

ISAF SAILING WORLD CUP

Discretionary Penalties

When the International Jury has discretion to decide the appropriate penalty for a breach (see SI 26.6), the penalties may range from a zero penalty to disqualification. However, the following guidelines will be observed in assessing penalties.

Penalties are divided into 5 bands: Band 0 – zero penalty
Band 1 – 0 -10% (mid point 5%)
Band 2 – 10-30% (mid point 20%)
Band 3 – 30-70 (mid point 50%) Band 4 – DSQ/DNE

Start by using the chart to find which band applies. Then work through the following questions: Questions to be considered when deciding the appropriate initial penalty within the band include:

- 1(a) Did the breach compromise the safety of competitors or race organizers?
- 1(b) Did the boat gain a competitive advantage through her breach?
- 1(c) Could the breach bring the sport or the organization into disrepute?
- 1(d) Did the breach result in damage or injury?
- 1(e) Was anybody inconvenienced?

The following questions are then asked to determine if there is cause to increase or decrease the band or to maximise or minimise the penalty within the band.

- 2(a) Was the breach deliberate? Increase band at least one level – and consider RRS 2.
- 2(b) Was there a good reason or justification for the breach? Consider Band 0 if good reason.
- 2(c) Was there any attempt to conceal the breach? Increase band at least one level – and consider RRS 2.
- 2(d) Was the breach a careless or cavalier disregard of the rules? Increase to top of band or one level.
- 2(e) Has the breach been repeated? Consider increasing the penalty one band.
- 2(f) Was the breach reported by the competitor? May justify going to bottom of band or one band lower.

The following principles are then used to apply the penalty.

- Using the questions in 1(a) to (e) in conjunction with the guidance in the table following, determine the appropriate 'starting' penalty band and mid-point.
- Using the questions in 2(a) to (f), decide if mid-point is appropriate or if the penalty should be increased or decreased. A change to a higher or lower band should only be done in exceptional circumstances.
- Any penalty must exceed any likely gain.
- A discretionary penalty would not normally make a boat's score worse than retirement or disqualification.
- Percentage penalties are calculated and then are rounded up or down to a whole number of points.
- When a breach affects more than one race in a day but it is appropriate to penalise in one race only, the penalty should be applied to either the first race of the day or to the race nearest the incident.

If competitors realise they have broken a rule that is subject to discretionary penalties, they should report to the Jury where they will be asked to complete a form describing the breach. The Jury will then propose a penalty that a boat may accept without a hearing.

The following penalties are suggested as guidance as the starting point for assessing any penalty before considering questions 1(a) to (e) and 2(a) to (f).

SI 2	SAFETY REGULATIONS – Personal Flotation devices	
2.2	Removal of pfd for more extended period when racing is postponed due to lack of wind and with support boat in attendance	0
	Failing to comply with requirements while racing	4
SI 2	SAFETY REGULATIONS	
2.3	Failure to notify the Race Office when staying ashore	1
2.5, 2.6	Failing to comply with requirements for reporting retirement (failing to notify, not filling the form, filling the form later than the protest time limit)	1
2.7 & NoR 16	Berthing – Boat not in assigned place but has notified the OA	1
	Berthing – Boat failing to promptly notify the OA	1
	When non-compliance results in initiation of search and rescue	4
SI 3	CODE OF CONDUCT	
	Failure to comply with a reasonable request by an official	1
	Failing to avoid a racing area not affecting a racing boat	1
	Failing to avoid the a racing area affecting a racing boat	4
SI 14	THE START	
14.2	Passing between the buoy and the race committee	2
14.3	Failing to avoid the starting area not interfering with a racing boat	1
14.3	Failing to avoid the starting area affecting a racing boat	4
SI 20	EQUIPMENT AND MEASUREMENT CHECKS	
20	Failing to comply with instructions – valid reason	1
	Failing to comply with instructions – no valid reason	3
SI 21	REPLACEMENT OF CREW OR EQUIPMENT	
21	Failing to make prompt request of replacement	1
	Failing to comply with requirements for replacement	2
SI 23	SUPPORT BOATS – Remaining clear of boats that are racing and official boats	
23	If boat does not interfere with a boat racing or an official boat	1
	If boat interferes with an official boat	2
	If contact occurs with an official boat	3
SI 24	IDENTIFICATION AND ADVERTISING WHILE RACING	
24.2 & 24.3	If applied but fails to stay in place	0
	Incorrect placement or not applied	1

24.1	Failing to apply dot as required	1
24.4	Failure to display coloured band or ribbon for its assigned fleet	1
NoR 2.3	National Flag not applied	1
	National Flag applied but fails to stay in place	1
	Failure to apply after first breach	2-4
NoR 23.2	MEDIA	
	If apply but fails to stay in place	0
	Incorrect placement or not applied	1
SI 27	RADIO COMMUNICATION	
27	Using a device that was not declared	4
SI 28	TRASH DISPOSAL	
	Accidental	0
	Careless	1
	Deliberate	4
SI30	POSITIONING EQUIPMENT	
	Failure to collect or return equipment as required	1
	Failing to install or comply with installation instructions	3
	If equipment was installed but its functionality is interfered with	4
	CLASS RULES	
	Sail numbers and country codes	1
	Sail stops missing or out of place	2
	Sail set outside bands	3
	Modification of manufacturer supplied and controlled equipment	3
	Prohibited fairing or refinishing of hull/foil surfaces	4
	Use of equipment not registered (but certified)	3
	Safety equipment missing or inadequate	4
	Use of prohibited GPS or other electronics	4
	Use of uncertified equipment	4
	Missing or misplaced correctors	4
	EQUIPMENT OUTSIDE MEASUREMENT TOLERANCES (Excluding Wear And Tear)	
	No possible effect on boat speed	1
	Possible but not significant effect on performance	2
	Any significant effect on performance	4