



Racing Rules Guidance

Updated December 2015



RYA
Racing
Department
2013 – 2016



This booklet is available as an eBook or as a PDF file –
the eBook is recommended as it provides automatic updates

RYA RACING RULES GUIDANCE

2013 – 2016

Under the umbrella of its Racing Charter, the RYA has produced three guidance booklets on the Racing Rules of Sailing which are available free of charge on the RYA website at www.rya.org.uk/go/RRSguidance:

Racing Rules Guidance

This booklet, which contains three categories of guidance¹:

- General Guidance
- RYA Rules Disputes Procedures
- Guidance Primarily for Race Officials

Case Book

The RYA Case Book contains illustrative and persuasive, but not binding, interpretations and explanations of the rules.

Misconduct: a Reference for Race Officials

A comprehensive reference for race officials on dealing with dissent, gross misconduct and, where relevant, child protection issues.

The booklets will be updated 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 RYA Racing Charter and its application can be found at the front of the RYA edition of the Racing Rules of Sailing 2013-2016 (yellow pages after the Definitions).

Details of other RYA racing rules publications can be found on page 6 and at the end of this booklet.

The RYA also provides advisory services. The RYA Racing Rules Committee provides an advisory service to help individuals, protest committees, clubs, classes and other organisations with their interpretation of the racing rules. This is intended to offer prompt informal advice without the delays inherent in a formal appeal. The RYA Race Management Committee provides advice on race management issues, including the writing of notices of race and sailing instructions.

Comments or questions are welcome and should be made by email to the RYA at racingrules@rya.org.uk.

Editor:

Gordon Stredwick
RYA Racing Rules Manager

¹ The date on each guidance is the last time it was updated

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² Produced in conjunction with the RORC

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³ Produced in conjunction with the IRC Rating Office

⁴ Produced in conjunction with the RORC

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OTHER RYA RACING RULES PUBLICATIONS

The following publications are available to purchase from the RYA shop at www.rya.org.uk/shop and www.rya.org.uk/go/ebooks.

Racing Rules of Sailing

The international racing rules of sailing for 2013-2016, including amongst other additions the RYA Racing Charter and the RYA prescriptions to the racing rules.

Handy Guide to the Racing Rules

A simplified pocket guide to the racing rules of sailing.

Handy Guide to the Racing Rules – eBook

An eBook version of the Handy Guide to the Racing Rules, including embedded animations with commentary.

Racing Rules & Cases – eBook

An eBook which brings together the Racing Rules of Sailing, the ISAF Case Book, the RYA Case Book and ISAF Questions and Answers, providing comprehensive indexing and searching across all four documents to give instant access to all information relevant to any rule or case.

The Racing Rules Explained – eBook

A comprehensive and complete guide to the Racing Rules of Sailing in eBook format.

ADVERTISING

Introduction

In November 2010 ISAF Council approved a completely rewritten Regulation 20, Advertising Code, and there have been minor changes every year since. The Advertising Code (the Code) applies to all events organised in accordance with the Racing Rules of Sailing (RRS) and to all boats racing in these events; see RRS 80.

The Code can be downloaded from www.sailing.org/documents/regulations/regulations.php

The Code has significant implications for classes and handicapping and rating systems, for event organisers and for competitors. With minor exceptions the Code applies only while boats are racing, as defined in the RRS.

RYA Prescription on Approval and Fees

The RYA has prescribed to the Code generally to the effect that, when advertising is subject to the prior approval of the RYA, such approval is automatically granted and that the RYA will not impose a fee on boats that choose to display advertising. The RYA Prescriptions can be found at www.rya.org.uk/go/prescriptions.

Classes

It is vital that all classes state in their Class Rules whether advertising chosen by the owner or competitor is permitted, restricted or prohibited. There is a transition period whereby the advertising specified in Class Rules on 31 October 2008 continues to apply until those advertising rules are changed. However, after 31 December 2012, if the Class Rules are silent on advertising then advertising will be permitted.

The biggest changes are

- (1) Advertising is now permitted by "default". Therefore it is essential that classes wishing to restrict or prohibit advertising amend their Class Rules without delay.
- (2) All references to Category A (meaning no advertising) and Category C (meaning advertising allowed) are deleted.

When Class Rules permit advertising this must be approved. Approval is automatically granted to ISAF Classes unless one of the exceptions applies; see regulation 20.2.3. Some events or series of events that take place in more than one country require ISAF approval; this may catch classes, such as the RS200, which have an international presence. Most other advertising requires the approval of the national authority, which is the RYA throughout Great Britain.

Handicapping and Rating Systems

Generally the advertising rules for handicapping and rating systems are the same as for classes. However, if the applicable rules conflict, the more restrictive rules apply. Note the possible need for approval for international events as stated above.

Event Organisers

The scope and limitations of event (sponsor) advertising are set out in regulation 20.4 and table 1. Any requirement for boats to display event advertising must be stated in the notice of race for the event and, apart from bow numbers and backstay flags, the requirements will apply only while racing. The corollary is that boats may display other advertising, for example battle flags, when not racing.

When an organising authority provides boats or part thereof, all advertising on the supplied equipment is available to the organising authority.

It is now clear that an organising authority shall not charge different entry fees for boats that display advertising; see regulation 20.8.3.

Competitors

Boat owners and competitors must ensure that any advertising on their boat complies with the Code generally and the Class Rules specifically. If the class or the handicapping or rating authority has not obtained approval for any permitted advertising, the Person in Charge of the boat must ensure that advertising on the boat is approved as required. This may be a problem if the relevant national authority is not the RYA.

Further Assistance

The RYA will endeavour to answer questions from class associations and from event organisers. Any questions must be by email addressed to racingrules@rya.org.uk.

Questions from individuals can be answered only if the relevant class association has been unable to answer the question and if the individual is a RYA Personal Member.

APPEALS AND REQUESTS FOR CONFIRMATION OR CORRECTION

Q1. What is the difference between an appeal and a request for confirmation or correction?

A1. An appeal is a claim by a party to a hearing, asserting that the protest committee decision in that hearing was incorrect, that the protest committee's procedures were faulty, or that a hearing was wrongly denied – see rule 70.1. A request for confirmation or correction – sometimes called a 'reference' - is made by a protest committee under rule 70.2. Once these have been validly lodged with the RYA, the RYA's procedures for handling appeals and references are the same. A protest committee, knowing that a party to a hearing does not agree with its decision, will sometimes forestall an appeal by referring its decision.

Q2. To where are appeals and references to be sent?

A2. To RYA Racing, RYA House, Ensign Way, Hamble-le-Rice, Southampton SO31 4YA, or electronically to racingrules@rya.org.uk.

Q3. Who decides appeals and references?

A3. The Racing Rules Committee of the RYA, a team of volunteers which meets around 10 times a year to decide appeals and references. It also has many other responsibilities.

Q4. What is the procedure for lodging an appeal?

A4. It is set out in Appendix R of the Racing Rules of Sailing as changed by two RYA prescriptions. The prescriptions current at January 2013 are printed in the RYA version of the Racing Rules of Sailing. However, prescriptions may change from time to time, and the latest version is to be found on the RYA website at www.rya.org.uk/go/prescriptions.

This is the website address for all rules issues, including appeals and references.

First, you must notify RYA Racing of your intention to appeal, no later than 15 days after receiving the protest committee's written decision or its decision not to reopen a hearing. No details are required at this stage.

Second, you must then complete an appeal form and send it to RYA Racing within 15 days.

The appeal form is attached and is on the RYA website at www.rya.org.uk/go/RRSappeals or is available by phoning or emailing RYA Racing.

You must include several documents listed in rule R2.2, of which the most important is a copy of the protest form containing the decision of the protest committee that is being contested (facts found, applicable rule(s), conclusions and decision) – so if you

think at the end of a hearing that you may wish to appeal, ask immediately (and certainly within the next seven days) for a copy of the protest committee's decision – see rule 65.2. All of this is usually to be found on the second page of a protest form, but also ask for a copy of the front page as well. If you cannot obtain a required document in time, the appeal form allows you to mark it as 'to follow' or 'not available' on the appeal form, as applicable.

The appeal form and all associated documents can be sent electronically to the RYA, provided that the quality of any scan is good enough for the document to be legible when viewed electronically or printed. Anything sent as a hard (paper) copy will need to be of sufficient quality to be scanned and circulated electronically. In this case, it is best to send the original of a document rather than a poor photocopy or a print of a local scan.

Q5. What is the procedure for a protest committee to refer a decision?

A5. No form is needed. The protest committee has 15 days in which to send a copy of the protest form together with its facts found, applicable rule(s), conclusions and decision to the RYA, with a request for confirmation or correction of the decision.

Q6. Is there any charge for this?

A6. There is no charge for an appeal from full personal or life member of the RYA. There is no charge for a reference by a protest committee. There is a charge, stated on the Appeal Form, for an appeal from a non-member. (Even though sailing clubs will be affiliated to the RYA, that does not make their members RYA members. Payment of the appeal fee can be avoided by a prompt application for individual RYA membership, which will not only cost less than the appeal fee but will provide many other benefits.)

Q7. Is there anything else that can be done before lodging an appeal?

A7. If you think that the protest committee has made a mistake in its decision, you can ask it to reopen the hearing, but you must act within 24 hours after being informed of the decision - see rule 66. Only a party to a hearing can ask for a reopening, and the protest committee can decide not to reopen. If the protest committee decides not to reopen after you have asked it to do so, your time limit for appealing begins when you learn this. You do not have to ask for a reopening, and you can go directly to lodging an appeal. However, a reopening, if granted, may result in justice being done more quickly, and you retain the right of appeal against the outcome of the reopening.

Q8. Who can appeal?

A8. Only a party to a protest committee hearing can appeal against the decision in that hearing. If you believe that a protest committee made a mistake in awarding redress in a hearing to which you were not a party, you cannot directly appeal. If you believe that the redress given to another boat has unfairly affected your own score, you yourself may request redress, and you will have the right to appeal if your request for redress is refused.

Decisions from an RYA Arbitration hearing cannot be appealed. Rule 70 (Appeals) does not apply to the arbitration decision since this is not a protest committee decision or procedure.

Q9. What can you appeal about?

A9. You cannot appeal directly against the facts found, since the RYA is required to accept those facts – see rule 70.1. However, if the facts given are inadequate, the RYA will take steps to obtain adequate facts – see rule R5. One type of ‘inadequate fact’ that would lead the RYA to seek to get better facts is a fact found that appears clearly perverse in the light of all the information in the appeal. However, many appeals fail because they are in effect a disagreement between the views of the appellants and the protest committee as to what happened.

You can certainly appeal against the conclusions of the protest committee. The appeal form asks you to identify the racing rule or the sailing instruction (or other document governing the event) that you believe the protest committee misapplied.

You can appeal against the procedures of the protest committee. Normally, an appeal on procedural issues will succeed only when an objection to defective procedure was made at the original hearing. It is not a way of getting an otherwise correct protest committee decision overturned on a technicality. A denial of the right of a party to be present throughout a hearing may result in the upholding of an appeal.

You can appeal if you are denied a hearing of your protest or request for redress (rule 70.1(b)).

Normally, the outcome of a successful appeal against a protest committee’s procedures will be the granting of a new hearing by the same or a different protest committee, from whose decision all parties will retain the right to appeal. Likewise, the outcome of a successful appeal against denial of a hearing will usually be the granting of a hearing.

Q10. What should a protest committee do to reduce the risk of an appeal?

