that was clear ahead on the same tack at zone entry tacks to pass it, her entitlement to mark-room ends. Rule 10 applies, as if the mark were not there.



SUMMARY OF THE FACTS

Two boats, A and B, on starboard tack, approached a mark to be left to starboard. When A reached the zone, she was clear ahead of B. A tacked onto port tack to fetch the mark, causing B to change course to avoid a collision. B protested under rule 10.

The protest committee disqualified B under rule 18.2(b) on the grounds that, when A reached the zone, B had no overlap and so was required by the second sentence of that rule to give mark-room to A. B appealed.

DECISION

B's appeal is upheld. B is to be reinstated into her finishing position and A is disqualified under rule 10.

A boat that enters the zone at a mark clear ahead of another boat retains the right to mark-room under the second sentence of rule 18.2(b) only if she remains on the same tack or gybes. If she tacks, rule 18.2(c) says that rule 18.2(b) ceases to apply, and, in any case, none of rule 18 now applied, since the boats were on opposite tacks, and B's proper course at the mark was to tack, as referred to in rule 18.1(b).

Rule 10 applied, and A, on port tack, did not keep clear.

Crystal v Shimmer, Royal Fowey YC

RYA 1981/5

[Rule 63.3, Right to be Present](#)

[Rule 63.5, Hearings: Validity of the Protest or Request for Redress](#)

[Rule 70.1\(a\), Appeals and Requests to a National Authority](#)

A protest committee may confer in private for the purpose of reaching a decision on a procedural point. A boat that waives an opportunity to object to the validity of the protest against her cannot later introduce that objection as the grounds for her appeal.

SUMMARY OF THE FACTS

An incident between *Aquila* and *Windhover* took place about 600 yards from the finishing line. There was no contact. *Aquila* immediately hailed *Windhover* that she would protest but, because of the squally conditions and her inadequate crew, did not display her protest flag until after she finished. Her hull length was more than 6 metres.

At the beginning of the hearing, the protest committee elicited the facts about the protest flag and asked *Windhover* if she had any questions to put at this point, but she had not. The parties were then asked to retire so that the protest committee could discuss in private the validity of the protest. When the parties returned, they were informed that the committee had decided that *Aquila* had displayed her protest flag at the first reasonable opportunity and would continue with the hearing.

Windhover was asked if she had any objection. The answer was negative. The hearing proceeded, and *Windhover* was disqualified. She appealed against the decision to hear the protest and against the fact that the committee conferred in private.

DECISION

Windhover's appeal is dismissed.

Having heard *Aquila's* reasons for her delay in displaying a protest flag, the protest committee was entitled to invite the parties to the protest to retire while it considered whether the flag had been displayed in reasonable time.

As *Windhover* did not take the opportunity at the time to object to the validity of the protest when asked if she wished to do so, she cannot subsequently introduce that objection as the grounds for her appeal, whatever the merits of her case.

Aquila v Windhover, Hoylake SC

RYA 1981/7

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

[Rule 44.2, One-Turn and Two-Turns Penalties](#)

A third boat that has witnessed an incident between other boats, and wishes to protest, cannot justify her own failure to display a protest flag on the grounds that none of the other boats lodged a valid protest after displaying a protest flag.

When a boat protests, believing that another boat has not taken a penalty as described in rule 44.2, she must establish first that the other boat broke a rule of Part 2 (or rule 31).

SUMMARY OF THE FACTS

After an incident between A and B, B hailed 'Protest' and displayed a protest flag. A agreed to take a two-turns penalty. C, which witnessed the incident, believed that A had not completed two turns in taking her penalty. B did not lodge a protest after the race. C lodged a protest against A for breaking a rule of Section A with respect to B. The protest committee held that C's protest was not valid since C, a boat of more than 6

metres hull length, had not displayed a protest flag in accordance with rule 61.1(a).

C appealed on the grounds that she was entitled to protest without displaying a flag because it was not until after the finish of the race that she became aware that B was not lodging a protest.

DECISION

C's appeal is dismissed.

C was correct to base her protest on a breach of a right-of-way rule, and not on failure to comply with rule 44.2, since the latter is relevant only once the former has been upheld.

The facts make it clear that C had no good reason for non-compliance with the requirements of rule 61.1(a). Her protest was invalid.

When a third boat witnesses an incident in which she herself is not involved, and wishes to protest, she must comply with rule 61.1(a) by hailing 'Protest' and when the rules require it, by displaying her flag, at the first reasonable opportunity.

Mistral v Red Devil, Weir Wood SC

RYA 1981/10

[Definitions, Interested Party](#)

[Rule 63.3\(b\), Hearings: Right to be Present](#)

[Rule 63.4, Interested Party](#)

[Rule 63.6, Hearings: Taking Evidence and Finding Facts](#)

A member of a protest committee is not an interested party merely because he or she witnessed the incident. The protest committee is entitled to decide the protest even if the protestor was not present for some of the hearing.

SUMMARY OF THE FACTS

The chairman of the protest committee saw what he believed to be an infringement of rule 42 by a boat, and he hailed her to that effect.

The boat was protested by the race committee under rule 42. The race officer gave evidence, was questioned by the protestee and the protest committee, and then left the hearing. The protest committee proceeded to hear and question the protestee. The chairman of the protest committee also gave evidence and was questioned by the protestee and by the other members of the protest committee. The protest was upheld, the boat was disqualified, and she appealed on the following grounds:

a) No member of the race committee was present throughout the hearing as protestor. The race officer gave evidence only as a witness: he was not present to hear the protestee's evidence.

b) The chairman of the protest committee was an interested party as he had warned the protestee on the water and so had his mind made up as to the outcome of the hearing regardless of the evidence presented.

DECISION

The appeal is dismissed.

Although it would have been appropriate for a member of the race committee to be present throughout the hearing as protestor, this is a right, but not an obligation, and the protest committee is empowered by rule 63.3(b) to decide the protest if a party to a hearing does not come to (or, therefore, leaves) the hearing. In any case, an appeal against incorrect procedure will only succeed when a boat's case has been, or may have been, prejudiced, and there is nothing in the appeal to lead to any doubts about protest committee procedure. To the contrary, it would appear that the protest committee made every effort to ensure that she was given a fair hearing.

The chairman of the protest committee was not an interested party, as defined, because he did not stand to gain or lose as a result of the decision. Rule 63.6 specifically states that a member of the protest committee who saw the incident shall state that fact while the parties are present and may give evidence. That he witnessed the infringement did not debar him from acting as chairman or from giving evidence, provided that he gave it in the presence of the protestee.

Race Committee v CK7321, UK National Cadet CA

RYA 1981/14

[Rule 60.3, Right to Protest: Right to Request Redress or Rule 69 Action](#)

[Rule 61.1\(c\), Protest Requirements: Informing the Protestee](#)

[Rule 63.1, Requirement for a Hearing](#)

[Rule 63.2, Hearings: Time and Place of the Hearing:](#)

[Time for Parties to Prepare](#)

[Rule 70.1\(b\), Appeals and Requests to a National Authority](#)

When a protest committee disqualifies a boat that is not a party to a hearing that boat has a right of appeal having been denied a hearing.

When a protest committee believes that a boat that is not a party to a hearing may have broken a rule, it must first make her a party to a hearing by protesting her. She must be notified and given time to prepare her defence and she has the same rights as any protestee to call and question witnesses.

SUMMARY OF THE FACTS

When approaching a mark, there was an incident in which A collided with B and B, in turn, collided with *Whitewash*. A protested B and at the hearing both these boats were exonerated while *Whitewash* was disqualified. The observations of the protest committee read as follows:

*'After hearing the statements of all the parties, we the members of the protest committee realised that we had a somewhat embarrassing situation in that the helmsman of **Whitewash**, attending only as a witness, could bear at least some of the blame. We, of course, did not say this to the parties concerned but we did question **Whitewash's** helmsman very carefully to bring out his side of the question...After considering the facts we concluded that **Whitewash** was at fault...'*

Whitewash was disqualified without any further action being taken and she appealed.

DECISION

Whitewash's appeal is valid as she was penalised when not a party to the hearing, contrary to rule 63.1 and was denied a hearing giving her the right of appeal under rule 70.1(b).

Whitewash's appeal is upheld, and she is to be reinstated to her finishing position.

It was from the evidence at the hearing of the protest A v B that the protest committee first had grounds for supposing that *Whitewash*, which was not a party to that hearing, might have broken a rule. If it then wished to proceed against *Whitewash*, rule 60.3(a)(2) gave it power to do so. It was required by rule 61.1(c) to close the hearing of the protest A v B, and to give notice to *Whitewash* that she was now being protested, identifying in writing the incident, the rule alleged to have been broken and the time and place of the hearing. It had to act in the same manner as if it were a protest made by a competitor, to allow her a reasonable time for the preparation of her defence, as required by rule 63.2.

This procedure was not complied with and *Whitewash* was disqualified without having been protested, let alone informed that she was alleged to have broken a rule. She had no opportunity to state her case or to call or question witnesses. The protest committee's procedures were flawed, and the reinstatement of *Whitewash* is the only appropriate outcome.

Race Committee v *Whitewash*, Errwood SC

RYA 1982/3

[Rule 60.1, Right to Protest; Right to Request Redress or Rule 69 Action](#)
[Rule 62.1\(a\), Redress](#)

A boat is eligible for redress only when she can show that, through no fault of her own, her score has been made significantly worse. She cannot protest the race committee.

SUMMARY OF THE FACTS

The starting signal was made one minute early but the race officer judged it advisable to allow the race to continue. No boat was recalled. Two boats lodged what purported to be protests against the race committee. The facts were not in dispute. Neither of the two boats delayed her start until the correct time. The protest committee, after a hearing, held that no boat's score had been made worse by the admitted error, and decided to let the results stand. The two boats appealed.

DECISION

The appeals are dismissed.

A boat cannot protest the race committee; she can seek redress under rule 62.1(a) and must show that, through no fault of her own, her score was made significantly worse by an error of the race committee. The protest committee was correct to have proceeded on the basis that the 'protests' were in fact requests for redress.

There was nothing in the appeals to show that the protest committee was wrong to decide that neither boat's score had been made significantly worse by the

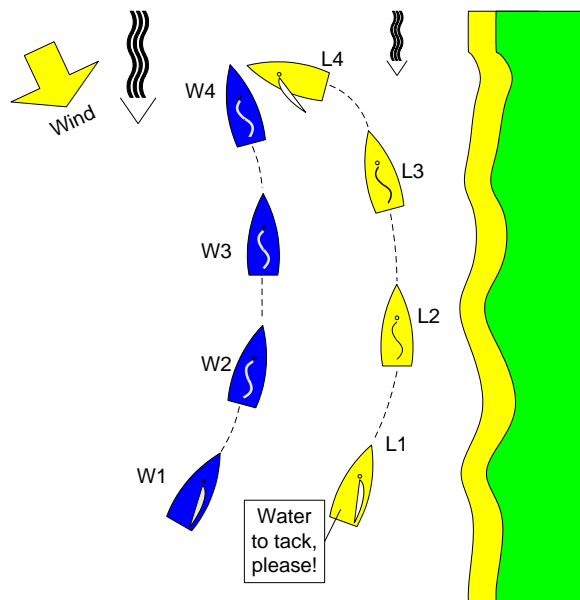
race officer's mistake in the timing of the starting signal.

Request for Redress by N3089 and E9574, Walton and Frinton YC

RYA 1982/6

[Rule 20.2, Room to Tack at an Obstruction: Responding Rule 21, Exoneration](#)

A boat that responds to a hail for room to tack by starting to tack, but so slowly that she delays completion of the tack beyond a reasonable time, is not responding as soon as possible after the hail.



SUMMARY OF THE FACTS

L and W were tacking in a light wind against the current, taking full advantage of the slacker current by the bank. They were overlapped on port tack when L neared the bank and hailed for room to tack. There was approximately a one-second delay between the hail and L beginning her manoeuvre. W also began her manoeuvre at the same time.

Both boats began tacking, W only slowly, and there was contact without damage or injury between them after L tacked to a close-hauled course on starboard tack when W had just passed beyond head to wind.

The protest committee disqualified W for breaking rules 13 and 20.2(c). W appealed, saying that she had started to tack instantly and completed her tack in about ten seconds which was not too long a period for a Merlin Rocket in light winds. Alternatively, if she (W) had broken rule 13, she was entitled to exoneration under rule 21.

DECISION

W's appeal is dismissed.

W was still in the process of tacking nine to ten seconds after the hail, when L had already completed her tack. W did not comply with the requirement of rule 20.2(c) to tack as soon as possible after the hail. Her own evidence that she luffed 'gradually and progressively' does not accord with the requirement of the rule.

She also broke rule 13, and rule 21 did not exonerate her, since it was L rather than W that was entitled to room. Indeed, rule 21 exonerated L for breaking rule 16.1 by bearing away into the collision, since L was taking room to which she was entitled.

L broke rule 14 as she could have avoided contact, but is exonerated in the absence of damage or injury.

Phantom Spinner v Early Bird, Ranelagh SC

RYA 1982/7

[Rule 26, Starting Races](#)

Rule 29.2, Recalls: General Recall

[Rule 90.2.\(c\), Race Committee; Sailing Instructions; Scoring; Sailing Instructions](#)
[Race Signals](#)

A signal comprises both a flag (or object of similar appearance) and a sound signal, unless rule 26 applies. Unless the sailing instructions state otherwise, sound signals without visual signals have no particular significance under the rules.

When oral instructions are not provided for in sailing instructions, instructions so given may be ignored.

SUMMARY OF THE FACTS

Several unidentified Lasers were on the course side of the starting line at the starting signal, and the race officer decided to recall the start. He made two sound signals but failed to display flag First Substitute. A hail of 'General Recall' was made over the address system. L61772 had heard the hail, but, in the absence of the flag, chose to ignore it. She did not believe herself to have been on the course side of the starting line at the starting signal. The rest of the class returned and the race was restarted.

There being no time limit for a boat to start, L61772 was recorded as having started when she then completed her first round. She then sailed the same number of further rounds as the rest of the fleet and was recorded as having finished in 6th place after she had completed one more round than the boats that had restarted. She requested redress, claiming that her performance in this and other races showed that, boat for boat, she was likely to have had a better score had there been no race committee mistake. When the protest committee refused her request for redress, she appealed.

DECISION

L61772's appeal is upheld. The case is returned to the protest committee to decide the redress to be awarded.

Sound signals without visual signals have no significance in the racing rules. A hail is not a sound signal – see case RYA 1977/1. On its own, the hail of 'General Recall' would have been effective only if the sailing instructions amended the requirement in rule 29.2, General Recall, to display flag First Substitute. This was not the case.

Request for Redress by Laser 61772, Derwent SC

RYA 1982/10

[Rule 28.2, Sailing the Course](#)

[Rule 62.1\(d\), Redress](#)

A boat that has been forced the wrong side of a mark is not exempted by any rule from sailing the course, nor is redress normally available to her.

SUMMARY OF THE FACTS

At a mark, I was overlapped inside O before the zone was reached, and was therefore entitled to mark-room under the first sentence of rule 18.2(b). There was a collision just before the mark, and I, having no room to pass between O and the mark, left it to port, instead of to starboard as required by sailing instructions. She did not subsequently return and pass it on the correct side. She protested O. The protest committee disqualified both boats, O under rule 18.2(b) for not giving mark-room, and I for failing to sail the course. It concluded that O's breach had been careless rather than deliberate. I appealed.

DECISION

I's appeal is dismissed.

There is no racing rule that exempts a boat from complying with rule 28.2. Even had she returned, unrounded if necessary and then rounded on the correct side, she would not have been entitled to redress for places lost, since none of the grounds in rule 62.1 was applicable. Rule 2 had not been broken, nor would a hearing under rule 69 have been appropriate, so no request for redress under rule 62.1(d) in particular could have succeeded.

Merlin 2666 v Merlin 2043, Goring on Thames SC

RYA 1982/13

[Definitions, Start](#)

[Rule 28.2, Sailing the Course](#)

A boat that has not left a starting mark on the required side will start if she later crosses the starting line in the correct direction, provided that the starting line remains open.

SUMMARY OF THE FACTS

An incident at the start resulted in *Jessie* passing the wrong side of the ODM and thus failing to start correctly. She sailed two rounds of the course and then retired. *Jessie* won a protest against her concerning the starting line incident, but was scored DNS by the protest committee. She appealed on the grounds that she should have been shown as RET (which resulted in a better score under the scoring system in force) because she started correctly when she began her second round. There was no time limit for starting.

DECISION

Jessie's appeal is upheld: she is to be scored RET.

Initially, *Jessie* did not start. She then sailed once round the course, at the end of which she crossed the starting line (and now started), sailed round the course for a second time, and then retired. She had effectively sailed one round of the prescribed course. *Jessie* is therefore to be scored RET. A boat starts when she first crosses a starting line after her starting signal, within any time limit for so doing, if applicable. Her course up to that moment is not relevant.

Marjorie v *Jessie*, Kuwait Oil YC

RYA 1982/17

[Rule 32.1\(c\), Shortening or Abandoning After the Start](#)
[Rule 32.1\(e\), Shortening or Abandoning After the Start](#)

'Insufficient wind' does not constitute grounds for abandoning a race when sailing instructions prescribe no time limit.

SUMMARY OF THE FACTS

Sailing instructions specifically prescribed that there was no time limit for the New York Yacht Club Cup Race. After five hours of calm, and with no likelihood of change, the race committee decided that there was insufficient wind to permit a fair result and abandoned the race. No further races were scheduled.

Three boats that did not see the abandonment signal completed the course and, as required by sailing instructions, recorded their finishing times. They requested redress. A protest committee upheld the request and re-instated the race, placing the three boats concerned first, second and third. The race committee appealed.

DECISION

The decision of the protest committee is upheld.

It is usual for sailing instructions to prescribe a time limit because this enables race officials and competitors to plan the other activities connected with a regatta. In such cases the race may be shortened or abandoned, in accordance with rule 32.

However, when there is no time limit and no further races are scheduled to be sailed, as in the race in question, rule 32.1 does not permit a race committee to shorten or abandon a race because of insufficient wind, since the lack of a time limit implies that the race is intended to last until all boats have finished or retired. Nor did any question of the fairness of the competition arise. When the possibility of a prolonged race is contemplated in this way, the competition cannot be regarded as unfair when such circumstances arise.

Request for Redress by *Loujaine*, Cowes Combined Clubs

RYA 1983/7

[Rule 27.1, Other Race Committee Actions Before the Starting Signal](#)

Physical limitations on signalling the course no later than the warning signal cannot excuse a race committee from not complying with rule 27. A race must be postponed until the course can be displayed no later than the warning signal.

SUMMARY OF THE FACTS

The course board was altered from 'three rounds' (which applied to the previous start) to 'two rounds' at the preparatory signal for *Heartbreaker's* race. The physical limitations of changing the designated course for different fleets had prevented her course from being displayed at the warning signal. Having looked at the course board immediately after the warning signal, *Heartbreaker* and other boats failed to cross the finishing line after the second round and sailed a third round before finishing. The protest committee refused their request for redress on the grounds that the competitors had ample time (four minutes) to read the correct course. *Heartbreaker* appealed.

DECISION

Heartbreaker's appeal is upheld. The case is returned to the protest committee to decide the redress to be awarded.

Rule 27 is mandatory if it is not changed in the sailing instructions. A race committee must signal the course 'no later than the warning signal' of the class about to start. The starting time of the class concerned should have been changed to a later time. If the limitations became apparent only when the warning signal was made, the race should have been postponed so that the correct number of rounds to be sailed could be displayed in time.

Request for Redress by *Heartbreaker*, Middle Nene Cruising Club

RYA 1984/2

[Definitions, Interested Party](#)
[Rule 63.4, Hearings: Interested Party](#)
[Rule 64.2, Decisions: Decisions on Redress](#)

When reasonable doubt exists as to the interpretation of a sailing instruction it must be resolved in favour of the competitor.

An interested party does not cease to be such because a party to the protest is willing to accept him as a member of the protest committee.

SUMMARY OF THE FACTS

The description of the finishing line in the sailing instructions was incomplete and ambiguous, and the line, as actually laid, did not correspond with the sailing instructions. The leading boat, Laser 85342, lost time and places identifying and crossing the finishing line intended by race committee. She requested redress.

The chairman of the protest committee had taken part in the race, a fact accepted by Laser 85342. It later became known that the chairman had won his class. The protest committee refused redress on the grounds that the very vagueness of the sailing instruction entitled the race committee to make its own interpretation. Laser 85342 appealed.

DECISION

Laser 85342's appeal is upheld. The case is returned to the protest committee to decide the redress to be awarded.

The sailing instruction was ambiguous, confusing, and inadequate. It is well established that in such circumstances, when a reasonable doubt exists as to the interpretation of a sailing instruction, it must be resolved in favour of the competitor.

It is accepted that sometimes, unavoidably, fellow competitors sit on a protest committee, but it is nevertheless undesirable. This is particularly so at redress hearings where the granting or not of redress must potentially affect both the race committee and the competitors. In such cases all competitors become, to a greater or lesser extent, interested parties. The chairman of the protest committee in this case would have been well advised to refrain from serving on it.

An interested party does not cease to be such because a party to the hearing is willing to accept that person as a member of the protest committee.

Request for Redress by L85342, Sheppey YC

RYA 1984/3

[Rule 11, On the Same Tack, Overlapped](#)

When W can fulfil her obligation under rule 11 to keep clear only by tacking, she must do so. No racing rule requires a boat to keep clear simply because she is overtaking.

SUMMARY OF THE FACTS

Both boats were sailing close-hauled on port tack for the first mark when L became overlapped more than two hull lengths to leeward of W. L slowly overtook W, climbing up to weather as she did so, sailing a steady converging course for two minutes. A collision followed. There was no damage. W protested L but was disqualified under rule 11 and appealed. In her original protest W maintained that L was in the wrong because the overtaking boat had a duty to keep clear, and she asserted in her appeal that L should have anticipated that W would ‘fall down to leeward’ and thus be unable to keep clear and that L should have allowed her room on this account.

DECISION

W’s appeal is dismissed.

Rule 11 was correctly applied: one of its purposes has always been to give the higher-pointing of two close-hauled converging boats the benefit of her superior windward ability. W had ample room to keep clear when L established her leeward overlap. When W could not hold as high a course as L, and was in danger of not keeping clear, W was required to take whatever action was required to keep clear while she still had room to do so, which in this case included tacking.

Rule 17 was not relevant because the overlap was established at a distance of more than two hull lengths, but in any case L never sailed above a proper course.

No racing rule requires a boat to keep clear simply because she is overtaking.

Astral v Fun, Port Edgar YC

RYA 1984/11

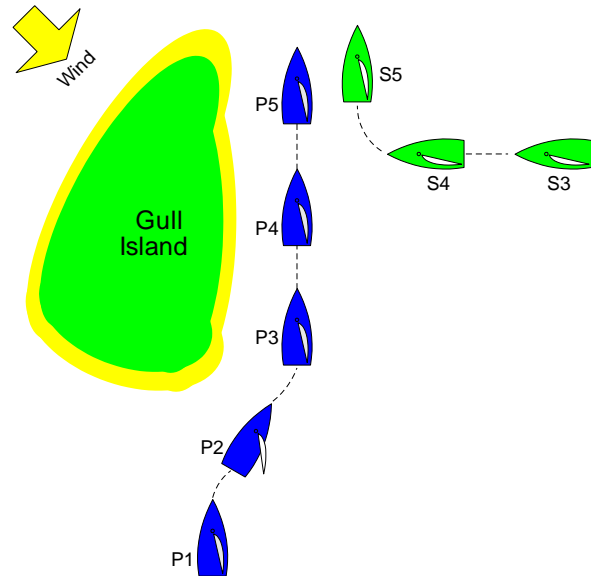
[Definitions, Clear Astern and Clear Ahead: Overlap](#)

[Rule 10, On Opposite Tacks](#)

[Rule 19.2\(b\), Room to Pass an Obstruction: Giving Room at an Obstruction](#)

[Rule 20.1, Room to Tack at an Obstruction](#)

At an obstruction, a close-hauled boat is not entitled to room under either rule 19 or rule 20 from another close-hauled boat that is on the opposite tack. Rule 10 alone governs such a situation.



SUMMARY OF THE FACTS

Two boats were beating past an island. P had borne away slightly to clear this obstruction and she then luffed to close-hauled on a collision course with S. S hailed ‘Starboard’ and, when P took no notice, tacked to avoid a collision. S protested. P was disqualified under rule 10 and appealed on the grounds that she was entitled to room under rule 19 or 20.

DECISION

P’s appeal is dismissed. Her disqualification for breaking rule 10 is upheld.

Rule 19.2(b) entitles an inside boat to room from an outside boat when they are overlapped, as defined, at an obstruction. The term Overlap does not normally apply to boats on opposite tacks. It may apply to boats at an obstruction, but only when each is sailing more than ninety degrees from the true wind, which was not the case here.

P did not hail for room to tack, nor was she entitled to do so, since rule 20 applies only between boats that are approaching an obstruction on the same tack.

P was required to alter course in time to keep clear of S by bearing away and passing astern of her.

Livewire v Force Tension, ISORA

RYA 1984/13

[Rule 91, Protest Committee](#)

[Appendix J, 2.2\(21\), Notice of Race and Sailing Instructions: Sailing Instructions Contents](#)

Sailing instructions must describe the course clearly, including the location of the starting area.

It is undesirable for a member of the race committee to serve on a protest committee when a request is made for redress for an action or omission of the race committee. It is desirable for a protest committee to consist of more than one person.

SUMMARY OF THE FACTS

Akela failed to arrive at the starting area in time for the start and requested redress on the grounds that the sailing instructions had not clearly explained the

position of the starting area, and that, in bad visibility, it had been difficult to find, resulting in her starting 13 minutes late, which significantly affected her score. Her request was heard, decided and refused by one person, the race officer who alone formed both the race committee and protest committee. *Akela* appealed.

DECISION

Akela's appeal is upheld, and she is to be granted redress.

It is clear that the facts are as asserted by *Akela*, and that she was without fault. Rule J2.2(21) required the location of the starting area to be stated in the sailing instructions, if applicable. The sailing instruction was at best ambiguous, and *Akela* was prejudiced by it.

With regard to the constitution of the protest committee, it is undesirable for a member of the race committee to be a member of the protest committee when a request for redress is made. Furthermore, while a protest committee can consist of one person, it is preferable for a protest committee to consist of at least three disinterested people.

Request for Redress by *Akela*, Chanonry SC

RYA 1984/14

[Rule 63.6. Hearings: Taking Evidence and Finding Facts](#)

[Appendix M, 3.2. Recommendations for Protest Committees: Taking the Evidence](#)

A party to the hearing, not the protest committee, is responsible for calling that party's witnesses.

SUMMARY OF THE FACTS

After disqualification for breaking a rule of Part 2, *Loujaine* appealed on the grounds that the hearing had been incorrectly conducted, one of her witnesses not having been heard. The protest committee, commenting on the appeal, said that the appellant's representative was given full opportunity to call any witness, and that it considered all evidence that was given.

DECISION

Loujaine's appeal is dismissed.

The RYA is satisfied that the hearing was properly conducted. It is clear from rule 63.6, as amplified in Appendix M, section 3.2, 4th bullet point, that the responsibility for calling a witness lies with the party wishing that witness's evidence to be heard, not with the protest committee. Having not called her own witness, the appellant cannot claim that her evidence was not allowed to be given.

Loujaine v Passion, Royal Naval & Royal Albert YC

RYA 1985/3

[Rule 18.2\(b\). Mark-Room: Giving Mark-Room](#)

[Rule 18.2\(e\). Mark-Room: Giving Mark-Room](#)

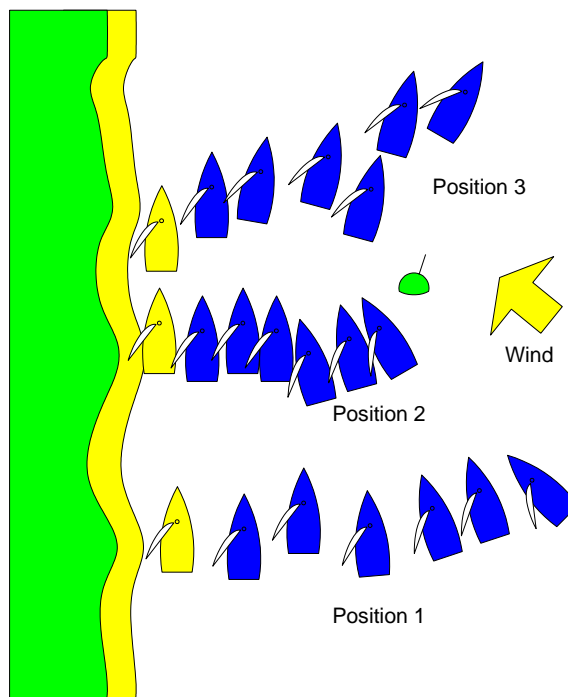
[Rule 19.2\(b\). Room to Pass an Obstruction: Giving Room at an Obstruction.](#)

[Rule 62.1\(a\). Redress](#)

When there is conflict between the right to mark-room at a mark and the right to room at nearby obstruction, the deciding factors are the primary obligations under

Section A of Part 2 and the ability to give room or mark-room or to keep clear.

Redress is not to be granted when, despite a boat's score being made significantly worse by an action of the race committee, that action was not improper because there was no other action the race committee could have taken.



SUMMARY OF THE FACTS

Several boats were running on starboard tack towards a mark situated about 30 feet (9 m) from the shore. *The Lollipop*, the leeward boat, was nearest the bank. The windward boats hailed for water at the mark, those to leeward replied that they could not give room. As the boats tried to squeeze through the gap between the mark and the bank, a number of collisions occurred and *The Lollipop* was pushed onto the bank. She was unable to extricate herself for about three minutes, during which time the other boats disappeared into the distance.

The Lollipop requested redress under rule 62.1(a) on the grounds that her score in the race had been made significantly worse by the mark being laid too close to the bank. The protest committee refused redress and she appealed.

DECISION

The Lollipop's appeal is dismissed.

The situation cannot be interpreted as an improper action of the race committee. Situations such as the one that arose in this case are undesirable, but it was not possible in these waters for the mark to be laid sufficiently far enough from the obstruction that a large number of boats could round abreast.

However, had there been a protest in this case, the protest committee would have had to balance the requirements of rule 11, of rule 18 with respect to mark-room at the mark, and of rule 19 regarding room at the bank. Potentially, all those rules could apply at the same time. Each windward boat was required by Rule 11 to keep clear of the boat to leeward, and there was no

obligation under rule 19 for any right-of-way leeward boat not to sail to windward of the room to which she was entitled. Therefore, the primary obligation was for windward boats to keep clear, under rule 11.

The Lollipop was an inside boat at an obstruction, and rule 19.2(b) required each outside boat to give room to the boat to leeward of her. In trying to round the mark, the outside boats broke both rule 11 and rule 19.2(b), as there is no evidence that they were unable (as opposed to unwilling) to do so. If they had been protested, they would have been disqualified.

Turning to rule 18, all boats were overlapped when the first of them entered the mark's zone, and each outside boat (of which *The Lollipop* was the outermost) was required by the first sentence of rule 18.2(b) to give mark-room to each boat inside her. If any of the boats to windward of *The Lollipop* had become overlapped to windward from clear astern on her leeward neighbour, the leeward boat in each case would have been required to give room only if she had been able to do so when the overlap began, as stated in rule 18.2(e), and the windward boat would have been exonerated by rule 21(a) for breaking rule 11 while taking mark-room to which she was entitled.

However, any boat that became overlapped outside from clear astern was not exempt from the obligation to give mark-room to the boat inside her. If *The Lollipop's* outside overlap was made by her from astern of the boat to windward, she broke rule 18.2(b) by not then giving mark-room, for which she would have been disqualified.

Request for Redress by *The Lollipop*, Avon SC

RYA 1985/4

[Definitions, Finish](#)

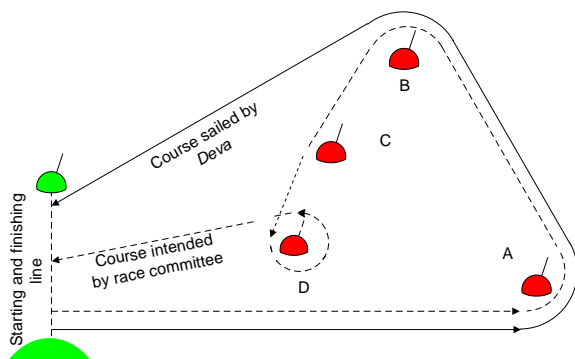
[Rule 28.2, Sailing the Course](#)

[Rule A5, Scores Determined by the Race Committee](#)

Appendix J, 2.1(5), Notice of Race and Sailing Instructions: Sailing Instructions Contents

A race committee is not entitled to score a boat DNF because it believes she did not correctly sail the course; instead it must protest her under rule 28.

When a race committee intends a mark to be looped, the mark must be identified as a rounding mark. When the sailing instructions do not do so, or when they are ambiguous, a boat may elect not to round a mark when she can still leave it on the required side and in the correct order.



SUMMARY OF THE FACTS

The course set by the race committee was A – B – C – D - finish, all marks to port.

The race committee's intention was that D was to be looped, but Deva sailed directly from mark B to the finishing line. In doing so she left marks C and D to port. The sailing instructions did not identify D or any mark as a rounding mark. The race committee scored *Deva* DNF, as she had not rounded D, which it intended to be the last mark, *Deva* sought redress. The protest committee refused redress on the grounds that *Deva* had not sailed the course, and referred its decision to the RYA.

DECISION

The decision of the protest committee is reversed. *Deva* is to be reinstated.

Deva finished, as defined, because she crossed the finishing line from the course side. The race committee acted improperly in scoring her DNF (see rule A5) and the protest committee should have re-instated her in her finishing position.

The only method of validly seeking to deprive *Deva* of her finishing place would have been for her to be protested under rule 28.2. However, any such protest should not have succeeded in this case.

When a race committee intends that a mark is to be looped, so that a boat continuing from that mark will cross her own track, the sailing instructions must either clearly say that the mark is a rounding mark, or must state how a mark shown on a course board is to be identified as a rounding mark.

When a mark is not properly identified as a rounding mark, a boat is entitled to sail a course such that the string representing her track, when drawn taut, does not touch the mark, provided that she leaves it on the correct side and in the correct sequence. The identification of a mark as a rounding mark must be unambiguous. For instance, to state that a mark is to be left to port (or starboard) gives a boat the option not to round it.

Request for Redress by *Deva*, Island SC

RYA 1986/1

[Definitions, Keep Clear](#)

[Rule 10, On Opposite Tacks](#)

When a port-tack boat is required to keep clear of a starboard-tack boat, she must act clearly and early enough to ensure that other boat is in no doubt that the port-tack boat will fulfil her obligation.

SUMMARY OF THE FACTS

It was a dark and stormy night with a force 7-8 wind. Two close-hauled boats, S (an Enterprise) and P (a GP14), approached each other. At about six hull lengths, S hailed 'Starboard'. This was clearly heard by P's helmsman and crew.

When the gap between the two boats had closed to less than two hull lengths, P with jib and main eased, started to take avoiding action that would have taken her astern of S. Almost simultaneously, S tacked and a collision

occurred. The Racing Rules of Sailing were in force, not the IPCAS or government rules, and S protested P under rule 10. The protest committee penalized P for failing to take avoiding action early enough, considering the conditions. P appealed, maintaining that she would have passed safely astern of S, of whose presence she had been fully aware, had not S tacked and prevented her from so doing.

DECISION

P's appeal is dismissed.

When one boat is required to keep clear of another, she must act to do so early enough to ensure that the right-of-way boat has no need to take avoiding action. In the prevailing conditions, P failed to observe this principle and therefore did not keep clear.

E1087 v GP 12547, West Lancashire YC

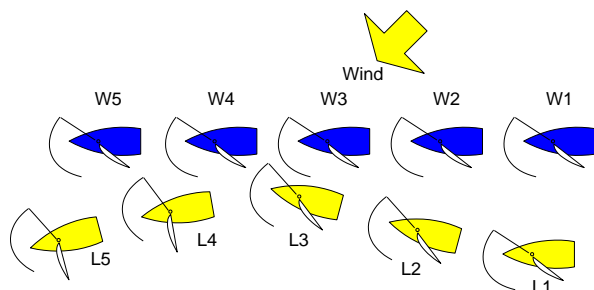
RYA 1986/3

[Definitions, Keep Clear](#)

[Rule 11, On the Same Tack, Overlapped](#)

[Rule 14, Avoiding Contact](#)

A keep-clear boat cannot be said to have done so when, although there was no contact, there is firm evidence that contact would have occurred had not the right-of-way boat altered course to comply with rule 14.



SUMMARY OF THE FACTS

On a broad spinnaker reach, wind force 2-3, W, clear astern, became overlapped to windward of L, which luffed to a converging course and then, when near W, bore away. W did not change course, and there was no contact.

The protest committee found that L bore away to avoid damage, but dismissed the protest, stating: 'L has not convinced the committee that W failed in her obligation to keep clear'. L appealed, stating that her decision to alter course was taken with rule 14 in mind.

DECISION

L's appeal is upheld; W is disqualified.

The diagram of the protest committee clearly shows that L gave W room to keep clear when she luffed, as required by rule 16.1, but W had not taken action to keep clear by the time L had closed to within half a length of her.

The facts found include the statement that 'L bore away to avoid damage' which can only mean that contact would otherwise have occurred. Rule 14 required L to avoid the contact, which she did. W therefore did not keep clear, because L could not sail her course without

needing to take avoiding action. L did all that the racing rules required of her.

Simba v Marguerita, Portsmouth SC

RYA 1986/6

[Rule 2, Fair Sailing](#)

[Rule 24.1, Interfering with Another Boat](#)

[Rule 24.2, Interfering with Another Boat](#)

[Rule 28.1, Sailing the Course](#)

[Rule 69.2, Allegations of Gross Misconduct: Action by a Protest Committee](#)

When a boat abandons her attempt to sail the course, she may be deemed to have retired and, if she then manoeuvres against, and interferes with, another boat that is racing, she will be penalized and the helmsman may be liable to disciplinary action.

ASSUMED FACTS

In the last race of a series of seven, boat A, sailed by J.F., misses out a mark of the course and is thereby able continually to harass and manoeuvre against boat B. A does not complete the race. J.F.'s actions are deliberate. He never intends to finish, his intention is to secure overall first place in the Championship by 'sailing B down the fleet'.

QUESTION

Is this a gross breach of sportsmanship, and under what rules may a protest committee take action against A and against J.F.?

ANSWER

When a boat enters for a race or series, she undertakes to try to win while complying with the rules of the sport and the generally accepted norms of fairness, sportsmanship and good manners.

When she abandons the attempt to sail the course, she may be considered to have retired, and if she then manoeuvres in the racing area against another boat, she breaks rule 24.1 for interfering, when not racing, with a boat that is racing. As she has omitted a mark in order to get to and harry the other boat, she is not sailing a proper course, and as she and the other boat are on different legs of the course, she also breaks rule 24.2. A deliberate breach of rule 24.2 is a clear violation of good sportsmanship and fair play, which breaks rule 2.

When, after protest and hearing, the boat is found to have broken rules 24.1 or 24.2, she is to be disqualified. If she has also broken rule 2, her disqualification is not discardable. It is now open to the protest committee to consider whether to take action under rule 69.2 against J.F.

It should be noted that the assessment of sportsmanship and of good manners is necessarily subjective and may be expected to vary according to the circumstances of the incident. Penalization under rule 69.2 is a serious matter for the competitor and should be undertaken only after careful consideration.

Question from Rutland SC

RYA 1986/7

[Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty](#)

[Rule 60.1, Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 64.1\(b\), Decisions: Penalties and Exoneration](#)

Rule 44 allows a boat to take a two-turns penalty and protest without risk of further penalty, provided that she did not break rule 2, and that, if she did in fact break a rule of Part 2, she did not thereby gain a significant advantage, or cause injury or serious damage.

