

Information for Athletes Regarding Discretionary Penalties (DP) – SI 25.7.

When the jury has discretion to decide the appropriate penalty for a breach, the penalties may range from a zero penalty to disqualification. However, the following guidelines will be observed in assessing penalties. If the jury decide that a penalty greater than DSQ is appropriate, then they will consider initiating action under rule 2 or rule 69.

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

Questions the jury will consider when deciding the appropriate initial penalty band include:

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

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

- (f) Was the breach deliberate?
- (g) Was there a good reason for the breach?
- (h) Was there any attempt to conceal the breach?
- (i) Was the breach a careless or cavalier disregard of the rules?
- (j) Has the breach been repeated?
- (k) Was the breach reported by the competitor?

The following principles are then used to apply the penalty.

- Any penalty must exceed any likely gain.
- A discretionary penalty will not normally make a boat's score worse than retirement or disqualification.
- Percentage penalties are calculated and then rounded up or down to a whole number of points.
- If a fleet is split into groups, the calculation is based on the group size.
- When more than one race is sailed in a day, unless the breach specifically affects each race, any penalty will be applied to one race only.
- When a rule is broken while not racing, the penalty will be applied to the race in which the boat sailed nearest in time to that of the incident.

If a boat realises they have broken a rule that is subject to discretionary penalties, they should report to the jury office where they will be asked to complete a form to describe the breach. The jury will then propose a penalty that a boat may accept without a hearing. See SI 25.8.

The following penalties are suggested as guidance:

Breach	Band
ADVERTISING AND IDENTIFICATION	
If applied properly but fails to stay in place	0
Incorrect placement	1
If deliberately not applied or removed	4
CAMERAS, RECORDERS AND ELECTRONIC EQUIPMENT	
If boat refuses installation of equipment	4
Failing to install or comply with installation instructions	2
If equipment was installed but is deliberately broken	4
CROSSING THE BOUNDARY OF AN EXCLUSION ZONE	
If crossing due to a navigational error	1
If crossing deliberately to gain advantage	4
AVOIDING STARTING AREA	
If boat does not interfere with an official boat	1
If boat interferes with an official boat	2
If contact occurs with an official boat	3
CHECK IN – CHECK OUT AND REPORTING RETIREMENT	
Failing to check-out before going afloat	2
Failing to check-in coming ashore	2
Failing to comply with check-in at RC boat afloat	1
Failing to comply with requirements for reporting retirement	1
When non-compliance results in initiation of search and rescue	4
REPLACEMENT OF EQUIPMENT	
Removing measured equipment from venue without approval	3
Failing to make prompt request for replacement	1
Failing to comply with requirements for replacement afloat	2
EQUIPMENT AND MEASUREMENT CHECKS	
Failing to comply with instructions – valid reason	1
Failing to comply with instructions – no valid reason	3
BERTHING, HAUL OUT and REPAIRS	
Boat not in assigned place	0
Boat launched or removed from water not in accordance with schedule	2
Making modification or repairs without required permission	3
DIVING EQUIPMENT, SWIMMING AND BOAT SKIRTING	
Use of underwater breathing apparatus	3
Use of in-water boat skirting	3
Swimming, diving, bathing in forbidden area	3
RADIO COMMUNICATION	
Having a prohibited communications device on board, but ensuring it was not used	3
Using a prohibited communications device	4
ADAPTIONS OF PERSONAL DEVICES (Paralympic Classes)	
Failure to declare devices	3
PERSONAL FLOTATION DEVICES	
Failing to comply with requirements	3
TRASH DISPOSAL	
Accidental	0
Careless	1
Deliberate	4

	MOVEMENT or POSITIONING OF CREW WITHIN BOAT (if limited by class rules) Single occurrence in a race Multiple occurrences in a race – with performance advantage	1 3
	CLASS RULES Sail numbers and country codes Sail stops missing/out of place Sail set outside bands – stops missing/out of place Modification of manufacture supplied and controlled equipment Prohibited fairing or refinishing of hull/foil surfaces Use of equipment not registered (but certified) Safety equipment missing or inadequate Use of prohibited GPS or other electronics Use of uncertified equipment Missing or misplaced correctors Equipment outside measurement tolerances (excluding wear and tear) No possible effect on boat speed Possible but not significant affect on performance Any significant effect on performance	1 2 3 3 3 3 4 4 4 4 1 2 or 3 4

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