A10. It is most important that protest committees do not confuse finding facts with reaching conclusions when completing a protest form. Without a fact, there cannot be a conclusion. Writing clear, non-judgemental facts is a vital part of protest committee procedure, whether or not there is any prospect of an appeal or a reference. The facts found are statement of what happened. They should provide a clear picture of the incident that could be readily understood when read by someone with no knowledge of the incident or of the club – for that is the precise position of the members of the Racing Rules Committee who will hear any resulting appeal.

Q11. What should a protest committee do when an appeal is likely?

A11. It should ask itself whether it might have made a mistake leading to the need to reopen the hearing, to forestall or delay the appeal process. Informal advice can be sought from RYA Racing.

While protest committee diagrams concerning incidents on the water are not needed in uncontested decisions, they form an important part of appeals, and a protest committee aware that a decision may be appealed should promptly prepare a diagram, if possible adding it to the requested written decision. Lack of such diagrams at the outset is a major reason for delay in deciding appeals. The RYA will accept as a diagram a photograph using models showing the build-up of positions before and during the incident.

See also the answer to the previous question.

Q12. How much detail is needed from the appellant in support of an appeal?

A12. The appeal form invites brevity, but a separate document can be attached to the appeal form. That too should be brief. The RYA will ask for further information if necessary. Reference may be made to any ISAF cases, RYA cases, ISAF Questions and Answers or ISAF Team Racing or Match Racing calls that are thought to be relevant, but this is not essential.

Q13. What happens once an appeal is lodged with the RYA?

A13. First, receipt is acknowledged and the case receives a numerical reference. Then RYA Racing acts under rule R3, circulating the appeal to the other parties, to the protest committee and sometimes to other relevant bodies or persons (see rule R4). Missing information and documents are requested. The recipients have 15 days in which to comment, and those comments are copied to the appellant, to other parties and to the protest committee.

The case is then put down for consideration at the next meeting of the Racing Rules Committee. Any member of the Racing Rules Committee who has a close interest in the case (for instance, as a party to the hearing, as a member of the protest committee, or having given private advice beyond procedural matters to a party at any stage) will not take part in the consideration of the appeal. Before the meeting, members of the Committee will usually discuss the points at issue by email. At the meeting, the case will usually be decided in principle (although sometimes it will be deferred to the next meeting if further information is needed). Sometimes, the decision can be released in a few weeks once the careful wording of the decision is agreed. Usually, a draft decision will then come to the next meeting for final approval and release. The decision letter is sent to the appellant, to other parties and to the protest committee.

It will be seen that several months can therefore elapse between the lodging of an appeal and the decision letter.

Appeals, references and questions that raise interesting issues of rule interpretation or application are published as RYA cases, initially in a periodic Supplement to the RYA Case Book. The process of turning an appeal into a case involves editing of the original decision. The Case Book is reviewed with every quadrennial rule change, at which point the case will either be retained unchanged, be edited to harmonise with any rule change, or will be deleted. Some cases form the basis of submission to ISAF for acceptance as an ISAF case. The RYA Case Book is to be found on the website.

Q14. What are the decision options for the Racing Rules Committee?

A14. These are set out in rules 71.2 and 71.3. It should be noted that a boat which appeals against the dismissal of a protest may herself be disqualified as a result of her appeal if the Racing Rules Committee decides that she, as well as or instead of the other boat, broke a rule.

Q15. If my appeal is not upheld, can I appeal to ISAF?

A15. No. There is no mechanism for this.

Q16. If my appeal is upheld, can the protest committee or race committee decide not to implement the appeal decision?

A16. No. See rule 71.4.

Q17. Can the right of appeal be denied?

A17. When a properly constituted International Jury has been appointed and the Jury or a validly appointed panel of it (see RRS Appendix N) have decided the protest or request for redress, the right of appeal is always denied.

Rule 70.5 and the RYA Prescription to it set out three other circumstances when the right of appeal may be denied. In all these circumstances, the denial of appeal must be stated in both the notice of race and sailing instructions.

(1) The most common circumstance is under rule 70.5(a) when 'it is essential to determine promptly the result'. For example, a national championship may have an initial series of qualifying races leading to a second series with gold and silver fleets. It will be valid for the right of appeal to be denied under rule 70.5(a) in the initial series, but not in the second (final) series.

(2) When approved by the RYA for a specific event. The RYA Prescription ensures that such approval will be granted only in exceptional circumstances. Note that the cost of an International Jury is not a valid reason.

(3) In rare cases, when approved by the RYA after consultation with ISAF.

Q18. What happens when the scores from one event are used in part to score another event?

A18. Aggregation of scores from one series into a longer series is a common occurrence at many Clubs. For example, a selection or trophy series may be an aggregation of scores from the results from a number of independently organised open events. If the event organisers wish to deny the right of appeal in such a selection event or series, perhaps because a team must be nominated before an appeal can be heard, then it is essential that the denial of appeal is stated in the notice of race and sailing instructions for all the underlying open or other primary events as well as for the selection series itself.

Q19. Is there any other way to find out the rights and wrongs of a situation?

A19. Yes. The RYA offers a rapid-response Rules Advisory Service, which is run by members of the Racing Rules Committee. See the RYA website.

The Rules Advisory Service may be able to help:-

- A competitor or race committee with a rules query
- A competitor considering whether to protest, request redress or ask for a reopening *
- A protest committee in receipt of a tricky protest or request for redress *
- A competitor considering whether to appeal
- A protest committee considering whether to refer its decision to the RYA

* answers are given as soon as possible, but they may not be available within the required time for these procedures

Other sources of desk research include:

- The ISAF Case Book, available on the ISAF website at www.sailing.org/documents/index
- The RYA Case Book, as referred to above
- RYA Guidance on certain issues, also on the RYA website and in this booklet.



APPEAL FORM

SUBMITTING AN APPEAL AND COMPLETING THIS FORM

You must notify the RYA of your intention to appeal within 15 days from receipt of the written decision of the protest committee.
 You must complete this form and return it, enclosing as much of the required information as is available at the time, within 15 days from the date that the RYA was notified of the intention to appeal.

Return this form to **RYA Racing, RYA House, Ensign Way, Hamble, Hants SO31 4YA** or by email to **racingsrules@rya.org.uk**.

If the appeal is by a boat and you are not a personal member of the RYA, a cheque for £50, payable to the RYA, must be included.

If there is insufficient space in any section of the form, or for other information you think relevant, use additional sheets as required.

If you need more information on the appeal process, refer to RRS 70, 71, Appendix R, the RYA Prescriptions and the RYA Guidance "Appeals and Requests for Confirmation or Correction" (go to www.rya.org.uk/racingsrules, then follow the link to the appeals page).

IMPORTANT DATES *(* if relevant)*

Date of race	___ / ___ / ___	Date you advised RYA of your intention to appeal	___ / ___ / ___
Date of protest or request for redress hearing	___ / ___ / ___	Method: <input type="checkbox"/> post <input type="checkbox"/> phone <input type="checkbox"/> email	
Place of hearing		<i>RYA use only: date notice of intent received</i>	___ / ___ / ___
Date of request to reopen hearing*	___ / ___ / ___	Date you obtained this form	___ / ___ / ___
Date reopening took place/ was refused*	___ / ___ / ___	Date you sent this form to the RYA	___ / ___ / ___
Date decision in writing was requested*	___ / ___ / ___	Method: <input type="checkbox"/> post <input type="checkbox"/> email	
Date decision in writing was received	___ / ___ / ___	<i>RYA use only: date appeal form received</i>	___ / ___ / ___

TYPE OF APPEAL *(tick the appropriate option and provide details)*

This is **an appeal by a boat** Name of boat _____ Sail No _____ Class _____

an appeal by the race committee **a request for confirmation or correction by a protest committee**

a request for interpretation of the rules by: **a Club** **an organisation affiliated to the RYA**

YOUR DETAILS

Name _____

Address _____ Post Code _____

Tel (day) _____ Tel (evening) _____ Email: _____

I am owner of boat person in charge of boat I am am not a **personal** member of the RYA, Membership No _____

OR

I am acting for race committee, protest committee, affiliated club, affiliated organisation

My position _____

THE EVENT

Name of organizing authority _____

Address _____ Post Code _____

Tel _____ Email _____

Name or description of event or race _____

Class(es) racing _____ Date of Race _____ No. of starters _____

THE HEARING

Type of hearing Boat v Boat Protest Request for Redress Protest by Race Committee Protest by Protest Committee

THE BOATS INVOLVED *Provide details of all boats that were parties to the hearing.*

	Boat that protested or requested redress	Boat protested	Other boat protested
Name of boat			
Class and sail number			
Name and address of owner or person in charge *			
<small>* You do not need to repeat these details if already given above.</small>			

THE PROTEST COMMITTEE

Chaired by _____

Address _____ Post Code _____

Tel (day) _____ Tel (evening) _____ Email: _____

Names of other members of the protest committee _____

GROUND(S) FOR APPEAL (tick as applicable and provide details)

The protest committee misapplied or did not apply rule(s) no(s) sailing instruction(s) no(s)
 other rule(s) that govern the event a hearing required by rule 63.1 was denied

If relevant, state any ISAF case or call, or RYA case or guidance, that you think may support your appeal

THE REASONS FOR YOUR APPEAL

As follows and/or Separate document(s) attached

DOCUMENTS IN THE CASE			
<i>The originals of all documents should be sent if possible. If this is not possible, send a copy and state why the original is not available. Note: the RYA will request the original of the protest form from the protest committee, but you should still send a copy if possible</i>			
Document	Document is enclosed	Document to be sent as soon as possible	Document is not available
A copy of the protest / request for redress form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
The written decision of the protest committee, if this is separate from the form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
If applicable, and if not already on or with the form, a diagram prepared or endorsed by the protest committee.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
The Notice of Race (or a handbook or programme which acts as a Notice of Race)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
The Sailing Instructions, including any amendments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
Other documents containing relevant conditions governing the event, or relevant information, listed as follows:*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> because

* List all that apply, these might include:
the class rules, but only if they are relevant to the hearing and the appeal,
any correspondence that has already occurred concerning the matter.

SIGNATURE OF APPELLANT **DATE**

BOATS WITH LIMITED VISIBILITY

(GUIDANCE ON APPLICABLE RULES & OBLIGATIONS)

Introduction

This paper is produced in response to the following comment from an insurer about an incident between an RS800, a 4.8m twin-trapeze dinghy flying an asymmetric spinnaker, and a Flying Fifteen, a 6.1m racing keelboat:

"It is becoming increasingly apparent in a lot of the asymmetric classes that the right of way boat is required to shout much earlier than normal and to take earlier action to keep clear as asymmetric boats (especially the likes of the RS800 with twin trapeze) often are unable to see leeward boats and cannot take avoiding action as easily as traditional classes."

The above comment indicates a serious misunderstanding of the relevant sailing rules and of the obligations of each boat. The RYA is concerned that this view may be more widely held.

This paper addresses the obligations of a boat that may have a limited field of view when sailing downwind, particularly skiff type dinghies that are flying an asymmetric spinnaker, and the consequent obligations of other boats sailing in the vicinity.

This paper relates only to sailing boats that are not under power.

Relevant Rules

When both boats are subject to the ISAF Racing Rules of Sailing (RRS) these rules govern the rights and obligations of each. In most other cases on coastal waters the relevant rules are the International Regulations for Preventing Collisions at Sea (IRPCAS). Government, harbour authority or water board regulations or other local rules may also apply.

In good visibility, when a boat is sailing with a spinnaker up and is approaching a boat to leeward of her there is no significant difference between the RRS and the IRPCAS.

Application of the Rules

Both the IRPCAS and the RRS require the boat to windward, invariably the boat with the spinnaker up, to keep clear of the other boat unless she is on starboard tack and the other boat is on port tack.