ASSUMED FACTS

While rounding a mark a collision occurs between A and B. Each flies a protest flag and later lodges a protest. A takes a two-turns penalty in respect of the incident. The protest committee considers the protests and refuses to hear them on the grounds that A has admitted fault but has exonerated herself.

QUESTION 1

In this situation, assuming that the fault can only lie with one or other of the boats involved, does rule 44 enable a boat to perform a two-turns penalty as an ‘insurance policy’ against disqualification and then protest the other boat involved?

ANSWER 1

Yes. She is not necessarily acknowledging that she broke a rule when she takes a penalty, since rule 44.1 refers to a boat that ‘may’ have broken a rule. Rule 44 does not prevent a boat doing turns, and then protesting. Rule 64.1(b) says that she cannot be penalized further at any subsequent protest hearing, unless she should have retired either because she broke rule 2 or because the penalty was not available to her under rule 44.1(b) by reason of her having caused injury or serious damage, or gained a significant advantage. Such a protest must be heard.

QUESTION 2

If the answer to Question 1 is ‘Yes’ and if no injury to any competitor or serious damage to either boat resulted from the collision, could A’s turns nevertheless be deemed to be gaining a significant advantage requiring her retirement?

ANSWER 2

If the question means ‘Can the action of protesting from a position of immunity from penalization be construed as seeking to gain an advantage’ the answer is ‘No’. Rule 44 does not prevent a boat doing her turns and protesting, and she is entitled to do so. The boat is required to retire only when it is a breach of a Part 2 rule that gave her an advantage.

If the question means: ‘Is it still possible for a boat that has taken a penalty to be protested because her actions on the water gained her a significant advantage in the race?’ the answer is ‘Yes’. The protest would be brought under the rule of Part 2 alleged to have been broken, and any two-turns penalty will be adjudged to be ineffective when the protest committee decides that she gained a significant advantage by her breach.

Questions from Queen Mary SC

RYA 1987/1

[Rule 63.2, Hearings: Time and Place of the Hearing; Time for Parties to Prepare](#)

[Rule 63.3, Hearings: Right to be Present](#)

[Appendix M, Recommendations for Protest Committees](#)

When one boat knows that she has been protested by another, she is under an obligation to act reasonably. One party shall not be excluded while another is present during the hearing, and all parties are entitled to hear and question all witnesses.

SUMMARY OF THE FACTS

Halcyon protested *Extension* over an incident at a starting mark. *Extension* was disqualified under rule 11. She requested a reopening of the hearing on the grounds that she had not been notified of the time of the hearing, that she had not been able to see a copy of the protest, that only one person at a time was allowed into the protest room, thus making it impossible to question witnesses; that she was not given the opportunity to call her own witnesses, and that neither party was invited to make a final statement.

The protest committee acknowledged that some of these statements were correct, and that procedural errors had been made, but refused to reopen, on the grounds that *Extension* had been aware that there was a protest against her but did not ask for a copy of the protest, nor did she indicate that she had witnesses to call. The protest committee admitted that it was inexperienced but said that had done its best. *Extension* appealed.

DECISION

Extension’s appeal is upheld; the protest is to be reheard in accordance with Appendix M by a new protest committee.

When a boat has been notified that a protest will be lodged against her, she has a duty to act reasonably by asking for a copy of the protest in sufficient time to prepare her defence, and to ascertain the time and place of the hearing.

The parties to a hearing, as defined, have a right to call witnesses until they believe the facts are established to the satisfaction of the protest committee.

Had these been the only issues in the appeal, it would have been refused.

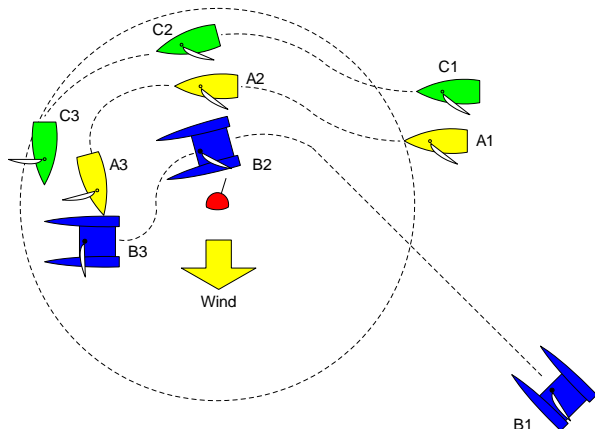
However, it is an essential part of the correct procedure that all parties should be present, or have the possibility of being present, at the same time throughout the hearing, except while the protest committee deliberates, and that they be given full opportunity to question the witnesses and each other. It is for this reason that the RYA directs that the protest be reheard.

Halcyon v Extension, Dalgety Bay SC

RYA 1988/1

[Rule 14, Avoiding Contact](#)

The right-of-way boat will not be penalized after contact that causes damage when there were no reasonable steps she could have taken to avoid it.



SUMMARY OF THE FACTS

When A reached the mark's zone she was clear ahead of B, a catamaran. C, a third boat, was outside A, overlapping her. At the mark all three were on starboard tack, abreast of each other with about three feet (1 m) between each boat. B, followed by A and C, bore away to pass the mark. In doing so A gybed on to port tack but B, instead of gybing, became blanketed by the other two boats, decelerated suddenly and rapidly from her previous speed of 10-12 knots and stopped immediately in front of A. A struck B on her starboard side, approximately at right angles, and damaged her. A protested B.

The protest committee disqualified B under rules 15 and 16.1 for not giving A room, as well as under the second sentence of rule 18.2(b) and the first sentence of rule 18.2(c), for not giving A mark-room. It also disqualified A on the grounds that A did not take reasonable steps to avoid a collision. A appealed.

DECISION

A's appeal is upheld, and she is to be reinstated.

The evidence and the diagram approved by the protest committee confirm that A had no opportunity to take any action to avoid B. Therefore, despite the damage, A did not break rule 14, and the protest committee's decision to disqualify her is reversed.

Jopeta v Mystery, Guernsey YC

RYA 1988/3

[Rule 20.2, Room to Tack at an Obstruction: Responding](#) [Rule 61.2, Protest Requirements: Protest Contents](#)

It is implicit in rule 20.2 that a boat's hail for room to tack must be capable of being heard by the hailed boat. Although the hailed boat is not required to take any action before the hail is given, she must be on the alert for it and, when it is made, must promptly respond to it.

Neither protestor nor protestee is required to produce a diagram of the incident.

SUMMARY OF THE FACTS

L and W were close-hauled on port tack, one boat length apart, when they approached a number of boats close-hauled on starboard tack. L hailed for room to tack, a hail that was not heard: she then hailed again, tacked at the same time, and collided with W. W, uncertain of her standing, took a two-turns penalty and protested. L was disqualified under rule 13. The protest committee concluded that W was not required to anticipate the need to tack, that L's inaudible first hail did not activate rule 20.2(b), and that L's tacking at the same time as her second hail broke rule 20.2(a).

L appealed on the grounds that although W did not respond to her initial hail, she should have foreseen that L would have to tack to avoid the starboard-tack boats. She also appealed because W had not provided a diagram in her written protest.

DECISION

L's appeal is dismissed.

The conclusions of the protest committee are confirmed. When W did not respond to the first hail, L should have hailed more loudly a second time. See ISAF Case 54. A hailed boat is not required to take any action before an audible hail is made, although she must be on the alert for a foreseeable hail, and, when it is made, she must respond promptly to it, as W did.

Neither protestor nor protestee is required by the rules to produce a diagram of the incident.

E20233 v OK1978, Reading Civil Service Club

RYA 1988/4

[Rule 32, Shortening or Abandoning After the Start](#) [Rule 64.2, Decisions: Decisions on Redress](#)

When boats are entitled to redress, and the nature of the appropriate redress is clear, a protest committee cannot instead abandon the race, citing an error made by the race officer earlier in the race about which no boat has requested redress and the race committee has taken no action.

SUMMARY

Ten Merlin Rockets started the race in question. Five retired, four of them shortly after beginning the second round because the wind was dying and there was a long leg against the tide. The fifth retired rather further on but without passing the last two marks of the course. Returning, she crossed the finishing line, apparently from the direction from the last course mark, was given a finishing signal and recorded as first. The other boats that sailed the course and finished were given positions behind the erroneously recorded 'winner'.

The five other boats that finished correctly requested redress. The protest committee's decision was to abandon the race. Two of the five boats appealed on the grounds that five competitors had sailed the course correctly and should not be deprived of their results merely because the race officer had made an error in giving a finishing place to a boat that had in fact retired. The protest committee stated in its observations that when the race started the warning flag had not been lowered with the starting signal, thus leading to

confusion, in which some boats started late, and that therefore the race should be abandoned.

DECISION

The appeals are upheld. The abandonment of the race is annulled and the race is reinstated. The five boats that completed the two-round course are to be scored for finishing positions in the sequence in which they finished. The boats that retired (including the erroneously recorded 'winner') are to be scored RET.

The protest committee acted correctly in inquiring into the occurrences before and at the start. However, there was no recall signal and no boats were recorded as OCS; no boat lodged any request for redress on the grounds that the start was unfair or that any scores were prejudiced by the time differences when starting.

Request for Redress by *Relax* and *Bat out of Hell*, Parkstone YC

RYA 1988/7

[Rule 10, On Opposite Tacks](#)
[Rule 14\(a\), Avoiding Contact](#)
[Rule 42.1, Propulsion](#)

When a keep-clear boat indicates that she will take avoiding action, a right-of-way boat is entitled to delay taking action to avoid contact.

A boat that checks way by abnormal methods not permitted by rule 42, including using her engine in reverse, breaks that rule.

SUMMARY OF THE FACTS

S (a Wayfarer) and P (a 10-ton yawl) were close-hauled on converging courses. S hailed but there was no response. About 15 seconds before the collision, P hailed S to the effect that she was taking avoiding action. P's bow hit S behind the mast shroud, causing considerable damage. P had her engine running full astern at the time. She did not retire.

S protested under rule 10 and P counter-protested under rule 14. The protest committee disqualified S, for not avoiding contact causing damage when it was reasonably possible to have done so. P was not penalized. S appealed.

DECISION

S's appeal is upheld; P broke rules 10 and 42 and is disqualified, S is to be reinstated.

It is the duty of a port-tack boat to keep clear of a starboard-tack boat and not, as suggested by P, the other way round. P did not keep clear, and also broke rule 42 by using her engine. She is disqualified.

P hailed that she was taking avoiding action, and by the time it then became clear that she was not going to keep clear, it was not possible for S to act to avoid contact. In the circumstances, it was reasonable for S to hold her course as long as she did.

Smokey Grey v Callidus, Felixstowe SC

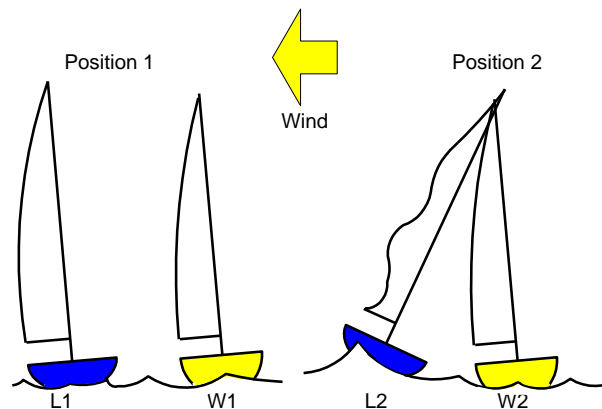
RYA 1988/8

(incorporating 1969/9)

[Definitions, Proper Course](#)
[Rule 2, Fair Sailing](#)
[Rule 11, On the Same Tack, Overlapped](#)

When two overlapped boats are close-hauled on the same tack and L suddenly heels to windward, she maintains her rights provided her action is not deliberate. If L's action is deliberate, with the intention of causing W to break rule 11, she breaks rule 2.

A boat's course as used in the definition Proper Course is her course made good over the ground, not the direction in which she is pointing.



QUESTION 1

Two boats are close-hauled on the same tack. L, without altering course, heels to windward so that her masthead touches W's mast or sail. Is it fair sailing?

ANSWER 1

If carried out deliberately and with the intention of making W break a rule, it would break rule 2, and W will be exonerated for breaking rule 11 under 64.1(c), provided that she was previously keeping clear, as defined. But if the contact is caused by, for instance, wave motion or a wind shadow, L breaks no rule, and W has not kept clear.

QUESTION 2

Is a boat's course, as used in the definition Proper Course, the course made good, or the direction in which she is pointing?

ANSWER 2

The definition Proper Course refers to the course made good over the ground, and not to the direction in which the boat is pointing.

MR 3024 v NT 2476, Wyre Mill Club
Question from University of London SC and BUSA

RYA 1988/9

[Rule 18.1, Mark-Room: When Rule 18 Applies](#)
[Rule 24.2, Interfering with Another Boat](#)
[Rule 28, Sailing the Course](#)

The rights of a boat that passes a mark on the wrong side, without touching it, and is unwinding, are not diminished in any way, she is sailing the same leg of the course as a boat rounding normally.

SUMMARY OF THE FACTS

S passed the port-hand leeward mark on the 'wrong' side, realised her mistake and turned back to unwind and pass it correctly, leaving it to port. In so doing, while on starboard tack and outside the zone, she met P, which was running to the mark to leave it, correctly, to port.

They collided. P was disqualified for breaking rule 10, and appealed on the grounds that S should have kept clear, since, at the time of the collision, she had been correcting her error and was therefore subject to the principles and rules that override normal rights of way in three similar situations - an OCS boat returning to start (rule 22.1), a boat taking a one-turn penalty after touching a mark (rule 44.1), and a boat taking a two-turns penalty for breaking a rule of part 2 (also rule 44.1). In addition, she (P) and S were on different legs of the course, and S had interfered with her, contrary to rule 24.2.

DECISION

P's appeal is dismissed.

Rules 22.1 and 44.1 apply only to the specific occurrences mentioned in each rule. A boat that has to unwind before rounding to comply with rule 28 continues to have the rights and obligations in the rules of sections A to C of Part 2 (rules 10 to 21), including rule 18 during her unwinding and her subsequent rounding. While she is returning to a mark and unwinding at it, she is sailing the same leg of the course as any other boat sailing to that mark, added to which she is likely to be sailing a proper course, and so rule 24.2 could not apply between them.

Heartbeat v Project X, Rickmansworth SC

RYA 1989/6

[Definitions, Rule](#)

[Rule 2, Fair Sailing](#)

[Rule 85, Governing Rules](#)

[Appendix J, 1.1\(3\), Notice of Race and Sailing](#)

[Instructions: Notice of Race Contents](#)

[Appendix J 2.1\(2\), Notice of Race and Sailing](#)

[Instructions: Sailing Instruction Contents](#)

'Other documents that govern the event' in the definition Rule must be stated or referred to in the notice of race and in the sailing instructions before they become mandatory for boats racing. When a race committee considers it necessary for boats to adhere to local regulations or prohibitions, it must issue an explicit notice of race and sailing instructions to that effect.

When no such notice or instructions are issued, a boat that does not comply with a local regulation or prohibition does not break the Fair Sailing rule.

SUMMARY OF THE FACTS

While racing in light winds and an adverse tide, six boats anchored in the area between Stansore and Egypt Points, which was marked on a chart as 'Fishing and anchoring prohibited'. *Sigmatic* did not anchor, and, believing that the notice on the chart was mandatory and that she had been clearly disadvantaged by not kedging, lodged a protest against them claiming that they had broken rule 2.

On the most recent Admiralty Chart the area was labelled 'Warning Pipeline and Cables - see note.' The note read 'vessels are warned not to anchor...' On the same chart, the Hamstead Ledge area nearby was labelled 'Anchoring prohibited'. It was not clear whether the two notes were intended to have different meanings - one advisory and the other prohibitive. The protest committee wrote to the Hydrographic Department of the Navy asking whether boats might or might not legally anchor in the area concerned. After lengthy enquiries at various Ministries, the Hydrographer's Department telephoned to explain that the area had been an 'Anchoring Prohibited' area under a World War II regulation, which had now expired.

The protest committee, in upholding the protest and disqualifying the six boats, said that although the sailing instructions did not say that Admiralty Regulations must be complied with, it considered that if the protest were dismissed this decision would indicate that the RYA condoned the disregard of Admiralty Regulations and that a race committee had no authority to allow boats to anchor in the prohibited area which, by implication, it would be doing by dismissing the protest.

The six boats appealed on the grounds that similar situations were covered elsewhere by sailing instructions, which should in all cases list the rules applicable.

DECISION

Their appeals are upheld. The protest committee's decision is reversed and the six boats are reinstated.

Racing is run under the rules, which are defined as the ISAF racing rules and some ISAF regulations, the prescriptions of the national authority, class rules, the notice of race, sailing instructions, and any other documents governing the event. Rules J1.1(3) and J2.1(2) say that the 'other documents governing the event' shall be listed in the notice of race and the sailing instructions 'to the extent that they apply'. That this is the intention of the rules is confirmed by rule 48, Fog Signals and Lights: Traffic Separation Schemes. There would be no need for this rule if compliance with IRPCAS etc. were automatically compulsory.

The coasts are dotted with areas subject to special prohibitions. Many oyster fisheries are protected by laws dating back to the Middle Ages, yet these are cited when there is a case between yachtsmen and fishermen. Some regulations are issued as warnings, but it is not always clear whether this is a warning that an infringer may be prosecuted, or a warning that she may be damaged or lose an anchor. Wreck warnings may apply in areas so deep that they will affect deep draught ships but not racing boats. Firing ranges, sewer outfall works, cable laying, mining grounds, archaeological diving positions, prohibited deep channel areas all combine to form an intricate network of permanent and temporary regulations. Some are shown on some charts, others not.

It would be unreasonable to expect a competitor to comply with all these without explicit warning and sailing instructions. When a race committee considers that it is necessary for such regulations to be complied with, it must either list them in the notice of race, stating where or how they may be seen, and list them

again in the sailing instructions; or reprint them in the notice of race and in the sailing instructions.

Sigmatic v six Sigma 33s, Royal Southern YC

RYA 1989/7

[Rule 61.3, Protest Requirements: Protest Time Limit](#)

[Rule 63.1, Hearings: Requirement for a Hearing](#)

[Appendix A5, Scores Determined by the Race](#)

[Committee](#)

When a race committee believes that a boat has broken a sailing instruction, it cannot disqualify her without a hearing or deem her to have retired. The race or protest committee must first lodge a protest against her, within the time limit for doing so, and a hearing must then be called.

SUMMARY OF THE FACTS

On 13 September, during the last few moments of a race, *Tee Pee*'s crew took the helm. Allegedly this was contrary to a sailing instruction. The boat had sailed the course correctly, finished correctly and was given a gun. She was then posted in the results as having retired.

A letter received by *Tee Pee*'s owner on 11 October said that that *Tee Pee* had been disqualified without a hearing by the race committee for not completing the race and for not informing the race officer that she had retired.

Tee Pee requested a hearing. On 25 October a protest hearing was held, at which the protest committee disqualified *Tee Pee* for breaking the sailing instruction. *Tee Pee* appealed.

DECISION

Tee Pee's appeal is upheld, and she is to be reinstated into her finishing position.

Tee Pee did not retire before finishing (DNF), since she crossed the finishing line from the course side. *Tee Pee* did not retire after finishing (RET): that designation applies only when a boat says she is retiring. It was therefore not within the power of the race committee to score *Tee Pee* as having retired.

A race committee has no power to disqualify a boat without a hearing, whether for breaking a racing rule or a sailing instruction, except under rule 30.3, Black Flag Rule, or when rule 63.1 is validly changed in the sailing instructions. Neither applied in this case.

The hearing that *Tee Pee* asked for was in effect a request for redress against her summary disqualification. That hearing never took place. It is clear that the proper outcome of that hearing should have been to uphold *Tee Pee*'s request and to reinstate into her finishing position – see ISAF Case 80.

Instead, a protest hearing was called against *Tee Pee*. In the absence of any different provision in the sailing instructions, this was called far outside the time limit in rule 61.3 for notification of a race or protest committee protest, which is within two hours of the finish of the last boat in the race in which the race or protest committee saw an incident in the racing area. The protest was clearly invalid.

Race Committee v *Tee Pee*, Up River SC

RYA 1989/8

[Rule 28.1, Sailing the Course](#)

[Rule 63.1, Hearings: Requirement for a Hearing](#)

[Appendix A5, Scores Determined by the Race](#)

[Committee](#)

A race committee is not allowed to disqualify a boat without a hearing, except under the Black Flag rule. A race committee is not allowed to score a boat DNF for failing to sail the course if she complies with the definitions Start and Finish. A protest is needed.

SUMMARY OF THE FACTS

A Topper failed to sail the course that the race committee believed was prescribed in the sailing instructions and was disqualified without a hearing. She immediately requested redress but was refused a hearing. A similar request the next day was also refused. After a third request she received a letter from a Flag Officer of the club to the effect that the request had been considered and rejected. The Topper had not been invited to be present.

A request was made to re-open the case. The protest committee agreed to the request and a hearing was held. The protest committee decided that the disqualification was correct. After further vain attempts to get the case re-opened again, the Topper appealed.

DECISION

The Topper's appeal is upheld and she is to be reinstated in her finishing position.

While the case does not turn on the point, the course was ambiguously described in the sailing instructions.

A race committee is not empowered by any rule (other than rule 30.3) to disqualify a boat without a hearing. Her disqualification was therefore invalid.

(Nor is it open to a race committee to score as DNF a boat that finishes, as defined. In rule A5 the word Finish is printed in italics and is therefore to be used in strict accordance with its defined meaning. In this case, the Topper crossed the finishing line from the course side as intended by the race committee.)

Request for Redress by Topper 28057, Thorpe Bay SC

RYA 1989/9

[Rule 61.3, Protest Requirements: Protest Time Limit](#)

[Rule 62.2, Redress](#)

[Rule 63.5, Hearings: Validity of the Protest or Request for Redress](#)

[Rule 90.3\(a\), Race Committee; Sailing Instructions;](#)

[Scoring; Scoring](#)

[Appendix J, 2.2\(36\), Notice of Race and Sailing](#)

[Instructions: Sailing Instruction Contents](#)

A boat appearing alone at the start is entitled to sail the course and to be awarded any prize unless sailing instructions say otherwise. A request that seeks the correction of an alleged error of the race committee ranks as a request for redress even if it does not use those words. If it is lodged promptly after the facts are known, this is sufficient good reason for a protest committee to extend the normal time limit.

SUMMARY OF THE FACTS

Imperator was the only entry in her class in the series in July. The starts of several classes were combined. There was a prize for the combined results. *Imperator* finished correctly in her races.

The race committee recorded 'No Race' for her series. When *Imperator* received the results the owners wrote immediately complaining that this was incorrect and that *Imperator* was entitled to her points in these races.

The race committee replied that since only one boat had come to the starting line there was a 'no race' situation. After further correspondence *Imperator* lodged a formal request for redress in October. At the hearing the request for redress was found to be invalid and an extension of the time limit was refused on the grounds that there had been unreasonable delay in requesting redress. At the class meeting in October, *Imperator's* series was declared invalid and the decision to present no prizes reaffirmed. *Imperator* appealed.

DECISION

Imperator's appeal is upheld, and she is to be awarded points for her finishing positions.

Although the owners' politely worded letter dated 23rd July did not contain the words 'Request for Redress' it in fact met all the requirements for a request for redress, and well within a reasonable time from the receipt of the results. It was, therefore, valid and should have been heard when received.

Rule J2.2(36) requires sailing instructions to state, if it applied, the minimum number of boats required for a race to be started. Failing any such statement - in this case there was none - a single boat may sail the course and claim the prizes. Rule 90.3(a), which rule 86.1(b) says cannot be changed by sailing instructions, requires a race to be scored if only one boat finishes. Were this not so, it might be possible, if the race were reduced to two competitors, for one of them to manipulate the points by a timely refusal to start or to finish.

The race committee is not empowered to ignore the Racing Rules of Sailing or the sailing instructions and declare the series invalid. A boat that has sailed the whole series without competition is entitled to the same prizes as if she had beaten another boat.

Request for Redress by *Imperator*, Royal Thames YC

RYA 1989/10

[Rule 62.1\(a\), Redress](#)

[Rule 64.2, Decisions: Decisions on Redress](#)

Redress may be given for a race committee's failure to provide suitably equipped marks. In cases involving errors by the race committee, it is a good principle that any doubts be resolved in favour of the competitor.

SUMMARY OF THE FACTS

The outer limit mark of the finishing line was attached by cordage of a semi-floating variety which was too long when used in shallow areas. The excess was usually tied into a bunch but it became loose.

It produced an underwater hazard floating two to three yards to leeward of the mark and, with a flood tide, on

the course side of the finishing line. It was not visible to an approaching boat and several boats were caught in this tangle, hit the mark and took a one-turn penalty. Only one boat, *Instant Sunshine*, requested redress, as the scores of the others were not affected. The protest committee, refusing redress, stated that the mark and ground tackle were the equipment used regularly as a finishing mark in that area and that the length and type of warp was not unreasonable in the circumstances. *Instant Sunshine* appealed.

DECISION

Instant Sunshine's appeal is upheld, and she is to be reinstated in her position when she first crossed the finishing line.

Marks are laid for the benefit of competing boats and it is important that ground tackle be arranged to minimise possibility of being fouled by the boats. In cases involving errors by the race committee, it is a good principle that any doubts be resolved in favour of the competitor.

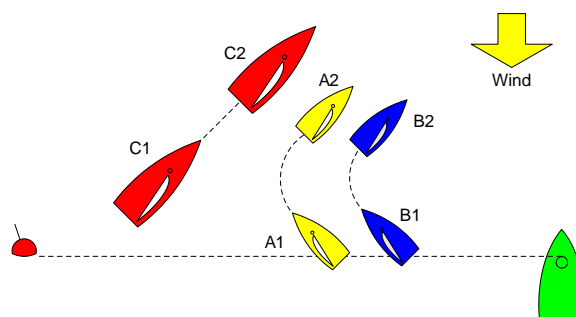
Request for Redress by *Instant Sunshine*, Poole YC

RYA 1989/12

[Definitions, Obstruction](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

A boat compelled by another boat to break a rule is to be exonerated. A keep-clear boat is not an obstruction.



SUMMARY OF THE FACTS

Immediately after the start of a race, two Solings, A and B, were close hauled on starboard tack with A overlapped to leeward and ahead. Unexpectedly, a 40ft boat, C, racing on port tack, crossed A's path on a collision course. A hailed C in vain, luffed and fell off onto port tack. This manoeuvre forced B to tack to avoid a collision with A. At the end of the race, C retired in acknowledgement of breaking rule 10. B protested A under rule 13, for tacking too close to her. A was disqualified and appealed.

DECISION

A's appeal is upheld and she is reinstated.

Confronted with a much larger boat than herself, which was a keep-clear boat and not therefore, as defined, an obstruction, A avoided a collision by tacking. In so doing she broke rule 13 in respect of B but was required to do so by rule 14, was compelled to do so by C's failure to keep clear, and is therefore to be exonerated under rule 64.1(a).

Skaggerak v Merlin Royal, Northumberland YC

RYA 1989/13

[Rule 2, Fair Sailing](#)

Use of standard, designed positions for equipment (e.g. a spray hood) not restricted by class rules or the sailing instructions does not break rule 2, since there is no clear-cut violation of the principle of sportsmanship.

SUMMARY OF THE FACTS

Squaw was sailing on a twenty-mile race. During the downwind leg of the course she sailed with her spray hood (with an approximate area of one square metre) in the raised position. On the windward leg to the finishing line she sailed with the spray hood in the lowered position.

Squaw was protested under rule 2 and was disqualified: she appealed.

DECISION

Squaw's appeal is upheld and she is to be reinstated into her finishing position.

The spray hood of a boat is a standard part of her equipment. When fixed normally, hood up and hood down are standard, designed, positions for this equipment. Further, neither class rules nor the sailing instructions placed any restrictions on the use of the hood while racing.

In this case there is no evidence to show that *Squaw* broke any class rule or sailing instruction, nor is the evidence sufficient to show that she had been propelled by an abnormal sail since it was not necessarily abnormal to carry the hood in the raised position when sailing downwind, however it had been positioned during upwind sailing.

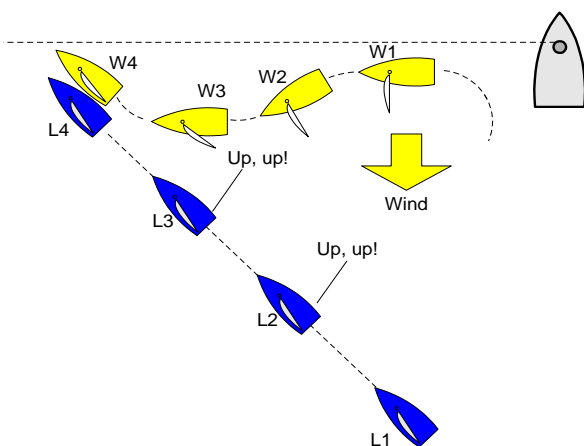
Rule 2 was not broken since there was no clearly established violation of the principles of sportsmanship.

Krait v Squaw, West Kirby YC

RYA 1990/1

[Rule 11, On the Same Tack; Overlapped](#) [Rule 15, Acquiring Right of Way](#)

When a boat is obliged to change course to keep clear of another boat that has acquired right of way, she must act promptly, since a right-of-way boat that does not change course is required only initially to give her room to do so. After that, rule 15 does not apply.



SUMMARY OF THE FACTS

W was sailing with her boom out and sails flapping near the starting line. L, sailing a steady close-hauled course, became aware of W and hailed her twice. After the second hail W began to respond but hit L's gunwale. There was no damage. L hailed 'Protest'. She asked W to take a two-turns penalty, but W refused. The protest committee disqualified W and she appealed, claiming that she was not given room to keep clear.

DECISION

W's appeal is dismissed.

It is clear from the facts found by the protest committee that the two boats had been overlapped for some considerable time before the contact. When contact occurred, the time during which rule 15 was applicable had passed and the rule had ceased to be relevant. W was correctly disqualified under rule 11.

L broke rule 14, as it was reasonably possible for her to avoid contact, but as there was no damage or injury she is to be exonerated, as provided in rule 14(b).

K345164 v K44454, Whitstable YC

RYA 1990/2 (incorporating RYA 1963/5)

[Rule 46, Person in Charge](#) [Appendix J, Notice of Race and Sailing Instructions](#)

The racing rules do not differentiate between helmsman and crew. Restrictions on the helming of a boat may be imposed by class rules or by the notice of race and the sailing instructions. In the absence of any other provision, an owner or person in charge is free to invite anyone to steer the boat. The notice of race and the sailing instructions must state clearly when points are to be awarded to helmsmen rather than to boats and state any restrictions or qualifications that apply.

QUESTION 1

A boat is entered by her owner in a three race series with one discard. In the first two races of the series she was not steered by the owner. In the third race, the weather being rather heavy, the owner steered and won the race.

Are the points awarded to the boat irrespective of helmsman, whether he or she be the owner or some other person? If not, should the boat be sailed by the same helmsman in the races that are counted towards the overall trophy?

ANSWER 1

There is no requirement in the racing rules for any competing boat to be steered by any specific person. Questions relating to a specific helmsman or crew are subject only to any restrictions imposed by class rules or the sailing instructions. In the absence of any such restriction, anyone may steer a boat. Rule 46 requires each boat to have a person in charge, but that person is not necessarily the helmsman.

QUESTION 2

A boat belonging to A.B. was entered in a five race series. The sailing instructions said that 'points are attributed to the helmsman, not the boat'. The boat was entered with C.D. listed as helmsman on the entry form. C.D. sailed as helmsman and finished in three races.

A.B. sailed as helmsman in two races and did not finish either race. How should this be scored? Was any rule broken?

ANSWER 2

No rule was broken at any time, since there is no racing rule that addresses itself to the identity of the person helming a boat. Nor was the sailing instruction broken. The only reasonable interpretation of the sailing instruction is that the points won by a boat in a race will be re-attributed to the helmsman of that boat, in that race. In a series, the winner will be the helmsman with the lowest (or best) attributed total points score. Awards will not be made to boats. So A.B. should score points for DNC in three races, and DNF in two races. C.D. should score finishing points in three races and DNC in two races.

So when a boat has, for example, been helmed by three different people during a series in which points are awarded to the helmsman, the results sheet should then show three different entries, each under the name of one of the people but with the same sail number. The score for any one race is attributed to the appropriate entry in the name of that person, sailing that boat, and the other two entries of boat plus helmsman are scored DNC for that race.

If it is intended to restrict this further, the notice of race and the sailing instructions need to say 'A competitor shall be in charge of one boat only during the series' or 'Only one set of results per boat shall count for a series result'.

On the other hand, if the identity of the boat is not material, a relaxation clause could be inserted, such as 'A competitor may accumulate the points he was awarded as a helmsman in the series, irrespective of the boat in which he raced' or 'A competitor may accumulate the points awarded as a helmsman in that class of boat in the series.'

When the notice of race or a sailing instruction refers to a 'helmsman', then if another person were allowed to steer at any time during the race, there would be two helmsmen during that race. When awards are to a person, not a boat, and it is required to prohibit a temporary helmsman, sailing instructions might state in clarification 'only one person shall steer the boat throughout the race'. Otherwise, if 'person in charge' is substituted for 'helmsman', others may steer without hindrance to the award of the points to the person in charge.

Request for Redress by *Damn Nuisance*, Derwent Reservoir SC
Question from Middle Nene Cruising Club

RYA 1990/3

[Rule 63.6, Hearings: Taking Evidence and Finding Facts](#)

When there is no collision there is a primary onus of proof on the protestor to show that a rule has been broken.

SUMMARY OF THE FACTS

Fearnought protested *Micky Finn* alleging that, on a reach, her helmsman had broken rule 49.2, Crew Position, by sitting on top of the upper guard rail with the upper half of his torso outside the guard rails and

outside a vertical line from the outer side of the boat. The protest committee found that both boats were beam-reaching in 15 to 20 knots of wind some two to three hundred yards apart, *Micky Finn* in close proximity to two other boats. It dismissed the protest stating that the protestor's case was not proven. *Fearnought* appealed.

DECISION

Fearnought's appeal is dismissed.

In an incident involving contact it is normally the case that a rule will have been broken (see case RYA 2008/4). In cases like this there is no such presumption and a primary onus rests on the protestor to substantiate her allegations. *Fearnought* was unable to do so, and the protest committee was unable to find facts supporting her case. The protest committee was correct in dismissing the protest.

Fearnought v Micky Finn, Mumbles YC

RYA 1990/5

[Rule 25.2, Notice of Race, Sailing Instructions and Signals](#)

[Rule 61.1\(b\), Protest Requirements: Informing the Protestee](#)

[Rule 62.1\(a\), Redress](#)

When a race officer warns a boat that she may be protested by the race committee, and as a result she takes a two-turns penalty, she is not eligible for redress. Oral instructions, unless specifically authorised in sailing instructions, need not be complied with.

SUMMARY OF THE FACTS

The race officer witnessed an incident between *Captain Marvel* and an unidentified boat. He hailed *Captain Marvel* and advised her that unless she took a two-turns penalty, she would be protested by the race committee. *Captain Marvel* took the penalty. On coming ashore, *Captain Marvel* lodged a request for redress on the grounds that she had been ordered to take a penalty under threat of disqualification and as a result had lost several places, but that in fact she had broken no rule. The protest committee refused redress and *Captain Marvel* appealed, questioning the significance of the race officer's words.

DECISION

Captain Marvel's appeal is dismissed.

Communications between the race committee and competitors are made by visual and sound signals in the Race Signals, as stated in rule 25. Oral instructions, unless specifically authorised in sailing instructions, need not be complied with. However, the race officer was not giving an order. He was informing *Captain Marvel* of his intention to protest. It was up to the person in charge to decide whether to take a penalty or not.

If *Captain Marvel* believed she had broken no rule she could have decided not to take a penalty. By taking a two-turns penalty, *Captain Marvel* actually preserved a finishing position from which she might otherwise have been disqualified had the race committee protested her.

The race officer did not threaten disqualification without a hearing. Had he done so, his threat would have been an empty one, since disqualification without a hearing by a race officer is restricted to rule 30.3.

The race officer's words were a warning of a possible protest. It is not good practice for a race officer to hail in this way at the time of an incident, since rule 61.1(b) says that a race committee intending to protest in respect of an incident it observes in the racing area shall inform the protestee after the race. However, it would have been unwise to ignore the race officer's warning without considering whether some rule had been broken.

Request for Redress by *Captain Marvel*, Draycote Water SC

RYA 1990/6

[Definitions, Mark-Room](#)

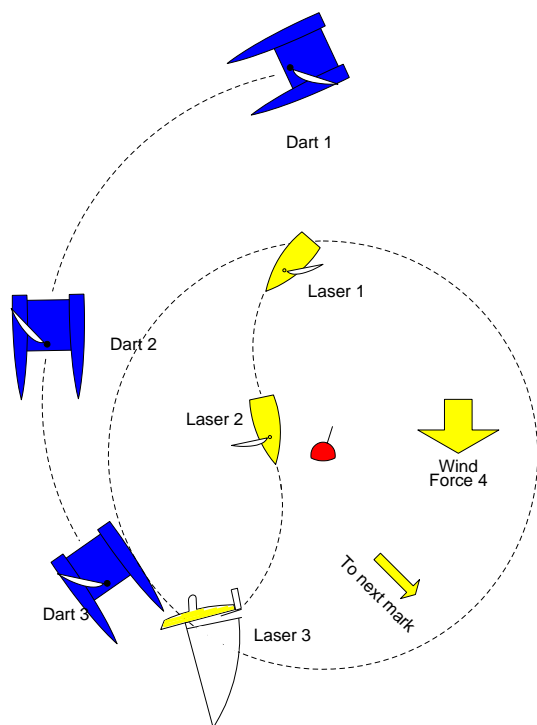
[Rule 16.1, Changing Course](#)

[Rule 18.2\(b\), Mark-Room: Giving Mark-Room](#)

[Part 2 Section D preamble](#)

[Rule 23, Capsized, Anchored or Aground; Rescuing](#)

Rule 16 applies to a right-of-way boat that alters course out of control. When a boat has capsized near another, obligations under the rules of Section A of Part 2 end, and are replaced with an obligation to avoid the capsized boat, if possible. A boat is not to be penalized when she is unable to avoid a capsized boat.



SUMMARY OF THE FACTS

Two boats approached a port-hand gybe mark on a starboard-tack reach. When she entered the zone, the Laser was clear ahead of the Dart, which was steering a course further from the mark than the Laser's. The Laser gybed on to port tack within one boat-length of the mark to assume her new course.

Immediately the Laser had gybed, the Dart began her gybe at more than three hull lengths from the mark and around two hull lengths from the Laser. On taking her new course, the Laser, ahead and to weather of the Dart,

lost control. She skewed to starboard, gybed again onto starboard tack and capsized on to her port side so that she lay at right angles to the new course and across the bows of the Dart.

A collision took place about 2-3 seconds after the capsized Laser suffered damage. The Dart protested the Laser. The protest committee disqualified the Dart under the second sentence of rule 18.2(b) for not giving the Laser sufficient room to pass and gybe considering the wind conditions and speed differences. The Dart appealed.

DECISION

The Dart's appeal is upheld; she is reinstated and the Laser is disqualified.

The second sentence of rule 18.2(b) required the Dart to give mark-room to the Laser, which was clear ahead at the zone. It is clear that the Dart did so. That obligation ended when, shortly after position 2, the Laser no longer needed room to leave the mark on the required side. When the Laser then involuntarily altered course and gybed, she became the right-of-way boat under rule 10. She did not give the Dart room to keep clear, and broke rule 16.1 before her capsize and before the collision, for which she is to be penalized. The fact that she was out of control does not excuse her breach – see case RYA 1994/4. (Had her loss of control happened while at the mark, she would not have been exonerated by rule 21, since she was not then taking mark-room to which she was entitled.)