A boat, whether or not she is a boat required to keep clear, cannot fulfil her obligations under the rules if she is unable to see where she is going or other boats approaching her on convergent courses. IRPCAS rule 5 is specific and states that:

"Every vessel shall at all times maintain a proper look-out by sight and hearing"

The equivalent requirement in the RRS is explained in Case 107⁵ of the International Sailing Federation (ISAF) which states:

"Rule 14 begins 'A boat shall avoid contact with another boat if reasonably possible.' This requirement means a boat must do everything that can reasonably be expected of her in the prevailing conditions to avoid contact. This includes keeping a good lookout"

The fact that the design of a boat or its sails may restrict the crew of a boat in fulfilling their obligation to keep a proper look-out does not in any way relieve them of their responsibilities for so doing.

In order for the rules to work effectively they restrict the changes of course that a right-of-way boat may make. Both the IRCAS in rule 17(a)(i) and the RRS in rule 16.1 require the stand-on or right-of-way boat to sail so as not to obstruct the other boat in keeping clear and potentially prevent her from doing so. Only when it is apparent that the give-way boat is not taking the required action is the right-of-way boat obliged to take avoiding action, in the IRCAS under rule 17(a)(ii) and in the RRS under rule 14.

When a dinghy or small keelboat flying an asymmetric spinnaker is approaching a right-of-way boat to leeward, the time at which it becomes clear that the give-way boat is not keeping clear is likely to be too late for the other boat to respond effectively to avoid a collision. Hailing, whilst desirable, may be of limited effect as the boat flying the asymmetric spinnaker will be upwind and probably subject to considerable noise from the water and spray.

Summary

Both the IRCAS, explicitly in rule 5, and the RRS, by virtue of rule 14, require a boat to keep a proper look-out. The use of a sail which may limit visibility does not in any way reduce the responsibility of a boat for so doing and this is a pre-requisite for compliance with the right-of-way rules.

If a boat is involved in a collision when she was not keeping a proper look-out, her failure to keep a look-out would be regarded by the courts as clear negligence and therefore a contributory cause, or possibly the only cause, of any resulting damage.

⁵ ISAF Case Book; available at www.sailing.org/documents/index – this was previously RYA Case 2004/6

CHANGES TO THE RACING RULES (JANUARY 2013)

Introduction

This guidance note highlights the main changes to the Racing Rules of Sailing (RRS) that are effective from 1 January 2013. The changes include some very minor edits which are solely for clarification and are not detailed here. The changes are side-lined in the RRS, except in the appendices.

The guidance is intended primarily for competitors, but will also be useful to race and protest committees as well as other race officials. An addendum notes the main changes to the RRS that affect the preparation of notices of race and sailing instructions.

Definitions

Keep Clear This definition defines when a boat keeps clear of a right-of-way boat. New paragraph (b) extends the definition to enable a right-of-way boat to alter course in either direction, with reference to any overlapped keep clear boat, whether she is a windward boat or a port-tack boat, normally running alongside a starboard-tack boat. See also the last sentence of the definition *Clear Astern and Clear Ahead; Overlap*.

Mark The words "temporarily or" are deleted. This clarifies that a rubber tender (for example) attached to a starting or finishing committee boat is part of the mark

Party This definition was substantially amended in 2010. The new changes are entirely for clarification. Specifically a protest committee is never a *Party*, even when it is the protestor.

Room The added words "including space to comply with her obligations under the rules of Part 2 and rule 31" clarify that, in scenarios involving more than 2 boats, a boat required to give room must give space for all boats affected to comply with the rules. See also ISAF case 114.

Rule 14, Avoiding Contact

In rule 14(b) the words "shall not be penalized" are replaced by "shall be exonerated" for consistency with rule 21, Exoneration.

Rule 18, Mark-Room, and Definition *Mark-Room*

These are revised to correct some errors and omissions following the major rewrite of the Section C rules in 2009. The revisions include the following:

- ▶ The definition *Mark-Room* is rewritten (again). This reverts to the pre-2009 position that a keep clear boat only gets room for a seamanlike rounding of the mark, and not room to sail her proper course. This avoids the awkward transition from sailing to a mark to being at it. The definition also deals properly with passing marks and gates by giving room to sail to the mark only when that is the proper course for the boat.

- ▶ Although not new, it must be emphasised that the obligation of a keep clear boat, that is also required to give mark-room, is primarily to keep clear. Thus an inside leeward boat that has right of way and is entitled to mark-room, may luff the outside boat away from the mark provided she complies with rule 16.1 and, if applicable, to any proper course restriction in rule 17. However, if she does luff and sails outside the room to which she is entitled, she cannot be exonerated. See also rule 21, Exoneration, below.
- ▶ Rule 18.2(c)(2) is new. If a boat that is required to give mark-room, normally because she was clear astern or overlapped outside the other boat at the zone, subsequently becomes overlapped inside the boat entitled to mark-room, she shall additionally give room for the boat entitled to mark-room to sail her proper course. This rule applies only while the boats are overlapped, and only until mark-room has been given, as required by that definition, at which time rules 18.2(b) and 18.2(c) cease to apply. This rule is intended to discourage barging in at a mark as the boat entitled to mark-room will be able to shut the door and, provided she sails a proper course, she will be exonerated for breaking most rules of Part 2, but not rule 14 if she causes damage or injury. See also rule 21, Exoneration, below.
- ▶ A minor change to rule 18.2(e) means that a boat must give mark-room to a boat that tacks into a windward inside overlap in the zone only when she is able to do so after the boats become overlapped. This change is likely to affect only some handicap racing and team racing.
- ▶ Rule 18.3 about tacking in the zone is simplified. The tacking condition is changed to apply when the boat passes head to wind in the zone, which is a little later than in the RRS 2009. Also sub-paragraph (a) now says that a boat breaks this rule if she tacks in the zone and causes any one of multiple windward boats to luff above close-hauled to avoid contact with any other boat.
- ▶ Rule 18.5 is deleted and exoneration is now covered in new rule 21, Exoneration.

Rule 20, Room to Tack at an Obstruction

Rule 20 is reordered for clarity. However, there are two significant changes:

- ▶ The second sentence of the Part 2 Section C preamble is deleted. Rules 18 and 19 are no longer switched off when rule 20 applies as, with just one exception, there is no conflict between these rules. The exception is contained in rule 20.2(e) which ensures that a boat hailing for room to tack is given that room despite any simultaneous obligation to give mark-room to another boat. Typically this occurs at a port-hand windward mark when two overlapped port-tack boats in the zone approach a starboard-tack boat.
- ▶ The requirement to pass on a hail for room to tack when more than one boat will need to respond is added in rule 20.3. See also ISAF case 113.

Rule 21, Exoneration

Rules 18.5 and 20.2 from the RRS 2009 are combined into this new and simplified rule. The rule adds exoneration for a boat that is not given room under rule 19, Room to Pass an Obstruction, and for one compelled to break rule 31, Touching a Mark, because she was not given mark-room to which she was entitled, provided she was sailing within that mark-room.

This new rule means that rules 21 to 24 are renumbered as 22 to 25.

Rule 22.3, Moving Astern

The rule is clarified to refer to a boat moving astern through the water even if she is not moving astern over the ground.

Rule 25.3, Race Signals

This new rule makes clear that a visual signal does not need to be a flag. The signal can be on a board or in lights or in any other way that clearly identifies the signal.

Rule 28, Sailing the Course, and Definition *Finish*

These changes go together. They help clarify, for example, that a line through which boats must pass at the end of each round of the course is not a finishing line until the boats have sailed the required number of laps. Note the sailing instructions may state that, when the first boat has finished, all other boats will finish when they next cross the line.

As a consequence of the re-ordering of rule 28, a boat will have to pass the correct side of limit marks to starting lines, from the time she begins to approach the line to start, even if such marks are well on the pre-start side of the line.

Rule 41, Outside Help

The substance of the change is in rule 41(a) which makes clear that help is permitted when a crew member, or by implication the boat on which he or she is sailing, is in danger. ISAF case 20 makes clear that "in danger" in both rule 1.1 and here includes situations where the boat or crew "may be in danger". It is immaterial if it is later found that the boat or person was not in danger. See also the RYA guidance on Outside Help⁶ which includes a recommended reporting procedure and a notice to competitors from the protest committee.

Rule 42.3, Exceptions to the Propulsion Rule

- ▶ Rule 42.3(c) about pumping a sail now refers to pulling in a sail, rather than a sheet or guy so it becomes permissible to use a gybing line or other attachment to the sail.
- ▶ Rule 42.3(e) is new and permits the crew to pump a sail to reverse an inverted sail batten provided the action does not clearly propel the boat.
- ▶ Rule 42.3(h) allows the use of an engine when permitted by a sailing instruction under rule 42.3(i).

Rule 44, Penalties at the Time of an Incident

Several clarifications are now included:

- ▶ The Two-Turns Penalty covers breaking more than one Part 2 rule in the same incident.
- ▶ When sailing instructions specify the Scoring Penalty or some other penalty, it replaces both the One-Turn and the Two-Turns Penalties.
- ▶ In rule 44.1(b) significant advantage is to be considered after a penalty is taken.

⁶ Available in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance

Rule 48.2, Traffic Separation Schemes

This is a new rule that brings into the RRS rule 10, Traffic Separation Schemes, of the International Regulations for Preventing Collisions at Sea.

Rule 49.2, Lifelines

A sentence is added so that, if class rules do not specify the material or diameter of lifelines, the ISAF Offshore Special Regulations shall apply. This may produce a nasty surprise and owners of boats with lifelines should clearly understand the rules that will apply to their boat.

Rule 60.1, Right to Protest

Rule 60.1(a) now permits a boat to protest under rule 31 only when she has seen another boat hit a mark. Protests based on hearsay are no longer valid.

Rule 61.1, Informing the Protestee

New rule 61.1(a)(3) clarifies that a boat intending to protest under rule 28, Sailing the Course, may inform the other boat when the error is made, or at the first reasonable opportunity after the other boat finishes, or at any time in-between. See also ISAF case 112.

Rule 62, Redress

- ▶ Redress may now be claimed when a boat's score may be made worse as well as when a score has been made worse.
- ▶ An equipment inspection committee and a measurement committee are added to the bodies that may have made an improper action or omission.
- ▶ A boat may claim redress because of an action of a boat that resulted in a warning, as well as a penalty, under rule 69.2.
- ▶ A claim for redress must now identify the reason for making it; previously it was sufficient to say only "I claim redress".
- ▶ The time limits for delivery of a request for redress are clarified. A request not based on an incident in the racing area must be delivered as soon as reasonably possible after learning of the reasons for making the request.

Rule 63.6, Taking Evidence and Finding Facts

A member of the protest committee who saw the incident is now required (mandatory) to state that fact to the parties. The option to give evidence is unchanged but this enables any party to call the protest committee member to give evidence if the party wishes.

Rule 64.1, Penalties and Exoneration

The rule is rewritten and includes previous omissions with no change of intent.

Rule 67, Penalty by Protest Committee without a Hearing under Rule 42, Propulsion

This rule is deleted and the option is no longer available. The rule has been superseded by Appendix P, Special Procedures for Rule 42. Note particularly paragraph 14.4 in Appendix

L, Sailing Instructions Guide, with a recommended option for junior events. Old rule 68, Damages, is rule 67 in the RRS 2013.

Rule 69, Allegations of Gross Misconduct

The rule is completely rewritten. The changes are too extensive to cover in this guidance and readers are referred to the RYA guidance booklet for race officials on Misconduct⁷ which sets out a full explanation of the procedures and requirements.