Once the Laser had capsized, rule 23 began to apply, requiring the Dart to avoid the capsized Laser, if possible. Given the brief interval between the capsize and the collision, avoidance was not possible. When rule 23 applies, rules of Section A such as rule 10 do not – see the preamble to Section D.

The Dart did not therefore break rule 23. She did break rule 10, but is to be exonerated under rule 64.1(a) because she was compelled to break that rule when the Laser broke rule 16.1.

Dart 1907 v Laser 132108, Starcross YC

RYA 1990/7

[Rule 60.1\(a\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 60.2\(a\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 60.3\(a\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

[Rule 61.2, Protest Requirements: Protest Contents](#)

[Rule 62, Redress](#)

Rule 61.2 does not permit a protest committee to change a request for redress into a protest against a boat. A protest by a boat must always comply with rule 61.1(a).

SUMMARY OF THE FACTS

An incident occurred between *Atlantis* and *Caprice*, as a result of which *Atlantis* lodged a protest in which a third boat, *Carina*, was named as witness. Their hull lengths were more than 6 metres. There was no damage or

injury. The protest was lodged 15 minutes after the end of protest time, and was refused as the protest committee saw no good reason to extend protest time. Next morning, *Carina* lodged a report which the protest committee treated at first as a request for redress, in which she stated that she had witnessed the incident and alleged that *Caprice* had broken a rule of Part 2.

The protest committee accepted the request for redress as a valid protest under rule 60.1(a), extended the time limit, and disqualified *Caprice* for breaking a rule of Part 2. *Caprice* appealed.

DECISION

Caprice's appeal is upheld; she is to be reinstated into her finishing position.

Carina's request began: 'Under rules 60.2(a) and 62.1(a) I wish to inform the race committee of an infringement of the rules in race 3'. That amounted merely to a report. It was not a valid request for redress, as it did not include any allegation that the race or protest committee had acted or omitted to act so as to make *Carina's* score significantly worse. The report came from a competitor, but rule 60.2(a) specifically prohibits a race committee from protesting as the result of a report from a competitor, as does rule 60.3(a) in respect of the protest committee in the absence of a report of injury or serious damage; hence the protest committee, like the race committee, should have taken no action.

In order to become a party in a valid hearing, *Carina* should have hailed and displayed a protest flag at the time of the incident in accordance with rule 61.1(a), and then lodged a protest within the time limit.

Rule 61.2 permits the protestor to remedy any defects in the particulars required by that rule, provided that the protest identifies the incident. However, this facility does not extend to a protest committee itself initiating the changing of request for redress into a boat v boat protest, and does not permit the protest committee to protest on the basis of a report from a competitor.

Request for Redress by *Carina*, Upper Thames SC

RYA 1990/8

[Sportsmanship and the Rules](#) [Rule 2. Fair Sailing](#)

After an incident, a boat that knows she has broken a rule cannot protect herself from the consequences of not taking a penalty by citing the absence of a protest by the other boat.

SUMMARY OF THE FACTS

As a result of an incident between two Lasers, a third boat, L, protested P, alleging that P crossed S, causing the latter to bear away vigorously to avoid a collision. S's bow, she alleged, hit P's mainsheet.

The protest committee found that there had been no contact, but that S had had to bear away to avoid P. P's helmsman was asked by the chairman of the protest committee if he had broken a rule, had known that he had done so, but had not taken a penalty. His reply was a simple 'Yes'. The protest committee disqualified P under rule 10. P appealed on the grounds that S, the

alleged victim of the alleged infringement, had chosen not to protest.

DECISION

P's appeal is dismissed. Under its powers under rule 71.3, the RYA further disqualifies P under rule 2.

L lodged a valid protest. The facts found show that P broke rule 10 and she was correctly disqualified.

There is no obligation on a right-of-way boat to protest when another boat has not kept clear. That she did not protest in no way diminishes the fact that the keep-clear boat has broken a rule. Likewise, the intentions of the right-of-way boat have no bearing on the matter.

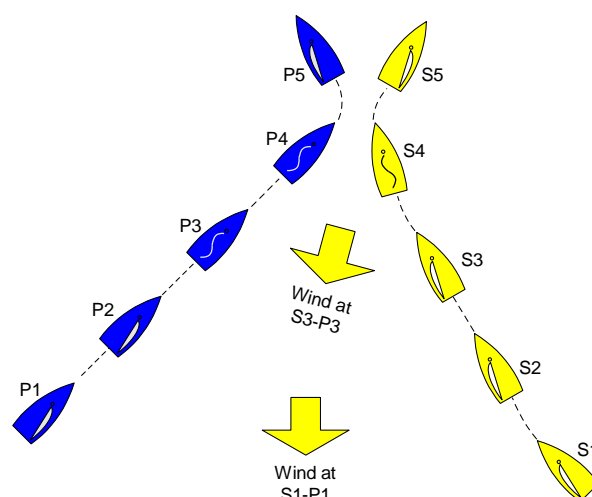
The appellant should note that the Basic Principle, Sportsmanship and the Rules, says that when a boat knows that she had broken a rule, she must take a penalty, whether or not the right-of-way boat intends to protest. The appellant therefore broke a principle of sportsmanship, and is to be penalized further with a non-excludable disqualification (DNE) for breaking rule 2.

L137020 v L134598 and L120394, Mumbles YC

RYA 1991/1

[Rule 10, On Opposite Tacks](#) [Rule 16.1, Changing Course](#)

A right-of-way boat may change course in such a way that a keep-clear boat is newly obliged to take action to keep clear, until a further alteration of course would deprive the keep-clear boat of room to do so.



SUMMARY OF THE FACTS

P and S approached each other on close-hauled converging courses. At some distance from each other S altered course to take advantage of a wind shift. At that time P could still have taken avoiding action, either by tacking or by going astern of S. However, she did neither and held her course. When a collision was imminent both boats tacked and there was no contact. The protest committee disqualified S under rule 16.1, and she appealed.

DECISION

S's appeal is upheld; S is reinstated into her finishing position and P is disqualified under rule 10.

Rule 16.1 says that S may alter course up to the point where any further alteration of course would deprive P of room to keep clear.

The effect of this is that a course alteration by S in close proximity to P may break rule 16.1. The further apart they are when a course alteration is made, the more likely it is that P can keep clear, so that rule 16.1 is less likely to be broken. In this case, S altered course with the wind shift quite some distance away from P, giving P, the keep-clear boat, ample space to take avoiding action had she acted promptly. However, P maintained her course until such time as S had to tack to avoid contact.

Rule 16.2 was not relevant, since P was originally to pass ahead of S, not astern of her.

P therefore broke rule 10, and S broke no rule.

Spanish Steps v Uomie, Royal Dart YC

RYA 1991/4

[Rule 10, On Opposite Tacks](#)
[Rule 14\(a\), Avoiding Contact](#)

A right-of-way boat may hold her course and presume that a keep-clear boat will give way until it is evident that she is not keeping clear.

SUMMARY OF THE FACTS

S, a Mustang 30, was sailing close-hauled on starboard tack. At about one hundred yards, she saw P, a J24, on port tack on a collision course. As the boats closed, S hailed three times but P took no avoiding action until it was too late, when she bore away into S's port quarter approximately ten feet from the transom. When there was no possibility of avoiding P, S tried to tack to minimise the damage but a collision occurred which caused S to retire.

The protest committee disqualified P under rule 10 and S under rule 14 stating that it believed that S 'by earlier action could have avoided the collision' S appealed, stating that since a J24 was a very manoeuvrable boat it was only at a very late stage that it became clear that P was not taking sufficient action; that the faces of the crew aboard the J24 were clearly visible so that she had reason to believe P was aware of the situation, and that conditions were not so rough as to cause loss of control by either boat. S could indeed, the appellant stated, have avoided the situation altogether by tacking at an earlier stage; however, she did not believe it was the intention or spirit of the rules that a port-and-starboard incident be resolved by S tacking to avoid P.

DECISION

S's appeal is upheld, and the case is returned to the protest committee for it to award redress to S.

The collision between S and P resulted in damage, so the protest committee was correct to consider rule 14.

A port-tack boat may steer a course to pass close astern of a starboard-tack boat without breaking rule 10. However, P may not take avoiding action so late that S is thrown into the quandary of holding her course in accordance with rule 16 or trying to avoid the collision

in accordance with rule 14. The protest committee was therefore correct in disqualifying P under rule 10.

Turning to S's situation, it is a truism that, had S taken earlier avoiding action, a collision would not have taken place, but, under rule 14(a), S may hold her course, presuming that P will keep clear, until it is clear that she is not doing so. In this case, S held her course until the first moment it was clear that a collision was about to occur, at which point she changed course in an attempt to avoid or at least minimise the effects of the collision. Even though her effort was unsuccessful, it was carried out no later than required by rule 14(a).

Another Dram v Gossip, Warsash SC

RYA 1992/2

[Rule 64.3\(b\), Decisions: Decisions on Protests Concerning Class Rules](#)

When a protest committee is not in doubt about the meaning of a measurement rule, there is no reason to send questions to the relevant authority.

A class measurer is not the authority responsible for interpreting a class measurement rule when the class rules state otherwise, but may give evidence to assist a protest committee to interpret a measurement rule.

SUMMARY OF THE FACTS

Samba was protested by another boat for being 'out of class' in respect of several specific class measurement rules.

The protest committee referred the matter to a class association measurer who was present at the championship. After receiving his report it disqualified her for not complying with class rules. She appealed on the grounds, among others, that the class measurer had competed in the regatta.

DECISION

Samba's appeal is dismissed.

The protest committee misdirected itself when it took a class measurer who happened to be present as the 'authority responsible for interpreting the rule' referred to in rule 64.3(b). This is so only when that authority has previously specifically appointed such a person for the event. In the case of the class concerned, the class rules state that the authority for deciding questions of deviation from the design is the class committee. The protest committee was, however, correct to seek evidence from anyone it believed could contribute to resolving the case, including a class measurer, despite the fact that he was a competitor.

Having received that evidence, the protest committee should then first have decided whether it was in doubt about the meaning of the class rules. If there was no doubt, it was able to decide the case. If there was doubt, it was then that the matter would have had to be referred for a binding interpretation to the 'responsible authority' - the class committee.

In this case, the evidence before the protest committee proved beyond doubt that that *Samba* broke the class measurement rules, and she was rightly penalized

without the need to refer the matter to the class association.

Requiem for Woodwind v Samba, Essex YC

RYA 1992/7

[Rule 63.6, Hearings: Taking Evidence and Finding Facts](#)

When there is no other evidence, the protest committee is entitled to reach a decision on the evidence of the protestor and protestee alone. An additional witness is desirable but not essential.

SUMMARY OF THE FACTS

A protested B under rule 31 because she believed she saw the crew's back touch a mark. A hailed B to that effect but B did not take a penalty.

The protest committee disqualified B for hitting the mark, stating that A had a clear view and that B possibly was not aware of what had occurred.

B appealed on the ground that without an outside witness to confirm that the mark had been hit it was incorrect to penalize her.

DECISION

B's appeal is dismissed.

The protest committee found as a fact that the crew of B touched the mark. There was adequate evidence for it to arrive at this conclusion and the RYA sees no reason to question the protest committee's decision.

Outside witnesses are not essential, although they may help a protest committee to decide a case. In many incidents the protestor and protestee are the only ones who see what happens, but this does not prevent a protest from being decided.

Solo 3591 v Solo 3583, Papercourt SC

RYA 1992/9

[Rule 18.2\(d\), Mark-Room: Giving Mark-Room](#)

A protest committee should have recourse to rule 18.2(d) only when there is insufficient reliable evidence for it to decide the case otherwise.

SUMMARY OF THE FACTS

A collision took place at a mark between I (inside) and O (outside). The two boats were overlapped at five hull lengths from the mark; at four lengths it was agreed that O luffed and broke the overlap but it was re-established (I claimed) while O was bearing away for the mark, at which time she was still outside the zone. In protest and counter-protest, O denied I's statement that I had become overlapped again in proper time.

The protest committee, finding that I had become overlapped again in proper time and that O had failed to give I mark-room under the first sentence of rule 18.2(b), disqualified O. She appealed, on the grounds that 'the onus was on the inside boat to satisfy the protest committee that she established the overlap in accordance with rule 18.2(b); not on the protest committee trying to prove the situation through dubious conclusions drawn from the facts given by both parties.'

DECISION

O's appeal is dismissed.

A protest committee begins a hearing with an open mind. Evidence is then presented. Contrary to the views of the appellant, statements made in evidence by the parties and witnesses are not facts. When, having heard the evidence, the protest committee is reasonably sure of what happened, even though (as is usual) there was conflicting evidence, it will state what it believed to have happened as facts found, apply the rules to those facts, and decide accordingly.

When the protest committee is unsure about the facts, it is normally the protestee that gets the benefit of any doubt. However, rule 18.2(d) states that, in the special case of reasonable doubt that a boat obtained or broke an overlap in time, it shall be presumed that she did not, a presumption that may favour either protestee or protestor.

While this was a case involving the obtaining of an overlap, it was not a case involving reasonable doubt. The protest committee was satisfied on the evidence that the overlap was re-established in time, and rule 18.2(d) was not applicable. The RYA is satisfied with the facts presented and that the protest committee took proper care in establishing them. The protest committee applied rule 18.2(b) correctly to disqualify O.

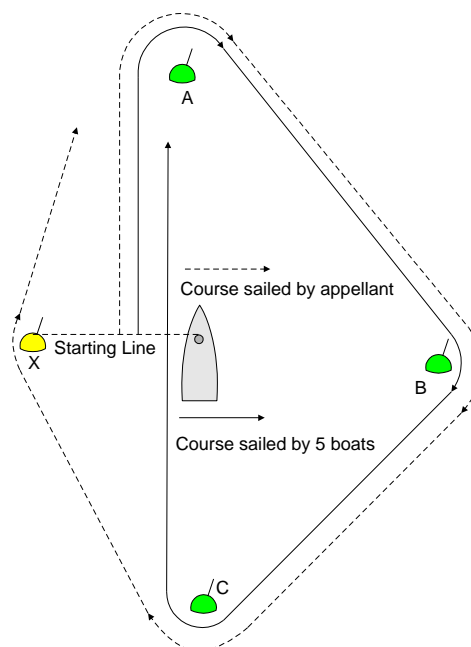
Sunshine v Point Blank, Royal Thames YC

RYA 1993/1

[Rule 28, Sailing the Course](#)

[Rule 62.1\(a\), Redress](#)

When a course set by the race committee is ambiguous, so that all boats break, or appear to break, rule 28, they are all entitled to redress.



SUMMARY OF THE FACTS

The relevant section of the sailing instructions for the event stated: 'cross line at the end of each round'; the starting and finishing line was given as 'between the committee boat mast displaying a blue flag and X'

On the notice board, the course set for a race was:

X-A-B-C-X. All marks to starboard, 3 times round

Five boats (out of a fleet of six) sailed one course (solid line), the sixth another (dotted line). The sixth boat protested the other five for not sailing the course, but was herself disqualified for not passing through the finishing line at the end of each round. She appealed.

DECISION

All six boats are entitled to redress.

The course set included mark X as:

- (a) a starting mark
- (b) the first and last rounding mark of each lap, and
- (c) a finishing mark.

Mark X could not be both a starting mark and the purported first mark of the course. At the end of each round, the only way the course could have been correctly sailed, if at all, was to execute a 360° turn around mark X, leaving it to starboard. Indeed, the course might have been interpreted to require a 720° rounding of mark X. It was thereafter impossible to leave the last mark of the course on the correct hand and then finish in accordance with the definition.

No boat sailed the course. All boats broke rules 28.1 and 28.2. This resulted from the act of the race committee in setting a course that could neither be started nor finished, and in which the only way rule 28 could be complied with at the end of each lap was neither as it must have been intended, nor as any boat might have reasonably expected. All boats, including the appellant, appear to have made a reasonable attempt to extract a sailable course from the instructions given.

No boat was at fault, and so all boats are entitled to redress from their technical liability to disqualification. The appellant does not allege that the slightly greater distance she sailed compared with the protested boats affected her score.

The case is returned to the protest committee to grant redress. The protest committee may consider that the most equitable redress is for the appellant to be reinstated in her actual finishing position, and for the resulting scores to constitute the result of the race.

Scherzo of Brae v Selene and others, Royal Northern and Clyde YC

RYA 1993/5

[Rule 16.1, Changing Course](#)

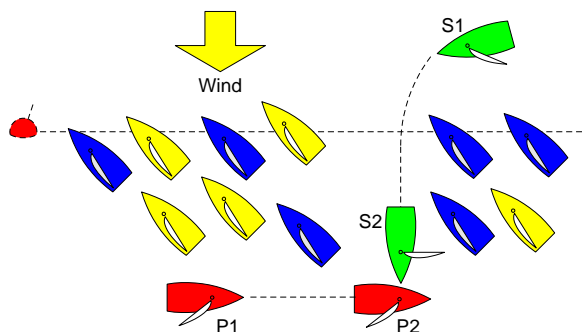
[Rule 36, Races to be Restarted or Resailed](#)

[Rule 60.1, Right to Protest: Right to Request Redress or Rule 69 Action](#)

[Rule 62.1\(b\), Redress](#)

A give-way boat is not required to anticipate a right-of-way boat's alteration of course.

While rule 36 may remove the possibility of a boat being penalized because the race was recalled, a boat is entitled to have her protest heard. If it is found as a fact in the protest that the other boat broke a rule of Part 2, the protest committee may go on to consider whether redress under rule 62.1(b) is applicable.



SUMMARY OF THE FACTS

About ten seconds before the starting signal of a race, P was reaching along the starting line, approximately one length on the pre-start side on port tack. Many boats, close-hauled on starboard tack, were already over or on the line.

About five seconds before the starting signal, one of these boats (S) bore sharply away to a run. At the point of dead downwind, she found the gap between other starboard tack boats blocked by P, and collided with her port side, causing extensive damage. P had no opportunity to take evasive action, since S swung directly into the collision. There was then a general recall.

The protest committee found that 'S altered course abruptly and unexpectedly giving P no opportunity to keep clear', thus breaking rule 16.1. P then requested redress under rule 62.1(b) and was awarded average points. Although S was exempt from penalization because of rule 36, she appealed, maintaining that P should have expected boats that were on the course side of the line to try to return.

DECISION

S's appeal is dismissed.

The RYA sees no reason to alter the protest committee's decision. S was a right-of-way boat that changed course. She did not give P room to keep clear. P was not required to anticipate S's action.

The RYA wishes to underline the importance of the correct procedure adopted here by the protest committee. When there is a protest in respect of an incident in a race that is then recalled or abandoned, the protest must be heard, so that facts are found and a boat that has broken a rule is identified, even though she cannot be penalized because of the provisions of rule 36. When such facts are found, the protest committee may then consider and, if the requirements of rule 62.1(b) are met, grant redress.

Challenger v Ayesha, Royal Northern and Clyde YC

RYA 1993/6

[Rule 41, Outside Help](#)

When a boat acts on potentially useful advice given by an interested person, she receives outside help.

SUMMARY OF THE FACTS

In a team racing event, after an incident between GP and EK, EK started to get clear to take a penalty, but before she did so she was hailed from the shore by the team coach (under a misapprehension that a sailing

instruction permitted him to do so) and told to sail on. GP protested EK, which was penalized under rule 41 by the protest committee. EK appealed.

DECISION

EK's appeal is dismissed.

It is clear that EK would have performed her penalty had not the team coach hailed her not to do so. Rule 41 prohibits a boat from receiving outside help, except in four specific situations, none of which was applicable in this case. It is obviously impossible to avoid hearing advice given, and a competitor may be fortunate enough, without risk of penalization under rule 41, to learn from the comments of spectators that his current intentions are not in his best interests.

However, when specific advice is given by any person with an interest in the matter, and acted on so as to improve a boat's finishing position, that is information from an interested source, albeit unsolicited, which is clearly outside help that breaks rule 41.

GP 13175 v EK22393, Southport SC

RYA 1994/3

[Rule 62.1\(a\), Redress](#)

[Rule 64.2, Decisions: Decisions on Redress](#)

[Rule 66, Reopening a Hearing](#)

A boat that is not a party to a request for redress is not entitled to request a reopening. She is, however, entitled to seek redress in her own right when she believes that the redress given in that other hearing makes her own finishing position significantly worse.

A protest committee is entitled to award the redress it thinks most suitable for compliance with rule 64.2

SUMMARY OF THE FACTS

A race at the 420 Class National Championships was started under rule 30.3, the Black Flag rule. The sailing instructions added that the sail numbers of boats disqualified under this rule were to be displayed by a committee vessel at the windward mark, when boats affected were to retire. The numbers of two boats, A and B were incorrectly radioed to the committee vessel, which ordered them to retire. They did so, and requested redress.

The protest committee, accepting the evidence that the two had not broken rule 30.3, gave them redress of average points for that race. Another boat, C, then requested a reopening of the redress hearing on the grounds that the protest committee had not heard all the evidence. The protest committee decided that there was no new evidence, and the reopening was refused.

C then requested redress on the grounds that her finishing position had been made significantly worse by the decision to award A average points. A should have been given, not average points, but her lowlier position at the windward mark. C's request was refused and she appealed.

DECISION

C's appeal is dismissed.

C's request for a reopening was correctly refused as, not having been a party to the original redress hearing, she

was not entitled to seek a reopening of it under rule 66. A protest committee may itself decide to reopen a hearing when material new evidence from whatever source becomes available, but in this case C had none to offer. When an invalid request for a re-opening meets the requirements of a request for redress, then it should be regarded as a request for redress, and heard – see case RYA 2002/1 – but in this case there were no grounds for doing so.

C then asked for redress. She was entitled to do so, and there was a hearing, but the request was also correctly refused. The protest committee, having found that A had not infringed the black flag rule, was entitled to grant redress in whatever form it considered complied best with its responsibility under rule 64.2 to be as fair as possible to all boats affected. The award of average points was clearly appropriate as concerns fairness to the fleet as a whole, even if it was not favourable to the appellant.

Request for Redress by K46874, Pwllheli SC

RYA 1994/4

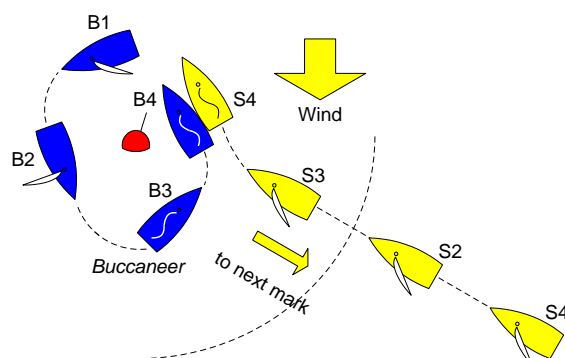
[Rule 15, Acquiring Right of Way](#)

[Rule 18.1\(c\), Mark-Room: When Rule 18 applies](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

A boat that breaks a rule while she is out of control cannot be exonerated for that reason alone.



SUMMARY OF THE FACTS

On approaching the windward mark, *Buccaneer* gybed onto port tack from a starboard reach in order to pass the mark, whereupon the tiller extension jammed between the foot of the sail and the boom and she became uncontrollable. She swung round in a circle with hails of 'Out of control' and tacked onto starboard tack. Another boat, sailing slowly, luffed to keep clear but failed to avoid a collision. There was no injury or damage.

The protest committee decided that there was no racing rule that exonerated a boat that was out of control when she broke a rule of Part 2. *Buccaneer* was disqualified under rule 15 for tacking too close. The protest committee then referred its decision to the RYA under rule 70.2.

DECISION

The protest committee's decision is confirmed.

S broke rule 11, but is exonerated under rule 64.1(a) because *Buccaneer* broke rule 15. If rule 18 had applied, *Buccaneer* would not have been exonerated by rule 21 for breaking rule 15, since *Buccaneer* was no longer rounding the mark on her proper course. As it was, rule 18 did not apply, because of rule 18.1(c), since *Buccaneer* was leaving the mark and S was approaching it.

It may appear harsh to disqualify a boat that is genuinely out of control, but frequently the occurrence is caused by over-canvassing or careless handling, which are avoidable, or by inexperience, which is no justification for exoneration.

Buccaneer v Wayfarer 432

RYA 1994/8

[Rule 29.1, Recalls: Individual Recall](#)

[Rule 63.6, Hearings: Taking Evidence and Finding Facts](#)

In finding facts, a protest committee will be governed by the weight of evidence. In general, a race official sighting the line is better placed than any competing boat to decide whether a boat that was over the line at the starting signal did in fact return and start properly.

ASSUMED FACTS

A number of small keelboats were starting on a line between the masts of two committee vessels. At the starting signal the chief race officer (CRO), at the starboard end of the line, judged two boats to be over the line, while a third was over and clearly returning to round the stern of the port-end committee vessel. Flag X was displayed with a sound signal. As the three boats were at the port end of the line the CRO asked the assistant race officer (ARO) to identify them.

The starting line was 300 yards long, and as the CRO was then unsighted by intervening boats he told the ARO to watch and report whether the offending boats duly returned and restarted correctly. At this stage the ARO had no other duties to perform. He reported that two boats had failed to return, and so both were scored OCS. Flag X remained flying until both had left the starting area.

One of these boats completed the course and finished first. On learning that she had been scored OCS, she requested redress, agreeing that she was over the line at the starting signal but maintaining that she returned and started correctly. She called as witnesses two other competitors who were close by and who believed that she returned and started correctly. The ARO stated that he had a clear view of the boats concerned, sighting along the line from mast to mast and that she did not return but 'just carried on'.

QUESTION 1

May the decision of a race officer that a boat has not started or restarted correctly be overruled on the basis of other evidence? If so, in what circumstances?

ANSWER 1

Yes, when the protest committee is satisfied on the weight of the evidence that the race officer was not watching while the boat was carrying out the returning

manoeuvre, or was mistaken as to the identity of a boat that had not returned.

QUESTION 2

In assessing the weight of evidence in such a case, ought the protest committee to attach more weight to that of the race officer?

ANSWER 2

The evidence of the race officer, who is in the best position to judge, is more reliable.

QUESTION 3

If the issue is simply whether a boat was 'over' the starting line, or whether it had 'wholly' returned, is a person who was not in a position to sight along the line a competent witness?

ANSWER 3

The answer to question 2 is particularly true in the case of whether or not a boat was over at the starting signal. A race officer sighting directly along the line, and concentrating on it at all relevant times, is in by far the best position to make such a judgement.

Questions from South Caernarvonshire YC

RYA 1994/9

[Rule 62.1, Redress](#)

Redress is not available for a boat that is in part the author of her own misfortune.

SUMMARY OF THE FACTS

The helmsman of Optimist GBR 4073 arrived in good time at Largs Sailing Club for the junior fleet race. He then changed into his wet suit and rigged the boat. When competitors were allowed to go afloat, there was an announcement that there was plenty of time to get to the starting area. Both junior and senior fleets began to leave, and GBR 4073 tallied out nearly last. When she arrived at the starting line the preparatory flag was already displayed. She requested redress because she had been unable to make a good start, and had had an indifferent result.

The protest committee found that there had been nothing in the tally system to prevent GBR 4073 leaving the shore earlier; that the junior fleet was the last to leave; that boats started to arrive at 16 minutes to the start; that GBR 4073 had arrived at the start 2½ minutes before the gun; that it took approximately 2 minutes to sail from one end of the line to the other. The protest committee decided that a period of less than five minutes was insufficient to allow a competitor to prepare for a start. Having left the shore amongst the last, she did not arrive at the line until after the preparatory signal. The requirements of rule 62.1 were satisfied. However, the only equitable decision was to let the result stand.

GBR 4073 appealed, on the grounds that, harm to her finishing position having been established, she should have been awarded average points.

DECISION

GBR 4073's appeal is dismissed.

Based on the facts found, the protest committee should have dismissed the request for redress. No improper

action by the race committee was established. In addition, it is clear that GBR 4073 was in part the author of her own misfortune in arriving late at the starting line when there was nothing to prevent her from arriving earlier. Furthermore, her race result could not be directly linked to the situation at the start.

It follows that GBR 4073 should continue to retain her result for the race concerned.

Request for Redress by Optimist GBR 4073, Clyde Cruising Club

RYA 1994/10

[Rule 3\(a\), Acceptance of the Rules](#)

When a sailing instruction requires a measurer at an event to check within a required time that a sail limitation has been complied with, and when this is not done, this does not relieve the competitor from the obligation to comply with the sail limitation.

SUMMARY OF THE FACTS

Laser II 8600 was protested for using more than one spinnaker during the regatta contrary to Sailing Instruction 8 that read:

BOATS AND EQUIPMENT

a) All competitors shall use only one hull, mast, boom, centreboard and rudder. Only one suit of sails shall be used which shall be identified by the measurer before the second points race.

b) In the event of damage, boats and equipment may only be substituted with the written permission of the Principal Regatta Measurer.

The protest committee found that Laser II 8600 changed her spinnaker without authorisation in races 3, 4 and 5 of the series. She was disqualified from races 3, 4 and 5.

Laser II 8600 then requested redress on the grounds that she had not had her sails inspected before the second points race, and that the race committee had later required competitors to sign a declaration that they had complied with Sailing Instruction 8, thus appearing to admit that inspection procedures at the event were inadequate and mismanaged. Laser II 8600 was therefore, she claimed, unfairly disqualified in races 3, 4 and 5 because the inspection procedure was not up to the standard expected at an event of this quality and she had been prejudiced thereby. In addition, before race 5, she had received permission from the measurer to change her spinnaker and ‘the error was therefore more that of the organizers than of her skipper’.

The protest committee then granted redress to the extent that Laser II 8600 was reinstated in race 5 only. Laser II 8600 appealed against her penalization in races 3 and 4.

DECISION

Laser II 8600’s appeal is dismissed.

Two separate issues were raised by this appeal: firstly, that of a competitor changing a sail without seeking prior approval of the event measurer; and, secondly, whether the failure of the race committee to inspect all the boats as required by the sailing instructions was prejudicial to the competitors.

Laser II 8600 was clearly in breach of SI 8(b) by changing her spinnaker without prior approval, and she admitted that this was so. However, it was only when a protest was imminent that she sought the measurer’s permission to change her sail. The failure of the event measurer to identify all the sails in accordance with SI 8(a) does not nullify the appellant’s breach of SI 8(b).

The failure to complete inspection in time is regrettable. However, since inspection at events is a checking process, it does not remove the obligation of every competitor to comply with sailing instructions, which are rules governing the event that a boat agrees to be governed by when participating in the race.

Laser II 9331 v Laser II 8600, Fowey Gallants SC

RYA 1995/3

[Definitions, Party](#)

[Rule 70.1\(a\), Appeals and Requests to a National Authority](#)

A boat whose finishing position may have been made significantly worse as a result of redress sought by and given to other boats is not a penalized boat, is therefore not a party to a hearing, and so does not have the right to appeal against the decision: her remedy is first to seek redress herself.

SUMMARY OF THE FACTS

During the RS400 National Championships rule 30.3, Black Flag rule, was in force for the start of race 2, which was then recalled. So many boats were over the line, including nos. 424 and 430, that it was not possible to display their sail numbers. Instead, the numbers of those eligible to re-start race 2 were displayed, and the competitors informed of this orally by the race officer. Thus the sail numbers of nos. 424 and 430 were not displayed on the board. They restarted the race and were scored DNE by the race committee. They requested redress.

The protest committee decided that redress was due, and that, in the light of great confusion at the start, the most suitable redress was the abandonment of race 2, which would not be resailed. After this decision, no. 420 lodged an appeal on the grounds that the protest committee erred in abandoning race 2. Some boats had completed it correctly and were entitled to their points; the protest committee’s action had penalized these boats.

DECISION

RS 400 420’s appeal is refused.

No. 420 was not a party to the hearing. The decision may or may not have made her score worse, but she was not ‘a boat liable to be penalized’ in the sense of the word as used in the definition Party. Therefore she had no right of appeal under rule 70.1(a).

As soon as she learned of the abandonment, no. 420 should have herself requested redress, claiming that the decision to abandon the race was improper and that it adversely affected her score. If she had then failed to get the redress she believed was due to her she would have been entitled to appeal – see ISAF Case 55.

Appeal by RS400 420, Hayling Island SC

RYA 1996/1

[Part 2, Preamble](#)

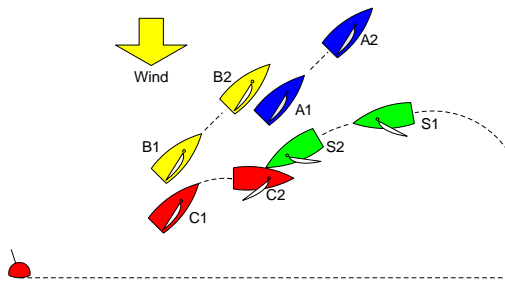
[Rule 10, On Opposite Tacks](#)

[Part 2, Section D Preamble](#)

[Rule 24.1, Interfering with Another Boat](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

The rules of Section A of Part 2 still apply when rule 24 applies, and a port tack boat that is racing must still keep clear of a starboard tack boat that has been racing, independently of the obligation on the starboard tack boat not to interfere with a boat that is racing.



SUMMARY OF THE FACTS

S, close-hauled on starboard tack, was on a collision course with A, close-hauled on port tack. The two boats were racing in different races: A, followed by B and C, were coming through the starting line at the start of a new lap as part of their course, while S's race had been started and then recalled about 20 seconds before the incident.

S bore sharply away to avoid a collision with A, then avoided B, the next boat behind her but collided with C, causing damage that caused C to retire. C tried to avoid the collision but in vain. Boat A sailed a steady course throughout, hailing S that there was a general recall of S's race and that she (A) had right of way.

S and C lodged protests. The protest committee disqualified A and C for breaking rule 10. Boat A appealed.

DECISION

A's appeal is dismissed. The disqualification of C is reversed and the protest committee is to give her redress.

The rules of Part 2 applied to all boats, since they were either racing, or had been racing. The preamble to Section D of Part 2 states that when rule 22 or 23 applies between two boats, Section A rules do not. It follows that when rule 24, also a Section D rule, applies, the right-of-way rules in Section A still apply. In addition rule 24.1 does not require a boat that is not racing to 'keep clear'.

It follows that A's obligation under rule 10 was in force and she was required to keep clear. This she failed to do, and was correctly disqualified. Had she tacked or borne away, keeping clear of S, she could then have protested S under rule 24.1. S, trying to fulfil her obligation under rule 24.1, bore away to go astern of A, a manoeuvre that finally resulted in a collision between S and C. This was due to A's failure to fulfil her obligation under rule 10, and, whether S infringed rule

16, or C rule 10, or both, both boats are exonerated under rule 64.1(a). Since C was damaged and had to retire, the protest committee is to act under rule 60.3(b) to consider redress for C.

Rampallion v Down Under and Lingo, Lingo v Rampallion, Royal Western Yacht Club of England

RYA 1996/2

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

When a boat sees an incident between two other boats in the racing area and wishes to protest one or both of them, she must display a protest flag, when applicable, at the first reasonable opportunity after the incident.

SUMMARY OF THE FACTS

During a race there was an incident between boats A and B. A hailed 'Protest' and flew her protest flag; but she lodged the protest late, and the protest committee found that it was invalid. When this result was announced, boat C, which had been close by at the time of the incident, protested boat A under rule 13. Boat C, whose hull length was more than 6 metres, had not displayed a protest flag.

The protest committee found C's protest to be invalid, and she appealed.

DECISION

C's appeal is dismissed.

No rule exempted C from the requirement for a boat over 6m hull length wishing to protest to display a protest flag at the first reasonable opportunity in respect of an incident not involving her that she saw in the racing area. Her protest was invalid.

395 v 398, RYA Olympic Qualifier

RYA 1996/4

[Rule 32.2, Shortening or Abandoning after the Start Race Signals](#)

A sound signal made when a boat crosses a finishing line is only a courtesy. It has no bearing on the race. A race committee cannot shorten course without the appropriate signal.

SUMMARY OF THE FACTS

After rounding the penultimate mark of the course, *Stampede*, in Class 1, noticed a fast committee boat station herself at that mark and shorten course for subsequent classes. Class 1 could not be shortened at that mark as *Stampede* had already rounded it. *Stampede* expected therefore, that the Class 1 course would be shortened by the main committee boat at the next mark, which was Poole Fairway buoy, the last mark of the course.

Stampede approached Poole Fairway buoy and passed between the buoy and the committee boat. She heard a sound signal, believed she had finished and stopped racing. However the race committee did not display flag S nor did it make two sound signals. No other Class 1 boat reached Poole Fairway buoy, let alone the designated finishing line, within the time limit and so the race was abandoned.

Stampede asked for redress on the grounds that the race committee had signalled a shortened course with a finishing line between the committee boat and Poole Fairway buoy, that she had finished properly on that line within the time limit and that she had received a finishing signal.

Her request was refused on the grounds the race committee had not shortened the course, and no boat crossed the finishing line designated in the sailing instructions before the time limit expired. One sound signal had been made in error as *Stampede* passed Poole Fairway buoy but this in no way affected her score. *Stampede* appealed.

DECISION

Stampede's appeal is dismissed.

It is nowhere written either in the rules or the sailing instructions that a single sound signal denotes that a boat has finished; such signals are by courtesy only. It is clear that, whether it intended to or not, the race committee did not signal a shortened course.

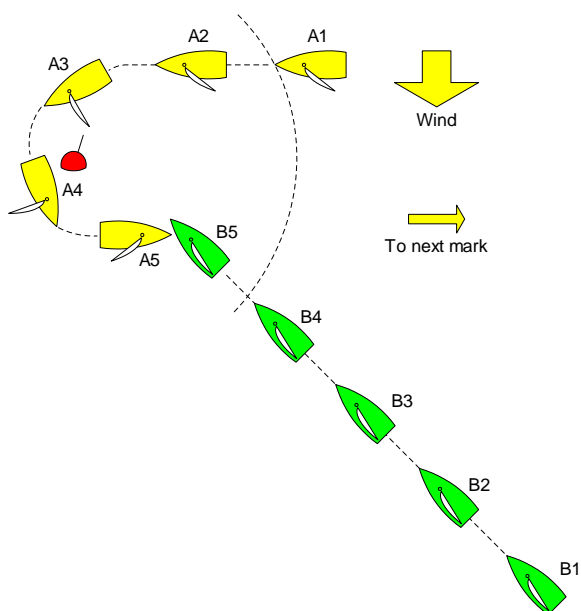
Furthermore, it is evident from *Stampede's* own account that she had no expectation of finishing the full course within the time limit. No action of the race committee prevented *Stampede* from getting a score for a finishing position.

Request for Redress by *Stampede*, Poole YC

RYA 1996/5

[Rule 18.1\(c\), Mark-Room: When Rule 18 applies](#)
[Rule 18.2\(b\), Mark-Room: Giving Mark-Room](#)

When a boat is clear ahead of another when she enters the zone at a mark and is then leaving the mark when the other boat enters the zone, it is only the rules of Sections A and B of Part 2 that apply between them when they meet. Rule 18 does not apply.



SUMMARY OF THE FACTS

Two boats, A and B, approached a windward mark on starboard tack with A well ahead of B. A rounded the mark, gybed onto port tack and made contact with B, still sailing close-hauled for the mark. B protested. A was disqualified under rule 10.

A appealed on the grounds that rule 18 applied at the time of the incident; therefore, although she was on port tack and B was on starboard tack, she was entitled to mark-room under the second sentence of rule 18.2(b) as she had been clear ahead when she entered the zone.

DECISION

A's appeal is dismissed.

At the moment when avoiding action became necessary, after A4-B4, A was already leaving the mark.

Rule 18.1(c) states that rule 18 does not apply between such boats, and A was correctly disqualified for failing, as a port-tack boat, to keep clear of a starboard-tack boat.

Chalkhill Blue v Jagga, Brighton Marina YC

RYA 1996/6

[Rule 62.1\(a\), Redress](#)

When a competitor is injured or hindered through no fault of his own by race committee equipment, his boat is eligible for redress.