Rule 70, Appeals

- ▶ A boat may now appeal when she is denied a hearing, for example if an organization refuses to appoint a protest committee to hear a redress claim.
- ▶ When the national authority decides a hearing shall be reopened or that there shall be a new hearing, it may appoint the protest committee.

Rule 76.1, Exclusion of Boats or Competitors

The old rule 76.1 is split into rules 76.1 and 76.2. A boat may now request redress if she considers the rejection of her entry or the exclusion of a competitor associated with the boat is improper.

Rule 78.2, Certificates

The rule is amended to allow verification of a certificate, normally by electronic means, as an alternative to producing the original document.

Rule 86.1, Changes to the Racing Rules

The option in rule 86.1(b) for sailing instructions to change the zone size has been deleted as it was rarely used. Except when racing under Appendices C, D or E, the zone is now always a circle around the mark within three hull lengths of the boat nearer to it.

Rule 89.1, Organizing Authority

Rules 89.1(c)(d)(e) and (f) are either new or changed. The RYA has not prescribed to this rule so that any affiliated organization may be an organizing authority. Affiliation is defined to mean to the national authority of the venue.

Rule 90.3, Scoring

The race committee must now correct a score when, from its own records, it finds it has made an error.

⁷ Available from the RYA at www.rya.org.uk/go/RRSguidance

Environment

Three references to the environment are added to the RRS:

- ▶ A policy statement at the beginning of the RRS.
- ▶ A new Basic Principle encouraging competitors to minimise any adverse environmental impact.
- ▶ A new rule 55, with extra words in the Part 4 preamble, prohibiting the dumping of trash in the water.

Appendices

There is a new Appendix F with the rules for course racing on kiteboards. Four other appendices are substantially amended:

- B Windsurfing Competition Rules
- D Team Racing Rules
- E Radio Sailing Racing Rules
- R Procedures for Appeals and Requests (previously appendix F)

Details of these changes are expected to be available from the relevant specialist organisations.

RYA Risk Statement ⁸

The RYA has revised its recommendations for notices of race and entry forms to replace the disclaimer of responsibility with a statement of risk. See RYA Addendum A to Appendix J.

RYA Prescriptions ⁹

The RYA Prescriptions are updated. Only the procedure for appeals and requests has changed significantly. Anyone wishing to appeal should read the relevant prescription.

⁸ This RYA document is available in the RYA booklet of the RRS (publication YR1/13) on page 115

⁹ This RYA document is available only from the RYA at www.rya.org.uk/go/prescriptions and in the RYA booklet of the RRS (publication YR1/13) on page 158

Addendum

Changes to the RRS that affect the preparation of Notices of Race and Sailing Instructions

In the notice of race and sailing instructions sections below, note that RRS Appendix J comprises rules but RRS Appendices K and L are advisory, not rules.

Notice of Race

A notice of race (NoR) shall include:

Rule	Description
J1.2(1) K1.4	It is worth clarifying that the NoR does not need to include the detail of any rule changes unless they are of a nature that could help a competitor to decide whether or not to enter the race or event.
80 J1.2(2) K2.2	Any requirement to display advertising promoting an event sponsor. Note that advertising materials such as bow stickers and backstay flags must be provided by the organising authority.
J1.2(4) K1.2	When entries are expected from other countries, the RYA Prescriptions must be included if any advance preparation is needed. For example, the prescriptions to rules 50.4 and Appendix G may be relevant for some keelboats. The full RYA Prescriptions are available at www.rya.org.uk/go/prescriptions .
J1.2(14)	Whether rule G3 applies to chartered or loaned boats.
K20, Risk Statement	In Addendum A to RRS Appendix J the RYA sets out its recommended Risk Statement to be included in the NoR and the SIs. This replaces the Disclaimer of Liability previously recommended.

Sailing Instructions

The sailing instructions (SIs) shall include:

Rule	Description
80 J2.2(1)	Any requirement to display advertising promoting an event sponsor.
88.1, J2.2(5), L1.2	National prescriptions that will apply if the boats will pass through the waters of more than one national authority while racing.
J2.2(9), L20	Any procedures for equipment inspection or measurement.
90.2(c) J2.2(12), L3	Any procedure for giving oral changes to the SIs while on the water.
42.3(i) J2.2(29)	If appropriate, the circumstances when an engine, or other means of propulsion that is normally prohibited, may be used.
J2.2(30), L16	For protests, requests for redress and requests for reopening, the time limits, place of hearings and any special procedures.
L29, Risk Statement	In Addendum A to RRS Appendix J the RYA sets out its recommended Risk Statement to be included in the NoR and the SIs. This replaces the Disclaimer of Liability previously recommended.

Offshore Racing Events

Organisers of offshore racing events should consider, when appropriate, including details of the following in the NoR and SIs:

Rule	Description
Preamble to RRS Part 2	The times (clock times or variations such as sunset to sunrise) when the rules of Part 2 are replaced by the right-of-way rules of the International Regulations for Preventing Collisions at Sea (IRPCAS).
Offshore Special Regulations	The category of the special regulations that apply. Note the new reference to the special regulations in rule 49.2.
48.2	Traffic Separation Schemes as IRPCAS rule 10.
Racing Around Waypoints	The RORC has approval under rule 86.3 to trial rules and procedures for the use of waypoints instead of marks in offshore races. Other organising authorities may apply to the RYA to take part in the trial. See the RYA guidance on Racing Around Waypoints.
Racing Under the IRPCAS	See the RYA guidance on Racing Under the IRPCAS.

RYA guidance notes are available in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance

OUTSIDE HELP

Introduction

This guidance note is directed at race committees to assist them in deciding appropriate action before and after giving information or assistance to boats and competitors that are *racing* (as defined in the Racing Rules of Sailing). It is also relevant to protest committees when afloat observing races and when considering protests and redress.

Rule 41, Outside Help, has changed several times recently; see Rules and Terminology below. These changes raise issues that may not have been considered previously, in particular:

- Could the action or information cause the boat or competitor to break rule 41?
- Could the action or information be improper and lead to redress under rule 62.1(a)?
- Should the race committee or protest committee protest a boat that may have gained an advantage from help received help under rule 41(a)?

The guidance considers what can be done, without compromising safety, to mitigate any disadvantage to boats or competitors arising from race committee actions.

Rules and Terminology

Rule 41 (effective from January 2013) is as follows:

A boat shall not receive help from any outside source, except

- (a) help for a crew member who is ill, injured or in danger;
- (b) after a collision, help from the crew of the other boat to get clear;
- (c) help in the form of information freely available to all boats;
- (d) unsolicited information from a disinterested source, which may be another boat in the same race.

However, a boat that gains a significant advantage in the race from help received under rule 41(a) may be protested and penalised; any penalty may be less than disqualification.

Rule 62.1(a) allows a claim for redress when an improper action of the race committee may have resulted in a boat's score being made worse.

Rule 64.1 states the penalty for breaking a rule.

All three of these rules can be changed by sailing instructions.

Race committee includes anyone performing a race committee function, including patrol boats and their crews.

Safety

When competitors may be in danger, particularly when in the water and separated from their boat, any assistance given to remove them from danger will be one of the priorities of the race committee, normally working through patrol boats on the course. In many cases, fellow competitors will also be required to offer help, and possibly to provide help, in accordance with fundamental rule 1.1. The amended rule 41(a) specifically allows the boat or competitor to receive this help without necessarily being penalized.

When a patrol boat has removed a competitor from the water, anyone else in a similar situation should be attended to. If no one else is in need of rescue, it is both normal and acceptable for the patrol boats to return competitors that need no further help to their boats. If this is not possible because of the need for other rescues or for any other reason, any delay in returning the competitors to their boats is not an improper action under rule 62.1(a).

When competitors are returned to their boats close to where they were recovered from the water, it is unlikely that the boat has gained a significant advantage as a result. If the boats have made significant progress in the race from the point where the competitors were recovered from the water, returning them to their boat in the advanced location is not an improper action of the race committee but it will need to be considered differently by the protest committee. A race committee protest or a report to the protest committee may be appropriate; see Sailing Instructions below.

When a competitor is recovered by a support or coach boat that is associated with that boat or by any other boat that is not accredited to the race committee, any action beyond the immediate recovery of the competitor should be reported to and considered by the protest committee.

Reports and Protests; Sailing Instructions

To ensure the fairness of the competition, all instances of help under rule 41(a) should be reported to the protest committee, preferably by the competitor. The protest committee can then consider if the boat may have gained a significant advantage and, if so, it should protest the boat. Protests by the race committee should normally be restricted to incidents when it observes potential abuse of the rule.

One possible sailing instruction to require the reporting of outside help is:

When a boat has received help for a crew member who is ill, injured or in danger, the boat shall report that help to the protest committee in writing before the end of protest time on the day concerned. The protest committee will consider if the boat gained a significant advantage as a result and, if so, it may protest the boat.

In some events, particularly when a significant number of juniors are racing, it may be appropriate for the race committee to make reports of help given and the sailing instruction should be amended accordingly.

This sailing instruction should be accompanied by a notice to competitors on the official notice board, similar to the following. In addition, the procedure should be described at any briefing given to competitors.

Outside Help

The act of recovering a crew member from the water by another boat (racing or not) is allowed under rule 41, Outside Help. The boat will not normally be protested or penalised under the last sentence of this rule unless she has made significant progress in the race before the crew member is returned on board. However, when a boat may have gained a significant advantage as a result of help received, the race or protest committee

may protest her. Any penalty is at the discretion of the protest committee. The protest committee will not penalise actions based solely on safety considerations.

Mandatory Instructions on the Water

If the race committee in pursuance of its responsibilities for safety wishes to require boats and competitors to comply with their instructions, it will be appropriate to include a sailing instruction similar to one of the following. This is particularly important for junior classes. These words are based on the UK Optimist Class sailing instructions.

Boats and Competitors in Difficulty

When the race committee considers that a boat or competitor is in difficulty, it may instruct the boat or competitor to accept outside help, retire or sail ashore. The boat and crew shall comply with such instructions without delay.

Boats and Competitors in Difficulty

When the race committee considers that a boat, its equipment or crew are not adequate for the existing or anticipated conditions, or that a boat or crew member is in difficulty, it may instruct the boat or crew not to launch, or to retire or to sail ashore or to accept outside help. The boat and crew shall comply with such instructions without delay.

Some observers may note that such a sailing instruction appears to conflict with rule 4, Decision to Race. However, rule 4 does not absolve a race committee of responsibility for taking reasonable care in its organisation of the racing, particularly when competitors are young or inexperienced. Reference should also be made to the RYA publication "Race, Training and Event Management – The Legal Aspects"¹⁰.

Information Provided to Boats

When the race committee provides information to boats that are *racing*, this ranks under rule 41(d) as unsolicited information from a disinterested source. Thus a boat does not break rule 41 by receiving and acting upon this information. However the race committee must ensure that the information given does not unfairly help one boat over another.

It is important to achieve a balance between providing useful information which will help the race as a whole and information which will advantage one boat over the rest of the fleet. An example of the former might be telling all boats shortly before the start that some are currently on the course side of the line; this may help the whole fleet to achieve a fair start. Different considerations might apply where a race committee tells one boat that she is sailing to the wrong mark. When it is intended to communicate using VHF radio or by any other means not set out in the RRS, this should be stated in the sailing instructions.

Further Assistance

The RYA will endeavour to answer questions from event organisers. Any questions must be by email addressed to racingrules@rya.org.uk.

Questions from individuals can be answered only if the relevant event organiser has been unable to answer the question and only if the individual is a RYA Personal Member.