SUMMARY OF THE FACTS

Two fleets of about 65-70 Optimists each were to be started at five-minute intervals. The wind was force 3/4 with a slight sea. The committee boat, stationed at the starboard end of the line carried two small cannons, one on each quarter facing aft, loaded with blank shotgun cartridge. It was the practice of the race officer to give a warning when a gun was to be fired such as 'gun firing, ten seconds.' CD, in Optimist 3777, was at the end of the line nearest to the committee boat in a good position. When the starting gun was fired, the wad hit him between the eyes, his eyes were filled with dust and his nose was cut. As a result Optimist 3777 was late in starting and claimed redress under rule 62.1(a). Redress was refused to her on the grounds that the race committee had made no error. She appealed.

DECISION

Appeal upheld; Optimist 3777 is to be given redress by the protest committee.

Firing a gun over the stern of a committee boat when competitors could be expected to be in close proximity was a badly-judged action of the race committee that injured the helmsman and made his score significantly worse as a result. Clearly, no fault lay with the competitor.

Race committees using cannons for sound signals are advised to locate any cannon on the bow on the opposite side from the starting line, and, before firing and when firing, the sound signaller should observe along the line of fire. If a boat or sail is close by and on the firing line, the guns should not be fired. Rule 26 allows for the absence of the sound signal of a starting signal.

Request for Redress by Optimist 3777

RYA 1996/8

[Rule 61.1, Protest Requirements: Informing the Protestee](#)

[Rule 62.1\(b\), Redress](#)

[Rule 63.1, Hearings: Requirement for a hearing](#)

[Rule 67, Damages, RYA Prescription.](#)

The phrase 'an incident in the racing area' covers the period envisaged by the preamble to Part 2 when boats are subject to the racing rules.

A protest committee must hear a valid protest, even if there is no prospect of a boat being penalized.

A boat that is seeking redress for having been physically damaged by a boat required to keep clear in an incident before she is racing is advised to protest as well as to ask for redress.

QUESTION 1

Does the phrase an incident in the racing area' in rule 61.1 mean that the requirement to display a red flag applies to a boat that is not racing? Is a boat intending to race, but not yet racing in the defined sense, required to hail and display a protest flag when she wishes to protest?

ANSWER 1

Yes, except that a flag need not be displayed by a boat of hull length less than 6 metres.

QUESTION 2

When there is an incident that occurs after a boat's preparatory signal, as a result of which she does not start, when may she lower her protest flag?

ANSWER 2

When she takes action to retire, such as by leaving the vicinity of the course.

QUESTION 3

Given that the preamble to Part 2 prevents a boat that is not racing from being penalized in most instances, what point is there in a boat lodging a protest when she is fouled by another when both are intending to race, but neither is racing?

ANSWER 3

A boat that is damaged before the preparatory signal may wish to claim redress under rule 62.1(b) in order to get average points for the race she cannot even start. To get redress she must prove that the other boat was required to keep clear. Since a decision to that effect can only safely be made by a protest committee having heard the evidence of all those involved, it is sensible to lodge a protest as well as seeking redress in order for the other boat to be present at the hearing, since the other boat would not be a party to a request for redress on its own.

QUESTION 4

Given the limitations imposed by the preamble to Part 2 and RYA Prescription 1 to rule 67, would a protest committee be justified in declining to hear a protest over an incident occurring when neither boat is racing?

ANSWER 4

No. A protest committee must hear a valid protest. Rule 63.1 says so.

Questions from Royal Lympington YC

RYA 1997/1

[Rule 46, Person in Charge](#)

[Rule 78.1, Compliance with Class Rules; Certificates](#)

[Rule A2, Series Scores](#)

When a boat takes part in one race in a series under a different name, and with a different person in charge, she remains the same boat, and her race points will count towards her series score, unless class rules, notice of race or sailing instructions say otherwise.

SUMMARY OF THE FACTS

A Sigma 33 named *Serendip* raced in a number of offshore races, gaining points for the year's points prize. She was then chartered for the Fastnet Race in which she entered and sailed under the name *Securon*. Her points in that race were added to the points already won as *Serendip*.

Redcoat sought redress, asserting that *Securon* was in effect a separate boat, whose points should be tabulated separately from those for *Serendip*, and that combining them had boosted *Serendip / Securon's* series finishing position to the detriment of *Redcoat's*. Redress was refused, and *Redcoat* appealed.

DECISION

Redcoat's appeal is dismissed.

The boat's name had been changed, with the approval of the organizing authority, she was entered by a person who was not the owner, and sailed with a different crew. None of these are relevant in the Racing Rules of Sailing, nor were they prohibited by class rules, the notice of race or the sailing instructions.

Had there been any change to the ownership of the boat, to her certificate (which would have been invalidated by change of ownership, under class rules), to her sail number, hull, spars or gear, these would have been matters relevant to the Racing Rules of Sailing or to class rules. But there was none, and she was therefore the same boat.

When a race committee wishes to place limitations on changing the name of a boat or on who may be the person in charge of a boat, it must say so in the notice of race and sailing instructions.

Request for Redress by *Redcoat*, Royal Ocean Racing Club

RYA 1997/2

[Rule 27.1, Other Race Committee Actions Before the Starting Signal](#)

[Rule 86.1\(b\), Changes to the Racing Rules](#)

A sailing instruction that states how a change of course will be signalled, but which does not refer to rule 27.1, does not change that rule, and therefore does not empower the race committee to signal a course change after the warning signal.

SUMMARY OF THE FACTS

A course was displayed before the warning signal. The sailing instructions said:

5.1 Flag F - Fresh Course Signal

This means that the course has been changed from that previously set. It shall be the sole responsibility of each boat to ascertain the revised course.

After the warning signal, flag F was flown and a new course was displayed. *Valerian* sailed the original course. Other boats sailed the changed course. *Valerian* protested them under rule 28. Her protest was dismissed, and she herself was disqualified for sailing the wrong course. She appealed.

DECISION

Valerian's appeal is upheld. She is to be given first place and the other boats are to be awarded redress.

Rule 27.1 permits the race committee to replace one course signal with another, but no later than the warning signal. If a race committee wishes to change a course after the warning signal, it must either signal a postponement, or have a valid sailing instruction permitting it to signal the change.

Rule 86.1(b) says that sailing instructions that change a racing rule must not only state the change, which SI 5.1 did, but must refer specifically to the rule being changed, which it did not. The effect of SI 5.1 was that it advised how the race committee would draw competitors' attention to a course change made before the warning signal, but it did not empower the race committee to change the course after the warning signal.

Valerian sailed the correct course, which was the one displayed at the warning signal, and is to be given first place. The other boats did not, and so broke rule 28. However, displaying a change of course after the warning signal was an improper act by the race committee. This prejudiced the other boats, which were entitled to believe that the course they saw at the preparatory signal was the correct one. The protest committee is to award them redress, which might be by scoring them in the order in which they finished, beginning with 'equal first'.

Valerian v CHS Boats, Saltash SC

RYA 1998/1

[Rule 41, Outside Help](#)

The issues as to whether information and advice are permissible outside help will depend on whether they were asked for, whether they were available to all boats, and whether the source was disinterested.

QUESTIONS

When do advice and information constitute outside help under rules 41(c) and (d)? Do questions of safety affect the ruling?

ANSWERS

The following will serve as general guidelines:

- a boat that asks for and is given individual advice that is relevant only to her breaks rule 41.
- a boat that does not ask for but is given advice by a disinterested person and acts on it does not break rule 41. See rule 41(d).
- a boat that acts on advice given by an interested person breaks rule 41. That might be a coach or a parent. In team racing, rule D1.1(g) permits advice from a team member when given non-electronically.

- if the race committee gives all boats advice or information that does not favour any particular boat, no boat breaks rule 41 and no boat is entitled to redress. See rule 41(c).
- when a boat is in danger, as when unknowingly standing into rocks, advice or a warning from another boat would be help as permitted in rule 41(d).

RYA Case 1993/6 illustrates some of the points.

Questions from West Kirby SC

RYA 1998/2

[Rule 35, Time Limit and Scores](#)

[Rule 86.1\(b\), Changes to the Racing Rules](#)

When it is intended that no boat finishing outside a time limit shall have a finishing place, this requires a change to rule 35. To be valid, the sailing instruction concerned must refer to the rule and state the change.

SUMMARY OF THE FACTS

In a handicap race, sailing instruction 8 stated 'The time limit for Race 1 (Distance Race) shall be the start time plus 5 hours ... Yachts failing to finish within the time limit will be scored DNF.'

All the boats finished in less than 5 hours, except *Diana*, the smallest boat in the fleet, which finished 5 hours 19 minutes after the start and was scored DNF. She asked for redress on the grounds that the race officer should have shortened the course and that, as she would have won on corrected time had her finishing time counted, the race had been unfair. Redress was refused and she appealed.

DECISION

Diana's appeal is upheld. She is to be scored by her finishing time.

The race officer acted within his rights under rule 32 in not shortening the course, and the protest committee correctly denied *Diana*'s request for redress on those grounds. A club may prescribe any time limit it wishes, and many clubs wish to set the same time limit for all boats.

However, this must be effected validly. The sailing instruction was meant to change rule 35, but did not say so as required by rule 86.1(b). It was therefore invalid, rule 35 was not changed, and, since at least one boat had finished within the time limit, *Diana* was entitled to a finishing place.

Request for Redress by *Diana*, Sussex YC

RYA 1998/3

[Rule 29.1, Recalls: Individual Recall](#)

[Rule 62.1\(a\), Redress](#)

When a boat has no reason to know that she crossed the starting line early and the race committee fails to signal 'individual recall' promptly and scores her OCS, this is an error that significantly worsens the boat's score through no fault of her own and therefore entitles her to redress.

SUMMARY OF THE FACTS

25 boats started on a reach. The committee vessel was lying to the wind to leeward of the fleet, which meant that the flags were difficult to see and the guns hard to hear. The recall sound signal was made promptly but the visual signal was displayed properly only 30 - 40 seconds after the starting signal, by which time *Bobsleigh*, which could see no recall flag, was out of audible range of the sound signal. She believed she was not OCS and sailed the race. She was scored OCS in the results.

Bobsleigh asked for redress on the grounds that she had not been over the line, and that this had been confirmed by the lack of recall flag or sound signal. The protest committee found that *Bobsleigh* had been over the line at the start and refused redress because 'Bobsleigh's crew were insufficiently thorough in checking flag.' *Bobsleigh* appealed.

DECISION

Bobsleigh's appeal is upheld. The protest committee is to decide suitable redress.

Rule 29.1 requires the race committee to display flag X promptly. ISAF case 79 states: 'No specific time will apply in all circumstances, but in this rule it means a very short time. A race committee should signal 'Individual recall' within a few seconds of the starting signal. Forty seconds is well beyond the limit of acceptability.'

A race signal comprises a flag and one or more sounds, and both parts of a signal should be made at approximately the same time. A sound signal without a visual signal has no meaning. Failure by the race committee to comply with rule 29.1 does not excuse any boat that knows she was OCS from returning and starting, but where, as here, it is clear that the boat had no reason to suppose that she was OCS, then she is entitled to redress. Since she was however OCS, ISAF case 31 says that any place awarded should not put her in a better position than if she had returned after a recall signal had been properly and promptly made.

Request for Redress by *Bobsleigh*, Falmouth Town Regatta

RYA 1999/1

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

A protest flag must be kept close at hand. A boat that waits to see whether another boat will take a penalty before displaying a protest flag has not acted at the first reasonable opportunity. A protest committee need not investigate the promptness of the display of a protest flag when no question of delay arises in the written protest, and when the protestee, when asked, makes no objection. When a boat that is already displaying a protest flag wishes to protest again, only a hail is required.

QUESTION 1

When the rules require a boat to display a protest flag in order for a protest to be valid, should the protest committee expect a competitor to have the protest flag ready to use, or is it reasonable in a larger boat to keep it below or in a locker, and fetch it when needed?

If not, how many seconds does a boat have before the first reasonable opportunity may be said to have passed?

ANSWER 1

A protest committee should expect a competitor to have a protest flag close at hand. Where it is kept is not important, but if its location delays its display significantly, as it is likely to do if kept below, and there was some other more quickly accessible place where it could have been kept, then it will not have been displayed at the first reasonable opportunity. No particular time for displaying the protest flag can be specified. The longer the time between the incident and the display of the protest flag, the more closely the protest committee should examine the circumstances to see if the first reasonable opportunity had clearly passed.

QUESTION 2

Has a protestor acted at the first reasonable opportunity when: the protestor has hailed immediately, and has then waited to see whether the other boat takes a two-turns penalty before displaying a protest flag?

ANSWER 2

No.

QUESTION 3

Should a protest committee investigate the promptness of the hail and (when applicable) the flag in all cases, or only when the protestee makes an objection?

ANSWER 3

The purpose of the flag and hail is to do as much as is practical afloat to make the protestee aware of a potential protest. If the protest form claims that the flag and hail were prompt, and when the protestee does not, when asked, dispute this, the objective of the rule has been achieved, and there is no need to investigate further. When the protest form is ambiguous or silent, or when the protestee objects on this point, the protest committee must investigate.

QUESTION 4

What should a protestor do when he wishes to protest, but is already displaying his own protest flag in respect of a previous incident?

ANSWER 4

It will be sufficient to hail, a second flag is not required

Questions from the Bristol Corinthian YC

RYA 1999/2

[Rule 60.1, Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 60.2, Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

[Rule 62.1\(b\), Redress](#)

After an incident, a boat may both protest another boat and request redress: the use of 'or' in rule 60.1 does not preclude both options being used together. A race committee cannot be compelled to exercise its right to protest.

SUMMARY OF THE FACTS

Waverider protested a number of boats at the start of a race for failing to obey a sailing instruction that required them to keep clear of the line while others were starting. She also asked for redress because the race committee had not protested these boats. The protest committee dismissed the protest as invalid on the grounds that the protestor had failed to notify the protestees as required by rule 61.1(a).

It also dismissed the request for redress, finding it invalid firstly because it was received outside the time limit and secondly because its interpretation of rule 60.1(a) was that a boat could either protest or request redress, but not both: as a protest had been lodged the request was not valid.

Waverider appealed.

DECISION

Waverider's appeal is dismissed.

The protest was correctly dismissed as being invalid for want of timely compliance with rule 61.1(a).

The request for redress, had it not been late, would also have failed. It required the race committee to protest the listed boats, but the word 'may' in rule 60.2 means that a race committee has discretion whether to protest a boat or not, and cannot be compelled to do so.

However, the protest committee was incorrect in deciding that a boat cannot successfully both protest and ask for redress. For instance, it is not unusual after a collision for a boat to protest the other boat under a rule of Part 2 and, when there has been damage, ask for redress under rule 62.1(b).

Waverider v 527 and 4 other boats; Request for Redress by Waverider, Lymington Town SC

RYA 1999/3

[Definitions, Rule](#)

[Rule 3\(a\), Acceptance of the Rules](#)

[Rule 63.1, Hearings: Requirement for a Hearing](#)

[Rule 76.1, Exclusion of Boats or Competitors](#)

By participating in a race, a competitor agrees to be governed by the rules, as defined, despite any assertion to the contrary.

A race committee cannot disqualify a boat, except under rule 30.3.

To reject or cancel the entry of a boat in a series under rule 76, the organizing authority or race committee must do so before the first race of the series.

SUMMARY OF THE FACTS

SI 14, Safety Regulations, placed the responsibility for a boat's safety on the boat. The owner of *Shock* believed that the course set by the race committee was dangerous and wrote to the organizing club saying that he would hold the club liable for any damage to his boat. Nevertheless *Shock* started and completed the race, but was disqualified by the race officer and not awarded a finishing time. The race committee lodged no written protest, nor did it explain the reasons for the disqualification. *Shock* requested redress.

After a hearing, the protest committee decided that, as the owner's letter purported to repudiate acceptance of a specific safety sailing instruction, *Shock's* race entry had been invalidated. She had therefore not been eligible to race. The protest committee refused redress and, invoking rule 76, reclassified *Shock* as DNS. *Shock* appealed.

DECISION

Shock's appeal is upheld: she is to be reinstated and given her finishing time and position.

The race committee disqualified *Shock* under rule 76 without protesting her. The only rule that permits a race committee to disqualify a boat without a hearing is rule 30.3, otherwise a race committee has no powers to score a boat DSQ on its own initiative. Rule 76 permits an organizing authority or race committee to reject or refuse an entry, but not to disqualify a boat, and a race committee or organizing authority wishing to use rule 76 must, in a series, act before the first race of that series.

The protest committee reclassified *Shock* as DNS, but DNS (like DNC and DNF) is a statement of fact, and in this case not appropriate since *Shock* started.

Rule 3 states that by participating in a race each competitor agrees to be governed by the rules. Rule is a defined term that covers, in detail, all documents governing an event. When a competitor races, he signifies that he agrees with the conditions of entry. By racing, *Shock's* owner accepted the entry terms and *Shock* was entitled to a result.

Request for Redress by *Shock*, Guernsey YC

RYA 1999/4

[Rule 62.1\(a\), Redress](#)

A boat that believes she has been adversely affected by a mistake of the race committee, but which chooses not to race or to continue racing although able to do so, is not without fault, since she contributes to her own worsened score, and so is not entitled to redress.

SUMMARY OF THE FACTS

The watch used by the race officer to start the race was some 3 - 5 minutes fast, and so the race was started before its advertised time, in very light airs. *Blue* was not able to reach the starting line for her starting signal. She would have been able to do so if the race had started at the correct time. Other boats were able to make a satisfactory start. *Blue* did not try to start, returned to the shore, was scored DNS, and asked for redress, which was refused. She appealed.

DECISION

Blue's appeal is dismissed.

The race officer made a mistake, which affected only *Blue*. Any prejudice that might have resulted became irrelevant when, rather than sail the course, *Blue* made no attempt to race and elected to return ashore. For the purposes of rule 62.1, she was not without fault, as it was she that had deprived herself of a score for a finishing position.

Request for Redress by *Blue*, Pwllheli SC

RYA 1999/5

[Definitions, Keep Clear](#)

[Rule 2, Fair Sailing](#)

[Rule 14, Avoiding Contact](#)

When a give-way boat is already breaking a rule of Section A of Part 2 by not keeping clear, deliberate contact does not necessarily break rule 2.

SUMMARY

Before the starting signal, two boats were reaching on starboard tack toward the committee vessel at the end of the starting line. L established her leeward overlap when there was room for W to keep clear. W made no attempt to keep clear. L's crew leaned out and touched an item of W's equipment which was in its normal position. L protested W. L's evidence was that her crew had touched W to prove that W was too close to be described as keeping clear.

The protest committee found that W had broken rule 11 and disqualified her. It also found that L had broken rule 2 by making deliberate contact with W, citing ISAF Case 73. W appealed

DECISION

W's appeal is dismissed: however, L is to be reinstated.

In ISAF Case 73, W was keeping clear, so that L's action in deliberately touching her could have had no other intention than to cause W to break rule 11. In the present case, the protest committee was satisfied that W was already not keeping clear, as defined, before contact occurred (even though there was no contact between the hulls or equipment of the boats) and so W was already breaking rule 11 when contact was made by the crew member of the right-of-way boat; thus rule 2 was not broken.

The contact was an infringement of rule 14, but rule 14(b) explicitly prohibits the right-of-way boat being penalized under this rule when the contact does not cause injury or damage.

Jagga v Chalkhill Blue, Brighton Marina YC

RYA 1999/6

[Rule 64.2, Decisions: Decisions on Redress](#)

[Rule 86.1\(b\), Changes to the Racing Rules](#)

While it is to be avoided when more equitable arrangements are available, abandonment may, very occasionally, be the least unfair option.

A race officer cannot overrule a sailing instruction.

SUMMARY OF THE FACTS

In a youth event on a reservoir with 259 boats, parking and launching arrangements were difficult. The Topper fleet of 111 had a single start, (warning signal scheduled for 1130), and on the first day found their launching delayed. A sailing instruction prohibited launching until a black ball signal was lowered. The signal was still displayed at 1100.

Just after 1100, a race official, realising that the black ball signal should have been removed, but unable to get this done promptly, told several competitors that they could now launch, and some did so. The black ball was lowered at 1105. The race officer started the race five

minutes before the scheduled time. As a result, many boats were unable to reach the starting area in time for a reasonable start and requested redress.

The protest committee found that they had been affected by the race committee errors, and granted redress by abandoning the race.

Walsdos and other Toppers requested redress in their turn, asking for the race to be reinstated with individual boats getting some other form of redress. This was refused and *Walsdos* appealed. In her appeal she suggested that the sailing instruction prohibiting launching before the signal was lowered had been overruled by the action of the race official.

DECISION

Walsdos's appeal is dismissed.

While it is to be avoided when more equitable arrangements are available, abandonment may, very occasionally, be the least unfair option.

In this case, the launching problems were considerably aggravated by the start being made early and the effects of the race committee's errors on the fleet (not just on the boats seeking redress) are unquantifiable. The RYA sees no grounds for overturning the protest committee's decision at the time in favour of some other imperfect arrangement. The applicant is not correct when he says that the black ball signal had been overruled by the race officer. This could be effected only by a change to sailing instructions. Any earlier launching broke this sailing instruction, and any boat that decided not to launch until the signal was lowered was correct to wait.

Request for Redress by *Walsdos*, Datchet Water SC

RYA 1999/7

[Rule 64, Decisions](#)

The decision of a protest committee may be altered only when a case is reopened or on appeal. It is not open to a club sailing committee to change a protest committee's decision.

SUMMARY OF THE FACTS

Alchemist was OCS at the start of the Round The Island Race. She tried to return to the pre-start side of the starting line, but was not seen by the race committee to have done so, and was given a finishing time penalized by a 5% time penalty, as permitted by the sailing instructions. She requested redress, believing that she had returned correctly.

The protest committee found that she had tried but failed to return correctly. Another sailing instruction permitted the protest committee to waive any penalty if it decided that a boat had broken a rule, other than a rule of Part 2, when the infringement had had no significant effect on the outcome of the race. Using this sailing instruction, the protest committee, finding that she had not gained any advantage from her incorrect start, gave *Alchemist* redress by removing the 5% time penalty from her finishing time.

The sailing committee of the club organizing the race overruled this decision and disqualified *Alchemist*. She appealed.

DECISION

Alchemist's appeal upheld: she is to be reinstated into her finishing position.

The protest committee was entitled to use the sailing instruction permitting it to waive the penalty, and the RYA sees no reason to question its decision.

Neither a race committee nor the sailing committee of a club has the authority to overturn the decision of a protest committee. The race committee, as a party to the hearing, had the option to request a reopening (rule 66), or to appeal (rule 70.1). It did neither.

Request for Redress by *Alchemist*, Island SC

RYA 1999/8

[Rule 32.1\(c\), Shortening or Abandoning After the Start](#)

When the wind falls light in a race that cannot be shortened, it is not proper for the race committee to abandon until it is unlikely that any boat will finish within the time limit. The possibility of a revival of the wind must be taken into account.

SUMMARY OF THE FACTS

The starting and finishing line for a handicap centreboard race was a transit from the shore, and there were no facilities for the race committee to go afloat to shorten at a mark. The race would have been finished after three laps, and the time limit was two hours. The leading boat had sailed the first two laps in just over 20 minutes for each lap. The wind then dropped, and the leading boat made only limited progress in the next 25 minutes. Some boats chose to stop racing.

At that point, the race officer signalled an abandonment from the shore flag mast, out of sight and earshot of the fleet, which continued racing. The wind picked up, and the remaining boats crossed the finishing line within the time limit. The boat that would have won on handicap asked for redress, which was refused on the grounds that the decision of the race officer to abandon was correct at the time he made it. The protest committee referred its decision to the RYA.

DECISION

The decision of the protest committee is not confirmed, and the case is returned to the protest committee to grant redress.

When the race was abandoned, there were still 55 minutes for the leading boat to sail less than a lap that had previously been sailed in just over 20 minutes, which would have resulted in finishing places for all other boats that finished – see rule 35. It could not have properly been said at that moment that it was unlikely that any boat would finish within the time limit, since there was sufficient time for a stronger breeze to return. The decision to abandon was premature, and redress is to be granted to those boats that continued to race, based on the recorded rounding times at the end of the second lap.

It should be noted that the decision to abandon would have been equally improper had no boat then crossed the finishing line within the time limit, but that could not result in redress, since in the absence of the

abandonment the boats would not have had scores for finishing positions.

Request for Redress by Laser2 5749, reference from Lancing SC

RYA 1999/9

[Rule 81, Rescheduled Event](#)

When a race is abandoned, and the race committee or protest committee decides that it will be resailed on another day, rule 81 applies. A boat that had entered but not sailed the abandoned race has a right to take part. A boat that took part in the abandoned race but is not able to participate in the resail is not entitled to redress, even though the abandonment resulted from her own previous request for redress, provided that the race committee acts reasonably in deciding a date for the resail.

SUMMARY OF THE FACTS

The notice of race and sailing instructions for a 10-race series, with two discards, did not require an entry to be made in writing, and Flying Fifteens on their moorings were deemed to be entrants, scoring points for DNS when they did not take part.

After a race sailed in June, *Bones Jones* requested redress, and as a result the protest committee abandoned the race and ordered a resail. The race was rescheduled for 29th August, the last practical date in the season. *Bones Jones* then suffered damage and was unable to take part. The rescheduling was arranged by the owner of ff2278 who was the sailing secretary of the club. ff2278 had not taken part in the abandoned race, but competed in seven of the other nine races in the series.

After the resailed race, *Bones Jones* again requested redress, this time on the grounds that ff2278, which had not sailed the original race, had been allowed to sail in the rescheduled race, and because the resail date had been impossible for herself (*Bones Jones*) because of boat damage. The protest committee held the resailed race to be invalid for the reasons asserted by *Bones Jones* and abandoned it. It then gave redress of average points to those boats that raced in the first race, in which ff2278 had not started.

The race committee appealed.

DECISION

The race committee's appeal is upheld: the results of the race held on 29th August are to stand, including the result of ff2278.

The decision by the protest committee to resail the first race is not the subject of this appeal and is therefore to be accepted.

In deciding the claim for redress by *Bones Jones*, the protest committee made an error when it decided that ff2278 was not entitled to take part in the resail. ff2278 was an entrant (albeit not a starter) in the race in question by virtue of the club's sailing instruction and therefore entitled to sail in the rescheduled race in accordance with rule 81.

When the date is chosen for a race to be resailed, it often follows that a boat that sailed the abandoned race is unable to take part in the resail. Provided that all

boats that entered the first race are notified of the resail date, and that the date is chosen fairly, there is no error by the race committee and no boats are entitled to redress on the grounds of the rescheduled date.

The sailing secretary made every effort to ensure that the resail date suited as many people as possible. She cannot be held responsible, due to circumstances outside her control, for a competitor not being able to start. The fact that the appellant was unable to race on the day chosen for the rescheduled race was unfortunate, but not an improper action of the race committee.

Request for Redress by *Bones Jones*, County Antrim YC

RYA 2000/5

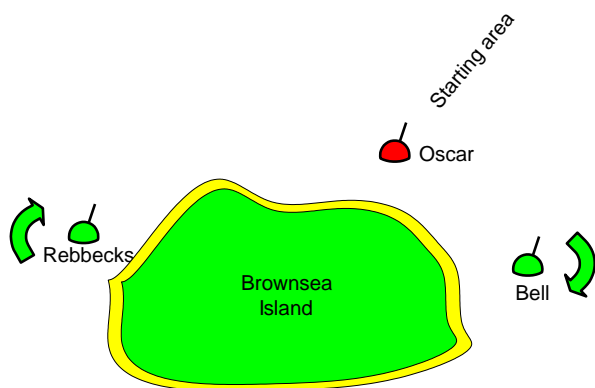
Rule 28.2, Sailing the Course

When the sailing instructions state that a mark is to be rounded, boats shall do so, even if the intentions of the race committee were otherwise. However, a boat that did not do so for good safety reasons would be entitled to redress.

The string in rule 28.2 is to be taken to lie, when taut, in navigable water only.

When a mark to be rounded is too close to the rhumb line from the previous mark to the next mark for a boat to be able to decide visually whether it has to be looped, a boat that does not loop it and is successfully protested is entitled to redress.

However, she will not be entitled to redress if the marks are charted and the boat can be expected to carry charts that will show that the mark can be rounded only by looping it.



ASSUMED FACTS

The Club asked questions that arose from a protest where the time limit for any appeal had expired. The sailing instructions required all marks to be rounded. The course set included Rebbecks (S), Oscar (P), Bell (S). The race committee had intended that Oscar was to have been a passing or 'boundary' mark, to keep the race away from the starting line being used by other boats.

QUESTION 1

Were boats entitled to interpret the true intentions of the race committee and not loop Oscar?

ANSWER 1

No. The sailing instructions required marks to be rounded, and therefore the only correct course was to loop Oscar. The fact that the intentions of the race committee were to the contrary does not change this.

QUESTION 2

If a boat decided not to loop Oscar and was successfully protested, could she then seek redress?

ANSWER 2

For redress to be granted, there must be some improper act or omission by the Race Committee. Requiring Oscar to be looped was not automatically an improper action of the race committee. If some boats elected not to round Oscar, were successfully protested and then sought redress, then a protest committee might rightly regard the setting of such a course as an improper action if it brought the fleet into conflict with other boats in the vicinity of the starting line. If some boats looped Oscar and others chose not to do so for safety reasons, then it is possible that the only equitable redress might be to abandon the race.

Further questions unrelated to the diagram:

QUESTION 3

Must the string referred to in rule 28.2, when drawn taut, lie in navigable water only?

ANSWER 3

There is no direct guidance in the rule itself or in ISAF cases. However, it would be curious for a boat's wake to be regarded as passing over dry land, and the pragmatic interpretation of rule 28.2 is that the string, when drawn taut, lies in navigable waters only, is caught on headlands, passes to one side of non-navigable shallows or prohibited areas, and follows the course of a river.

To decide differently might sometimes mean that a mark identified by the sailing instructions as a rounding mark would otherwise have to be looped, requiring a boat to cross her own wake.

An analogy can be drawn with the separate and different requirement in the definition Finish to cross the finishing line from the course side. This has the effect of prohibiting 'hook finishes' in open waters, but where the race is on a river it is quite possible that the course of a river can result in the line being approached in the opposite direction from the rhumb line from the last mark. Here too, it is implicit that the direction of the course is constrained by physical geography.

Similar situations can occur with a sea course that finishes within a harbour.

QUESTION 4

What are the obligations on a boat when a rounding mark is laid close to the rhumb line from the previous mark to the next mark?

ANSWER 4

If, from observations afloat, competitors cannot be expected to be sure on which side of the rhumb line it lies, then a competitor who does not loop it and is protested should be exonerated if in fact it should have been looped.

However, if fixed marks are used and if boats can be expected to have a chart on board, then the charted position will determine whether the mark has to be looped.

Questions from Parkstone YC

RYA 2001/1

[Rule 28.1, Sailing the Course](#)

[Rule 28.2, Sailing the Course](#)

A leg of a course does not end until the mark ending it has been left on the required side. When a boat leaves a mark on her wrong side, it is only at that mark that she must unwind and round to correct her course. Her course around any subsequent marks, between making her mistake and correcting it, is not relevant to the 'string test'.

ASSUMED FACTS

A boat leaves a mark on her wrong side. She rounds one or more further marks correctly. She then realises her error.

QUESTION

May she return directly to the mark concerned, there to correct her mistake? Or must she first retrace her course via the other marks to unwind her string?

ANSWER

She may return directly to the mark concerned.

A leg has not been completed until the mark ending it has been left on the required side. A boat that makes an error by leaving a mark on the wrong side will fail the string test described in rule 28.2 unless she returns to correct her error. If she continues to sail the course, later marks have a required side as if she had not made an error. However, when a boat begins to return to correct an error, she resumes sailing the leg on which she made her error and all marks she has rounded or passed since making the error no longer have a required side. When her string is drawn taut, it will not catch on those later marks, which become relevant again only when her error has been corrected, after which they must be rounded or passed correctly.

Question from Minima YC

RYA 2001/2

[Sportsmanship and the Rules](#)

[Rule 2, Fair Sailing](#)

[Rule 61.3, Protest Requirements: Protest Time Limit](#)

When a boat believes that she may have broken a rule and retires in compliance with the Basic Principle, she may revoke her retirement within protest or declaration time if she later realises that she did not in fact break a rule. However, if she is not acting in good faith, she breaks rule 2, Fair Sailing.

ASSUMED FACTS

Boat A lodged a protest against boats B and C for sailing the wrong course. Boat B did not believe she had done so, but 'did the sportsmanlike thing' and retired. Boat C did not retire. Within protest time, boat A checked her facts with the race committee, and found that her protest was unjustified. She withdrew her protest against boat C.

QUESTION

Was boat B then entitled to 'unretire'?

ANSWER

The rules are silent with regard to 'unretiring'. When a boat retires in compliance with rule 44.1, Penalties at the Time of an Incident: Taking a Penalty, for having gained a significant advantage or causing serious damage in the act of touching a mark or breaking a rule of Part 2, that is irrevocable.

When a boat retires for some other reason, as in this case, and has indicated her retirement either to the race committee or to another boat, she may reverse this decision before the end of protest time or declaration time, whichever is earlier, provided that she has not broken any other rule in the meantime. For instance, retiring during a race, using her engine, and then resuming racing would preclude 'unretirement'.

However, if she has no good reason to 'unretire', she breaks rule 2, Fair Sailing, and the protest committee should, if necessary, extend the protest time limit for any boats that did not proceed with a protest against her because of her initial retirement.

Question from Royal Southampton YC

RYA 2001/3

[Rule 14\(b\), Avoiding Contact](#)

[Rule 44.1\(b\), Penalties at the Time of an Incident:](#)

[Taking a Penalty](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

Damage includes something that a prudent owner would repair promptly. Damage includes damage a boat causes to herself. Damage may be serious, even if both boats are able to continue to race.

When a boat may have caused injury or serious damage in breaking a rule of Part 2 or rule 31 but does not retire, a protest against her is to be heard and decided on the basis of the appropriate rule. Only when she is found to have broken such a rule and to have caused injury or serious damage does the question of compliance with rule 44.1(b) become relevant.

SUMMARY OF THE FACTS

There was a pre-start collision between boats A and B. Boat B took a two-turns penalty. Boat A protested. The protest committee disqualified boat B under rule 44.1(b), for causing serious damage and not retiring. The cost of repairing both boats was substantial, boat B having come out the worse with an exposed core and a displaced bulkhead. Both boats had completed the race and a further race that day. Boat B appealed, on the grounds that the cost of repairs alone did not constitute serious damage if a boat was able to continue racing.

DECISION

B's appeal is dismissed.

The serious damage referred to in rule 44.1(b) includes damage a boat causes to herself as a result of breaking a rule of Part 2.

ISAF Case 19 gives some examples of questions to ask when deciding whether there is damage. It also states that 'It is not possible to define 'damage'

comprehensively'. The protest committee used a different and widely-accepted criterion, which the RYA supports, namely whether what had happened to the boats was something that a prudent owner would repair promptly, even though the boats were able to continue racing. There is no doubt that both boats required prompt attention, and so there was damage.

The RYA upholds the protest committee's conclusion that the damage was serious, based on both the extent and type of the damage and the cost of repairs to both boats both in absolute terms and relative to the value of the boats. The fact that one or both boats can continue racing does not preclude damage from being serious.

B's disqualification was stated to be for not retiring. Rule 44 cannot be broken. Failure to take the appropriate penalty under rule 44 opens a boat to being penalized for her breach of the relevant right-of-way rule (or rule 31). When a boat protests under rule 44, her protest is to be corrected and heard accordingly. If a party to the protest is found to have broken a rule of Part 2 or rule 31, and also to have caused injury or serious damage (or gained a significant advantage), but had not retired, then the protest committee is to penalize her for breaking the relevant rule of Part 2 or rule 31.

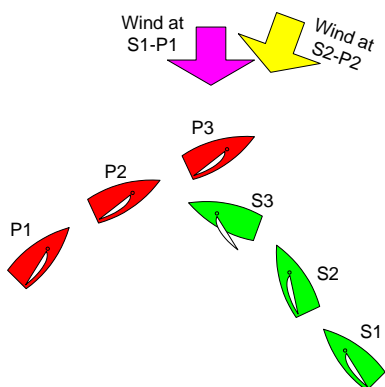
The fact that a boat has caused injury or serious damage and has retired does not prevent a protest being brought against her and heard. The outcome, if unfavourable to a boat that has retired, will be that she cannot be penalized, but the facts found can lead to redress for another boat.

Audacious v Communicator, Royal Southern YC

RYA 2001/5

[Definition, Keep Clear](#)
[Rule 16.1, Changing Course](#)

When a right-of-way boat changes course and deprives a give-way boat of room to keep clear, she will have complied with rule 16.1 by making a further change to a course that will give the other boat room to keep clear.



SUMMARY OF THE FACTS

S and P were close-hauled on opposite tacks. When they were just over two lengths from each other, a wind shift lifted S and headed P. If both boats had held their new courses, S would have made contact with the starboard quarter of P.

S bore away and passed astern of P. There was no contact. S protested P under rule 10. The protest

committee found that, on their original courses, P would have crossed S, without S needing to take avoiding action. When S changed course, P could only stand on after being headed, which was all she could do to try to keep clear of S. It dismissed the protest, stating that S's avoiding action was made necessary by the wind shift. S appealed.

DECISION

S's appeal is dismissed.

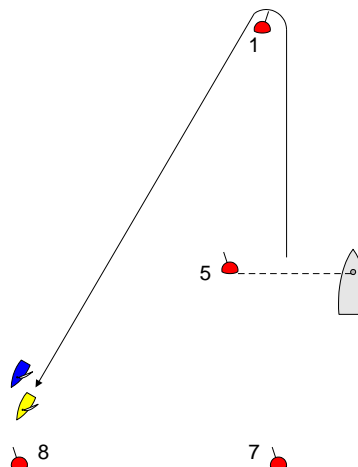
Before the boats changed course, P was keeping clear of S, as required by rule 10. When S changed course, she was required by rule 16.1 to give P room to keep clear. She did this by bearing away.

420 49820 v 420 49956, RYA Volvo Youth Championship

RYA 2001/6

[Rule 28.1, Sailing the Course](#)
[Rule 32.2, Shortening or Abandoning After the Start](#)

When a course is shortened, the finishing line is at the line or to the mark that is nearest to the finishing vessel. If the shorten-course signal is made when boats still have to round other marks before they would reach the new finishing line, they shall sail so as to leave those marks on the required side and in the correct order, unless the sailing instructions make some other provision.



ASSUMED FACTS

The course is 1 – 8 – 7, marks to be left to port, two laps, and boats must cross the starting and finishing line from the committee boat to buoy 5 at the end of each lap. During the first lap, the race committee boat signals a shortened course when the leading boats are approaching buoy 8.

QUESTION 1

Which is the finishing line? To buoy 8 (200 metres from the committee boat), in which case is it now to be left to starboard? To buoy 7 (75 metres from the committee boat), in which case is it now to be left to starboard? Or to buoy 5 (30 metres from the committee boat)?

ANSWER 1

Rule 32.2 refers to shortening 'at' a rounding mark or line. Any of the buoys could be a legitimate place at which to shorten a race, but the committee boat must be considered to be 'at' the closest candidate. The new finishing line was therefore the line from the committee

boat to buoy 5, under rule 32.2(b). If the finishing line had however been to either buoy 8 or to buoy 7, the required side of the buoy concerned would have changed, as stated in case RYA 1980/2.

QUESTION 2

If the finishing line is to buoy 5, are boats required to continue to sail the prescribed course, thus leaving buoys 8 and 7 to port, before finishing?

ANSWER 2

Yes, in the absence of a sailing instruction to the contrary.

Question from Welsh Harp Sailing Association

RYA 2001/12

[Rule 60, Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 60.3\(a\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 63.1, Hearings: Requirement for a Hearing](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

[Rule 64.2, Decisions: Decisions on Redress](#)

A class association has no power to protest a boat, let alone disqualify her without a hearing.