¹⁰ "Race, Training and Event Management – The Legal Aspects" can be obtained from the club section of the RYA website at www.rya.org.uk/go/clubs

Examples

The examples below are for general guidance. The particular circumstances of any action may change the answer.

Race Committee Action	Allowable Help?	Improper Action?
Relevant Rule	41	62.1(a)
Recover competitor from water when separated from his boat	Yes	No
Return competitor to his boat in same area as recovery	Yes	No
Return competitor to his boat when boat has made progress in race	No	No
Assist righting of capsized boat	No	No
Hail boat that she is OCS	Yes	No
Use visual signals or VHF radio before the starting signal to indicate that boats are on course side of starting line	Yes	No
Advise one competitor that he is sailing to the wrong mark	Yes	Yes
Advise one competitor that a mark is about to be moved	Yes	Yes
Use VHF (when standard on the boats racing) to advise an imminent change or shortening of the course	Yes	No

The race committee will need to consider the consequences of providing the help described in the shaded areas. Other actions such as towing off a boat that has gone aground remain proper and necessary actions when required for reasons of safety but the boat will usually gain a significant advantage; therefore if she fails to retire she should be protested and penalised.

Reference Case

ISAF case 20 states that any boat in a position to help another that may be in danger is bound to do so. It is not relevant that a protest committee later decides that there was no danger or that help was not requested.

RACING UNDER THE IRPCAS

Introduction

Sailing instructions frequently replace the RRS Part 2 rules with the International Regulations for Preventing Collisions at Sea (IRPCAS).

In this situation the whole of RRS Part 2 (the rules that apply when boats meet) is replaced by all of the right-of-way rules in Part B of IRPCAS (the Steering and Sailing Rules). However, Part B must be read in conjunction with the rest of the IRPCAS because, for example, it uses terms defined elsewhere in the document (see ISAF case 109 for details).

In addition, when a boat racing under the RRS meets a boat that is not racing, the preamble to RRS Part 2 makes all relevant rules of the IRPCAS applicable between them and enforceable by protest.

RRS 48.1 makes the IRPCAS fog signals and lights requirements applicable and enforceable when safety requires, regardless of whether boats are racing under the RRS or the IRPCAS. The IRPCAS require lights from sunset to sunrise and both lights and fog signals at all times in restricted visibility. Sailing instructions may change rule 48.1, for instance to require the showing of lights even when safety is not an issue, and/or that they are shown between stated times.

RRS 48.2 makes IRPCAS rule 10, Traffic Separation Schemes, applicable and enforceable at all times. See below for further information.

How does this affect a boat that is racing?

The IRPCAS rules are designed to prevent collisions by ensuring that vessels maintain a safe course and distance in relation to each other. Compared with the RRS they can create different rights and obligations when you meet another boat racing. They will also change the tactical options available to you in many circumstances. You must treat a boat racing exactly as you would treat a sailing boat that is not racing.

A boat racing under the IRPCAS that breaches a rule of IRPCAS Part B may be protested.

Important differences between the IRPCAS and the RRS

The notes and example below point out some important differences between the IRPCAS and the RRS but there are many others. It is vital that you read and understand the full IRPCAS rules. See RYA-G2 International Regulations for Preventing Collisions at Sea.

Under the IRPCAS, when sailing boats meet:

- There are “opposite tack” and “windward/leeward” rules that are similar to the equivalent rules in the RRS.
- There is an “overtaking” rule that states that an overtaking boat must keep out of the way of the boat it is overtaking. This applies regardless of their tacks or which is the windward

boat. In particular, this may change the game when an overlap is established from astern.

- There is no right-of-way boat; instead there is a “give-way” boat and a “stand-on” boat. Each has specific obligations towards the other. In broad terms, the give-way boat must “keep out of the way of” the other and the stand-on boat must “maintain her course and speed”.
- The obligation of the stand-on boat to maintain her course and speed is the main difference between the IRLCAS and the RRS. Under the RRS a right-of-way boat is given some scope to manoeuvre against a keep-clear boat. No such freedom exists under the IRLCAS.
- Similarly to the RRS, the IRLCAS require a stand-on boat to take avoiding action when it becomes clear that a give-way boat is not keeping clear. However, all changes of course required by the IRLCAS must be substantial and made in good time, so that the intentions of the boat changing course are clear to the other. This may require an earlier and larger change of course than that needed under the RRS.
- There is an IRLCAS rule that imposes special requirements in poor visibility. There is no “stand on” boat in fog!
- There are no special rules for rounding or passing marks or obstructions.

Example

IRPCAS Rule 13 (overtaking) says that a vessel is overtaking when she is “coming up ... in such a position that she would be able to see only the sternlight of that vessel but neither of her sidelights” and also says that “any vessel overtaking another shall keep out of the way of the vessel being overtaken”. Rule 13(d) goes on to say a boat that has come up from astern remains an overtaking boat and required to keep out of the way until she “is finally past and clear.”

IRPCAS Rule 17 (action by stand-on vessel) says “When one of two vessels is to keep out of the way the other shall keep her course and speed”.

The combination of these rules creates an important difference in the rights and obligations of boats rounding a mark.

If two or more boats are approaching a rounding mark, an overtaking boat (IRPCAS 13) must keep out of the way of any boat she is overtaking. However, a boat being overtaken must maintain her course and speed (IRPCAS 17), and must not alter course to round the mark unless she can *definitely* do so without causing a give-way boat that is keeping out of the way to alter course.

Traffic Separation Schemes (TSS)

From 1st January 2013, boats racing are required to comply with rule 10 of the IRLCAS, Traffic Separation Schemes (TSS), and boats that break this rule may be penalised by a protest committee. Further, the rules relating to TSSs are enforceable in the courts for all vessels, including boats racing, and heavy fines can be, and frequently are, imposed for non-compliance.

If Traffic Separation Schemes are likely to be significant for an event organizing authorities and race committees are encouraged to ensure that the course set enables competitors to cross or pass through a TSS without major deviations from the course. When it is possible that crossing or passing through a TSS will be incompatible with normal racing, sailing instructions may give limited permission for the use of the engine for propulsion (see RRS 42.3(i)), or (which is perhaps the safest and fairest option) may make all of a TSS a prohibited zone. Boats that gain a significant advantage by such use of an engine break rule 42 and will be disqualified if protested unless the sailing instructions specify a different penalty.

Other restrictions

Harbour byelaws often include requirements that are additional to the IRPCAS. The 'moving obstruction' regulation in Southampton Water is a well-known example. Elsewhere, there may be other authority byelaws and regulations. A boat that breaks such rules will be answerable to the body making such rules and, in addition, may be protested and penalized under the RRS provided such rules are listed as governing the event.

SAMPLE SAILING INSTRUCTIONS

Competitors must be aware that sailing instructions may contain one or more of the following:

To adopt the IRPCAS for part of an event

[Between time A and time B] [and] [at all times] [between position 1 and position 2] Part 2 of the Racing Rules of Sailing are replaced [by the right-of-way rules of the International Regulations for Preventing Collisions at Sea (the IRPCAS)] [and] [or] [by the applicable Government right of way rules].

To make one or more traffic separation schemes a prohibited zone

Boats shall not enter the areas bounded by [list of coordinates 1] [list of coordinates 2] [list of coordinates n].

To ensure compliance with the IRPCAS requirements for lights and fog signals.

Lights and fog signals shall comply with the IRPCAS and are required at all times in conditions of limited visibility. Lights shall be shown at all times between [local sunset and sunrise] [xx:xx and yy:yy]. This changes rule 48.1.

REDRESS

WHAT IS REDRESS?

It is compensation given to a boat when, in the words of rule 62, 'a boat's score in a race or series has been, or may be, through no fault of her own, made significantly worse'. However, there are only four reasons why compensation can be given.

WHAT ARE THOSE REASONS?

The reasons are listed in rule 62.1, sections (a) to (d).

Redress only can be given if one of the following is true:

- (a) The race committee, protest committee, organising authority, equipment inspection committee or measurement committee for the event made a mistake either by doing something it should not have done (an improper action), or by not doing something that it was required to do (an omission).

For example, disqualifying a boat without a hearing for not correctly sailing the course is an improper action; failing to make the sound signal of an individual recall is an omission.

- (b) Damage or injury to a boat was caused by another boat that was required to keep clear (or to give room or mark-room, or to avoid her). The damage or injury has to be physical. There is no compensation for mental upset.
- (c) A boat lost time or places while helping another boat (or person) that may have been in danger.
- (d) A boat's score was made worse by unfair sailing (another boat broke rule 2), or gross misconduct (another boat was subject to a penalty or warning under rule 69.2(c)).

It is important to remember that there is no automatic entitlement to compensation for places or time lost simply because another boat broke a rule. One of the conditions above must have been met.

WHO DECIDES ON REDRESS?

The protest committee (even though a request for redress is not a protest – see below).

WHAT IS THE DIFFERENCE BETWEEN A PROTEST AND A REQUEST FOR REDRESS?

A protest is a claim that a boat broke a rule. If the claim is found to be true in a hearing, then the boats that have broken a rule will normally be penalised. A boat can't be penalised if she has already taken the correct penalty for the incident or retired.

A request for redress is a claim for compensation for lost places in a race or series. No boat can be penalised in a hearing called just to consider redress.

It is possible for a hearing to be both a protest hearing and a redress hearing, see below for more details.

WHO CAN ASK FOR REDRESS FOR A BOAT?

The request must be in writing. The usual way to do this is on a protest form, using the appropriate tick-boxes on the form. However the use of a protest form is not compulsory – a written note will be sufficient, provided that it contains a claim that the boat's score has been affected and why.

A boat can request redress, either for herself, or for another boat.

Remember that a boat can use the same protest form to protest, and to request redress for the same incident. The protest and the request will normally be considered in the same hearing.

A race committee can request redress for one or more boats. For example:

- When it realises that a boat has lost time or places while giving help, but has not requested redress for herself.
- When it realises that it may have made a mistake that has affected a boat, or indeed the whole fleet.

A protest committee can request redress for one or more boats. For example:

- During a protest hearing, it may learn facts that could justify redress for a party to the hearing. Once it has decided the protest, it should go on to consider redress even if the boat concerned did not request redress, without the need for fresh paperwork or a new hearing.
- It may become aware of a race management issue that is likely to result in several boats requesting redress. It can simplify the procedures by calling its own hearing to consider redress for them.

A protest committee is not compelled to act unrequested, but to do so is good practice.

IS THERE A TIME LIMIT FOR REQUESTING REDRESS?

Yes. See rule 62.2.

For a request arising from an incident on the water, it is normally the same as the time limit for raising a protest. Other requests must be delivered as soon as reasonably possible after the reasons for the request become known; For example, the reason for a request could be a disputed score in the results, which a boat did not learn about until several days after the event.

The protest committee must extend the time limit if there is a good reason to do so. Provided the request is raised promptly after the relevant information becomes known it should be accepted by the protest committee.

IS A REQUEST FOR REDRESS THE ONLY WAY TO GET A SCORE CORRECTED?

No. A race committee that realises that it has made a scoring error should correct it on its own initiative. Many events use special forms for boats to use to request a correction to a score. It would only be necessary for a boat to request redress if she is not satisfied with the race committee's response to the correction request.

HOW MUCH WORSE IS 'SIGNIFICANTLY WORSE'?

That is for the protest committee to decide.

Normally, a protest committee will not apply this limitation too strictly; the fact that a boat has asked for redress means that the issue is significant to her.