When a boat seeks redress for having been disqualified without a hearing, the only permitted outcome is the granting or refusal of redress. Only a party to a protest hearing can be penalized, and a redress hearing is not a protest hearing. A protest committee cannot protest based on information learned in a request for redress.

SUMMARY OF THE FACTS

Vanilla, a boat of a class sailed only at the club, crossed the finishing line in first place. The trophy for the race was awarded to the boat that finished second, and *Vanilla* was told that she had been disqualified by the officers of the class because she had not complied with a recent change to class rules. She asked for redress

The protest committee found that the class officers ‘had not complied with rule 60.2’ in disqualifying *Vanilla* without a hearing, but that the amendment to class rules was valid and, as *Vanilla* did not comply with class rules, she was now disqualified by the protest committee. *Vanilla* appealed.

DECISION

Vanilla’s appeal is upheld. She is to be reinstated into first place and receive the trophy.

The protest committee was correct to conclude that *Vanilla* was wrongly disqualified. *Vanilla* had finished first. There had been no protest and no hearing. If the race committee or another boat believed *Vanilla* to be ‘out of class’, one or more of them should have protested her. A class association has no power to protest, let alone disqualify without a hearing.

The protest committee was wrong to believe that it then had a power to disqualify. The hearing was not a protest, but a request for redress. It is clear throughout Part 5 of the Racing Rules of Sailing that protests and requests for redress are different from each other. Nothing in rule 64.2, Decisions on Redress, allows a protest committee to disqualify a boat requesting

redress. The power in rule 64.1 to disqualify applies only to a boat that is a party to a protest hearing, and not to a boat that is a party to a redress hearing.

It is well established that a protest committee may not expand the scope of a request for redress beyond the ‘incident’ giving rise to the request, which was that *Vanilla* finished first and was disqualified without a hearing – see ISAF Case 80. Nor may a protest committee change a request for redress into a protest – see RYA Case 1990/7. In addition, rule 60.3(a) says that, in the absence of exceptions that are not relevant here, a protest committee cannot protest a boat based on information learned in a request for redress.

Request for redress by *Vanilla*, Parkstone YC

RYA 2001/13

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

[Rule 63.5, Hearings: Validity of the Protest or Request for Redress](#)

A glove cannot be a protest flag.

When the display of a protest flag is required but not complied with, a protestee’s objection at the start of a hearing to the validity of the protest is to be upheld even if the protestee must have been well aware of the intention to protest.

SUMMARY OF THE FACTS

Salena, whose hull length exceeded 6 metres, hailed *Touchwood* that she was protesting, and, as a protest signal, displayed a grey and red glove in her rigging. At the start of the hearing, *Touchwood* objected to the validity of the protest, on the grounds that a red flag had not been flown. The protest committee found that *Touchwood* had heard the hail and seen the glove. It believed that *Touchwood* regarded the glove, while not a flag in the normal sense, as signalling an intention to protest, particularly in the context of three hails from *Salena* to *Touchwood* to keep clear, a hail of ‘Protest’, a request to take a penalty, and a radio message from *Salena* on an open channel that she was protesting.

Touchwood was disqualified for not keeping clear, and appealed.

DECISION

Touchwood’s appeal is upheld and she is reinstated into her finishing position.

The RYA is satisfied that *Touchwood* objected to validity at the start of the hearing, and was therefore entitled to appeal.

Rule 61.1(a) required a boat of *Salena*’s length to display a red protest flag. The glove displayed was not a red flag, nor did it comply with the requirement in ISAF Case 72 to be seen primarily as a flag. In the words of the protest committee itself, it was ‘not a flag in the normal sense’, and, even if the protestor’s intention to protest was clear from the hail, a protestee is entitled to contest the validity of a protest when the requirements of rule 61.1(a) are not complied with. *Touchwood* is reinstated into her finishing position.

Salena v Touchwood, Liverpool YC

RYA 2001/14

[Definitions, Obstruction](#)

[Rule 19.1, Room to Pass an Obstruction: When Rule 19 Applies](#)

[Rule 19.2\(a\), Room to Pass an Obstruction: Giving Room at an Obstruction](#)

[Rule 19.2\(b\), Room to Pass an Obstruction: Giving Room at an Obstruction](#)

[Rule 20.1, Room to Tack at an Obstruction: Hailing](#)

The question of whether a moored vessel is an obstruction depends on the definition of the term, which cannot be changed in sailing instructions.

When overlapped boats on the same tack are approaching an obstruction that could be passed on either side by both of them, the leeward right-of-way boat may decide that both shall pass to windward. If the leeward boat decides to pass the obstruction to leeward, she must be prepared to give room to the windward boat to do the same.

QUESTION 1

We sail on a river with many yachts and keelboats on moorings in the racing area. Confusion has arisen concerning rule 19.1 when a moored boat can often be passed on either side. Does rule 19 apply?

ANSWER 1

Rule 19 applies if the moored vessel is large enough relative to the boats racing to rank as an obstruction, as defined.

QUESTION 2

Does rule 20.1 apply in a situation when two close-hauled boats are approaching a moored boat?

ANSWER 2

Yes, providing other requirements of rule 20.1 are met, and the moored boat ranks as an obstruction.

QUESTION 3

Can our sailing instructions, which prohibit touching moored vessels, say that all moored vessels are obstructions?

ANSWER 3

No. This would change the definition Obstruction, which is not permitted. A sailing instruction may nevertheless state that a moored or anchored vessel shall not be touched.

QUESTION 4

When two boats are sailing overlapped off the wind, and approach a moored vessel, is W entitled to room from L to pass to leeward of the obstruction, even if W could equally have passed to windward of it?

ANSWER 4

Yes, if L passes to leeward of it.

QUESTION 5

When two boats are sailing overlapped off the wind and approach a moored vessel that they will both pass to leeward if they hold their courses, but L then changes course towards the moored vessel, must she then give room to W to pass to leeward of the moored vessel?

ANSWER 5

If L intends to pass to windward of the obstruction, she is entitled to room from W to do so, and W must keep clear. If L is about to pass the obstruction to leeward, W may either choose to pass it to windward, in which case rule 19 does not apply, or pass it to leeward as well, in which case Q and A 4 apply.

Questions from Aldeburgh YC

RYA 2001/15

[Rule 60.3\(a\)\(1\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 61.1\(a\)\(4\), Protest Requirements: Informing the Protestee](#)

[Rule 61.1\(c\), Protest Requirements: Informing the Protestee](#)

[Rule 63.1, Hearings: Requirement for a Hearing](#)

[Rule 63.2, Hearings: Time and Place of the Hearing; Time for Parties to Prepare](#)

When a protest committee learns from an invalid protest of an incident that may have resulted in injury or serious damage and decides to protest a boat named as a party in the invalid protest, it must lodge a fresh protest against her, and she is entitled to new notification of the new hearing, even if she was the protestee in the invalid protest and had been properly notified of the original hearing but had not been present.

SUMMARY OF THE FACTS

Anina was seriously damaged in a collision with *Atom*, and lodged a protest against her. *Atom* was not represented at the protest hearing. The protest committee decided to continue with the hearing under rule 63.3(b), as a notice calling the hearing had been posted as required by the sailing instructions. It then found that *Anina* had not complied even with rule 61.1(a)(4), and so the protest was invalid. However, it decided to continue the hearing, relying on rule 60.3(a)(1), and the original notification of the hearing. *Atom* was disqualified, and this decision was recorded on *Anina*'s protest form.

When she realised this, *Atom* asked for a reopening, stating that, while she did not deny she was involved in a collision, she had never been notified by *Anina* of any intention to protest, and, indeed, thought that *Anina*'s protest would be only against a third boat involved in the incident. When this was refused, she appealed.

DECISION

Atom's appeal is upheld, and she is to be reinstated into her finishing position.

When a protest is found invalid, but the protest committee then wishes to proceed under rule 60.3(a)(1) because it learns of serious damage from the invalid protest form, the requirements of rules 61 and 63 apply anew. The protest committee should have called a fresh hearing with a new protest form, and notified *Atom* of the time and place of the hearing.

Anina v Atom, Royal Dart Y.C.

RYA 2002/1

[Rule 62.1\(a\), Redress](#)

[Rule 62.2, Redress](#)

When a boat complains in writing that her score has been adversely affected by an improper action of the protest committee, the protest committee shall treat this as a request for redress, even when it was lodged as an invalid request to reopen a hearing, For the request to succeed, a complainant must establish an improper action or omission of the protest committee that made significantly worse that boat's score in a race or series through no fault of her own. These are matters to be established during the hearing, and every detail supporting her claim need not be set out in the written complaint or request, although the reason for the request must be stated. However, the scope of the hearing is to be limited to the essence of the complaint.

SUMMARY OF THE FACTS

At the Wayfarer International Championship, on a heavy-weather day, the protest committee gave redress in race 3 to four boats that claimed that they were given insufficient time after being released from the beach to reach the starting area. The redress was the average points of the first two races sailed the previous day, when conditions were less onerous.

Another boat, *Really Random*, lodged a form headed 'Protest Form – also for requests for redress and reopening' on which she had ticked a box marked 'Request by boat ...to reopen hearing'. She asked the protest committee to change the redress granted to the four boats to 'a more appropriate basis', as the protest committee had acted incorrectly in some unspecified way in deciding the method of awarding redress in the previous case, and that this had, also in some unspecified way, adversely affected her.

The protest committee, examining the form before starting the hearing, decided that *Really Random* had not been a party to the earlier hearings, and so was not entitled to ask for a reopening. It then decided that the document might rank as a request for redress, but that there was nothing in the form to indicate that *Really Random's* score in a race or series had been made significantly worse by some improper action of the earlier protest committee – indeed, it was not clear what was the basis for the request.

The protest committee called *Really Random*, advised her that her request to reopen was invalid, but that it would consider the form as a request for redress were *Really Random* to modify the form to make clear how the previous decision might be improper, and how it had affected *Really Random's* score. *Really Random* declined to do so, and after some 45 minutes of argument about this between *Really Random* and the protest committee, the hearing was declared closed for invalidity, as the request had failed to indicate which rule or principle had been broken or ignored by the earlier protest committee.

Really Random appealed, seeking either a reopening or a redress hearing, noting that further information had come to light since the original 'hearing'.

DECISION

The appeal is upheld to the extent that the protest committee is to decide the request for redress.

Really Random lodged a form asking for the reopening of a hearing to which she was not a party. The protest committee correctly found that she was not entitled to make such a request, since rule 66 applies only to parties to the original hearing. However, having received a written request which, unlike the claim in case RYA 1994/3, had at least the beginnings of a request for redress, the protest committee was required by rule 63.1 to hear the claim as a request for redress in the manner prescribed by rules 63.2 through to 63.6.

Having correctly opened a hearing the first duty was to establish the validity of the claim. The protest committee decided that the content was insufficient to proceed. The protest committee was incorrect in this. The wording on his form indicates that the claimant considered that his boat was adversely affected because the protest committee had acted incorrectly in deciding the method of awarding redress in the previous case. This is sufficient for a request for redress under Rule 62 to be valid, and the protest committee was required to proceed with the hearing of evidence and arguments of *Really Random*.

The questions it asked of *Really Random* when addressing validity were precisely those on which a substantive decision would have been based. In effect, the hearing of the request continued and *Really Random* was given every opportunity to make out her case during the discussions that followed.

The protest committee is therefore now required to decide this as a valid request for redress. Based on what it learned during the hearing and subsequent discussion, it is to find facts, draw conclusions, and either award or refuse redress. This specifically excludes consideration of any matters in the appeal that come within the scope (in the appellant's words) of 'further information (that) has come to light since the original request was made', since these would not have been before it had the request been decided at the time. ISAF Case 80 requires a protest committee to limit its findings to the issue described in the protest. *Really Random* is therefore not entitled to offer further evidence, and the decision shall be communicated in writing to the appellant and the RYA. If *Really Random* is not satisfied with the decision, she is entitled to ask for a reopening under rule 66 or to appeal under rule 70.1.

Really Random's request, East Down YC

RYA Note – the subsequent decision of the protest committee was that there were no grounds to give redress, and the request for redress was refused.

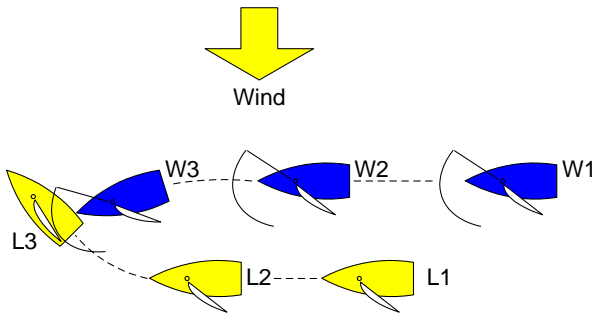
RYA 2002/2

[Rule 11, On the Same Tack, Overlapped](#)

[Rule 16.1, Changing Course](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

When a right-of-way boat changes course and the give-way boat is unable to keep clear, despite acting promptly in a seamanlike way, room has not been given.



SUMMARY OF THE FACTS

L and W, each 7m sportsboats, were reaching in a force 2-3 wind. W, some 3m to windward, was flying a spinnaker. L, slightly ahead, was not. L luffed vigorously, and W promptly tried to bear away astern of her. She did not succeed, and there was contact. L protested and was herself disqualified under rule 16.1. She appealed, saying it was a clear case of a windward boat forcing a passage, and that she, L, was not able to avoid the contact. The protest committee observed that W had to alter course to try to keep clear, and that bearing away presented the better opportunity to avoid a violent impact.

DECISION

L’s appeal is dismissed.

W was required by rule 11 to keep clear of L, and, prior to the incident, was doing so. L luffed violently. W tried to keep clear in a seamanlike way but was unable to do so. L did not therefore give W room to keep clear when she changed course and so broke rule 16.1.

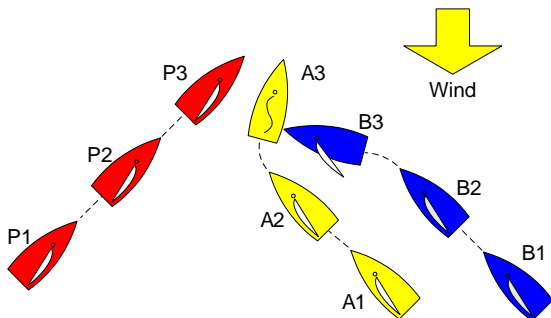
W broke rule 11 but was compelled to do so by L’s infringement. She is exonerated under rule 64.1(a).

Wild West Hero v Limbo Dancer, Parkstone YC.

RYA 2002/3

[Rule 14, Avoiding Contact](#)
[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

When there is contact that causes damage, a right-of-way boat does not break rule 14 if it was not reasonably possible for her to avoid contact.



SUMMARY

In the J/24 National Championships, A and B were close-hauled on starboard tack. A was some distance ahead and to leeward of B. P was close-hauled on port tack on a collision course with A. P did not keep clear of A and, to avoid her, A was compelled to crash-tack on to port, and that tack put her directly ahead of B. B then tried to avoid contact, but there was a collision resulting in damage. B protested A. The protest

committee found that the tack was so close to B that contact was inevitable. It disqualified both boats – A under rule 10, and B under rule 14 for failing to anticipate a problem between A and P and so take earlier action to avoid the collision. B appealed.

DECISION

B’s appeal is upheld. Both A and B are reinstated.

While B tried to avoid A, she was unable to do so. A broke Rule 13 but was compelled to do so by the action of P. A is therefore exonerated in accordance with Rule 64.1(a).

Rule 14 requires a boat to avoid contact with another boat only if it is reasonably possible to do so. When a boat on starboard tack is confronted with a keep-clear boat that has taken violent evasive action immediately ahead of her, the reaction time required to take steps to avoid contact can be too long to permit such action to be taken successfully. In those circumstances it is not reasonably possible to avoid contact and the boat concerned does not break Rule 14 if contact occurs. B is also reinstated.

Rolling Stock v Jalapeno, Yacht Clubs of Weymouth

RYA 2002/4

[Rule 28, Sailing the Course](#)

A boat is not to be penalized for not leaving a starting mark on the required side if the buoy laid as a starting mark is not as described in the sailing instructions, if she has not been validly notified of this, and if she believes some other buoy near the committee boat is the starting mark.

SUMMARY OF THE FACTS

The sailing instructions said that the starting line was from the committee boat mast to a dan buoy flying the club burgee. The race committee laid a different mark, without a burgee, and tried to notify the boats about this. No amendment to sailing instructions was issued, nor did the sailing instructions provide for oral changes. All the fleet started on the line intended by the race committee, except for *Waxwing*, which did not arrive at the starting area until four minutes after the start, did not receive the information about the different buoy, and did not sail between the race committee’s mark and the committee boat, as she believed that another buoy on a different alignment was the starting line mark.

Kathleen’s protest against *Waxwing* for not sailing the course was dismissed, and she appealed. The protest committee observed that that starting line did not comply with the sailing instructions, and so no boat, *Waxwing* included, could be said to have started correctly: and that *Waxwing* began to sail the course, four minutes late, from a position close to the committee boat, having closed it to check the course, and so gained no advantage.

DECISION

Kathleen’s appeal is dismissed.

The appeal and the original protest allege that *Waxwing* did not leave the starting line mark on the correct side. The protest committee found as a fact that there was no starting line mark as described in the sailing

instructions. The appellant gives no grounds for the RYA to question this or any of the other facts found, or the conclusions and decision of the protest committee.

Kathleen v Waxwing, Hamble River S.C.

RYA 2002/5

[Sportsmanship and the Rules](#)

[Rule 14, Avoiding Contact](#)

[Rule 16.1, Changing Course](#)

[Rule 44.1\(b\), Penalties at the time of an Incident:](#)

[Taking a Penalty](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

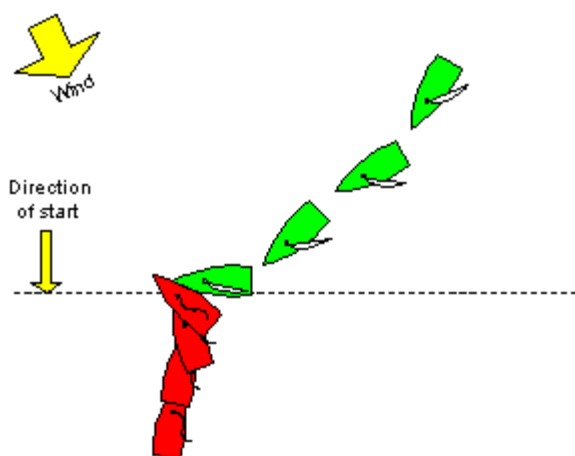
[Rule 64.1\(b\), Decisions: Penalties and Exoneration](#)

When a boat retires promptly after an incident, for whatever reason, she has complied with Sportsmanship and the Rules in respect of any rules (apart from rule 2) she may have broken. When there is serious damage which may have been her responsibility, she is, by retiring, exempted from further penalties in respect of that incident.

When a boat acquires right of way or when a right-of-way boat alters course, she is required to give room for the other boat to keep clear. The give-way boat must promptly manoeuvre in a way which offers a reasonable expectation that she will keep clear. If the give way boat fails to keep clear she will break the relevant right-of-way rule unless she was not given room for that manoeuvre.

When a right-of-way boat changes her course to comply with rule 14 because the give-way boat is already not keeping clear, the right-of-way boat will be exonerated if in the process she breaks rule 16.1

When it is clear that a give-way boat that is limited in her manoeuvrability cannot or will not keep clear, and the right-of-way boat maintains a collision course with her, the right-of-way boat breaks rule 14, even if the actions of the give-way boat hinder the right-of-way boat from avoiding a collision.



SUMMARY OF THE FACTS

Before the start for two-handed cruiser-racers in a force 4 wind, S was approaching the starting line to start on a broad reach. P, thinking that the start was to windward, was approaching the starting line from the course side

on a close-hauled course, slowly and with sheets eased. Had they held their courses, contact would have occurred.

S hailed at six lengths, and luffed to a course that was still a collision course. P did not hear the hail. When they were two lengths apart, P saw S for the first time and started to tack, which put her across S's bow. S bore away to try to pass astern of P, then, when it was clear that this would not succeed, luffed to try to cross her bow. There was contact before P reached a close-hauled course on starboard tack. S was seriously damaged and retired promptly. She protested P.

The protest committee disqualified both boats, P for breaking rule 13, and S, firstly for breaking rule 14, as she could have avoided contact by an earlier decisive change of course in either direction, and secondly, under rule 16.1, for changing course and not giving P room to keep clear.

S appealed.

DECISION

S's appeal is upheld to the extent that the disqualification of S, and the finding that she had broken Rule 16.1, are annulled.

When a boat retires promptly after an incident, for whatever reason, she has complied with the Basic Principle, Sportsmanship and the Rules, in respect of any rules (apart from rule 2) she may have broken. In so doing, she is exempted from further penalties in respect of that incident. See ISAF Case 99. When there is serious damage which may have been her responsibility, she is, by retiring, taking the penalty in rule 44.1(b) and she is exempted from further penalties in respect of that incident because of rule 64.1(b). S is to be scored DNF.

In general, a right-of-way boat should be found to have broken rule 16.1 only if the give-way boat cannot keep clear after taking proper action to try to keep clear in response to the right-of-way boat's changing course, or if the change of course frustrates what otherwise was a successful keeping-clear. Since P was unaware of S during S's hardening up between 6 and 2 lengths apart, and was therefore not acting to keep clear, S should not be found to have broken rule 16 during that time.

The protest committee found that, from 2 lengths apart, S's alterations of course were an attempt to avoid collision with a give-way boat. S sailed on a collision course until contact was imminent when she changed course to comply with rule 14(a) which says that she "need not act to avoid contact until it is clear that the other boat is not keeping clear or giving room". This means that P was already breaking a rule. In this circumstance if the avoiding action by S (whether successful or not) breaks rule 16 she is entitled to exoneration under rule 64.1(c), as in ISAF Case 88. P had been give-way boat at all relevant times, first under rule 10, then under rule 13, and possibly under rule 21.1. As S did not break rule 16.1, P was correctly disqualified for not keeping clear of her.

S was aware of P from at least 6 boat lengths apart. With P moving very slowly, and S having good speed, and therefore manoeuvrability in those conditions, the

RYA has no reason to question the protest committee's conclusion that S could, and therefore should under rule 14, have been able reasonably to avoid contact. The decision that S broke rule 14 therefore stands.

Percussion v Cruella de Vil, Royal Naval & Royal Albert YC

RYA 2002/6

[Rule 62.1, Redress](#)

[Rule 71.2, National Authority Decisions](#)

When there is a prize for a certain category of boat within the overall results of a race, competition for the prize ranks as a race for the purposes of rule 62.1.

When the conditions relating to the awarding of a trophy are ambiguous, the RYA is normally no better placed than the protest committee to interpret them.

SUMMARY OF THE FACTS

Guffin, a J/24 built by Westerly, entered a handicap race with an overall trophy and many additional prizes and trophies for boats of different classes and types, including a trophy for 'the first Westerly Class Yacht on handicap.' She was awarded the trophy. *Kishmiro*, a Westerly Tempest, requested redress because *Guffin* was not a 'Westerly Class Yacht.' While J/24s were, for a while, built by Westerly, she asserted that the J/24 was not recognised as being a Westerly boat, nor, unlike 'proper' Westerlys, did *Guffin* carry a Westerly logo on the sail.

The protest committee found that this question did not affect *Kishmiro*'s finishing position in the general classification for the overall trophy, and so addressed itself to the question as to whether, for the purposes of rule 62.1, *Kishmiro*'s score in the race had been made significantly worse, since the question of whether *Guffin* was or was not entitled to the 'Westerly' trophy did not affect *Kishmiro*'s overall race result.

It decided that competition for the Westerly trophy was a 'race within a race', and therefore *Kishmiro* had met the general requirement of a valid request under rule 62.1. Redress was, however, refused. The term 'Westerly Class Yacht' was nowhere further defined, either in a deed of gift or in the notice of race. *Guffin* was built by Westerly. The Westerly Owners Association (WOA) handbook allocated a WOA handicap to J/24s, and the WOA had issued a guide called 'Westerly Goes Racing', which included reference to J/24s. The protest committee's decision was that, for the purposes of the trophy, *Guffin* was a 'Westerly Class Yacht'. It referred this to the RYA.

DECISION

The decision of the protest committee is confirmed. When there is a prize for a certain category of boat within the overall results of a race, this itself ranks as a race for the purposes of rule 62.1, and so questions of redress can be considered.

As concerns the refusal of redress, the RYA is in no better position than the protest committee to interpret an ambiguous condition applying to the race, and sees no reason to differ from the protest committee's judgement that *Guffin* was a 'Westerly Class Yacht.'

Reference from Guernsey YC

RYA 2002/7

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

[Rule E6.3, Informing the Protestee](#)

When rule 61.1(a) applies (whether as printed or as altered by rule E6.3) compliance with the requirement to hail and, when required, to flag, fulfils the requirement to notify the protestee.

The protest hail procedure in radio-controlled boat racing requires the number of the protesting boat to precede the number of the protested boat, with the word 'protest' or a variant thereof between the numbers.

QUESTION 1

For a protest in a radio-controlled class by (say) boat 95 against boat 44, is '95 protest 44' the only protest hail that complies with rule E6.3

If not, which other hails would comply? For example:

- 95 protests 44
- 95 is protesting 44
- 95 protested 44
- 44 has been protested by 95
- 44 is protested by 95
- 44 is being protested by 95
- 44, protest by 95
- Protest, 44 by 95
- Protest by 95, 44
- Any of the above with the word 'number' preceding the number itself.

ANSWER 1

It is universally accepted that any use of 'Protest' as a noun or verb will comply with rule 61.1(a), and the same applies to rule E6.3. However, the order stated by rule E6.3 is explicit, and only the first three further examples offered comply with that rule.

The inclusion of the word 'number' in a hail does not invalidate the protest.

QUESTION 2

How can the requirement to inform the other boat in rule 61.1(a) be complied with if the protestee remains unaware of a valid protest against him?

ANSWER 2

When rule 61.1(a) applies (whether as printed or as altered by rule E6.3), compliance with the requirement to hail, and, if necessary, to flag in its second sentence fulfils the requirement of the first sentence to inform the other boat at the first reasonable opportunity.

Questions from the Royal Tay YC

RYA 2002/8

[Rule 62.1\(a\), Redress](#)

[Rule 63.7, Hearings: Conflict between the Notice of Race and the Sailing Instructions](#)

[Rule 89.2, Organizing Authority; Notice of Race;](#)

[Appointment of Race Officials; Notice of Race;](#)

[Appointment of Race Officials](#)

Rule 90.1, Race Committee; Sailing Instructions;

Scoring: Race Committee

[Rule 90.2\(a\), Race Committee; Sailing Instructions;](#)

[Scoring: Sailing Instructions](#)

[Appendix J, Notice of Race and Sailing Instructions](#)

An organizing authority can change its notice of race if it gives adequate notice. The notice of race may also say that it can be changed by the race committee. When the organizing authority or (if permitted to do so) the race committee changes the notice of race, this can give rise to redress when the change is improper and adversely affects a boat's score.

When there is a conflict between a sailing instruction and the notice of race, this is to be resolved by rule 63.7. In isolation, a statement in the sailing instructions that a sailing instruction will prevail over a conflicting provision in the notice of race is not binding.

QUESTION 1

Can the notice of race be changed once it is published?

ANSWER 1

Yes, rule 89.2(a) says so, provided adequate notice is given.

QUESTION 2

If so, who is permitted to do so, and how and when may it be done?

ANSWER 2

The organizing authority is responsible for publishing the notice of race, and normally it must also make any changes. However the notice itself could contain some other method of making changes. For instance, it would be possible to provide in the notice that the race committee can make changes. Subject to what is said below, the notice can be changed at any time up to the end of the event it deals with.

QUESTION 3

Is a boat entitled to redress under the Racing Rules of Sailing if a valid change to the notice of race affects her adversely?

ANSWER 3

An action of the organizing authority can lead to redress, but only if it is improper, and it significantly worsens a boat's score.

QUESTION 4

If a sailing instruction conflicts with the notice of race, which prevails?

ANSWER 4

The protest committee shall decide which rule will provide the fairest result for all boats affected, as stated in rule 63.7.

QUESTION 5

If the sailing instructions say that a sailing instruction prevails when there is a conflict between the notice of race and a sailing instruction, is that binding?

ANSWER 5

A statement in the sailing instructions that they are to prevail over the notice of race is not binding. Any such provision should be in the notice of race itself, and should refer to rule 63.7 as being changed.

Questions from Horning SC

RYA 2002/9

[Rule 44.1, Penalties at the Time of an Incident: Taking a Penalty](#)

[Rule 60.1, Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 60.3\(a\)\(1\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 60.3\(b\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 62, Redress](#)

Rule 62.1(b), Redress

[Rule 64.1\(b\), Decisions: Penalties and Exoneration](#)

[Rule 64.2, Decisions: Decisions on Redress](#)

When redress is requested, a protest committee is not entitled to award redress to a boat that is not a party to that hearing based on facts outside the scope of the request. A fresh hearing is required. When redress is being considered for a boat as a result of physical damage, a separate protest hearing is not essential for there to be a conclusion that another boat did or did not break a rule of Part 2, but in practice it is desirable, even if the protestee has taken a penalty and so cannot be penalized.

ASSUMED FACTS

There is contact between A and B resulting in damage to both boats. A and B retire. C and D give help. C asks for redress under rule 62.1(c). The protest committee upholds her request, and gives redress to her and D. There is no protest.

QUESTION

Is the protest committee further entitled to decide, solely on the evidence at the hearing of C's request for redress, that B broke a rule of Part 2, that A broke no rule, and that A is therefore also entitled to redress under rule 62.1(b), even though she had not asked for it?

ANSWER

No. ISAF Case 80 states that a redress hearing must be confined to the subject of the request. Additionally, the request cannot be extended into a protest against one or more boats.

In this question the request for redress was made under rule 62.1(c) and relates to giving help as required by rule 1.1. Rule 64.2 states that the protest committee, when granting redress, shall make as fair an arrangement as possible for all boats affected. In this context, 'all boats affected' means all boats that gave help as required by rule 1.1. Redress cannot be given to other boats for reasons outside the scope of the original request under rule 62.1(c).

A separate hearing is required to find facts about the incident between A and B. Consideration of redress might arise from a protest by one or both of the boats against the other, or lodged by a race committee or protest committee, including a protest under rule 60.3(a)(1) by the protest committee if the damage may have been serious. (In the circumstances stated, a request for redress by A or B under rule 62.1(b), and no protest, would be technically sufficient for redress to be considered. However, any boat involved in such a collision and seeking redress would be best advised to protest the other boat as well, so that the protest

committee is able to find facts having heard both parties. Not to do so could lead to the other boat in turn seeking redress – see RYA case 1996/8.)

The facts found in a protest may be that one or both boats broke a rule of Part 2. In this case no disqualification is possible because both boats retired, which counts as a penalty for any breach of a rule of Part 2. The facts may then support a simultaneous claim for redress from a boat, or may, if redress is not requested, nevertheless give the protest committee a reason for considering redress under rule 60.3(b).

Question from Carrickfergus Sailing Club

RYA 2002/10

[Rule 34, Mark Missing](#)

[Rule 62.1\(a\), Redress](#)

When a race committee learns before a race that a fixed mark is out of place, it must advise competitors. If it learns of this during a race, it must, if possible, act under rule 34. If it could do either, but does not, this can give rise to the possibility of redress, which is not to be refused to a boat affected and without fault because of a clause in the sailing instructions denying liability for the accuracy of the position given for the mark. However, a boat that relies solely on GPS for navigation is not without fault if she herself could have earlier detected the error visually.

A race committee is not under a duty to check the positions it receives for all the fixed marks it may use.

SUMMARY OF THE FACTS

The course for a race early in the season was selected from a list of marks in the sailing instructions, headed ‘No responsibility is accepted for any error in the indicated positions’. Some of the marks to be used were lifted at the end of the season and laid again each spring by a contractor acting on behalf of the local clubs. Unknown to the race committee, one of the marks had been laid 0.4 nm from its published position. *Fandango* was one of several boats who used GPS to sail to the mark’s published position in race in force 4 winds and good visibility, and she lost time locating and rounding the mark as actually laid. She asked for redress.

The protest committee refused redress and referred its decision to the RYA, asking for guidance on the extent to which a race committee was obliged to check the positions of such marks: the extent to which a boat might rely on navigation by GPS alone, given that other boats had detected the error earlier by keeping a good lookout; and whether the caveat in the sailing instructions would always prevail against a redress claim.

DECISION

The decision of the protest committee is confirmed.

As concerns a seasonal mark that is laid by a contractor on behalf of local clubs, a race committee is entitled to expect that the mark was laid in its intended position, and cannot be expected to check the positions of all marks it might use. If it learns of an error, it should advise competitors.

A caveat concerning the accuracy of mark positions in sailing instructions does not relieve the race committee

of its responsibilities. When the race committee learns before a race that any mark is out of position, and does not act on that knowledge when it is possible to do so, this may be an improper omission giving rise to the possibility of redress. When a race committee learns during a race that any mark is out of position, it is required to act under rule 34, if possible. If it is not possible, abandonment under rule 32.1(d) may be appropriate if a mark is so far from its intended position that boats cannot be expected to find its actual position, or can do so only at the expense of changes in position too extensive or unquantifiable to be remedied by redress that is fair for all the fleet.

However, a boat that relies solely on GPS for sailing the course in good conditions is not without fault if she is delayed in arriving at a mark that is not in its correct position but is reasonably near it, and she is not entitled to redress.

Request for redress by *Fandango*, Warsash SC

RYA 2002/11

[Definitions, Keep Clear](#)

[Rule 14\(a\), Avoiding Contact](#)

A boat that takes action to keep clear or avoid contact and elects to pass very close astern of a boat crossing ahead of her does so at her own risk if she was able to pass further away, and there is contact resulting in serious damage.

SUMMARY OF THE FACTS

Desperado, a 20m Swan, was approaching the windward mark close-hauled on port tack in 12 kts. She realised she had overstood the layline, eased her sheets and slowed somewhat. *Cadhire Falcon*, a 13m lightweight racer, approached her close-hauled on starboard tack. Both boats held their course. There was contact between *Cadhire Falcon*’s bow and *Desperado*’s starboard quarter 130mm from her transom, before which *Desperado*’s helmsman, fearing for his safety, left his position. Serious damage resulted. *Desperado* took a penalty and continued racing.

Cadhire Falcon protested *Desperado*. Both boats were disqualified, *Cadhire Falcon* under rule 14. *Cadhire Falcon* appealed, claiming that, by the time it was clear that *Desperado* was not keeping clear, it was too late for her, *Cadhire Falcon*, to avoid contact. She also asserted that the act of *Desperado*’s helmsman leaving the helm would have caused *Desperado* to luff because of weather helm, turning a near-miss into an unavoidable collision.

DECISION

Cadhire Falcon’s appeal is dismissed.

Desperado was give-way boat on port tack and broke rule 10. Although she took a penalty, the protest committee found that the damage was serious and she should have retired as required by rule 44.1(b). She did not do so and was correctly disqualified.

Based on the facts found it was clear at 10 seconds before contact occurred that *Desperado* was not keeping clear once she was committed to crossing ahead of *Cadhire Falcon*.

Therefore *Cadhire Falcon*, as right-of-way boat on starboard tack, was required by rule 14(a) to act to avoid contact within those 10 seconds. As the collision was only 130mm from the stern of *Desperado* there was no reason why, in the prevailing conditions and within the 10 second period, *Cadhire Falcon* could not have born away sufficiently to pass behind *Desperado*. The protest committee found that *Cadhire Falcon*, as confirmed in her own evidence, made no attempt to bear away and held her course throughout.

Cadhire Falcon asserts that she would have avoided contact, albeit by the smallest possible margin, if *Desperado's* helmsman had not left his position, resulting in a small course change that caused the collision. A boat that takes action to keep clear or (as in this case) to avoid contact and elects to pass very close astern of a boat crossing ahead of her does so at her own risk if she is able to pass further away. This is particularly true of large boats sailing at speed. However, the facts found (which the RYA sees no reason to question) do not support any claim that the course sailed by *Desperado* altered significantly during the final few seconds before the collision after her helmsman left his position fearing for his safety. That he felt the need to do so was clear evidence that *Cadhire Falcon* was not complying with rule 14.

Cadhire Falcon broke rule 14 and was correctly disqualified.

Cadhire Falcon v Desperado, Warsash SC

RYA 2002/13

[Rule 71.4, National Authority Decisions](#)

Published RYA appeal cases are persuasive but not binding.

QUESTION

Are published RYA appeal cases binding on UK protest committees? If so, how does this apply to International Juries at events held in the UK?

ANSWER

The RYA cases are illustrative and persuasive, but not binding on any protest committee or jury. However, if a decision made were contrary to an RYA case on the same or very similar facts, and if the decision were appealed, it is likely that the appeal would be upheld. Judges would be well advised to follow the endorsed precepts of their predecessors and colleagues. Many cases, however, turn on a narrow, particular set of facts, and a different decision may be correct where the facts are different.

A decision made by an international jury cannot be appealed, and so no further action can be taken concerning a decision contrary to an RYA case, regardless of whether the decision was made with awareness or in ignorance of the RYA case. However, RYA judges taking part in an international jury, whether at home or abroad, are encouraged to draw any relevant RYA case to the attention of their fellow jury members.

Request for an Interpretation by the Model Yachting Association

RYA 2002/14

[Definitions, Rule](#)

[Part 2 Preamble](#)

[Rule 86.1\(b\), Changes to the Racing Rules](#)

[International Regulations for Preventing Collisions at Sea.](#)

Sailing instructions cannot vary the obligations in the International Regulations for Preventing Collisions at Sea. The preamble to Part 2 of the Racing Rules of Sailing (RRS) is a rule of Part 2.

SUMMARY OF THE FACTS

SI8 said:

Any committee vessel manoeuvring in the vicinity of the starting area will be deemed to be an obstruction. Committee vessels will manoeuvre without regard to competing boats and it shall be the sole responsibility of competitors to keep clear.

Shortly before the starting signal, *Phoenix*, a Sigma 33, in company with other boats, was reaching slowly from outside the starting area towards the starting line's outer limit mark to start there. At the same time, a small committee vessel was motoring slowly upwind to stand off the outer limit mark to record OCS boats. *Phoenix*, her vision obscured by other boats, did not see the committee vessel until very late. She tacked to try to avoid contact, but contact occurred. She was protested by the race committee and was disqualified under SI 8. She appealed.

DECISION

Phoenix's appeal is upheld, and she is to be reinstated into her finishing position.

The definition Rule includes preambles and so the preamble to Part 2 of the Racing Rules of Sailing (RRS) is a rule of Part 2.

The preamble states that the International Regulations for Preventing Collisions at Sea (IRPCAS) apply between a boat sailing under the RRS and a vessel that is not.

Rules 86.1(a) and (b) say that sailing instructions may not change a rule of Part 2.

SI 8, in purporting to impose the sole responsibility to keep clear on the competitor, clearly conflicts with IRPCAS rules 6, 7 and 18, and the sailing instruction is therefore invalid.

Phoenix's disqualification is therefore reversed.

Race Committee v *Phoenix*, Royal Western YC

RYA 2002/15

[Rule 18.2\(d\), Mark-Room: Giving Mark-Room](#)

Rule 18.2(d) is addressed to the protest committee. It does not change rights and obligations on the water.

SUMMARY OF THE FACTS

Nutmeg was disqualified in her absence for taking room at a mark to which she was not entitled. Her appeal on procedural grounds was upheld and the protest against her by *Spindrift* was returned for a new hearing. In its observations, the protest committee had stated that even if *Nutmeg* believed that she had an inside overlap when the zone was entered, the hail of 'No water' from

Spindrift could be taken as making *Nutmeg* have reasonable doubt that she had obtained an overlap in time, for the purposes of rule 18.2(e). *Nutmeg* should therefore have pulled out of the challenge for room, which would have avoided the collision, and then protested *Spindrift*. On this point, the RYA commented as follows:

DECISION

The protest committee was incorrect to say that a dispute at the time of the incident as to whether an overlap had been established meant the automatic operation of rule 18.2(d). Disagreements of this nature are commonplace, with each boat firmly believing herself to be in the right. Rule 18.2(d) puts no additional obligation on a boat when her claim for room is denied.

The rule is an aid to the protest committee when evidence given by all parties at the hearing is inconclusive. As the hearing was undefended, the protest should have been dismissed if the protestor's evidence did not satisfy the protest committee that the protestee broke a rule.

Spindrift v Nutmeg, Pembrokeshire YC

RYA 2003/1

[Definitions, Proper Course](#)

[Rule 11, On the Same Tack, Overlapped](#)

[Rule 14, Avoiding Contact](#)

[Rule 16.1, Changing Course](#)

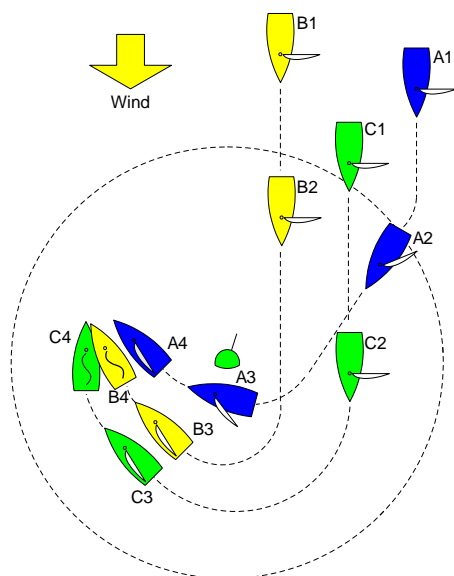
[Rule 18.2\(b\), Mark-Room: Giving Mark-Room](#)

[Rule 18.2\(c\), Mark-Room: Giving Mark-Room](#)

[Rule 21, Exoneration](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

A boat at a mark may, at her own risk, take room to which she is not entitled. When a right-of-way boat at a mark no longer needs room to leave the mark on the required side, rule 21 does not exonerate her if she breaks rule 16.1.



ASSUMED FACTS

Three boats approached a leeward mark at slow speed in light winds. C was clear ahead of A and B as she reached the zone. B was overlapped inside A at the zone. C sailed wide round the mark leaving room for B to round up inside. C shouted 'No water' and luffed,

still within the zone, touching B. B attempted to head up to avoid C but was prevented from doing so by A, which was now overtaking to windward.

QUESTION 1

Which rules apply to the boats as they round the mark?

ANSWER 1

C enters the zone clear ahead of A and B, and the second sentence of rule 18.2(b) entitles C to mark-room from A and B, namely room to leave the mark on the required side. B is entitled to mark-room inside A under the first sentence of rule 18.2(b). B becomes overlapped inside C, and A then becomes overlapped inside B. Neither A nor B is entitled to mark-room from C, and A is not entitled to mark-room from B, as stated in rule 18.2(c). However, ISAF Case 63 says that when a boat voluntarily or unintentionally makes room at a mark available to another that has no rights to such room, the other boat may take advantage, at her own risk, of the room. A must keep clear of B under rule 11, and B must keep clear of C under the same rule.

QUESTION 2

At what point does C's entitlement to mark-room end? At what point does B's entitlement to mark-room end?

ANSWER 2

Each of them is entitled to room to round the mark as necessary to sail the course, even if neither of them does so. Neither of them needs that room by position 4. ISAF Case 63 goes on to identify the risk to the boat taking room to which she is not entitled, namely that the boat entitled to mark-room may be able to sail a proper course to close the gap between her and the mark, resulting in the opportunist no longer being able to give that room, and in the exoneration of the boat entitled to mark-room. In this case, neither B nor C exercised that right at the mark.

QUESTION 3

Does C sail above her proper course?

ANSWER 3

It may be that C sails above a proper course when she luffs, but that in itself breaks no rule. The only rules that place a proper course limitation on a boat are rules 17 and 18.4, neither of which applies here.

QUESTION 4

Which rules apply between A, B and C when C luffs?

ANSWER 4

Since C is no longer taking mark-room to which she is entitled when she luffs at position 4 (see the answer to Question 2), rule 16.1 requires her to give both B and A room to keep clear, without the possibility of exoneration under rule 21 for breaking rule 16.1. If C's luff complies with rule 16.1 but B's ability to respond is curtailed because A does not respond (or responds only belatedly or less quickly than would be seamanlike), then A breaks rule 11 and B would be exonerated under rule 64.1(a) in any protest against her for breaking rule 11.

Rule 14 instructs B to avoid contact if reasonably possible, so B should not deliberately hit A. However, B risks disqualification only if the contact is avoidable, and if there is then damage, and if there are no grounds

for exoneration because of an infringement by C. B cannot be penalized, even if there is damage, if contact with A or C is inevitable whatever she does.

Questions from Combs SC

RYA 2003/3

[Rule 60.3\(a\)\(1\), Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 63.5, Hearings: Validity of the Protest or Request for Redress](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

[Rule R5, Procedures for Appeals and Requests:](#)

[Inadequate Facts; Reopening](#)

In an appeal, the national authority must accept the facts found by the protest committee, but need not accept the conclusions of the protest committee based on those facts.

When a protest committee wishes to protest under rule 60.3(a)(1) having received a report of an incident that may have resulted in injury or serious damage, it is advised initially to protest all boats that may have been involved. If it then finds that there was in fact more than one incident, and that serious damage or serious injury did not result from one of the incidents, it should close the hearing relating to that incident.

If there is a causal link between a series of collisions, they may be regarded as a single incident for the purposes of rule 60.3(a)(1)

When a protest committee uses rule 60.3(a)(1) to protest a boat, and the boat then is found to have been involved in an incident that resulted in serious damage or serious injury, and to have broken a rule, she is to be penalized under the appropriate rule, even if it were not she that caused the serious damage or serious injury.

SUMMARY OF THE FACTS

There was a series of collisions between a group of six small keelboats running on the same tack to a leeward mark in strong wind and tide and a choppy sea. The protest committee found that the protests arising, which alleged serious damage, were invalid under the rules applicable at the time (rule 61.1(a)(4) not then being available), and decided to act under rule 60.3(a)(1). It had learned from the invalid protests that there had been contact between the most windward of the group (W) and the boat to leeward of her (L), not resulting in damage. L had then borne away and there followed a chain of collisions between windward and leeward boats, resulting in serious damage to two of them.

It concluded that the collision between W and L was an incident separate from the subsequent collisions, and decided that it was not able to protest W under rule 60.3(a)(1), as she was not involved in an incident that may have resulted in serious damage. It protested the other boats.

L and the boat to leeward of her (X) were both disqualified under rule 11. The protest committee, with clear evidence of contact between W and L, had found as a fact that W (not represented at the hearing) had broken rule 11, but she was not penalized as she was not a party to the protest. L and X appealed.

Both appeals were upheld, the RYA deciding (based on the facts found by the protest committee, but contrary to the conclusions of the protest committee) that all the subsequent collisions had resulted from the original collision between W and L, entitling L and X to exoneration.

In its decision, the RYA gave the following guidance on rule 60.3(a)(1).

SCOPE OF RULE 60.3(a)(1) AND RELATED PROCESS

When there was an incident that may have resulted in injury or serious damage, rule 60.3(a)(1) states that a protest committee may protest any boat involved. At the time when it is deciding what action to take, it will not have firm facts as to the details of the incident or the precise involvement of each boat. The protest committee is allowed to protest any boat that may have been involved and, when it decides to protest, the RYA recommends it should protest all boats that may have been involved. Stating a belief that rule 14 has been broken would be appropriate for this purpose.

Once the hearing begins, the protest committee must then identify the incident more precisely, and establish that injury or serious damage resulted from it.

When only two boats are involved, it is not difficult to identify an incident. When more than two boats are involved and there are sequential failures to comply with the rules, the protest committee has to decide whether there is only one, or more than one, incident. The test is that there must be some causal link between the events. If it decides that there was more than one incident, it should proceed only with the protest against boats involved in the incident that resulted in injury or serious damage, and close its hearing against any other boat, as required by rule 63.5.

The protest committee in this case correctly addressed the question as to whether there was only one, or more than one, incident, and decided, before any hearing had been opened, that there was no causal link between any infringement by W and subsequent infringements. It therefore felt itself precluded from protesting her, whether under rule 60.3(a)(1) or rule 61.1(c). The RYA's decision is that, given several boats in close proximity, L changing course as a result of contact with W, and then a series of contacts all within a ten-second period, there was a causal link and therefore only one incident.

Once it is established that there was an incident resulting in injury or serious damage, and involving the protestee, a protest under rule 60.3(a)(1) is no different from any other protest. The protest committee must decide the facts and apply the rules to the incident. Any boat involved in the incident and protested may be penalized under the appropriate rule, regardless of whether it was she that caused the injury or serious damage, and the fact that she did not cause serious damage or serious injury is not of itself a reason for exonerating her.

During the hearing of a protest brought under rule 60.3(a)(1), a protest committee might also realise that it had not initially cast its net widely enough, and that a further boat was involved that might have broken a rule.

It is then entitled under rule 60.3(a)(2) to protest that boat. As that requires a fresh hearing (see rule 61.1(c)), it is obviously preferable if such a boat can be identified earlier and included within the protest under rule 60.3(a)(1) from the outset, if only later to eliminate her.

In this case, W cannot be penalized by the RYA under rule 71.3 as she was not a party to the protest. The protest committee may not now protest her, as any possible time limit for a protest has long since expired. There is no rule giving the RYA power to return the case to the protest committee and require it to protest W.

Protest Committee v *Ariel* and others, Royal Lympington YC

RYA 2003/5

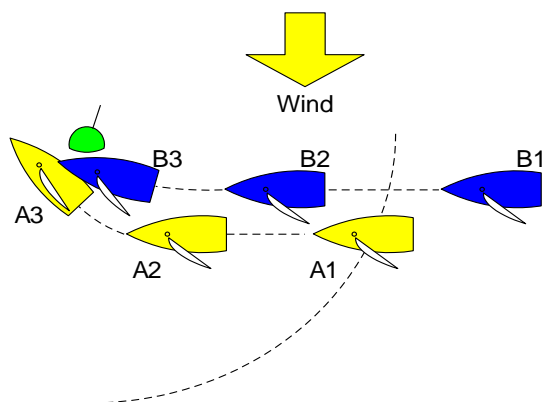
[Rule 14\(a\), Avoiding Contact](#)

[Rule 18.2\(b\), Mark-Room: Giving Mark-Room](#)

[Rule 18.2\(c\), Mark-Room: Giving Mark-Room](#)

[Rule 21, Exoneration](#)

Rule 21 offers no exoneration for breaking rule 14. In order to avoid penalization when damage results from a collision, a right-of-way boat rounding a mark may need to delay her normal change of course, or indeed change course in the other direction in order to comply with the requirement to avoid contact if reasonably possible.



SUMMARY OF THE FACTS

A and B were approaching a plastic racing mark on a close fetch in about 12 knots of wind and at least 1 knot of adverse tide. A, travelling at about 4 knots, entered the zone clear ahead of B, travelling at about 5 knots. After entering the zone, B became overlapped inside A.

When she became nearly level with the mark, A changed course to windward and began to sheet in to round the mark. A collision occurred between B's bow and A's starboard quarter resulting in damage to both boats. Neither boat took any positive action to avoid collision although such action was reasonably possible for both. The protest committee disqualified both boats, B under rules 14, 18.2(b) and 18.2(c), and A under rule 14. A appealed.

DECISION

A's appeal is dismissed.

B was correctly disqualified for neither keeping clear nor giving mark-room, and for not avoiding contact when it was possible to do so.

A was a right-of-way boat entitled to mark-room throughout, but by the time she reached the mark or even earlier, it was obvious that B was not going to keep clear or give mark-room and that severe contact was likely. If A had simply maintained her former course as was reasonably possible, B would have had more room to keep clear although still in breach of rule 18.2(c). A's action in beginning to round up to windward broke rule 16.1, but rule 21 exonerated her because she broke that rule while taking mark-room to which she was entitled while rounding the mark on her proper course. However, that rule does not exonerate infringements of rule 14. Her luff made the collision inevitable when she could as easily have acted to avoid the collision by easing her sheets and bearing away. Since damage resulted, A was correctly disqualified for breaking rule 14.

Spindrift v Nutmeg, Pembrokeshire Y.C.

RYA 2003/6

[Rule 28.1, Sailing the Course](#)

[Rule 62.1, Redress](#)

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

When a boat is on the course side at her starting signal because another boat broke a rule, she is still required to return and start. Normally, she is not entitled to redress for the time lost in so doing.

SUMMARY OF THE FACTS

Er-Bitz was protested by *Affrodizzy Cat* for failing to keep clear at the start of a race. The protest committee disqualified *Er-Bitz* under rule 11. In addition, both boats had been OCS, and neither had returned to start. The protest committee had also re-instated *Affrodizzy Cat* because her OCS resulted from *Er-Bitz's* infringement. *Er-Bitz* appealed.

DECISION

The appeal of *Er-Bitz* against her disqualification is dismissed, but *Affrodizzy Cat* is to be scored OCS.

Er-Bitz was correctly disqualified under rule 11 for failing to keep clear of *Affrodizzy Cat*. Both boats also broke rule 28.1, by not starting, as defined.

Affrodizzy Cat is to be scored OCS. Neither exoneration nor reinstatement via redress was appropriate.

Nothing prevented *Affrodizzy Cat* from returning to start, as required by rule 28.1. She was therefore not compelled to break that rule, and is not entitled to exoneration under rule 64.1(a).

A boat that has suffered a loss of place as a result of another boat breaking a rule of Part 2 of the Racing Rules of Sailing is entitled to redress only if her score has, through no fault of her own, been made significantly worse and either she has suffered physical damage (see rule 62.1(b)), or if rule 62.1(d) applies. Neither of these applied to *Affrodizzy Cat*.

Affrodizzy Cat v Er-Bitz, Datchet Water SC

RYA 2003/7

[Definitions, Mark-Room](#)

[Rule 10, On Opposite Tacks](#)

[Rule 15, Acquiring Right of Way](#)

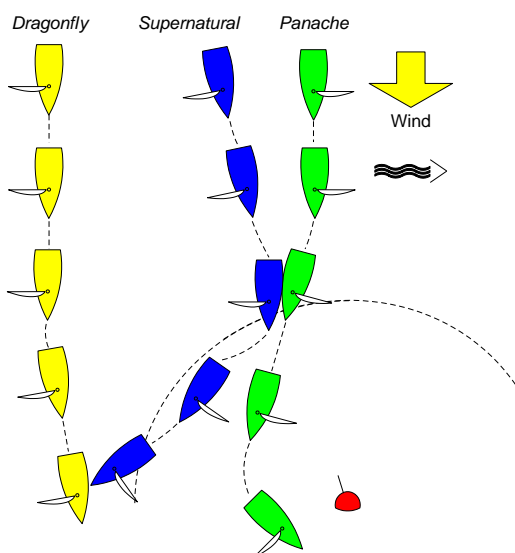
[Rule 16.1, Changing Course](#)

[Rule 18.2\(b\), Mark-Room: Giving Mark-Room](#)

[Rule 18.4, Mark-Room: Gybing](#)

Rule 21. Exoneration

An inside overlapped boat that obtains right of way inside the zone is entitled to sail to windward of the room to sail to the mark to which she is entitled, but only if in the process she complies with rule 18.4, and with rules 15 and 16.1 with respect to the outside boat.



SUMMARY OF THE FACTS

In a strong wind and choppy sea cut up by a cross-tide, three category IRC2 boats were approaching the leeward port-hand mark. *Panache*, the inside boat, was on starboard tack. *Supernatural* and *Dragonfly* were overlapped outside her, both on port tack, and had been so before any of the boats entered the zone. *Supernatural* collided with *Panache*, then gybed onto starboard tack, veered towards *Dragonfly*, which was still on port tack, and collided with her as well. Damage resulted from both collisions.

Supernatural was disqualified under rule 16.1 for failing to give *Dragonfly* room to keep clear. She appealed, on the grounds firstly that she believed that rule 16 did not apply to her, as stated in rule 21, and secondly that *Dragonfly* should have given sufficient room to enable both of the inside boats to perform any manoeuvre to avoid a collision.

DECISION

Supernatural's appeal is dismissed.

Panache was entitled to steer a course for a tactical rounding provided that she gave *Supernatural* room to keep clear when she changed course, and provided that she sailed no farther from the mark than she needed to sail her proper course, as required by rule 18.4. There is nothing to suggest that she did otherwise.

Supernatural was required to keep clear of *Panache* and, from zone entry, to give her room to sail to the mark. *Supernatural* did neither, breaking rules 10 and 18.2(b).

Dragonfly was required by rule 18.2(b) to give mark-room to *Panache* and *Supernatural* from the moment they entered the zone. The protest committee found that she complied with this requirement, and the RYA sees no reason to doubt this finding. After she gybed, *Supernatural* became right-of-way boat, and *Dragonfly* broke rule 10. Her infringement was involuntary, as it was caused by *Supernatural* breaking not only rule 16.1, but also rule 15 with respect to her. *Dragonfly* is therefore exonerated under rule 64.1(a). The RYA is satisfied that there was nothing that *Dragonfly* could have done to avoid the collision, and so she did not break rule 14. *Supernatural's* loss of control resulted from her own earlier breaking of rule 10, and is no reason to exonerate her further infringements.

In addition, *Supernatural* as an inside overlapped right-of-way boat with respect to *Dragonfly*, would have to gybe to sail her proper course at the mark, and so was required by rule 18.4 to sail no farther from the mark than needed to sail that course. She clearly sailed beyond the point where rule 18.4 required her to gybe, thus breaking that rule as well.

The rules did not require *Dragonfly* to give sufficient room to enable each of the inside boats to perform any manoeuvre to avoid a collision. *Dragonfly's* obligation was to give *Supernatural* and *Panache* room to sail to the mark, and to keep clear of *Supernatural* when *Supernatural* obtained right of way and changed course towards her. *Dragonfly* complied amply with the first requirement, and was unable to comply with the second because of *Supernatural's* infringements.

Exoneration for breaking rule 16.1 is possible under rule 21, but in this case there was no failure by *Dragonfly* to give mark-room. Furthermore, *Supernatural* was neither taking mark-room to which she was entitled, nor yet rounding the mark, nor sailing her proper course.

Supernatural v Dragonfly, Royal Ocean Racing Club

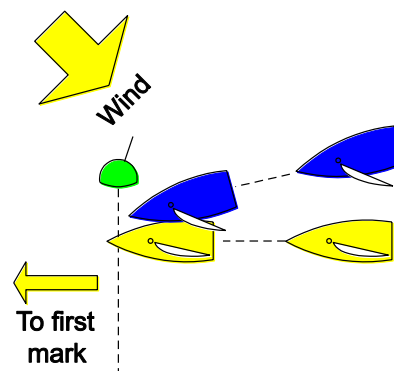
RYA 2003/8

[Definitions, Keep Clear](#)

[Rule 11, On the Same Tack, Overlapped](#)

[Rule 14\(a\), Avoiding Contact](#)

When boats are overlapped on the same tack on converging courses, the moment when the windward boat has failed to keep clear is, by definition, also the moment when the right-of-way boat must take avoiding action if she is to avoid penalization under rule 14, should contact causing damage then occur.



SUMMARY OF THE FACTS

W and L were approaching the starting line to pass inside a small starting mark for a reaching start. They converged and there was contact between them, resulting in damage to both of them. L protested W. The protest committee disqualified both of them, W for not keeping clear, as the mark was surrounded by navigable water she could have luffed into, and so she was not entitled to room because of the preamble to Section C; and L for breaking rule 14. L appealed on the grounds that, given she was not required to give room to W, she was not required to take avoiding action under rule 14 until it was clear that W was not keeping clear, and that when that moment arrived, there was then nothing she could do to avoid contact.

DECISION

L's appeal dismissed.

The RYA is satisfied that, at a point of time before the starting signal, W was not keeping clear; that it was or should have been clear to L that W was not keeping clear; that it was reasonably possible for L to avoid contact at that time; that she did not act to avoid contact; and that contact resulting in damage resulted.

To clarify the interaction of rules 11 and 14, L was right-of-way boat under rule 11, and W was required to keep clear of her. A windward boat on a converging course with a leeward boat has failed to keep clear if the leeward boat cannot sail her course because avoiding action is needed. A right-of-way boat is not required to anticipate that the other boat will not keep clear, but the moment when the other boat has failed to keep clear is the moment when contact is predictable if neither boat takes evasive action, a risk that must be immediately obvious to a right-of-way boat keeping a good look-out.

If the right-of-way boat does not then act to avoid contact, she risks penalization if there is then contact that results in damage.

The same principles would apply as between boats converging on opposite tacks.

Bailington v Skeena, Thornbury SC

RYA 2004/1

[Definitions, Party](#)

[Definitions, Rule](#)

[Rule 33, Changing the Next Leg of the Course](#)

[Rule 62.1\(a\), Redress](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

[Rule 71.2, National Authority Decisions](#)

[Rule 90.2\(c\), Race Committee; Sailing Instructions;](#)

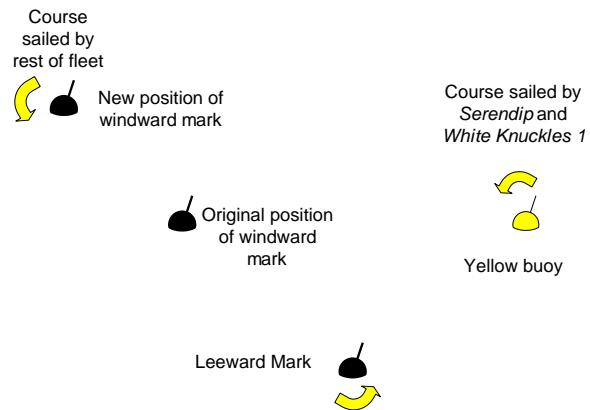
[Scoring; Sailing Instructions](#)

[Race Signals](#)

No statement made at a briefing by a race officer can change or add to a rule, which includes the sailing instructions and the meaning of a race signal in the Racing Rules of Sailing. A boat that relies on such a statement is at fault for the purposes of redress if she chooses as a result to attribute a different meaning to a race signal.

A protest committee may dismiss the protest against the protestee, but disqualify the protestor.

Only the protestor and protestee are parties to a protest hearing. No other boat, even if present at a protest hearing, can be penalized at that hearing, and the national authority has no power to confirm or re-impose the penalty: indeed, it will reverse any such penalization on appeal, even if it is not that boat which appealed.



SUMMARY OF THE FACTS

On a windward - leeward course, the race committee moved the windward mark, a black inflatable buoy, so as to increase the length of the leg on its original bearing, and signalled 'C+', with repeated sound signals at the leeward mark. It did not include either a red or green shape in the signal.

Serendip and *White Knuckles 1* sailed to a yellow buoy, lying on a bearing 90 degrees to starboard of the bearing to the black buoy, and rounded it. The race committee had not intended this buoy to be a mark of the course. The rest of the fleet rounded the black buoy. *Serendip* protested those boats. Her protest was dismissed. She and *White Knuckles 1* were disqualified under rule 28.1. (*White Knuckles 1* had neither protested nor been protested, nor had she lodged any request for redress.)

Serendip appealed, on the grounds that a sailing instruction required the laying of a new mark, rather than the relocation of an existing mark when the position of the next mark was to be changed, and so she was duty-bound to look for a different mark, particularly as she believed that the race officer had said at the briefing that any replacement mark would be a yellow buoy, although this was not required by the sailing instruction.

The race officer said that his normal practice (despite the sailing instruction) was to move rather than replace a mark when changing the leg length without changing its bearing. Only if the bearing changed would he replace the mark, using the yellow buoy. He believed that this was what he had said at the briefing.

DECISION

Serendip's appeal is dismissed and her disqualification is confirmed. *White Knuckles 1* is reinstated into her finishing position.

The protest committee was correct to dismiss the protest against the other boats. The signal at the leeward mark could have no meaning other than that the windward mark was now to be found further away on the same bearing as before. The leg length was increased on its

original bearing, and this was correctly signalled. The sailing instruction made no reference to any change of colour or shape. The other boats sailed the course. *Serendip* did not, and the protest committee was therefore also correct to disqualify *Serendip* under rule 28.1.

If *Serendip*'s recollection of the race officer's briefing is correct, then he was merely foreshadowing what he actually did. Moving the buoy rather than replacing it with another did not comply with the sailing instruction, but that did not result in the black buoy ceasing to be the windward mark, and nothing in the method of relocation (a process *Serendip* had not observed) could give rise to redress.

If the race officer did in fact also say that he would switch to a yellow mark whenever flag C had to be employed, then this, in isolation, might give rise to redress under rule 62.1(a) for a boat that relied on such a statement, and was without fault, having no reason to believe that the black buoy remained the windward mark. That might result in the race being abandoned, or in *Serendip* being reinstated

In practice, *Serendip* was at fault in ignoring the signal, as actually made, since, in the absence of a green flag, the signal could never have been taken to mean that the position of the next mark had been moved approximately 90 degrees to starboard. Only a mark further away on the original bearing could now be taken to be the windward mark.

Serendip said in her appeal that 'we believed, in accordance with the sailing instructions, that we had to round the yellow buoy after a change of course had been signalled.' Nothing in the sailing instructions required her to round a yellow buoy. As rule 90.2(c) makes clear, nothing said at a briefing can change the sailing instructions, nor can it explicitly or implicitly change the meaning of a race signal in the Racing Rules of Sailing

The decision to disqualify *White Knuckles 1* is reversed. Although she was present at the hearing, she was never a party to the hearing, as defined, as she was explicitly excluded from *Serendip*'s protest, and was not protested by the protest committee. As stated in rule 64.1, only a party to a protest hearing can be penalized. Although she did not appeal against her disqualification, the RYA is empowered by rule 71.2 to reverse the protest committee's decision. She is reinstated to her finishing position

Serendip v Firestorm and others, Royal Western YC of England

RYA 2004/2

[IRPCAS rule 9\(b\)](#)

[IRPCAS rule 17\(a\)\(i\)](#)

[IRPCAS rule 18 \(a\)\(iv\)](#)

When a boat that is racing meets a large powered vessel in a fairway or narrow channel, she is to presume and act on the basis that the vessel can safely navigate only within the channel, and therefore has right of way.

SUMMARY OF THE FACTS

NJOS had tacked briefly into the fairway of Southampton Water. She tacked back, but not before the captain of *Red Eagle*, an approaching car ferry, realising

there to be a risk of collision, decided to go full astern, and reported the matter to the club. An independent enquiry (that was not a protest) followed, and based on its findings, the race committee disqualified *NJOS* without a hearing, acting under a sailing instruction that stated:

Boats shall keep clear of commercial shipping as required by the Colregs and by-laws. Any boat that contravenes this sailing instruction may be penalized or disqualified from one or more races or from the series by the race committee without a hearing. A disqualification under this sailing instruction may be non-excludable. This affects RRS 63.1.

The decision was upheld by a hearing (that too was not a protest) requested as provided in the sailing instructions by *NJOS*, before a protest committee. Neither the enquiry nor the subsequent hearing found as a fact whether it was *NJOS* or *Red Eagle* which had right of way, noting that *Red Eagle*'s draft was found on investigation to be sufficiently shallow to allow her to sail outside the fairway, even though her operational practice was to stay within the fairway.

NJOS was scored DNE by the race committee, and appealed.

The RYA decided that the question of which vessel held right of way was material to whether *NJOS* had been properly penalized. The power of the race committee under the sailing instructions to disqualify without a hearing applied only when a boat had failed to 'keep clear of commercial shipping as required by the Colregs and by-laws.' A power-driven vessel such as *Red Eagle* was normally required by IRPCAS Rule 18 (a)(iv) to keep out of the way of a sailing vessel, in which case IRPCAS Rule 17(a)(i) required *NJOS*, as the stand-on vessel, to keep her course and speed. *NJOS* would have failed to comply with this when she had tacked out into the channel.

However, if *Red Eagle* was a vessel to whom the narrow channel or fairway provisions of the IRPCAS or the local Byelaws applied, then *NJOS* was required not to obstruct or impede her, which was tantamount to requiring *NJOS* to 'keep clear' of *Red Eagle*, and so the DNE without a hearing and its endorsement by the jury would have been proper.

The RYA referred this question back to the protest committee, deciding as follows once an answer was provided.

DECISION

NJOS's appeal is dismissed.

NJOS was required by the preamble to Part 2 of the Racing Rules of Sailing to accord *Red Eagle* her rights under the International Regulations for the Prevention of Collisions at Sea (the IRPCAS - also known as the 'Colregs').

However, *Red Eagle* might be considered to have right of way over *NJOS*. IRPCAS rule 9(b) says that a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow passage or fairway, and regulation 10(1) of the Southampton Harbour Byelaws 2003 which applied to the area of the

incident requires a small vessel such as *NJOS*, not being confined to the fairway, not to make use of the fairway so as to obstruct other vessels which can navigate only within the fairway. If *Red Eagle* was restricted to the fairway, then in effect she had right of way, and *NJOS* had impeded or obstructed her.

However, if the narrow channel or fairway provisions of the IRCAS or the Byelaws did not apply to *Red Eagle*, then it was the powered *Red Eagle* that was required to keep clear of the sailing vessel *NJOS*. (The term 'keep clear' is not to be found in the IRCAS, where the term 'keep out of the way of' is used instead, in this case in IRCAS rule 18(a)(iv). The RYA judges these terms to be synonymous.) If *Red Eagle* was the vessel required to keep clear, then *NJOS* was not, and so the provisions of the sailing instruction were not applicable to her.

While *NJOS* may indeed have broken IRCAS rule 17(a)(i) by failing, as a right-of-way vessel, to hold her course and speed, she could be penalized for that only as a result of a protest, and there was never any protest complying with Rule 61.1(b), 61.2 and 61.3 against her. Even if she had been protested, the penalty (assuming that rule 2 was not also infringed) could only be DSQ, and not DNE if the sailing instruction did not apply.

In its reply to the question from the RYA, the protest committee pointed out that a vessel restricted to a narrow channel was not required to display any signal to this effect, and that it followed that a sailing vessel crossing a channel was required to make her own assessment of a powered vessel's capability in order to determine which rules of IRCAS apply.

While finding this to be unsatisfactory, the protest committee, on reflection, believed that as *Red Eagle* was a large vessel that was operating in a narrow channel, *NJOS* should assume that *Red Eagle* was restricted to that channel. The protest committee concluded that *Red Eagle* was therefore to be regarded as a vessel restricted to a narrow channel or fairway.

The RYA accepts this finding. The right of way is to be decided according to the most obvious interpretation of the facts of the situation at the time of the incident, given that safety is the principal objective of the IRCAS and byelaws. *NJOS* was therefore required neither to obstruct nor impede the passage of *Red Eagle*, and so was obliged in effect to keep clear of her. There was clearly a sudden risk of possible collision, and the action of *Red Eagle's* captain was necessary and appropriate.

NJOS therefore broke IRCAS rule 9(b) and Southampton Harbour byelaw 10(1) by failing in effect to keep clear, and the race committee was entitled to disqualify her without a hearing.

Race Committee v *NJOS*, Royal Southampton YC

RYA 2004/3

[Sportsmanship and the Rules](#)

[Rule 2, Fair Sailing](#)

[Rule 14\(b\), Avoiding Contact](#)

When a right-of-way boat breaks rule 14 but there is no damage or injury, she is exonerated under rule 14 and does not break rule 2.

SUMMARY OF THE FACTS

L was approaching the finishing line close-hauled. W crossed ahead and tacked to a windward overlap. There was contact while W was between head-to-wind and close-hauled, and then further contact a few seconds later when L, with W close to windward, luffed to shoot the finishing mark. L protested, and the protest committee disqualified both boats, W under rule 13, and L under rule 14 for failing to avoid contact. L appealed. The protest committee, in commenting on the appeal, suggested that, in breaking rule 14, L had also broken rule 2, Fair Sailing.

DECISION

L's appeal is upheld and she is reinstated into her finishing position.

L became and remained the right-of-way boat from the moment that W passed head to wind. The RYA does not question the protest committee's conclusion that L elected to collide with W rather than hit the finishing mark, thus breaking rule 14 by not avoiding contact when it was reasonably possible to do so. However, the appeal papers contain no allegation or finding of damage or injury, and rule 14(b) states that a right-of-way boat is exonerated under this rule unless there was contact that causes damage or injury. The possibility of damage or injury is not a sufficient ground for penalization, and a right-of-way boat may therefore choose to allow avoidable contact to occur, but at her own risk, depending on the outcome.

A right-of-way boat (or one entitled to room or mark-room) that deliberately breaks rule 14 by allowing contact to occur does not break rule 2 if damage or injury was not caused. The exonerated under rule 14(b) is immediate and automatic.

RS400 903 v RS400 1189, Blackpool & Fleetwood YC

RYA 2004/7

[Rule 29.1, Recalls; Individual Recall](#)

[Rule 62.1\(a\), Redress](#)

[Race Signals, X](#)

When the race committee intends an individual recall but, while displaying flag X, makes two sound signals in addition to the starting sound signal, this is an improper action. However, a boat that ceases racing before she can see which recall flag, if any, is displayed may be at fault and hence not entitled to redress.

A race committee signal comprises both the flag and the sound.

SUMMARY OF THE FACTS

In starting a fleet of 20 boats, the race committee made the starting signal with one sound signal. Having signalled an individual recall, they then made, in error, a further sound signal.

Chaotic, which was not OCS, believed this to be a general recall and bore away back towards the starting line before she was able to see that it was flag X that was displayed. She resumed racing and finished in a worse position than she was likely to have achieved had she not turned back. She requested redress, which was refused, and she appealed.

DECISION

Chaotic's appeal is dismissed.

The refusal of the request for redress by *Chaotic* is confirmed. It was not through 'no fault of her own' that *Chaotic* returned to the starting area and she is therefore not entitled to redress.

The third sound signal (after the starting sound signal and the individual recall's sound signal) was an improper action of the race committee, but a boat has to satisfy a number of conditions to be granted redress. Firstly, her score must be made worse. This condition is satisfied.

Secondly, this must be through no fault of her own. On this condition the case for *Chaotic* fails. *Chaotic* was at fault when she turned back. Her loss of place was caused by her relying solely on the sound element of the signal, and turning back when there was no need, in such a small fleet, to do so before she could see the flag signal. Rule 29.2 states that a general recall signal is the display of the First Substitute with two sounds. As the flag was not displayed, no General Recall was signalled. Until *Chaotic* could see which flag was (or was not) being displayed, she should not have acted on the assumption from the two sound signals that there had been a general recall. The decision might have been different had the incident taken place in a significantly larger fleet where the flag signals might have been obscured from a large number of the fleet for a very much longer period of time. A protest committee must consider each case on its merits.

This is different from the situation where there is an individual recall flag, but no sound signal, as in ISAF Case 31. In that case there was no reason for a boat to look for a recall flag and, by continuing to race, her score was affected though no fault of her own.

A comment made in the appeal papers to the effect that the sound signal is to draw attention to the flag is incorrect. A recall signal is the combination of the visual flag and the sound. It is only starting signals in accordance with rule 26 that are governed solely by the visual signal.

Request for redress by *Chaotic*, Royal Yorkshire YC

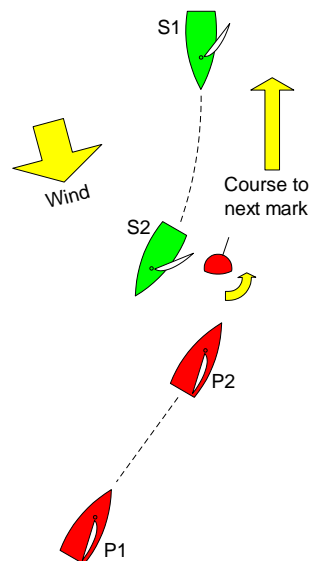
RYA 2004/8

[Definitions, Mark-Room](#)

[Rule 18.2\(b\), Mark-Room: Giving Mark-Room](#)

[Rule 18.4, Mark-Room: Gybing](#)

The room an outside overlapped boat must give at a mark to an inside right-of-way boat includes room to gybe when that is part of the inside boat's proper course to round the mark. In determining the right of an inside boat to mark-room under rule 18.2(b), it is irrelevant that boats are on widely differing courses, provided that an overlap exists when the first of them enters the zone.



SUMMARY OF THE FACTS

In force 3-4 conditions, following a wind shift, S was approaching a leeward mark, which she was required to round to port, broad-reaching on starboard tack in order to gybe onto a reciprocal close-hauled course. P, on another leg of the course, was approaching the same mark, also to round it, from nearly the opposite direction, on port tack.

S hailed for room to round the mark and this hail was acknowledged. S judged that she was not being given sufficient room to gybe in safety, and passed astern of P before gybing. Her protest, under rules 10 and 18, and which alleged contact (but not damage), was dismissed on the grounds that contact was not proven, that room was given for her gybe, and for S to decide not to gybe was prudence that should not result in the penalization of P. S appealed.

DECISION

S's appeal is upheld. P is disqualified

S and P were on opposite tacks, but rule 18 applied, since both boats were not on a beat to windward (see rule 18.1(a)), nor was the proper course of one of them to tack at the mark (see rule 18.1(b)). It was not relevant that they were approaching the mark on widely differing courses – see ISAF Case 12. When the first of them entered the mark's zone they were overlapped, and P was required by rule 18.2(b) to give S room to round the mark. It is clear that S's proper course was to gybe at the mark as required by rule 18.4, and that she intended to do so.

The protest committee's conclusion that sufficient room was given for a gybe is contradicted by its conclusion that, in the circumstances, it was prudent for S not to attempt to gybe in the room given. That is tantamount to saying that S was not given sufficient space in the prevailing conditions.

Rather than gybing, S luffed, and contact was likely had she not done so. P therefore broke both rule 10 and rule 18.2(b).

Laser 153489 v Breeze 626, Grafham Water SC

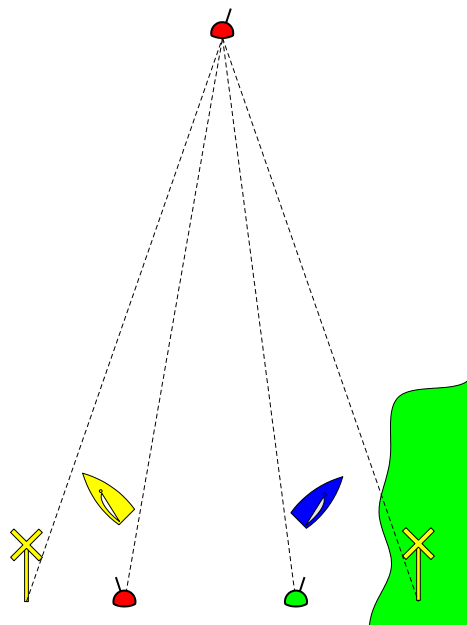
RYA 2004/9

[Rule 30.1, Starting Penalties: I Flag Rule](#)

[Rule 30.2, Starting Penalties: Z Flag Rule](#)

[Rule 30.3, Starting Penalties: Black Flag Rule](#)

The ends of the starting line are as stated in the sailing instructions, and determine the beginning of the extension of the starting line for rule 30.1 and the base of the triangle in rules 30.2 and 30.3, unless the sailing instructions say otherwise.



SUMMARY OF THE FACTS

The sailing instructions said that the starting line was between two staffs, but that boats should start between two limit marks.

In a start under rule 30.3, Black Flag Rule, during the last minute before the starting signal, several boats were sailing in the triangle formed by the starting line (as defined in the sailing instructions) and the first mark, but not within the triangle formed by the limit marks and the first mark. These boats were scored as BFD and asked for redress, which was denied. The protest committee asked for confirmation of its decision.