But it could be reasonable for a protest committee to decide that a boat's score has not been made significantly worse if the effect is limited to a few series places for a boat well down the scoring list, particularly if a hearing would delay a prize giving.

WHY MUST A BOAT NOT BE AT FAULT?

Simply, because that is what the rule says. A boat is not entitled to any redress if her actions contributed, even partially, to the worsening of her score. Specifically, the rules do not allow a protest committee to give reduced redress to take account of a boat's partial responsibility.

Redress is not a means of punishing a race committee, nor can you 'protest the race committee'.

There must be a direct link between something that did (or did not) happen and the worsening of a boat's score. If a mistake has been made, to get redress you must show that it was the mistake that affected your score not your own actions.

For example - if a starting signal is made 10 seconds late, that is an error, but a boat that was already OCS when the starting signal should have been made is not entitled to redress. Her score of OCS was entirely due to her own error and was not caused by the delayed starting signal.

Similarly, if a boat is damaged by a boat that was required to keep clear of her but she is able to continue in the race without losing any places, she cannot get redress for that race because her score has not been made worse. However, if she is unable to take part in the next two races of the series because her damage needs prompt attention she will be entitled to redress for those races.

TO GET REDRESS, MUST I ALSO PROTEST THE OTHER BOAT?

It depends on nature of the actions by the other boat:

- If she caused damage during an incident in which she broke a rule of Part 2, then a protest is not essential - but protesting is more likely to result in reliable evidence to justify the claim for redress.
- If it is claimed that the other boat's action was "unfair sailing" or "gross misconduct", this has to be proved in a hearing before any redress can be given.
- In the case of "unfair sailing", the other boat must be protested and found to have broken rule 2, Fair Sailing. Remember that, 'rule 2' is NOT a 'rule of Part 2'.
- Similarly, in the case of "gross misconduct", that must be proved in a hearing called under rule 69.2. Remember that a boat cannot protest another boat under rule 69. A rule 69 hearing must be called by the protest committee.

CAN SAILING INSTRUCTIONS REMOVE OR LIMIT A BOAT'S ENTITLEMENT TO REQUEST REDRESS?

Yes, provided that they also say that rule 60.1(b) is changed. However, it is rarely good practice to do this.

CAN ANY ACT OR OMISSION BY RACE OFFICIALS BE CHALLENGED WITH A REQUEST FOR REDRESS?

A boat may request redress in respect of anything an organizing authority or a race committee does or does not do.

A boat that is not a party to a hearing can request redress if she believes her score is unfairly made worse by a protest committee's decision.

A party to a hearing cannot request redress against the protest committee's decision (see rule 62.1(a)). Instead, a party that thinks the protest committee has made an error can ask for the hearing to be reopened (rule 66), or appeal (rule 70).

As a first step it is best to ask for the hearing to be reopened as this can usually be done quickly.

Remember that a reopening under rule 66 can be refused by the protest committee (unlike a request for redress, where a properly lodged request must be heard).

If a party is still unhappy with the result then his last option is to appeal.

WHEN REDRESS IS REQUESTED BY ONLY ONE OR A FEW BOATS, CAN THE HEARING BE OPENED UP TO OTHER BOATS THAT MIGHT BE AFFECTED?

Normally, only a boat that requested redress is entitled to be present throughout the hearing, but when a protest committee gives redress, it has to be as fair as possible to all the boats in the race. It can only do this by getting all the relevant information (remember that if abandonment is a possible outcome, rule 64.2 requires this to be done). This can be difficult if the incident affects many boats but only one or a few of these have requested redress.

Another problem arises if some boats think that redress given to other boats is unfair. These boats can ask for redress for themselves, claiming that the redress already given improperly affected their own scores.

Together these two problems can lead to a series of requests for redress, sometimes taking several days to resolve, and neither the process nor the outcome will satisfy many competitors.

There are two ways to avoid a series of redress hearings on the same issue.

The protest committee can invite the other boats affected to give evidence at the hearing. However, because witnesses must be heard one by one and cannot stay for the whole hearing, this can take a long time and leave the witnesses feeling left out of the process.

A better solution may be for the protest committee to use rule 60.3(b) to open the hearing to all boats affected, giving adequate notice of the time and place of the hearing, so that they can all be present throughout the hearing as parties, can speak, can hear the views of others and can ask questions. Often, the fairest outcome to a difficult problem will emerge from the competitors themselves.

IF A PROTEST COMMITTEE DECIDES THAT A REQUEST IS JUSTIFIED, DOES IT HAVE TO GIVE REDRESS?

Yes, but the redress must be 'as fair as possible for all boats affected'.

What is fairest for all boats may not always seem fair to some individual boats. For example, when many boats are seriously affected by a race committee mistake, the best redress may be to abandon the race concerned, and to resail it on a future day. That remains the right decision, even if only one boat asked for redress, and she is then not able to take part in the resail for which only one date is possible.

Sometimes it is not possible to identify any suitable redress, particularly for a race that is not part of a series. For instance, a boat is given misleading information by the race committee which results in her not reaching the starting line until after the starting signal. She races and gets a bad result. She asks for redress. The protest committee has no way of knowing what her finishing position would have been if she had started on time. So it is likely that any redress given would be seen by other boats as unfair to them.

WHAT TYPES OF REDRESS ARE POSSIBLE?

The protest committee can give whatever form of redress it feels is best, provided it meets the test of being fair to all the boats affected (see rule 64.2).

However, there are some options that are often used:

To Adjust the Boat's Score for the Race

If the protest committee decides to adjust a boat's score, rule A10 suggests giving her:

- a) Average points for all the other races in the series (rule A10(a)), or
- b) Average points for all the previous races in the series (rule A10 (b)), or
- c) The points for the position she was in at the time of the incident concerned (rule A10(c)).

Remember that these are only recommendations; in some cases it may be better to use the average of a different set of races or to use a different form of redress.

When option a) is used, all the other race scores in the series must be used to calculate the average. This means that the boat's actual score for the race concerned will not be known until the series is complete.

Using option b) has the advantage of giving the boat concerned a fixed score, which makes the situation clear for everyone for later races in the series.

When using option c) it is usual for the places for the boats that finished normally not to be changed. This means that there will be two boats with the same points, the boat which actually finished in that position and the boat given those points as redress. For example, if a boat is given points for second place as her redress, the race scores will be 1, 2, 2, 3, 4 etc. These duplicate scores of 2 points are fixed - they must not be treated as a tie to be broken by rule A7. Similarly, if the boat being given redress finished the race, there will be a gap in the race scores at the position she finished. For example, if she finished 20th, the race scores will be 18, 19, 21, 22, etc.

An exception to the above occurs when it is reasonably certain that the boat would have finished in a particular place if there had been no incident requiring redress. For example, if a boat is scored OCS, and is then able to show that the race committee wrongly identified her. She will normally be given the score for her actual finishing position, and the scores and positions of other boats will be changed accordingly.

Common sense has a part to play in deciding redress. Take a boat that is seriously damaged by a boat required to keep clear, when lying in first place in the first race of a 10 race series, such that she is not able to take further part in the event. Should she be given redress of first place for the race in question and in all the remaining races, so that this would result in her winning the event? At such an early stage of an event, that would be clearly speculative, as well as unfair to other boats. Judges will often limit the number of races for which they will give redress. ISAF Case 116 states the general principle that it is not fair to the other boats in the series to give her average points for half or more of the races that comprise her series score. In this extreme example, redress should not be extended to future races, and might even not be given for the race in question unless there were specific prizes for that race.

To Adjust the Boat's Finishing Time

Sometimes, the exact amount of time lost in an incident will be known. If so, it is possible to deduct that time from a boat's finishing time, so that new race scores can be calculated. However, this method of giving redress should be treated with caution, especially when it occurs in a long-distance race (perhaps after giving help to another boat). The affected boat, having lost time, may then be sailing in different winds or tides, compared with the boats she was previously near, and a fixed deduction from her finishing time can be either insufficient or excessive.

To Abandon the Race

This should normally be the last resort when it is not possible to construct an outcome for the race that is fair to all.

The fewer the boats affected, the less likely it is that abandonment is the best outcome.

Remember that the last sentence of rule 64.2 requires the protest committee to get as much information as possible before deciding on redress, especially if it is considering abandoning the race.

To Let the Results Stand

There may be no redress that is fair to the boat concerned. That should not lead to a race being abandoned if other boats had a satisfactory race.

To Make Some Other Arrangement

Special circumstances may require other arrangements, for example:

- To reinstate a boat's entry to an event after a hearing called to consider refusal of her entry (see rule 76.1).
- To correct an unfair handicap.
- To reallocate a prize.

SMALL BOAT SAFETY REGULATIONS

On 1 January 2008 ISAF introduced Category 6 Special Regulations for Inshore Races. As is the case with all special regulations, Category 6 will apply only when specified in the notice of race for an event. Competitors should be aware that the regulations may be invoked for events for all sizes of dinghy, from an Optimist upwards, and for day racing and similar keelboats.

Amongst other things, these regulations require boats to carry the following:

- A personal flotation device (PFD) for each person aboard to ISO 12402-5 -Level 50 or equivalent.
- A knife.
- If the hull is not self-draining or is able to carry more than 150 litres of free water, a bucket or bailer of not less than 1 litre capacity.
- If a trapeze harness is carried it shall be to ISO 10862:2009.
- A paddle or means of propelling the boat when not under sail.

Two associated changes to the Racing Rules of Sailing were introduced in 2009:

- All references to 'personal buoyancy' are replaced by 'personal flotation device' so that the terminology complies with the ISO standard quoted above, and
- 2005 rule 40.2 is deleted. The specification for a trapeze or hiking harness to have a quick release device is now in the quoted standard.

The full Category 6 Special Regulations can be downloaded at www.sailing.org/tools/documents/OSR2010AppL191107-%5B8006%5D.pdf.

For Protest Committee use

Hearing No:

Heard jointly with No:

<input type="checkbox"/> Before the start of a hearing, boat	accepts an exoneration penalty which is available for alleged infringement, in race
<input type="checkbox"/> Withdrawal requested by party, signed	<input type="checkbox"/> because exoneration penalty accepted, <input type="checkbox"/> other. <input type="checkbox"/> Withdrawal allowed
<input type="checkbox"/> Arbitration is available for protests at the event and has been <input type="checkbox"/> requested, or <input type="checkbox"/> offered. Arbitrator believes arbitration <input type="checkbox"/> is <input type="checkbox"/> is not suitable.	
<input type="checkbox"/> All parties agree to arbitration: or <input type="checkbox"/> party	does not agree. The hearing will be <input type="checkbox"/> arbitration <input type="checkbox"/> a full protest or redress hearing

Protest is: in time out of time, hearing is closed out of time, but time limit extended for good reason stated in Facts Found

All parties represented at the hearing: or the following party _____ was notified of the time and place of the hearing but did not come to the hearing: the protest committee decided to proceed with the hearing. Arbitrator sends case to protest committee for hearing

Parties protesting or requesting / being considered for redress or reopening represented by _____
Parties being protested / alleged to have made an improper act or omission represented by _____

	Yes	No	N/A	Remarks
Objection about interested party	<input type="checkbox"/>	<input type="checkbox"/>		
Written protest or request identifies incident	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
'Protest' hailed at first reasonable opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
No hail needed, protestee informed at first reasonable opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Red flag conspicuously displayed at first reasonable opportunity until finish	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Red flag not needed	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/> Protest or request is valid, hearing will continue, date of hearing _____				<input type="checkbox"/> Protest or request invalid, hearing is closed
Witness(es): (Name, boat number, called by) _____				Interpreter(s) _____