DECISION

The decision of the protest committee is confirmed.

The ends of the starting line in rules 30.1, 30.2 and 30.3 are those specified in the sailing instructions, and not any limit or distance mark, unless the sailing instructions explicitly change rule 30.

Request for redress by *Reefer* and *Raffles*, Poole YC

RYA 2005/2

[Rule 66, Reopening a Hearing](#)

[Rule 70.2, Appeals and Requests to a National Authority](#)

[Rule 70.5, Appeals and Requests to a National Authority](#)

[Appendix D, Team Racing Rules](#)

Even if the right to appeal has been denied under rule 70.5(a), this does not preclude the protest committee from requesting confirmation of its decision under rule 70.2, since that is not an appeal.

In team racing, a request for redress following a breakdown of a supplied boat shall be decided by the race committee.

Before granting redress the race committee shall consider all the requirements for redress in rule D5. A boat is required to display a red flag when she should be aware of the facts, while racing, but not when the facts cannot be learned until after the race. The decision of the race committee may be contested via a request for redress, which is a matter for a protest committee to consider.

SUMMARY OF THE FACTS

In a team racing event, at the changeover of boats before race 41 between New Forest Pirates (NFP) and Wessex Exiles (WE), one boat in the NFP team asked for water to be removed from inside the buoyancy tanks of the boat. This was done and the boat was sent out to race. NFP lost the race and, on returning ashore, NFP1 called for the resail officer, showed him that there was water in the tanks again and asked for redress.

The resail officer granted redress in the form of a resail. When advised of the resail decision, boat WE1 orally requested redress, claiming that the decision in NFP1's request for redress was an 'improper action'. The race committee had to resail the race before the request for redress by WE1 could be heard by the protest committee. The resail was won by NFP.

After a hearing of the request by WE1, redress was refused: the protest committee upheld the decision of the resail officer. However, at a reopening of this hearing, the protest committee decided that the requirements for redress during the original race 41 had not been met because a red flag had not been displayed by NFP1 and that the original result of that race should stand. It referred the decision to the RYA for confirmation or correction.

In response to questions from the RYA, the protest committee found as a fact that there were 5 litres of water (weighing 5kg) in the buoyancy tanks of NFP1 when she returned to the shore after race 41.

DECISION

The decision of the protest committee that the Wessex Exiles team won the race is confirmed. The reasons for the decision are corrected.

When deciding a request for redress following a breakdown, rule D5 requires the race committee to consider, amongst other things, whether a red flag was displayed and whether the finishing position of the boat was significantly affected. The case papers make clear that the race committee failed to properly consider these matters and, on receipt of the request for redress by WE1, the protest committee was entitled to review all the circumstances of the breakdown.

A boat is required to display a red flag as soon as she should reasonably be aware of the facts that would justify seeking redress; when the facts are not learned until after the race, as in this case, there is then no requirement to display a red flag. Until the tank was opened after the race it was not possible for the competitor to know for a fact that there was water in the

tank. Were it otherwise, all competitors would, to protect their right to seek redress, be obliged to display a red flag in the event of any suspicion that a supplied boat might have suffered a breakdown, pending further inspection after racing.

A leak in the hull of a supplied boat that allows water to penetrate into a buoyancy tank is clearly a breakdown for the purposes of rule D5. The breakdown was neither the fault of the crew nor one that the crew could have avoided.

As the water entered the tanks through a leak in the keel it can be inferred that there was less water at the start of the race and that this increased progressively towards the 5 litres found after the race. The protest committee decided that the evidence did not support a conclusion that the boat's finishing position was made significantly worse by the water in the tank.

The RYA sees no reason to disagree with this conclusion. Rule D5.4 allows redress to be given only when the boat's finishing position is made significantly worse. The result of the original race 41, won by Wessex Exiles, stands and the result of the resailed race is discarded.

RELATED ISSUES

Right of Appeal

The sailing instructions denied the right of appeal in accordance with rule 70.5(a). Rule 70.5 requires the denial of appeal to be stated in both the notice of race and the sailing instructions. No proper notice of race has been provided to the RYA so there is doubt about the validity of this sailing instruction. However, this was not an appeal by a party but a reference by the protest committee under rule 70.2, which is not covered by the rule 70.5 provisions. The reference to the RYA for confirmation or correction is therefore valid.

Process for Breakdown Requests

Rule D5.3 transfers the responsibility for deciding redress following a breakdown to the race committee. The protest committee has no direct power under rule 66 to reopen the decision of the race committee on the grounds that the race committee may have come to the wrong decision based on the evidence, since it was not the body that made the decision. It must however consider a request for redress that the race committee's decision was an improper action under rule 62.1(a) where it affected the requester's finishing position.

Parties to a Hearing

A breakdown request is a request for redress under rule 62.1(a). In accordance with the definition Party the parties to such a redress hearing are the requester and the race committee. However, when rule D1.2(e) applies, it is often appropriate for representatives of both teams in the race to be present when the race committee is collecting evidence from the teams.

Request for confirmation or correction of decision, Wessex Winter Warmer

RYA 2005/5

[Sportsmanship and the Rules](#)

[Rule 41\(c\), Outside Help](#)

[Rule 42.3\(i\), Propulsion](#)

[Rule 60, Right to Protest; Right to Request Redress or Rule 69 Action](#)

[Rule 61.1\(a\)\(4\), Protest Requirements: Informing the Protestee](#)

[Rule 63.1, Hearings: Requirement for a Hearing](#)

[Rule 64, Decisions: Penalties and Exoneration](#)

[Rule 64.1\(b\), Decisions: Penalties and Exoneration](#)

A boat that has retired may be protested, and a valid protest against her must be heard, but the boat is not to be penalized unless the penalty for the rule she broke is a non-excludable disqualification.

Although rule 42.3(i) permits the sailing instructions to allow the use of an engine for propulsion in stated circumstances, a boat that avails herself of this breaks rule 42 if she gains a significant advantage in the race.

Information available at no cost other than the cost of subscribing to and using a generally available and non-specialised service through which it is to be obtained is 'freely available'.

'Damage' in rule 61.1(a)(4) need not be serious. For the relaxation of general protest notification requirements to apply, the injury or damage must be, or ought to be, obvious to all the boats involved in the incident, not just the boat that wishes to protest.

QUESTION 1

Sportsmanship and the Rules, says that retiring may be a penalty, and Rule 64.1(a) says that a boat cannot be penalized if some other penalty applies.

Does this apply to all infringements, and can it be varied in sailing instructions? We need to be able to apply serious penalties, such as a non-excludable disqualification (DNE), to boats that break the IRPCAS and local navigation byelaws with respect to commercial shipping, without a boat having the option of avoiding penalization by retiring, which it appears she can do (RAF) even after finishing.

ANSWER 1

When a boat realises that she has broken a rule, and when a turn(s) penalty or some other penalty is not available to her, the Basic Principle requires her to retire. Suppose that the sailing instructions say that the penalty for breaking a rule of the IRPCAS or some other specified and applicable navigation byelaw is DNE. A boat that realises that she has broken such a rule cannot accept a DNE, and no other penalty is available to her, other than retiring. So retire she must.

When a boat has retired, nothing in rule 60 prevents her from being protested. Rule 63.1 then requires the protest committee to hear all protests. Rule 64.1 says that when a protest committee decides that a boat has broken a rule, it shall disqualify her unless some other penalty applies. Normally, retirement precludes penalization, as stated in rule 64.1(b). However, as also stated in that rule, that is not so when a boat has taken an applicable penalty such as retirement but the only penalty available to the protest committee is DNE. In this case, the protest

committee can and must apply a DNE penalty, regardless of the boat having retired.

QUESTION 2

How can a boat be required or allowed to use her engine to avoid contact with other racing boats and commercial shipping, and to use her engine after her preparatory signal if late arriving at the starting area, without incurring a penalty?

ANSWER 2

Rule 42.3(i) may now make this possible. However, the rule also says that a boat that does so must not thereby gain a significant advantage in the race.

QUESTION 3

Is weather information sent to a mobile phone, to a receiver or to a computer by a weather bureau as part of a *dedicated* subscription service 'freely available' for the purposes of rule 41(c)? Is the cost of that service relevant? Is information available to all on the internet 'freely available', given that a subscription has to be paid to an internet service provider?

ANSWER 3

Once a subscription has been paid to a generally available and non-specialised communications service, such as an Internet Service Provider, a telephone service (mobile or terrestrial) or a television licence, any information that is then available to the general public, or is available to all competitors in the event, and that can be accessed readily and at no further cost (other than the cost, if applicable, of a standard rate call or connection) is 'freely available'. The notice of race and sailing instructions may change rule 41 to widen or narrow this.

QUESTION 4

What is the meaning of 'damage or injury that is obvious to the boats involved' in rule 61.1(a)(4)? Is this different from 'injury or serious damage', as referred to in other rules?

ANSWER 4

It is possible that damage or injury that is obvious to the boats involved may not be serious. The question for the protest committee to decide, in considering the validity of a protest when the general requirement for a prompt hail of 'Protest' and, when applicable, to the prompt displaying of a red flag has not been complied with, is whether at the time of the incident at least one competitor on every boat involved in the incident was, or ought to have been, aware of the injury or damage, not just the boat that wishes to protest. It is for the protest committee to decide whether what happened to a boat ranks as injury or damage. Guidance on damage is to be found in ISAF Case 19 and RYA Case 2001/3.

Questions from Royal Southampton YC

RYA 2005/6

[Rule 70.2, Appeals and Requests to a National Authority](#)

A protest committee may not refer only part of its decision for correction or confirmation: the RYA will review all decisions related to an incident.

SUMMARY OF THE FACTS

The belated shortening of the course resulted in redress being requested by and granted to A and B, in the form of being awarded better scores than their finishing positions. On learning of the redress granted, C and D asked for redress on the grounds that the redress granted to A and B was unfair to themselves. E then lodged a request claiming that she had been equally disadvantaged by the race committee error, and should also be given an improved score.

The protest committee refused redress to C, D and E, but decided to ask the RYA whether the shortening of course could be considered invalid as well as late.

DECISION

In upholding the protest committee's decision in all five requests, the RYA stated as follows.

The RYA will not agree to consider the correctness of only part of a protest committee's decision. It is not provided for in rule 70.2, and to do so could lead to inconsistency. For instance, a finding that the race had never been validly shortened might result in the abandonment of the race as being the more appropriate redress. The RYA has reviewed all of the original and further decisions.

Request for confirmation or correction, Hamble River SC

RYA 2005/7

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

[Rule 61.3, Protest Requirements: Protest Time Limit](#)

[Rule 62.2, Redress](#)

[Rule 69, Allegations of Gross Misconduct](#)

[Rule 78.1, Compliance with Class Rules; Certificates](#)

The hearing of requests for redress and rule 69 actions may unavoidably have to take place after the end of an event, but the time limit for lodging a protest should not normally be extended beyond then.

The protection of ISAF case 57 does not extend to an owner or person in charge who knows, or should know, that the boat does not comply with class rules.

SUMMARY OF THE FACTS

Following an Extraordinary General Meeting of the Osprey Class on 23 April 2005 ratifying the use of Kevlar sails, a protest was received on 4 May 2005 by the organizing authority, which had organized the 2004 National Championships in August of that year. The protest alleged that two prize-winning competitors had used Kevlar sails that broke the class rules in force at the time of the event.

The protest committee considered the matter of validity and decided that under rule 61.3 there was good reason to extend the time limit and heard the protest, which it dismissed, citing ISAF Case 57.

The protest committee then referred the matter to the RYA to confirm or correct its decision.

DECISION

The protest was invalid and should not have been heard.

Rule 61.1(a) requires a boat intending to protest to inform the other boat at the first reasonable opportunity.

Osprey 1298's own protest form states that the protestees had not been notified. The protest was therefore invalid, and the hearing should have been closed.

Even if the protestees had been properly notified of the protest in May 2005, the protest committee should not have extended the time limit, since the facts justifying the protest must have been known to the protestor at the very latest by the end of March when he would have received notice of the EGM. There was no good reason for him to wait more than a month.

While these reasons are sufficient to correct the protest committee's decision to proceed with the hearing (not that such a decision changes the outcome, since the protest was dismissed), the RYA comments on two further matters arising from the protest.

First, the protest committee dismissed the protest, citing ISAF Case 57. In that case, a duly authenticated certificate had been presented in good faith by an owner who had no reason to be aware of the error in the certificate. In this protest, the protested competitors, being sailmakers, must have known the material in their sails, and no boat can plead ignorance of a class rule as an excuse. They would not therefore have been entitled to the protection of Case 57 in a valid protest based on rule 78.1.

Secondly, even if a properly notified protest had been lodged in March 2005, this being the earliest date the protestor became aware of the facts, the protest should have been declared invalid, because it was not lodged before the end of the event. It is sometimes unavoidable that the results at the end of an event turn out not to be final. All requests for redress as a result of the publication of the final results must be heard and any subsequent requests for reopening considered. A competitor who has left the site but later finds out his results are not correct is still entitled to have his request for redress heard provided he fulfils the conditions of rule 62.2. Where there is no International Jury, a protest committee's decision may be changed on appeal.

For protests concerning something that may have happened during racing, however, the RYA considers that a good reason for extending the protest time limit beyond the end of the event will usually be outweighed by the better reason of the need for the results to be as final as possible.

The requirement to extend the time if there is good reason to do so is to allow for circumstances in which the competitor finds it impossible to submit the protest in time. These reasons might include being very late ashore after being rescued, going to hospital, or poor wind conditions making a return to shore in time very difficult; it does mean however that submitting a protest needs to be done quickly on returning to shore.

Regattas need to have closure for new protests involving on-the-water incidents, which includes competing in a boat that does not comply with class rules, and the time limit as described in rule 61.3 should not normally be extended beyond the end of the event.

That does not preclude serious allegations being investigated after the end of an event. Actions under rule 69 have no time limit and can be initiated by a

protest committee at any time even after the regatta has finished and the competitors have gone home. An allegation, even in a late and invalid protest, of the knowing use of a better but forbidden sail material would be a good reason for a protest committee to call a hearing under rule 69, but that is a matter for a protest committee to decide.

Request for confirmation or correction of a decision, Penzance SC

RYA 2005/8

[Rule 64.1\(a\), Decisions: Penalties and Exoneration](#)

A boat is to be exonerated only when compelled by another boat's infringement to fail to comply with what the rule concerned obliges her to do or not do.

SUMMARY OF THE FACTS

Habanero collided with a moored vessel, causing it to move into the path of *Jump the Gun!*, which touched the moored vessel. *Jump the Gun!* was protested by *Heartbeat 2* for breaking a sailing instruction that said that 'an entered boat that collides with or fends off a moored or anchored vessel at any time shall retire and report the collision to the race office.' *Jump the Gun!* had reported the collision, but had not retired. The protest committee noted that *Habanero* had retired, and exonerated *Jump the Gun!*, by implication because *Jump the Gun!* was compelled to break the sailing instruction because of an infringement by *Habanero*. *Heartbeat 2* appealed.

DECISION

Heartbeat 2's appeal is upheld. *Jump the Gun!* is disqualified.

The sailing instruction does not say 'a boat shall not collide with or fend off a moored or anchored vessel'. Rather it imposes an obligation on a boat when a collision occurs, namely to retire and report the incident. The collision itself is not prohibited. Nothing that *Habanero* did prevented *Jump the Gun!* from complying with the requirement in SI 9 to retire, and so exoneration under rule 64.1(a) is not appropriate. She failed to retire, thus breaking SI 9, and is therefore disqualified for not retiring, by virtue of the first paragraph of rule 64.1. Nor does any part of rule 62, Redress, allow any compensation.

For the same reason, it should be noted that *Habanero* did not break the sailing instruction. Indeed, she complied with it by retiring.

Jump the Gun! refers to several cases in support of her exoneration. These were all situations where a boat was compelled to break a 'shall not' rule. She also claims that it was the moored vessel that collided with *Jump the Gun!* rather than *Jump the Gun!* colliding with the moored vessel. The RYA does not accept that 'collides with' presupposes which of two vessels was more responsible for causing the collision. As an analogy, a protest committee would not apply such a distinction to a boat making contact with a bobbing inflatable pillar mark she was rounding, even if wind or wave caused it to lean rapidly and unexpectedly far over. She would be penalized for breaking rule 31's requirement not to touch the mark.

Heartbeat 2 v Jump the Gun!, Burnham Week

RYA 2006/2

[Rule 29.1, Recalls: Individual Recall](#)

[Rule 62.1\(a\), Redress](#)

[Rule 64.2, Decisions: Decisions on Redress](#)

When there is an improper action of the race committee, a boat is entitled to redress only when she can show a clear link between that action and her score. If flag X is removed prematurely, an OCS boat that does not return will be entitled to redress only if she can show that she would have returned had it been displayed for longer. If she can satisfy the protest committee on this point, appropriate redress would take into account the time she would then have taken to return and start. Reinstatement into her finishing position is unlikely to be equitable to all boats.

ASSUMED FACTS

Flag I was correctly displayed as the preparatory signal for a race. During the one minute period before the starting signal a boat crossed to the course side of the starting line and, although on the pre-start side of the line at the starting signal, she failed to return across an extension of the line and then start as required by rule 30.1. The race officer correctly displayed flag X after the start but removed it after about one minute. The boat was scored OCS and sought redress.

QUESTION

Should the boat be granted redress for the error of the race committee in failing to display flag X for 4 minutes?

ANSWER

A boat is entitled to redress only when she can show that a mistake affected her finishing position. This might be because the boat was not able to see the committee boat during the period flag X was displayed, perhaps because of intervening boats, but would have been able to see it had it been displayed for longer. Alternatively she might be able to convince a protest committee that she had seen flag X, believed it might apply to her, and was on the point of returning when it was lowered. In either situation, the earliest time the error could have affected the boat is the moment flag X was lowered - in this case, about one minute after the starting signal.

If the protest committee is satisfied that the boat would have returned if flag X had been displayed for longer, it should award redress. Appropriate redress would be to reinstate her in the race and add to her finishing time the estimated time for the boat to sail back to the start line and then return to the point at which she turned back which, in this case, is unlikely to be less than two minutes. Reinstating the boat in her actual finishing position will be wrong as it will not be equitable to all boats as required by rule 64.2. If the protest committee is not satisfied that the boat would have turned back if flag X had been displayed for longer, redress should be refused. See ISAF Case 31 and Case RYA 2000/3.

OBSERVATIONS

The question submitted indicates that the boat expected to see an indication (using X or another flag) that she was on the course side of the line during the one minute period before the starting signal. There is no

requirement in the rules for such a signal unless so stated in the sailing instructions.

When the race committee intends to apply rule 30.1, a sailing instruction can change that rule to specify some signal other than flag X to recall boats that were OCS in the minute prior to the starting signal but not at the starting signal. This will help prevent a non-recalled boat making a good start from wrongly believing that flag X was intended for her.

Request for Interpretation from Royal Brunei YC

RYA 2006/3

[Rule 42, Propulsion](#)

[Rule 61.1\(b\), Protest Requirements: Informing the Protestee](#)

A race committee intending to protest a boat over an incident it observes in the racing area is required to notify the protestee after the race. Provided it does so, it may also do so during the race as an additional courtesy. A two-turns penalty is not available for breaking rule 42, unless the sailing instructions say so.

SUMMARY OF THE FACTS

Laser 182224 was protested by the race committee for breaking rule 42, and was disqualified. A member of the race committee made a hail of 'Protest' from the shore at the time of the incident, and the intention to protest and the reason was confirmed to Laser 182224 after the race. Laser 182224 was disqualified, and she appealed.

DECISION

The appeal is dismissed. The reasons for the appeal are addressed as follows:

No one on the bank was in a position to judge the wind conditions, and no other competitor thought I was breaking the rule.

It is for the protest committee to decide whether the evidence of a protestor or witness is credible, and the RYA sees no reason to question a conclusion that rule 42 had been broken. The appellant's case in the protest hearing might have been stronger had he called another competitor as a witness.

The alleged protestor did not identify himself, was some distance away, and there was no reply to my hail to the OOD requesting clarification.

The protest was lodged by the race committee. For an incident it sees in the racing area, rule 61.1(b) requires the race committee to inform the protestee after the race, and this was done. To hail at the time of the incident was an additional courtesy.

There was no obligation on the race committee to reply to the request for clarification.

Breaches of rule 42 can be detected from a considerable distance.

There was an opportunity for the race officer to pass a message via a race committee vessel that a 'ruling had been made against me'.

No ruling had been made. Only a protest committee could decide whether the appellant had broken rule 42.

Had it been clear that I was being protested by the race committee, I would have exonerated by taking penalty turns.

A two-turns penalty is available for a breach of rule 42 only when the sailing instructions say so, usually by making Appendix P applicable. This was not so at this event, and so a breach of rule 42 could not be exonerated on the water.

Race Committee v L182224, Swarkestone SC

RYA 2006/4

[Definitions, Keep Clear](#)

[Rule 15, Acquiring Right of Way](#)

[Rule 63.5, Hearings: Validity of the Protest or Request for Redress](#)

[Rule 63.6, Hearings: Taking Evidence and Finding Facts](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

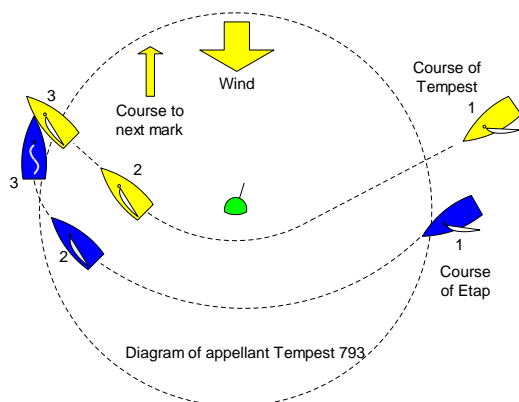
Rule 15 applies only when a boat initially acquires right of way, and not when the rule under which she continues to hold right of way changes.

When one boat must keep clear of the other, and the other changes course, the presence or absence of a hail does not affect the obligations of either boat.

When boats protest each other over the same incident, the hearing will continue if only one of the protests is valid.

The responsibility for calling witnesses at a protest hearing lies primarily with the parties to the protest.

A boat may be disqualified even if it were only she that lodged a valid protest.



SUMMARY OF THE FACTS

Etap21 266 passed the leeward mark clear ahead of the faster Tempest 793, which became overlapped to windward. After hailing Tempest 793 to keep clear, Etap21 266 luffed in a way that, the protest committee concluded, allowed Tempest 793 to keep clear. There was contact not resulting in injury or damage. The boats protested each other. The protest committee disqualified Tempest 793 under rule 11, and she appealed on five grounds.

DECISION

The appeal is dismissed. The reasons for the appeal are addressed as follows:

Etap21 266 broke rule 15 by not giving room after the rounding was complete

Based on Tempest 793's own diagram submitted with her appeal, Tempest 793 was the keep-clear boat before and during the incident - by rule 12 before the boats reached the zone, and by rule 11 once Tempest 793 then became overlapped to windward. Rule 15 applies only briefly after a boat initially gains right of way because of her own actions. A change of rule under which a boat retains right of way does not invoke the operation of rule 15.

The protest committee did not call any witnesses to ascertain the facts.

The primary responsibility for calling witnesses is with the parties to the protest, and the right to do so is one that the protest committee cannot take away. A protest committee is however entitled to suggest to the parties that, when the facts do not appear to be in dispute, there would not be anything to gain by calling witnesses. If Tempest 793 did not feel that the facts were clear, she should have called any witness she felt could clarify what happened.

While these are reasons sufficient to dismiss the appeal, the RYA notes that Tempest 793 has made three other claims, which are in effect an appeal against the facts found. The RYA sees no reason to question the facts found, but even if the facts had been as Tempest 793 had asserted, none of them would be a good reason for upholding the appeal.

Etap21 266 did not hail prior to luffing

There is no requirement for a right-of-way boat to hail before altering course towards a boat that is keeping clear. To continue to keep clear, the give-way boat is not obliged to respond to a course change before it occurs, even if she has good reason to expect a luff.

This was an aggressive manoeuvre to make contact.

Rule 16.1 permits a right-of-way boat to change course as she pleases, provided that in so doing she gives the other boat room to keep clear. The RYA sees no reason to disagree with the conclusion of the protest committee, that Etap21 266 changed course 'in a manner which allowed the Tempest to keep clear.'

While Etap21 266 broke rule 14 by allowing avoidable contact to occur, rule 14(b) says that she is to be exonerated since neither damage nor injury resulted.

Etap21 266's protest was not lodged in time, and was therefore invalid.

Tempest 793 herself lodged a valid protest, which opened the incident to investigation by the protest committee. Protests are decided on the balance of probability, and the question of whether one, the other, or both boats lodged a valid protest will not affect the process of finding facts, drawing conclusions and applying the rules. If it is found that a boat broke a rule, she is to be penalized, even if it was only she that validly protested.

Tempest 793 v Etap21 266 and v.v., Ullswater SC

RYA 2006/5

[Rule 28.1, Sailing the Course](#)

[Rule 64.1, Decisions: Penalties and Exoneration](#)

When the sailing instructions are ambiguous, so that it is not clear whether a mark has a required side, any doubt is to be resolved in favour of a boat liable to penalization.

SUMMARY OF THE FACTS

The course marks included a series of buoys listed in two separate sailing instructions as 'North Channel'. *Roatan* protested *Piglet* and *Isolde* for failing to leave buoy 38A on the correct side. Buoy 38A was included in one list, but (because of a clerical error) not in the other. The protest committee found that *Piglet* and *Isolde* had not left buoy 38A on the side required by one sailing instruction, but dismissed the protest. *Roatan* appealed on the grounds that the intention of the race committee was to include buoy 38A as a mark of the course, which should prevail over its accidental omission elsewhere.

DECISION

Roatan's appeal is dismissed.

There was a discrepancy between the descriptions of 'North Channel' in SIs 7.5 and 13. Buoy 38A was included in one but not in the other. Neither sailing instruction can be said to prevail over the other.

There is a clear thread in appeal decisions that a boat is given the benefit of the doubt as to which is the correct course when the description of the course is ambiguous and there is no proven advantage either way. (See for example case RYA 1993/1: in that case there was no clearly correct course for any boat, while in this appeal there are two equally valid possibilities, but the principle is the same.)

Although it is not necessary to decide this case by reference to entitlement to redress, the publication of ambiguous sailing instructions is an improper action, and it was further held in case RYA 1989/10 that, 'in cases involving errors by the race committee, it is a good principle that any doubts be resolved in favour of the competitor'. In this case, that doubt should be resolved in favour of the protestees who were at risk of penalization. The course is to be regarded as one that could be sailed correctly, regardless of which side buoy 38A was left.

Roatan v Piglet and Isolde, Parkstone SC

RYA 2006/7

[Definitions, Keep Clear](#)

Keep Clear is a defined term that includes precise tests, and keeping clear is usually more than just avoiding contact.

SUMMARY OF THE FACTS

Sea Angel, a Bénéteau 311, was approaching the committee boat end of the start line to start, close-hauled in 16-18 knots of wind. She was forced to make room to avoid collision with an unidentified boat to windward which was not entitled to room. *La Vida Loca*, a First 36, followed through the gap thus created, clearing *Sea Angel* by 'between one foot and one

metre'. *Sea Angel's* protest was dismissed on the grounds that she had not had to take avoiding action with regard to *La Vida Loca*. *Sea Angel* appealed on the grounds that *La Vida Loca* did not keep clear.

DECISION

Sea Angel's appeal is upheld. *La Vida Loca* is disqualified under rule 11.

In 16-18 knots a separation of less than one metre between boats of this size on the same tack does not constitute keeping clear, as defined, since a change of course by *Sea Angel* would have resulted in immediate contact.

Sea Angel v La Vida Loca, Royal Corinthian YC

RYA 2006/8

[Rule 28.2, Sailing the Course](#)

[Rule 60.2\(a\), Right to Protest: Right to Request Redress or Rule 69 Action](#)

[Rule 61.3, Protest Requirements: Protest Time Limit](#)

[Rule 62.1\(a\), Redress](#)

[Rule 63.1, Hearings: Requirement for a Hearing](#)

[Rule A5, Scores Determined by the Race Committee](#)

Unless otherwise specified in the sailing instructions, a race committee has no power to disqualify a boat without a hearing, or score her DNF if she finishes, if it believes she has not sailed the course. Instead it must protest her within the protest time limit. A boat wrongly disqualified without a hearing or incorrectly scored DNF is entitled to be reinstated into her finishing position.

SUMMARY OF THE FACTS

The sailing instructions said that all relevant marks 'shall be rounded', either to port, to starboard or as charted, depending on how the course was displayed. The race committee displayed a course for a race held on 18 June, in which rounding two of the marks on the required side meant looping them. The race committee said that this had not been intended.

Suntouched and *Trust* did not loop the marks in question; instead they left them on their required sides without approaching them, and so sailed a shorter distance, finishing in first and second places. In the results not published until several days later, they were recorded as disqualified without a hearing. They asked for redress.

On 29 August, the race committee lodged a protest against *Suntouched* and *Trust* for not sailing the course.

At hearings on 3 September, the protest committee first considered the valid requests for redress, and decided that the race committee was not entitled to disqualify the boats without a hearing. The redress it granted was a hearing, and it proceeded to hear the protest by the race committee. It decided that neither mark was unambiguously designated as a rounding mark, and reinstated *Suntouched* and *Trust* into their finishing positions. The race committee appealed, on the grounds that there was no ambiguity.

DECISION

The race committee's appeal is dismissed. However, the protest committee's reasons for reinstating *Suntouched* and *Trust* into their finishing positions are corrected.

The protest committee was correct to decide that the race committee was not entitled to disqualify *Suntouched* and *Trust* without a hearing (nor, had it done so, would it have been entitled to score them DNF, since they both finished, as defined.) See ISAF Case 80 and Case RYA 1989/8.

The protest committee was incorrect to decide that a hearing (in effect, a protest hearing, at which the disqualification of *Suntouched* and *Trust* was a possibility) was the appropriate redress. Disqualification can never result from a request for redress alone. See Cases RYA 1990/7 and 2001/12. Had the protest by the race committee been valid, then that might have resulted in the disqualification of *Suntouched* and *Trust*, independently of the requests for redress. In fact, the protest was clearly invalid, having been lodged more than two months after the incident, and there was no reason to extend the protest time limit.

The fact that the race committee had not intended the course to include marks that had to be looped does not relieve a boat of her obligation to loop them. See Case RYA 2000/5. The words used in the sailing instructions clearly made all marks rounding marks for the purposes of the string test in rule 28.2. However, the protest committee was not required to consider the details of the course sailed by *Suntouched* and *Trust*. Its correct reason for reinstating *Suntouched* and *Trust* into their finishing positions, in the absence of a valid protest against them, should have been that, unless otherwise specified in the sailing instructions, a race committee has no power to disqualify a boat without a hearing, or (if she finishes, as defined) score her DNF, if it believes she has not sailed the course.

Request for redress by *Suntouched* and *Trust*, Race Committee v *Suntouched* and *Trust*, Bosham SC

RYA 2007/1

[Rule 63.4, Interested Party](#)

[Rule 64, Decisions](#)

[Rule 89, Organizing Authority; Notice of Race;](#)

[Appointment of Race Officials](#)

[Appendix M, Section 2](#)

[RYA Racing Charter](#)

An organizing authority has no power to revoke a decision of a protest committee to rehear a protest.

When a protest committee includes an interested party, whose interest has not been disclosed to the parties and who takes part in the proceedings, its decision is improper.

SUMMARY OF THE FACTS

Miss Elaine Us protested *Blue Tack* in respect of an incident at a mark in Race 6 of the Sonata Northern Championship. The protest was dismissed. The protestor was a visiting boat and the protestee was a member of the host club. The protest committee that heard the protest included a member who had a close relative who had sailed aboard *Blue Tack* in the race

concerned. That fact was not disclosed to *Miss Elaine Us*'s representative at the hearing.

When the protestor pursued this after the hearing, the chairman of the protest committee acknowledged that a mistake had been made, apologised and offered a rehearing, which was accepted by the protestor.

The organizing authority then revoked this offer, and no new hearing was called. *Miss Elaine Us* appealed.

DECISION

Miss Elaine Us's appeal is upheld. The RYA confirms the decision of the protest committee to rehear the protest. It is to be reheard by a new protest committee.

An organizing authority has no power to override a decision of a protest committee, including a decision to reopen a hearing.

While that is reason sufficient to uphold the appeal, the RYA notes that the protest committee was correct to decide to reopen the hearing. Rule 63.4 states that a member of a protest committee who is an interested party shall not take any further part in the hearing, and that protest committee members must declare any possible self-interest as soon as they are aware of it. The correct procedure is for the chairman of a protest committee to check before a hearing starts that that no member is an interested party. See Appendix M, section 2. The proceedings of the protest committee were contrary to these requirements, and the original decision was improper, as the protest committee chairman then realised. This is not to cast any aspersion on the integrity of any member of the protest committee.

The duty of the protest committee chairman to make sure that no member of the protest committee is an interested party is additional to the entitlement of a party to object to any member of the protest committee at the start of the hearing. It is sometimes the case that an interested party will serve on a protest committee with the knowledge and consent of the parties. When that happens, a party forfeits the right to appeal on that ground alone, since the party has not complied with the final sentence of rule 63.4. It is not clear in this case whether the parties were asked at the start of the hearing if they objected to any member of the protest committee, but it is clear that the appellant was unaware of facts that were known to members of the protest committee, and the RYA sees no reason to doubt his statement that 'if I had been told that there was a connection I would have objected to this person being a member of the panel'.

The decision of the protest committee to rehear the protest is therefore confirmed. Attention is also drawn to the RYA Racing Charter, which sets standards for clubs and protest committees:

Organisers, officials and other providers of sailboat racing agree to strive to provide the fairest racing possible. This includes encouraging feedback and facilitating the resolution of genuine disputes (including protests) in a timely and proper manner.

Miss Elaine Us v Blue Tack, Sonata Northern Championship

RYA 2007/2

[Rule 42.1, Propulsion; Basic Rule](#)

[Rule 45, Hauling Out; Making Fast; Anchoring](#)

[Rule 47.2, Limitations on Equipment and Crew](#)

When a boat goes aground or is about to go aground, jumping over the side and pushing off is normally an act of seamanship permitted by rule 42.1, and is permitted by rule 45.

When a crew member leaves a boat, the boat will not break rule 47.2 when the 'leaving' is temporary and the crew member stays within the vicinity of the boat.

ASSUMED FACTS

Our Club races small keelboats in an area of extensive sandbanks and mudflats and occasional hazardous rocks. When a boat goes aground it is common for a crew member to go over the side and push the boat off. Sometimes a spinnaker pole or oar is used if the grounding is not severe. At no time is the crew member immersed and so never actually "swims".

QUESTION 1

Does rule 47.2 prohibit a crew member from leaving the boat to stand on the bottom as envisaged by rule 45?

ANSWER 1

No. Standing on the bottom is permitted by rule 45 and is an act consistent with continuing to race.

QUESTION 2

Is there is a conflict between rules 45 and 47? If so, which rule has precedence?

ANSWER 2

There is no conflict and neither rule has precedence over the other.

QUESTION 3

Does rule 42 prevent the crew applying force, for example by pushing the boat whilst standing on the bottom?

ANSWER 3

When a crew member gets out of a small boat that has gone aground to try and refloat her, this will normally be an act of seamanship as envisaged in rule 42.1. After going aground, rule 42.3(g) permits the crew to use any available means that exist within the boat to get clear, apart from an engine.

QUESTION 4

When a boat is grounded on a sandbank and the crew is unable to refloat her, may they leave her at anchor, and return to her on the rising tide to resume the race?

ANSWER 4

When any of the crew intentionally leave a boat in this situation and depart to another location, the boat breaks rule 47.2, and also rule 41 if any assistance is received from others, for example a boat-ride ashore. This might be relevant if the grounding occurred in a long offshore race.

QUESTION 5

Can any grounded vessel be considered to be "in danger"? If no, would she be so when stranded on rocks?

ANSWER 5

It depends on the location, size and type of the boat as well as on the wind and tide.

Questions from Menai Straits Regatta Committee

RYA 2008/2

[Rule 27.1, Other Race Committee Actions Before the Starting Signal](#)

[Rule 28.1, Sailing the Course](#)

[Rule 61.1\(a\), Protest Requirements: Informing the Protestee](#)

[Rule 62.1\(a\), Redress](#)

[Rule 64.2, Decisions: Decisions on Redress](#)

The simultaneous display of more than one valid course for a class is an improper action of the race committee, which may entitle boats to redress, with any doubt being resolved in favour of the competitor. A protest that a boat has not complied with rule 28.1 does not have to be notified before the protested boat has finished.

SUMMARY OF THE FACTS

Before a sequence of starts for different classes, the race committee displayed a course, without a class designation, on the stern of the committee boat. This course signal was seen by *Danger Mouse* and, possibly, other boats that sailed that course. Simultaneously the race committee displayed on the side of the committee boat a different course with the class designation which was the course that they intended to be sailed by *Danger Mouse's* class. The majority of boats in *Danger Mouse's* class sailed that course.

After the finish *Doyouthinkhesaurus* protested *Danger Mouse* under rule 28.1 for not sailing the correct course. The protest committee upheld the protest and disqualified *Danger Mouse*. *Danger Mouse* appealed.

DECISION

Danger Mouse's appeal is upheld, and the protest committee is to decide redress.

When *Danger Mouse* arrived in the start area she observed a valid course being displayed and was, therefore, under no obligation to look further. The simultaneous display of more than one valid course for a class was an improper action of the race committee. Any doubt about the consequences of that action must be resolved in favour of the competitor (see RYA case 1989/10). Redress is to be given to *Danger Mouse*, and any other boats that sailed the same course, in an arrangement that is as fair as possible to all boats affected, including those boats that sailed the course intended by the race committee.

The protest committee was correct to recognize that under rule 61.1(a)(3) a protest by a boat for breaking rule 28.1 need not be notified before the protestee has finished.

Doyouthinkhesaurus v Danger Mouse, Parkstone Y C.

RYA 2008/3

[Rule 14, Avoiding Contact](#)

[Rule 18.2\(b\), Mark-Room: Giving Mark-room](#)

[Rule 18.2\(d\), Mark-Room: Giving Mark-room](#)

[Rule 60.3\(a\)\(2\), Right to Protest; Right to Request](#)

[Redress or Rule 69 Action](#)

[Rule 66, Reopening a Hearing](#)

When a protest committee reopens a hearing to hear additional evidence, and when this is invalid because that evidence would have been available with the exercise of due diligence at the time of the original hearing, the fact that the protest committee realises that its original decision was incorrect on the facts originally found does not negate that invalidity.

In a protest, a party that is a right-of-way boat or one entitled to room may be penalized under rule 14 even if the damage or injury referred to in rule 14(b) is incurred only by a third boat that is not a party to the hearing, if it is a consequence of the original breach of a rule of Part 2 by one of the parties.

SUMMARY OF THE FACTS

The protest committee found as facts that Broads One Design 69 was overlapped to windward inside the protestor, BOD 27, when approaching an off-wind mark. BOD 27 then collided with a third boat, Yare & Bure 17, causing damage. The protest committee, basing its decision on a presumption under rule 18.2(d) that an earlier overlap had not been proved to have been broken, disqualified both parties, citing only rule 14(b).

The protestor asked for the hearing to be reopened to hear additional witnesses. This was agreed to and the protest committee now found as a fact (without recourse to rule 18.2(d)) that the boats were overlapped when BOD 27 entered the zone; that BOD 27 did not give mark-room to BOD 69; and it concluded that the actions of BOD 27 'did not give BOD 69 reasonable opportunity to avoid the contact that occurred between these boats'.

The protest committee confirmed the disqualification of BOD 27 under the first sentence of rule 18.2(b) and exonerated BOD 69. It then requested confirmation or correction of its decision from the RYA under rule 70.2.