FACTS FOUND State what happened

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Diagram of boat _____ is endorsed by committee or Committee's own diagram is: attached not required

RULES THAT APPLY AND CONCLUSIONS

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DECISION
Protest is dismissed upheld, and in race number _____ boat _____ is disqualified invited to accept the exoneration penalty,
which is accepted not accepted, needing a full protest hearing penalized as follows

Redress is not given given as follows _____

Request to reopen hearing is denied granted: hearing to be reopened now at _____

PROTEST COMMITTEE Chaired by _____	Signed _____	Date and time _____
Other protest committee members _____		
Written decision requested by <input type="checkbox"/> protestor <input type="checkbox"/> protestee <input type="checkbox"/> requester Date transmitted _____		



DECISION

Choose hearing type

Protest / Request Number:

Event:

Race Number:

Hearing Date:

Heard Jointly with Number:

BEFORE THE START OF THE HEARING

An exoneration penalty - Choose from List *list boat names/numbers*

Withdrawal - Choose from list. *When withdrawal is requested, list the decision, parties and reasons for request and decision below*

Arbitration - Choose from List. The hearing will be - Choose from list *list parties that decline arbitration below*

PARTIES AND WITNESSES

Enter details and comments as required

Parties present - Choose from list

list parties not present

Hearing will continue: Choose from list

Parties protesting or requesting / being considered for redress or reopening represented by: *list names and parties represented*

Parties being protested / alleged to have made an improper act or omission represented by: *list names and parties represented*

Witness(es): *list names, boat number, party called by*

Interpreter(s) *list names, boats represented*

VALIDITY *select options*

Enter comments as required

Objections - Choose from list

Time Limit - Choose from list

Incident is identified - Choose from list

Hail - Choose from list

Red Flag - Choose from list

DECISION ON VALIDITY - Choose from list

FACTS FOUND State what happened

Diagram - Choose from list

RULES THAT APPLY AND CONCLUSIONS

DECISION

Choose from list *then detail applicable penalties and/or redress given below*

PROTEST COMMITTEE

Chaired by Date and time

Other protest committee members

Written decision - choose from list : *list parties requesting written decision and dates transmitted below*

RULES DISPUTES

INTRODUCTION

If an incident on the water in fleet racing is not resolved by a boat taking a penalty (one turn for touching a mark, two turns for breaking a rule of Part 2 of the Racing Rules of Sailing, retiring in other cases), then the normal outcomes are:

- A protest hearing which may result in a disqualification: this appears to have become less common
- A boat retires after finishing: this can happen
- Nothing happens, because there is no protest and no retirement: this has become too frequent

The RYA understands a reluctance to take matters to protest hearings, but no one in the sport should condone disregard of the rules. The RYA therefore recommends that clubs should consider adopting:

- (a) An Exoneration Penalty, which is less severe than disqualification, and is available after racing for many infringements; and
- (b) An Advisory Hearing and/or RYA Arbitration, two alternative ways of resolving disputes.

EXONERATION PENALTY

- The Exoneration Penalty is available for breaches of the rules of Part 2 (rules 10-24) and for touching a mark (rule 31), if a turns or scoring penalty under rule 44 could have been taken for the infringement at the time of the incident.
- The penalty is a 30% scoring penalty calculated as stated in rule 44.3(c), except that the minimum penalty is three places, but a boat shall not be scored worse than the number of boats that came to the starting area¹¹. However, if the boat caused injury or serious damage or gained a significant advantage by her breach her penalty remains retirement. The penalty may be varied in the sailing instructions according to the level of the event or number of competitors. For example, a 40% penalty with a minimum penalty of four places may be more appropriate at an Open Meeting or a National Championship.
- It may be accepted after finishing and before the start of any protest hearing.
- When it is accepted, a protest committee cannot penalise that boat further over the same incident, except under rules 44.1(b), 2 or 69.
- Once accepted, it cannot be withdrawn even if a protest committee later decides no rule was broken.

¹¹ If 'the number of boats that came to the starting area' is complicated it can be replaced by 'the score for Did Not *Finish*', although this will mean an Exoneration Penalty will not be less severe than disqualification for some boats (if rule 44.3, Scoring Penalty at the time of an incident, applies replacement is recommended)

PUTTING THE EXONERATION PENALTY INTO EFFECT

Adopting the Exoneration Penalty does not need either the Advisory Hearing or RYA Arbitration to be adopted, but the Exoneration Penalty is an essential part of RYA Arbitration. It may be decided that making the Exoneration Penalty available for a boat to accept will be sufficient. However, the use of one or both of the two alternative methods for resolving disputes is recommended, and can be stated to apply in the notice of race and in the sailing instructions. They are:

1. AN ADVISORY HEARING

Its purpose is to discuss incidents with an adviser and resolve them promptly in an informal but positive way, so that competitors understand the rules better. It is available only where there is no injury, serious damage, related protest or RYA Arbitration.

When an Advisory Hearing is requested, and if all parties agree to this procedure, an adviser will hear quickly what the parties have to say, decide whether the issues are clear enough without further evidence and, if so, say whether any boat broke a rule and, if so, which and why.

Redress is not available, but a race committee may agree to correct a mistake if it comes to light.

2. RYA ARBITRATION

Its purpose is to decide protests more simply and quickly; it is not suitable for incidents that resulted in injury or serious damage.

When a protest form is lodged, a boat may request RYA Arbitration, or the protest committee may suggest it. If the boats and a member of the protest committee or race committee agree that RYA Arbitration is suitable, one or more arbitrators (who may also be members of the protest committee) hear the evidence of the parties and decide whether any boat broke a rule and, if so, which and why. The arbitrator will then either invite a boat that appears to have broken a rule to accept an Exoneration Penalty or will decide that no boat broke a rule and, if accepted, then invite the protestor to withdraw the protest. When the decision is accepted by all parties, this will normally conclude the matter – a boat that takes a penalty shall not be penalised further with respect to the same incident unless she caused injury or serious damage or gained a significant advantage. When the decision is not accepted by any party, a protest hearing will follow.

The arbitrator may instead decide that the matter should be heard as a full protest, but a boat may still accept an Exoneration Penalty before the hearing thus avoiding the possibility of disqualification in most cases.

Because of the often complex nature of redress requests, as well as potential implications of their outcome for other boats and also appeal procedures, it is recommended that requests for redress are not normally heard by RYA Arbitration. Instead, they should be heard by a protest committee although, in apparently straightforward situations, it may be remembered that a protest committee can be fewer than three members.

SUMMARY

	ADVISORY HEARING	RYA ARBITRATION	PROTEST HEARING
Initiation	Oral request	Protest form	Protest form
Validity of protest notification	Not required	Required	Required
Time limit for a boat to ask for a hearing	None	Normal protest time limit; arbitration request may be made on the protest form related to the incident	Normal protest time limit
If one boat does not agree to participate -	- the hearing will not take place	- the arbitration will not take place, and it will be heard as a normal protest	- the protest committee will normally proceed if one party decides not to attend
Penalty	A boat may voluntarily accept an Exoneration Penalty if it is available for the rule broken, but she is not required to do so	Arbitrator may invite (but not require) a boat to accept an Exoneration Penalty if it is available for the infringement, or, if it is not, to retire (RET)	Normal disqualification or other applicable penalty
If there was injury, serious damage or a boat gained a significant advantage	Exoneration Penalty not available, the boat should retire	Exoneration Penalty not available, the boat should retire	Disqualification for not retiring
Redress	Cannot be awarded, but a Race Committee may correct an error that is identified	Not normally dealt with	Full range of redress options
Further options	None	Any party may seek to have the decision reviewed by calling for a full hearing of the protest or request by a protest committee ¹²	The decision may be appealed
Paperwork	None	Completed protest form	Completed protest form

¹² However, when an exoneration penalty is accepted,
 (a) neither the boat nor a protest committee may then revoke or remove the penalty.
 (b) the boat shall not be penalised further in a protest hearing when the protest committee decides that it was appropriate to the facts found and the applicable rules.

ADVISORY HEARING PROCEDURE

1. Competitor asks the race office for an Advisory Hearing and informs the other competitor(s).
2. The race office logs the request and informs the adviser, who checks that all competitors concerned are willing to attend and do not intend to lodge a protest or ask for redress. A hearing is convened.
3. Each competitor takes a few minutes to say what happened. Normally, only the adviser may call witnesses.
4. The adviser asks questions and announces the outcome. If the facts are clear, the adviser uses the rule book to explain the rules that apply and whether a rule was broken. If a rule was broken, and a boat accepts this, she should consider accepting an Exoneration Penalty if it is available for the rule considered broken, or otherwise consider retiring. She is not obliged to do this.
5. If the facts are not clear, the adviser will try to advise how the rules would apply to possible variations of the facts.
6. This procedure can be used instead of a request for redress to seek correction of a boat's score, in which case a race committee representative will attend. The race committee is not obliged to accept the decision of the adviser.

RYA ARBITRATION PROCEDURE

1. A boat will lodge a protest form in the normal way, and within the normal time limit
2. When RYA Arbitration is provided for in the notice of race and sailing instructions, its use may be initiated by any party (the protest form may provide for a protestor to ask for this) or by a member of the protest committee or race committee. The protest committee appoints one or more arbitrators, who will first establish that there was no injury or serious damage and/or that a boat did not gain a significant advantage. If they are satisfied, and if all parties agree, an arbitration hearing will be called, to take place as soon as possible in a quiet place, but with observers permitted to attend.
3. If the arbitrator judges the issue too complex, or if a party does not agree to arbitration, the issue will be heard as a normal protest.
4. If a party is not present, and therefore is not able to accept an Exoneration Penalty, it is recommended that the matter is heard by a protest committee. If RYA Arbitration was suitable, it may be equally suitable for the arbitrator to act as a one-person protest committee.
5. The arbitrator follows the same procedure as for a protest hearing (see Appendix M), starting with establishing whether the protest was valid. If it is, the parties then briefly state their case. They may question each other, and the arbitrator will question them.
6. The arbitrator may decide at any time during the hearing that the issue would in fact better be heard by a full protest committee, and may suspend the arbitration. Any boat may accept an Exoneration Penalty before the start of a full protest hearing (or retire if she caused injury, serious damage or, despite taking a penalty, gained a significant advantage – rule 44.1). However, the arbitrator may instead decide that hearing other witness evidence immediately will enable an immediate and clear decision to be made. Only the arbitrator may call witnesses.
7. The arbitrator establishes and summarises the facts, and states the rules that apply and the conclusions. A boat adjudged to have broken a rule is asked to accept an

Exoneration Penalty (or retire if she caused injury, serious damage or gained a significant advantage).

8. When a party accepts an Exoneration Penalty or decides to retire, the protestor is invited and allowed to withdraw the protest.
9. No party is obliged to accept an Exoneration Penalty or retire, and no party is obliged to accept that another party did not break a rule. In either case, the party is entitled to have the matter heard as a normal protest with a full hearing.
10. The arbitrator completes the protest form and returns it to the race office. If a full protest hearing is to follow, no new protest form from the party is needed, and the protest committee will attach a fresh second page to the protest form for its own hearing.
11. If, for any reason, the issue is not or cannot be resolved to the parties' satisfaction by RYA Arbitration and it then proceeds to a protest hearing, any party may accept an Exoneration Penalty at any time before the protest hearing starts (or retire if she caused injury, serious damage or, despite taking a penalty, gained a significant advantage – rule 44.1). An Exoneration Penalty, once accepted, cannot be withdrawn or removed, even if a protest committee later decides that a boat that accepted an Exoneration Penalty did not in fact break a rule.
12. When a boat accepts an Exoneration Penalty at RYA Arbitration or at any time before the start of a protest hearing, she will not be penalized further at the protest hearing if the protest committee decides that the penalty she has already accepted was appropriate to the facts it finds.
13. When RYA Arbitration proceeds to a full protest hearing, there is no objection in principle to the arbitrator being a member of the protest committee, but a protest committee may decide not to have the arbitrator as a member.