DECISION

The decision to reopen the protest hearing did not comply with rule 66. The revised decision was therefore invalid. The original decision to disqualify BOD 27 is confirmed. The original decision to disqualify BOD 69 was incorrect and she is reinstated.

When a protest committee considers reopening a hearing because of significant new evidence, it must first consider why the evidence was not brought to the original hearing. It must do this before actually reopening the hearing to receive the further evidence. The protest committee must be satisfied that, if the party requesting the reopening had exercised due diligence prior to the original hearing, even then she could not have brought the evidence at that time.

In this case, the additional evidence was from witnesses who were in the vicinity of the incident and there is nothing to show that their testimony could not have

been offered at the original hearing. It was not therefore 'new' evidence.

Therefore, based on the facts found in the original hearing, the disqualification of BOD 27 is confirmed, corrected to be under rule 18.2(b) (as the protest committee had itself realised).

The protest committee's reason for reopening the hearing was not because it thought it might have made a significant error, and the fact that it later realised that its original decision was in part incorrect does not retrospectively validate its decision to reopen.

Hence the decision to reopen and thus the resultant reinstatement of BOD 69 was invalid.

BOD 69 was entitled to mark-room from BOD 27 at the mark. Penalization under rule 14 is possible when neither of the clauses 14(a) and 14(b) protect her. There was contact which caused damage, and the fact that it was caused to a third boat not a party to the hearing does not negate the application of rule 14(b).

However, nothing in the facts found suggests that BOD 69 failed to act to avoid contact after it was clear that BOD 27 was not giving mark-room. It is possible that, had the hearing not been reopened and the original decision had then become the subject of an appeal or reference, the RYA would have asked for further information from the protest committee on this point. Since there is no reason to question the clearer findings of the reopened hearing, despite its invalidity, this is not necessary. BOD 69 is therefore reinstated.

The protest form made it clear that Y&B 17 was involved in the incident if only because there was a collision between her and BOD 27. The protest committee should have made her a party to the hearing by protesting her in accordance with rule 60.3(a)(2), a procedural move to keep open all possible outcomes depending on the facts found. It is now too late for this to be done and, in any case, the clearer facts do not indicate any infringement by Y&B 17 - see RYA case 2003/3.

Request for Confirmation or Correction of a Decision, Norfolk Broads YC

RYA 2008/4

[Definitions, Keep Clear](#)

[Rule 14, Avoiding Contact](#)

[Rule 15, Acquiring Right of Way](#)

[Rule 63.6, Hearings: Taking Evidence and Finding](#)

[Facts](#)

[Rule 64.1, Decisions: Penalties & Exoneration](#)

When there is contact between boats, a right-of-way rule will normally have already been broken. A protest committee must find facts to enable it to decide whether any boat broke a rule. If a boat is found to have broken a rule the protest committee shall disqualify her unless some other penalty applies.

When there is contact shortly after a boat gains right of way, it is for her to show that she gave the other boat room to keep clear.

SUMMARY OF THE FACTS

A Boen was clear astern of *X Factor* and then became overlapped to leeward. There was contact resulting in minor damage. There was no change of course by *X Factor*.

The protest committee found that *A Boen* could have avoided the contact, but decided that it had insufficient evidence to disqualify either boat as the evidence was conflicting, the damage was minimal and it had not been proven that a boat had broken a rule. It requested confirmation or correction of its decision under rule 70.2

DECISION

The decision of the protest committee is corrected. *A Boen* is disqualified under rules 14 and 15.

When there is an incident and one of the boats decides to protest, all boats involved are at risk of penalization if they do not retire or (as was possible at this event) take an available penalty.

It is of the essence of protests that the parties disagree as to what happened. The protest committee must decide facts regarding what they believe happened, and those facts need not coincide with what any one party alleged. It may be that the facts found differ from what happened, but that can only be demonstrated if new evidence gives rise to a reopening.

Even if the facts are in dispute and there was no contact, that alone should not lead a protest committee to find facts that would not result in penalization. However, when there is contact in an incident away from any mark or obstruction, then, except in a limited number of special cases (none of which apply in this protest), a right-of-way rule in Section A of Part 2 will already have been broken by one of the boats before the contact.

Keeping clear, as defined, is more than just avoiding contact, and the definition makes no reference to actual contact. It may be that, although one boat broke a rule of Part 2, Section A, she is to be exonerated and it is the other boat in the incident that is to be penalized, because she broke rule 15 or rule 16 of Section B. In addition, avoidable contact breaks rule 14, although the rule gives circumstances where there is exoneration for breaking the rule.

A protest committee is therefore required to make its best judgement as to what happened, in terms that will enable it to decide which rule or rules, if any, were broken by which boat. The protest committee may feel uncomfortable to do so, but the parties have, as stated above, consented to the risk of an unfavourable decision being made on facts with which they do not agree. Those facts will stand on appeal or reference, unless they are inadequate or perverse having regards to the evidence, in which case the RYA would require a fresh hearing.

In this case *A Boen* had become the right-of-way boat. The fact that there was damage permits her penalization (rule 14(b)), and rule 14(a) does not protect a right-of-way boat that provokes a collision with a boat that was previously keeping clear. So *A Boen* is to be penalized under rule 14.

The protest committee did decide that 'it was not conclusively proven that *A Boen* gave *X Factor* room to keep clear under rule 15.' That must mean that she did not give room. Rule 15 puts a positive obligation on a right-of-way boat. It is for her to show that she gave sufficient room. As she was not able to do so, *A Boen* broke rule 15 and *X Factor* is to be exonerated for not keeping clear. If in fact the contact occurred from clear astern, while *A Boen* was required by rule 12 to keep clear, then *A Boen* broke rule 12 shortly before the collision, and in avoidably colliding with *X Factor*, she then broke rule 14.

A Boen v X Factor, Royal Temple Yacht Club

RYA 2008/5

[Rule 66, Reopening a Hearing](#)

[Appendix M4, Recommendations for Protest Committees](#)

A protest committee should reopen a hearing, whether or not requested to do so, if it may have made a significant error, or if there is new evidence that was not available at the original hearing. However, it need not do so if there is no prospect of a changed decision, or when a changed decision would not affect the major places when final event results are urgently needed.

A party asking for a reopening must offer a good reason, and the protest committee need not hear from any other party before deciding whether or not to reopen. However, when it decides to reopen, its decision to do so may be open to appeal by another party if an objection to the reopening is made and rejected at the start of the reopened hearing.

Evidence that was clearly relevant to the original hearing and that was, or should have been, available at that hearing is not new evidence. However, evidence related to issues not arising until during the original hearing, or evidence or a witness that the protest committee knows had been unsuccessfully sought for the original hearing may be 'new'.

When a hearing is reopened, all parties are entitled to present new evidence relating to the issue which was the basis for the reopening.

QUESTION 1

Rule 66 begins: 'The protest committee may reopen a hearing...'. Does the use of the word 'may' mean that a protest committee is entitled not to reopen in the circumstances stated in the rule?

ANSWER 1

Normally, as suggested in Recommendation M4 of Appendix M, a protest committee should reopen when it decides that it may have made a significant error, or when significant new evidence becomes available within reasonable time. However, it need not reopen if its error, if corrected, would not result in a changed decision, or if there are genuine time pressures to finalise the results for an event, and a change of decision would either not change the event results, or would have an effect only on minor placings.

QUESTION 2

Is it necessary for there to be a request to reopen before the protest committee can consider reopening?

ANSWER 2

No. The rule does not require this. The protest committee may become aware of the need to consider reopening even if a party has not asked for it.

QUESTION 3

In asking for a reopening, does a party to the hearing have to give a reason?

ANSWER 3

Yes. The party must identify a possible mistake, or describe the source and nature of the new evidence, and the protest committee may then question the requester in the absence of any other party to decide whether it may have been a mistake, or whether the evidence, if presented, will be 'new' as described in Answer 5.

QUESTION 4

If the protest committee decides to reopen to hear further evidence, and a party to the original hearing believes that it should not do so, does a party have to raise an objection to the reopening at the start of the reopened hearing?

ANSWER 4

Yes, if it is wished to reserve the right to appeal against the fact of the reopening as well as against any subsequent change in the decision. It is possible that when evidence that is not 'new' as described in A5 is heard, an appeal against the improper reopening may be upheld, regardless of the merits of the further evidence, but only when the party objected to the hearing of the further evidence at the beginning of the reopened hearing. The protest committee must consider an objection to its reopening before deciding whether to proceed with the reopened hearing. If the protest committee is an international jury, no appeal is possible.

QUESTION 5

When a party asks for a reopening asserting that significant new evidence is available, how is the protest committee to decide whether it is 'new'? What degree of diligence is required of a party in seeking witnesses for the original protest hearing?

ANSWER 5

If it was reasonable for the evidence (or its provider) to have been discovered and brought to the original hearing, it is not 'new'. However, if it relates to issues not raised on the original protest form and becoming material only during the hearing, it may be 'new'.

QUESTION 6

When at the original protest hearing a party states that a witness is being sought but cannot be produced in time for the hearing, how should the protest committee proceed? Does the answer depend on the nature of the event?

ANSWER 6

If the protest committee is satisfied that the statement is genuine, that no opportunity to find the witness was missed, and when a reopening based on this evidence is then asked for, it should reopen if the evidence might

change the decision. The nature of the event is not directly relevant.

QUESTION 7

When a hearing is reopened because one party is able to offer significant new evidence, is it open to other parties to call new witnesses or offer other evidence not heard at the original hearing? Is it relevant that the other parties' 'new' evidence may have been available at the time of the original hearing but not offered at the time?

ANSWER 7

Other parties are entitled to present new evidence relating to the issue which was the basis for the reopening. This may include witnesses not originally called.

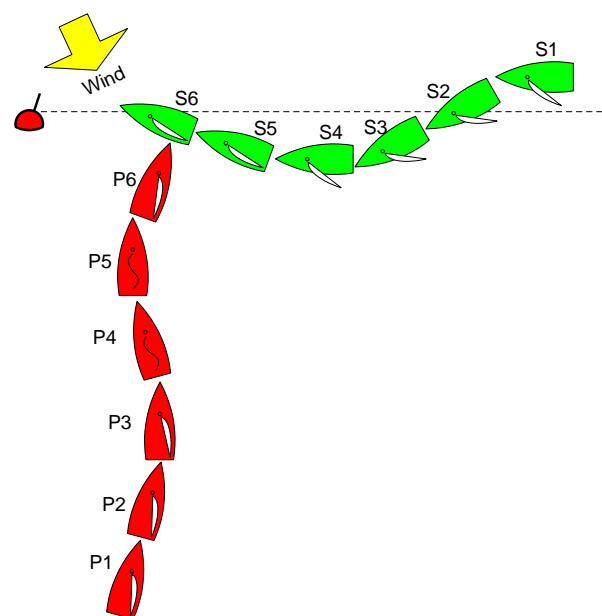
Questions from Norfolk Broads YC

RYA 2008/6

[Rule 15, Acquiring Right of Way](#)

[Rule 16.1, Changing Course](#)

When a boat acquires right of way or when a right-of-way boat alters course, she is required to give room for the other boat to keep clear. The other boat must promptly manoeuvre in a way which offers a reasonable expectation that she will keep clear. If she fails to keep clear she will break the relevant right-of-way rule unless she was not given room for that manoeuvre.



SUMMARY OF THE FACTS

At the starting signal, in 8 knots of wind, *Heartbeat*, LOA 13.5 metres, was approaching the port-biased starting line late, close-hauled on port tack and sailing a course to pass astern of the similarly-sized *Checkmate* which was OCS on starboard tack. *Checkmate* bore away to sail to the pre-start side of the line and *Heartbeat* promptly luffed to avoid her. When *Checkmate* reached the pre-start side of the line, she luffed towards a close-hauled starboard tack course, confusing *Heartbeat*, which believed that *Checkmate* was still OCS. *Heartbeat* then bore away, intending to pass behind *Checkmate*. There was a collision between the bow of *Heartbeat* and the port quarter of

Checkmate, 1½m from her stern, resulting in serious damage to both boats. Each boat retired and each protested the other.

The protest committee found that *Checkmate* broke rule 22.1 when she bore away to sail to the pre-start side of the line since *Heartbeat* could no longer sail her course and needed to take avoiding action: and that, when she subsequently luffed, *Checkmate* broke rules 15 and 16.1, as *Heartbeat* was then unable to avoid her. It noted that at position 4 *Heartbeat* could not be sure whether tacking or bearing away was the better option, and she was not set up to tack. It concluded that *Heartbeat* was compelled to break rule 10 and exonerated her for breaking that rule under rule 64.1(a). It also concluded that it was not reasonably possible for *Heartbeat* to avoid the contact, so that she did not break rule 14.

Checkmate, having retired after the incident, was not penalized. *Checkmate* appealed against the conclusions of the protest committee.

DECISION

Checkmate's appeal is upheld to the extent that the conclusion that she broke rules 15 and 16.1 is reversed, and that *Heartbeat*'s exoneration for breaking rules 10 and 14 is annulled. However, the conclusion that *Checkmate* broke rule 22.1 is confirmed. The protest committee was correct not to have penalized *Checkmate*, since she retired, and, similarly, *Heartbeat*, having retired, is not to be penalized.

The facts found by the protest committee describe two incidents, one following very closely after the other. In the first, from position 1 to position 3 in the protest committee's diagram, *Checkmate* bore away from an OCS position and became required to keep clear by rule 22.1. There is no reason to disagree with the conclusion of the protest committee that the prompt luff of *Heartbeat*, now the right-of-way boat, was to avoid a collision and was a proper response as required by rule 14.

The second incident runs from position 3 until the collision. When *Checkmate* believed she had returned to the pre-start side of the starting line, she luffed. As stated by the protest committee, this change of course at position 4 required a further response from *Heartbeat*, which was now required to keep clear under rule 10.

A tack would have reduced the angle between the boats and, even if *Heartbeat* then failed to avoid a collision, the contact would have been side to side and potentially less serious. Bearing away increased the angle and, significantly, increased the risk of damage in any subsequent collision. It also limited any possible response by *Checkmate* to avoid a collision.

The subsequent luff by *Checkmate* increased the separation between the boats. If *Checkmate* had not luffed, *Heartbeat* would have needed to bear away even further than she did in order to avoid a collision.

At a starting line when the first leg is to windward, a boat that approaches the line on port tack must be fully prepared to keep clear of boats on starboard tack. The only reasonable response for *Heartbeat* after position 4

was to continue her luff into a tack. If she was not set up to tack, that was her responsibility and does not detract from her obligations. By bearing away and failing to keep clear, *Heartbeat* broke rules 10 and 14. *Checkmate* could do no more than she did to avoid the subsequent collision and did not break rule 14.

Checkmate v Heartbeat & v.v., RORC

RYA 2008/7

[Definitions, Mark-Room](#)

[Rule 11, On the Same Tack, Overlapped](#)

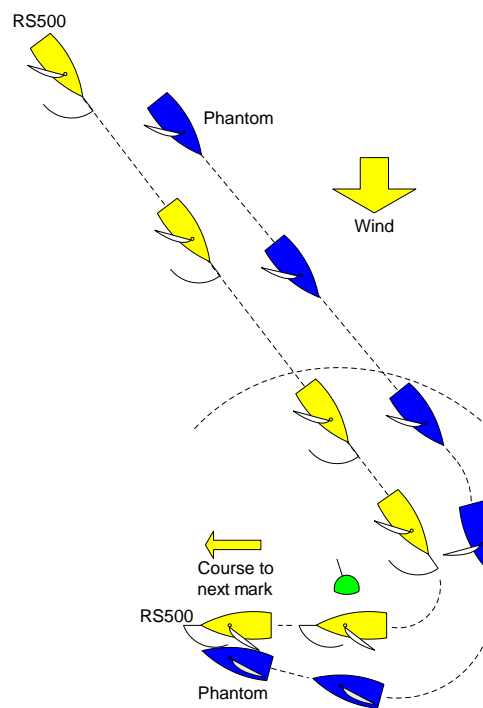
[Rule 17, On the Same Tack: Proper Course](#)

[Rule 18.2, Mark-Room: Giving Mark-Room](#)

When a leeward boat is limited by rule 17, rule 11 applies to the windward boat even if the leeward boat sails above a proper course, and the windward boat is not to be exonerated if she failed to keep clear after having been given room to do so.

When two boats sailing more than ninety degrees from the true wind are overlapped on the same tack and one of them gybes, they may remain overlapped. However, if rule 17 had placed a proper course limitation on one of them when the overlap began, that limitation ended when either of them gybed to the other tack, and it does not begin to apply again to either boat when a further gybe instantly results in them becoming overlapped on the same tack again.

Rule 18.2 stops applying once a boat entitled to mark-room has been given that room.



SUMMARY OF THE FACTS

An RS500 established an overlap to leeward of a Phantom from astern outside the zone of a mark from where the course to the next mark was a reach, and where both boats needed to bear away and gybe in order to round it. The Phantom gave the RS500 mark-room, and neither boat became clear ahead of the other during this time. After both boats had left the mark astern, the Phantom, sailing high, hailed 'Windward boat keep

clear' to the RS, which was under gennaker. There was contact within three lengths of the mark, and the Phantom protested. The protest committee disqualified the RS500 under rule 11, and referred its decision to the RYA, noting that rule 18 was not relevant at the moment of the incident, and that, although the Phantom may have been sailing above her proper course, 'rule 11 and not rule 17 applied', and that, in any case, rule 17 did not apply to the overlap.

DECISION

The decision of the protest committee to disqualify the RS500 is confirmed.

The protest committee was correct to decide that, since the incident occurred after the RS500 had been given mark-room as required by rule 18.2, her entitlement to that room had ended. Rule 16.1 did not apply to the situation after the boats had left the mark, since the protest committee found that there was no change of course by the Phantom. The RS500 was a windward boat that did not keep clear, and broke rule 11. If her gennaker prevented her from sailing as high as the Phantom, that was no excuse for breaking that rule. See case RYA 1984/3, and also case RYA 2006/4 which describes the responsibilities of both the right-of-way and the keep clear boat. If rule 15 had applied to the Phantom when she gybed, she initially gave the RS500 room to keep clear.

With reference to the protest committee's comment that rule 11 and not rule 17 applied, those rules are not mutually exclusive. If rule 17 had applied to the Phantom and she broke it, rule 11 would still have applied to the RS500, with the result that both boats should have been penalized. The fact that a leeward boat is sailing above a proper course is not a reason in itself for the exoneration of a windward boat that did not keep clear, having been given room to do so.

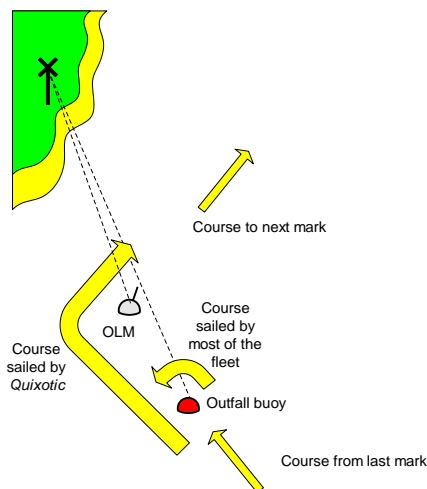
However, the protest committee was correct to decide that rule 17 did not apply, even if the Phantom were sailing above her proper course. Rule 17 placed a proper course limitation on the RS500 when the overlap first began. The boats never ceased to be overlapped as defined even if they were momentarily on opposite tacks while gybing, since they were both at that moment sailing at more than ninety degrees from the true wind. However, rule 17 applies only as long as the boats not only remain overlapped but also remain on the same tack, and so it will cease to apply when either boat gybes. No new proper course limitation applied to the Phantom when, during the overlap, she became the leeward boat within two hull lengths of the other. There was only ever one overlap, the only proper course limitation applied to the RS500, and it had already ended.

Phantom 1151 v RS500 553, Delph SC

RYA 2008/8

[Rule 32.2, Shortening or Abandoning after the Start](#)

Unless the sailing instructions validly change rule 32.2, flag S with two sounds must be used to shorten course, and a race cannot be shortened to the course's designated finishing line or any other line unless it complies with (a), (b) or (c) of rule 32.2.



SUMMARY OF THE FACTS

The next mark of the course for a cruiser handicap race was the outer limit mark (OLM) of the starting and finishing line, to be left to starboard. The OLM was between the shore mark and a red outfall buoy, and both of these lay approximately on 155° / 335°.

The wind had dropped, and, as boats reached the previous mark, the race committee radioed from the shore that the race was to be shortened to the outfall buoy which bore 318° from that mark. No member of the race committee was afloat, and flag S was not used. No sailing instruction either required the keeping of a radio watch after the course had originally been announced by VHF, or changed rule 32.2.

Some boats followed this oral instruction, left the outfall buoy to port, and were given a finishing position. *Quixotic*, which was not keeping a radio watch, sailed (with others) to the OLM as her next mark, and rounded it to starboard, passing between it and the shore mark. In the process, she crossed the race committee's intended finishing line, but not (in the race committee's opinion) in the right direction relative to the last mark. *Quixotic* was scored DNF. Having had her request for redress refused, *Quixotic* appealed.

DECISION

The appeal is upheld. The protest committee is directed to award appropriate redress to all boats in the race, *Quixotic* included, in accordance with rule 64.2.

The race committee did not act in accordance with rule 32, since no flags were displayed, nor was the required sound signal made. Nothing in the sailing instructions validated an oral change to the sailing instructions – see rule 90.2(c).

While the race committee's actions and omissions were therefore sufficiently improper to open the possibility of redress, it should be noted that, for the course set by the race officer, the race could not validly be shortened on a line to the outfall buoy, even if the appropriate signals had been made. Rule 32.2 prescribes three possibilities for shortening:

- (a) at a rounding mark: the outfall buoy was never a rounding mark;

(b) at a line boats were required to cross at the end of each lap: there was no required line from the shore to the red outfall buoy;

(c) at a gate: this was not a gate.

The only line that might have been a valid finishing line was from the shore mark to the OLM, because it happened to be the next rounding mark, and could be used for shortening under rule 32.2(a). (Had it not also been a rounding mark, then it too would not meet the requirements of (a), (b) or (c) above despite being a mark of the starting and finishing line.)

Quixotic crossed both the finishing line to the red outfall buoy as actually (but wrongly) used by the race committee to shorten, and also what would have been a valid finishing line to the OLM had the race committee procedures been proper. The race committee claims that she did so in the wrong direction. Assuming the finishing line from shore mark to red outfall buoy to be about 0.2 nm long on an alignment only 17⁰ different from the rhumb line to it from the previous mark 1.7 nm away, it is clear that the shore mark was open of the red outfall buoy by as little as 2⁰ from the previous mark. It was therefore almost end-on to the direction of the course from the last mark, and *Quixotic* is entitled to the benefit of the doubt afforded to her in ISAF Case 82, permitting her to cross it from either direction.

Even if *Quixotic* chose not to keep a radio watch, she was not at fault for the purposes of rule 62.1, since no sailing instruction required her to do so, and she was entitled to expect that any shortening of the course would be done using the flag and sound signals. *Quixotic* would therefore be entitled to a finishing position in a properly finished race.

However, the race was never validly shortened, but that was not the fault of the competitors. The race committee was responsible for this state of affairs, and all boats are entitled to redress, as was set out in related circumstances in case RYA 1993/1. Cancelling what had previously been until the last few yards a perfectly satisfactory race is not an acceptable outcome. The protest committee might consider:

- if the different courses sailed did not involve any significantly extra distance or any change in the order, to award finishing positions to all competitors based on their times of crossing either finishing line regardless of direction (see ISAF Case 45);
- to view the results as two separate races and award *Quixotic* equal first with the leader of the wrongly shortened race and to pair those who 'finished' in one direction with those that 'finished' in the other direction, as equal 2nd, 3rd etc.;
- if the data were available, to award *Quixotic* and the rest of the fleet finishing positions based on their times at the last mark correctly rounded.

Request for redress by *Quixotic*, Sovereign Harbour YC

RYA 2010/1

Rule 62.2, Redress

The time within which a boat must lodge a claim for redress regarding her score in the results begins when the boat's owner or person in charge learns of the score, even if the results are marked 'provisional'.

SUMMARY OF THE FACTS

The series comprised one race per day on a number of consecutive Sundays. The series sailing instructions said that the protest time limit was within two hours of the last boat in the race finishing, and that the results of races would be posted as soon as practicable on the notice board situated in the main entrance hall of the club.

The last boat finished the first race of the series at 11:40 on Sunday. Results marked 'provisional' were posted in the club's bar shortly afterwards, at 12:15. The owner of *Evelyn* was in the bar at the time, and was heard to comment on the handicaps used. Lacking his reading spectacles, he returned to inspect the results on the notice board in the hall at 10:00 on Tuesday and lodged a request for redress at 11:30 on that day, claiming that incorrect handicaps had been applied by the Club to *Evelyn* and other boats.

At the hearing the protest committee found that the results were available in the clubhouse on the Sunday afternoon, that *Evelyn's* request was out of time because the time for lodging the request began when the last boat finished and there were no grounds for extending the time limit. The request was, therefore, invalid and would not be heard.

Evelyn appealed, claiming either that the time limit began only when her owner saw results that were not qualified as 'provisional' on the board in the entrance hall, or that, if the time limit was as stated by the protest committee there was a good reason to extend it.

DECISION

Evelyn's appeal is dismissed. The request for redress was not submitted within the time limit.

A request for redress is not a protest, and therefore the protest time limit does not automatically determine the time within which a request must be lodged. Rule 62.2 specifies that the time limit for a request based on an incident in the racing area is the later of the protest time limit and two hours after the incident and that a protest committee is required to extend that time limit if there is good reason to do so. However, the 'incident' in this case was the owner learning the results of the race. Results marked 'provisional' cannot be ignored and it is best practice for a race committee to publish provisional results at the earliest opportunity. This gives competitors an early opportunity to check the race committee's records and ask for any errors to be corrected.

The appellant was aware that the results had been posted at about 12:15. The posting of the results was not on the board specified in the sailing instructions, but the appellant's awareness of them was, nevertheless, an 'incident' that set the time-limit clock running. There was no good reason why the request could not have been lodged by 14:15 on the Sunday and, therefore,

there was no reason for the protest committee to extend the time limit.

Request for redress by *Evelyn*, Royal Solent Y. C.

RYA 2010/2

[Rule 28.2, Sailing the Course](#)

When a mark is not at its advertised position, a boat that rounds that position (but not the mark itself) breaks rule 28.2.

SUMMARY OF THE FACTS

The race committee of the club, which was the organizing authority for a race in the local inter-club regatta, set a course that included a mark laid for the season by another club. This mark was in fact out of its advertised position by over 1 nm, a fact of which the race committee was not aware until it was too late to act. *Fable*, not knowing the new location of the mark, rounded the position she believed was its correct location. Her course did not leave the mark's new position on the required side. *Tenacity* was aware of the mark's new position, sailed to it and rounded it. *Tenacity* protested *Fable*. The protest was dismissed on the grounds that *Fable* made the best effort to sail the intended course. *Tenacity* appealed.

DECISION

Tenacity's appeal is upheld. *Fable* is to be scored DSQ.

Rule 28.2 requires boats to leave each mark on the required side and in the correct order. It is possible for rule 28 to be changed in the sailing instructions to permit boats to use the intended location of a missing mark (which is quite common in offshore races when the race committee can have no knowledge of a change to the actual position of a mark). In the absence of such a sailing instruction, it follows that *Fable* broke rule 28.

Tenacity v Fable, Medway Y A Regatta

RYA 2010/3

[Rule 62.1\(a\), Redress](#)

[Rule A9, Race Scores in a Series Longer than a Regatta](#)

When the starting area is not stated in the sailing instructions, it will normally be the area where boats in good time for their start will sail between their preparatory signal and starting signal.

When a boat never reaches the starting area, for whatever reason, she is to be scored DNC. When she reaches the starting area after the starting signal but does not start, DNS will be the correct score if the race committee and starting line are still in position, otherwise she is to be scored DNC.

SUMMARY OF THE FACTS

The committee boat for the start of a race held in heavy weather was some distance from the moorings of *Zanzara* which set off late for the starting area. She turned back because of damage incurred from the conditions when 0.8 nm from the committee boat, 23 minutes after the scheduled start time. She was scored DNC, and requested redress, seeking a DNS score under rule A9 that would improve her series score. The protest committee, feeling that *Zanzara's* score should reflect the effort she had made compared with other boats that

either never set out or turned back earlier, awarded redress of a DNS score. It referred its decision to the RYA.

DECISION

The decision of the protest committee is corrected. *Zanzara's* score is changed back to DNC.

All judgements as to whether or not a boat has reached the starting area will depend on individual circumstances, but the RYA interprets the starting area as normally meaning the area where boats in good time for their start will sail between their preparatory and starting signals. In effect, it is the area in which the race committee can easily identify a boat, usually from her sail number, since the basis of the choice between scores of DNC and DNS is whether the race committee knows that the boat was in its vicinity while the start line was in position. In all the circumstances of this case, a distance of 0.8 nm was too far to rank as being within the starting area.

It also follows that, for a boat to be entitled to a DNS score when she has arrived late at the designated location of the starting line and then retired before starting, the race committee must still be present, and the starting line must still be in position.

Request for redress by *Zanzara*, Hamble River S.C

RYA 2011/1

[Rule 14, Avoiding Contact](#)

[Rule 19, Room to Pass an Obstruction](#)

An inside boat that reasonably believes that she is at an obstruction and acts accordingly is entitled to room from an outside boat. The inside boat is not required to endanger herself in order to claim her entitlement to room. If the outside boat disputes the inside boat's entitlement to room, she must nevertheless give room, and then, if she wishes, protest.

SUMMARY OF THE FACTS

During the Round the Island Race 2010, both boats were reaching on port tack and were in the process of rounding the southernmost tip of the Isle of Wight, which was to windward. *Profile* was ahead and to windward. *Tilt* approached from clear astern and was sailing on a higher course than *Profile*. When the boats became overlapped, there were more than 2 boat lengths between them. *Profile* believed that there was insufficient depth of water to windward to allow her to sail any higher. *Profile* held her course and *Tilt* continued sailing a higher course. As the boats converged, there was contact causing damage. *Profile* protested *Tilt*.

The protest committee decided that *Profile* was not 'at an obstruction' and was therefore not entitled to room under rule 19.2(b). It disqualified *Profile* under rule 11. The protest committee also stated there was nothing *Tilt* could have been expected to do to avoid contact and therefore she did not break rule 14 as a result. *Profile* appealed.

DECISION

The appeal is upheld. *Profile* is to be reinstated to her finishing position and *Tilt* is to be disqualified.

When there is a dispute over an entitlement to room due to differing views on whether a boat is at an obstruction or not, the proper course of action is for the outside boat to give room and then to protest. The inside boat is not required to endanger herself in order to claim her entitlement to room. The principles applicable are similar to those in ISAF Case 50.

At a protest hearing, it is for the right-of-way boat to establish that contact would have occurred if she had held her course and therefore that she needed to take avoiding action. It is then for the inside boat to present sufficient evidence to establish that she was at an obstruction and that she was entitled to room. If, after considering all the evidence, a protest committee finds that the inside boat had a reasonable belief that she was at an obstruction and required room, it should dismiss the protest. If the protest committee is satisfied that the inside boat's belief was not reasonable in all the circumstances, it should uphold the protest and disqualify her.

The RYA accepts that *Profile* genuinely believed she could not sail any higher and that, given the depth of water, the size of boats and the wind strength at the time of the incident, that belief was a reasonable one to have. *Profile* was accordingly entitled to room under rule 19.2(b) and was compelled to break rule 11 by *Tilt's* failure to give room. *Profile* is therefore exonerated from her breach of rule 11 under rule 64.1(a) and *Tilt* is to be disqualified for breaking rule 19.2(b). *Profile* did not avoid contact with *Tilt*, but under rule 14(a) was not required to act to do so until it was clear that *Tilt* was not giving room, at which point there was no safe possibility for *Profile* to avoid the contact. *Tilt*, however, could have avoided contact and is, therefore, also disqualified under rule 14 because the contact resulted in damage.

Profile v Tilt, Island Sailing Club

RYA 2011/2

[Definitions, Interested Party](#)

[Rule 2, Fair Sailing](#)

[Rule 63.4, Hearings: 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 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 8th 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 RET.

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.

Ding Dong Do v One Purpose 14, South Caernarvonshire Y C

RYA 2011/3

[Rule 11 On the same tack, Overlapped](#)

[Rule 14 Avoiding Contact](#)

That a boat did not keep clear is a conclusion which can be reached only by applying the criteria in that definition. Contact may be evidence that a boat has already failed to keep clear.

SUMMARY OF THE FACTS

In F3-F4 winds, *Banjaard* (a 36 ft cruiser-racer) rounded the windward mark overlapped to windward of

Zoomers, (an RS 400 dinghy). The next leg was a reach. *Zoomers* sailed lower to hoist her spinnaker, opening the gap to 25 metres. She then sailed higher, on a converging course. When she again came close to *Banjaard*, *Zoomers* began to bear away. *Banjaard* simultaneously began to luff. *Zoomers* capsized to windward, and her masthead ripped the spinnaker of *Banjaard*.

Banjaard protested, but was herself disqualified.

Banjaard appealed, asking whether all windward boats have to sail on the assumption that leeward dinghies might capsize to windward.

In answer to questions from the RYA, the protest committee stated that there would have been an almost immediate collision if *Zoomers* had held her course.

DECISION

Banjaard's appeal is upheld to the extent that *Zoomers* is also disqualified.

As the windward of two overlapped same tack boats, *Banjaard* was required by rule 11 to keep clear of *Zoomers*. Contact is usually evidence that a failure to keep clear, as defined, has already occurred. The relevant test in the definition is whether the distance between the boats had closed to the point where *Zoomers* needed to take avoiding action. The RYA is satisfied that this point had been reached, given the certainty of almost immediate contact if *Zoomers* had held her course. *Banjaard* therefore broke rule 11.

Banjaard should have acted earlier than she did to try to keep clear. Had she done so, it would have been reasonably possible for her to avoid contact. She therefore also broke rule 14.

Banjaard's disqualification is upheld.

The change of course by *Zoomers* occurred at the point when it was clear that *Banjaard* was not keeping clear (see rule 14(a)). However, the RYA is satisfied that it was reasonably possible for her to change course at that moment without touching *Banjaard's* spinnaker. *Zoomers* therefore broke rule 14, and, since damage resulted (see rule 14(b)), she too is to be disqualified.

In answer to *Banjaard's* question, a capsize to windward by a leeward boat resulting in contact with the windward boat will not necessarily result in rule 11 being broken (see ISAF Case 77). In this case, the critical factor was not the contact, but the convergence of the courses and the closeness of the approach.

Banjaard v Zoomers, Guernsey Yacht Club

RYA 2012/2

[Definitions, Keep Clear](#)

[Rule 14, Avoiding Contact](#)

[Rule R2.1.1 \[as prescribed by the RYA\], Submission of Documents](#)

The time limit for notifying an appeal runs from receipt of the written decision of the protest committee.

A right-of-way boat risks penalization if she does not act to avoid contact involving damage immediately it is evident that the other boat is not keeping clear.

SUMMARY OF THE FACTS

Two Squibs were on a beat to windward with *Toy* on starboard and *Quickstep III* on port, on a collision course. *Quickstep III* completed a tack onto starboard a short distance ahead of *Toy*. *Toy* acted to avoid contact immediately the tack was complete but very shortly after, *Toy's* bow hit *Quickstep III's* transom.

In the initial protest hearing *Quickstep III* was found to have failed to give *Toy* room to keep clear and she was disqualified for breaking rule 15. However, at a reopening of the hearing it was found that *Quickstep III* had completed a two-turns penalty in respect of the incident and she was reinstated to her original finishing position.

Quickstep III appealed the decision on the grounds that *Toy*, having had time to take avoiding action, should have been disqualified for breaking rule 14 because the collision had caused damage.

In its comments on the appeal the protest committee questioned the timeliness of the notification of the appeal to the RYA since it was made more than 15 days after the decision had been given at the end of the hearing albeit within 15 days of the appellant receiving the written decision.

DECISION

The appeal is valid and is upheld. *Toy* is disqualified.

The RYA prescription permits the time limit to run from receipt of the written decision of the protest committee because the decision to appeal will often depend upon the exact words of the protest decision.

From the definition Keep Clear, a boat fails to keep clear at the moment that a right-of-way boat would need to act to avoid contact with her. That is also the moment after which a right-of-way boat risks penalization if she has not acted to avoid contact that results in damage. The RYA is satisfied that it was, or should have been, plain to *Toy* that *Quickstep III* was not keeping clear while she was tacking, as evidenced by the fact that *Toy's* avoiding action, taken immediately *Quickstep III* had reached a close-hauled course, was unsuccessful. *Toy* did not act to avoid contact soon enough, although she could have done so, and, as there was contact resulting in damage, she is disqualified under rule 14.

Quickstep III v Toy, Royal North of Ireland Y C

RYA 2012/3

[Rule 70.1\(a\), Appeals and requests to a national authority](#)
[RYA Arbitration](#)

An RYA Arbitration hearing is not a protest committee hearing but an agreed arrangement between the parties and the arbitrator. Only full protest hearing decisions or procedures may be appealed.

SUMMARY OF THE FACTS

Two protest forms were lodged by the appellant, one dealing with a racing incident between *Alice* and *Xstatic* that resulted in damage and the other being a request for redress by *Alice* arising from the same incident. After discussion, both parties accepted RYA Arbitration and the Exoneration Penalty as provided for in the sailing

instructions. The protestee accepted the alleged facts of the incident and accepted a 20% exoneration penalty. The protestor, *Alice*, accepted redress in the form of average points.

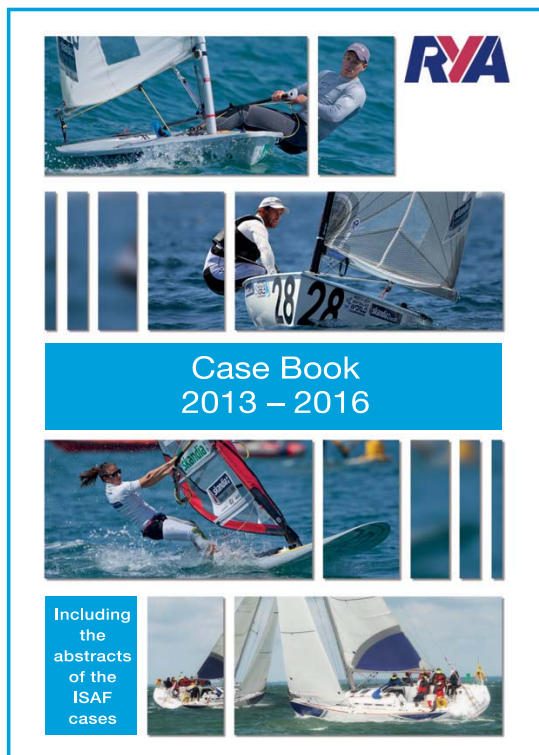
Alice appealed on the grounds that the protest should not have been heard by arbitration as there was damage, and that the quantum of redress was inappropriate as her overall position in the regatta would not change.

DECISION

The appeal is refused.

An RYA Arbitration hearing is not a protest committee hearing but a mutually agreed arrangement between the parties and the arbitrator. Under rule 70.1(a) only the decisions of a protest committee hearing may be appealed. Therefore, the appeal is refused as it concerns an agreement made following an arbitration hearing. At the time, *Alice* had voluntarily accepted both the process and the outcome of the arbitration. She could have decided not to accept either the process or the outcome, in which case a full protest committee hearing would have been required, the decision(s) of which would have been open to appeal.

Alice v Xstatic, Royal Plymouth Corinthian Y C



RYA Racing Department

Under the umbrella of its Racing Charter, the RYA produces a range of guidance booklets and notes on the Racing Rules of Sailing and the organisation of racing.

The documents shown here will be available early 2013 and 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 at www.rya.org.uk/racingrules.