RECOMMENDED NOTICE OF RACE & SAILING INSTRUCTIONS

To put these procedures into effect – they may be modified to suit particular requirements of organizing authorities.

ADD TO THE NOTICE OF RACE:

The Exoneration Penalty and the Advisory Hearing and RYA Arbitration of the RYA Rules Disputes Procedures will be available (for information on the procedures go to www.rya.org.uk/go/rulesdisputes). Decisions from RYA Arbitration can be referred to a protest committee but cannot be reopened or appealed.

AND EITHER:

Post these procedures on the Official Notice Board, and add as applicable to the Sailing Instructions:

The Exoneration Penalty and the Advisory Hearing and RYA Arbitration procedures of the RYA Rules Disputes Procedures will be available. Decisions from RYA Arbitration can be referred to a protest committee but cannot be reopened or appealed. See the Official Notice Board for details.

OR

Add as applicable to the Sailing Instructions (choose a different percentage if desired):

X Exoneration Penalty

X.1 A boat that may have broken a rule of Part 2 of the Racing Rules of Sailing or rule 31 may, after finishing the race concerned and before the start of any related protest hearing, notify the race committee that she accepts an Exoneration Penalty (XPA) – a 30% scoring penalty calculated as stated in rule 44.3(c), except that the minimum penalty is three places, but she shall not be scored worse than the number of boats that came to the starting area¹³. However, if the boat caused injury or serious damage or, despite taking a penalty, gained a significant advantage in the race or series by her breach her penalty shall be to retire.

X.2 When an Exoneration Penalty is accepted:

(a) Neither the boat nor a protest committee may then revoke or remove the penalty.

(b) The boat shall not be penalized further in a protest hearing when the protest committee decides that it was appropriate to the facts found and the applicable rules.

Y Advisory Hearing

When there is an incident that will not result in the lodging of a protest or a request for redress, a boat may request an advisory hearing and notify any boat involved in the incident. An adviser will then call a hearing to learn what may have happened and, provided all parties are willing to attend, will state whether any rule appears to have been broken, and by which boat. A boat may as a result notify the race office that she accepts an Exoneration Penalty when it applies to the incident, or choose to retire, but is not required to do so.

Z RYA Arbitration

Z.1 When a protest is lodged, a boat may at the same time request RYA Arbitration, or the protest committee or race committee may offer it.

Z.2 If the parties and a member of the protest or race committee agree that RYA Arbitration is suitable, an arbitrator (who may be that member of the protest committee) will call an Arbitration Hearing. When the arbitrator decides that a boat that is a party to the arbitration hearing has broken a rule for which the Exoneration Penalty is available, the party will be invited to accept that penalty and, if accepted, the protesting boat will be allowed to withdraw the protest, changing rule 63.1.

Z.3 When there is not agreement to use RYA Arbitration or when, after RYA Arbitration, a protest is not withdrawn or the Exoneration Penalty is not applicable to the facts, there will be a normal protest hearing at which the arbitrator may be a member of the protest committee. Rules 66 and 70 (reopening and appeal, respectively) do not apply to the arbitration decision since this is not a protest committee decision or procedure. A boat may still accept an Exoneration Penalty at any time before the start of a protest hearing and receive its protection from further penalization. She may also retire.

¹³ If 'the number of boats that came to the starting area' is complicated it can be replaced by 'the score for Did Not Finish', although this will mean an Exoneration Penalty will not be less severe than disqualification for some boats (if rule 44.3, Scoring Penalty at the time of an incident, applies replacement is recommended)

RULES DISPUTES QUESTIONS AND ANSWERS

Q1. Can an arbitration hearing be re-opened under RRS 66 at the request of one of the parties or the arbitrator?

A1. No. Arbitration is closed when the arbitrator has made a decision. Once a decision has been made and accepted by all parties, the protest is withdrawn and the arbitration cannot subsequently be reopened. However, if the decision is not accepted by all parties, it will be heard as a normal protest by a protest committee. In addition, the arbitrator can refer the protest to a protest committee if he/she feels the matter is too complex for arbitration and he/she is unable to make decision.

Q2. Can redress be available for a boat that is a party to an arbitration hearing?

A2. It is recommended that requests for redress are not heard by RYA Arbitration unless in apparently straightforward situations. Also, a race committee, protest committee or party may ask that the request is heard at a full protest committee hearing.

Q3. Can redress be available for a boat that is not a party to an arbitration hearing?

A3. Yes, but any such request for redress should be referred to a full protest committee hearing.

Q4. Can an arbitration hearing decision be appealed under RRS 70?

A4. No. An arbitration hearing is not a protest committee hearing.

Q5. What should the arbitrator do should he/she suspect that, because of the non-binding nature of an RYA arbitration hearing decision, a competitor is using the service to 'fish for answers' and will then take those answers to a protest committee hearing?

A5. The arbitrator should close the arbitration hearing without making any decision and refer the protest to a full protest committee, and also consider submitting a rule 69 report to the protest committee.

Q6. Does the arbitrator's decision have to be non-binding?

A6. No. If stated in the notice of race and sailing instructions, it can be binding on the parties. However, this should be emphasised when determining whether the parties agree to have the protest heard by arbitration rather than by a protest committee.

Q7. Is the exoneration penalty calculated as a percentage of the total number of starters in the race concerned or the total number of entries to the event or series?

A7. The total number of entries to the event or series - see RRS 44.3(c).

Q8. Do other boats move up one place in the results scores when a boat takes an exoneration penalty?

A8. No – see RRS 44.3(c). The scores of the other boats shall not be changed; therefore, two boats may receive the same score.

Q9. Can a club use an exoneration penalty without RYA arbitration?

A9. Yes. If stated in the notice of race and sailing instructions, the exoneration penalty can be available for boats. The penalty must be accepted before the start of any protest committee hearing or before such other time as stated in the sailing instructions.

RYA RULES DISPUTES – WHAT TO DO

The best way of dealing with incidents (rules disputes) on the water, if no boat takes a penalty at the time, is to offer a choice of:
(i) an ADVISORY HEARING, (ii) RYA ARBITRATION or (iii) a PROTEST HEARING

ADVISORY HEARING



USE THIS IF YOU JUST WANT TO LEARN WHETHER YOU WERE IN THE RIGHT OR WRONG

- An incident has occurred and no party wishes to protest, but instead want to learn for the future from what happened
- No protest form is required
- All parties meet informally with a Rules Adviser
- The parties describe what happened
- The Rules Adviser explains what rules may have been broken and whether anyone was in the wrong
- No one is disqualified or penalised, although a boat in the wrong **may** accept an exoneration penalty (specified in the SIs and commonly a 30% scoring penalty) or retire

RYA ARBITRATION



USE THIS IF YOU WANT THE DISPUTE RESOLVED QUICKLY AND SIMPLY. THIS IS NOT AS FORMAL AS A PROTEST HEARING, AND THE POTENTIAL PENALTY NOT AS DAMAGING TO A BOAT'S SCORE

- An incident has occurred and a valid protest is lodged within the normal time limit
- All parties agree to opt for RYA Arbitration and meet with a Rules Adviser
- The parties describe what happened, and the Rules Adviser will decide whether any witnesses should be called
- The Rules Adviser explains what rules may have been broken and whether anyone was in the wrong
- A boat in the wrong is asked to accept the exoneration penalty
- No one is disqualified
- If the exoneration penalty is not accepted, the protest may go to a formal protest hearing
- There are very occasional scenarios when it is not possible or correct to resolve a dispute by RYA Arbitration and instead it has to be taken to a formal protest hearing

PROTEST HEARING

USE THIS IF THE DISPUTE IS COMPLEX, OR IF THERE HAS BEEN INJURY OR SERIOUS DAMAGE, OR IF YOU FEEL AN EXONERATION PENALTY WOULD BE INAPPROPRIATE

- An incident has occurred and a valid protest is lodged within the normal time limit
- A traditional formal hearing of the parties with a Protest Committee (usually of 3 people) will be arranged
- Any boat that has broken a rule will be disqualified

The aim is to encourage everyone to follow *The Racing Rules of Sailing*. This is only a guideline. For more detailed information see RYA guidance on 'Rules Disputes' in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance

COMPETITORS RETIRING OR WITHDRAWING A RETIREMENT

Q1. Are there any time limits, under the Racing Rules of Sailing ('RRS'), when a race committee may refuse to accept the retirement of a boat from a race or the withdrawal of such a retirement ('unretiring')?

A1. The RRS refers to retiring in the contexts of penalties and of scoring, but in neither case is there any reference to time limits or constraints. The RRS do not refer to unretiring; however, there is no rule that precludes a boat that has retired after finishing from withdrawing that retirement.

Q2. Is there a time after which a race committee should not accept a retirement or unretirement in the absence of good reason to do so?

A2. For the practical requirement of scoring a race, the end of the protest time limit (under rule 61.3, two hours after the last boat in the race finishes, unless the sailing instructions state some other time limit) can be used as the last time for accepting a retirement or unretirement from a competitor who is not a party to a protest. However, bear in mind that the protest committee shall extend the protest time limit if there is good reason to do so.

A party in a hearing can retire at any time before being asked to withdraw for the protest committee to consider its decision.

Q3. What should a race committee do if a retirement or unretirement is requested after the end of the protest time limit?

A3. The race committee should ask the competitor to state in writing why the 'late' request should be accepted. If the race committee considers that the statement gives a good reason for accepting the request, it should do so; otherwise, it should reject the request. Either decision, to accept or to reject, will be open to challenge by competitors through a request for redress. Alternatively, the race committee itself may wish to refer its decision to the protest committee (also through a request for redress), which can then decide:

- i. whether there are grounds to extend the time limit in order to hear the request; and
- ii. whether there are good reasons such that the boat's retirement or unretirement must be accepted by the race committee.

Q4. What circumstances might provide good reasons for accepting a late retirement or unretirement?

A4. The most likely situation is that the competitor learns that an action that he considered broke a rule did not, in fact, do so or *vice versa*. This information might come from the published outcome of a protest or redress hearing, or from conversation with another competitor or a race official.

DISCRETIONARY PENALTIES

The standard penalty for a breach of a rule in sailing is disqualification. However, it is becoming increasingly common for a discretionary penalty to be authorised for some rule breaches. Typical rule infringements that might attract a discretionary penalty are breaches of class rules, sailing instructions and some racing rules (for example, rule 55 - Trash Disposal).

The RYA does not support discretionary penalties for breaches of the Part 1 and 2 rules, except in the context of RYA arbitration or the Exoneration Penalty – see RYA guidance on ‘Rules Disputes’ in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance.

If discretionary penalties are to be used, careful thought must be given to the drafting of the sailing instructions and to which rule breaches will be subject to discretionary penalties.

The RYA’s recommended wording for sailing instructions to implement discretionary penalties, usually in the Protests section of the document, is:

The penalty for a breach of [insert reference to rules] is at the discretion of the protest committee (to be scored as ‘DPI’) and may be less than disqualification.

It is not necessary to amend rule 64.1 as it already states that alternative penalties may be used if they apply.

If the protest committee decides that a penalty greater than disqualification may be appropriate, then it should consider initiating action under rule 2 or rule 69.

How to Decide a Discretionary Penalty

When a protest committee has discretion to decide the appropriate penalty for a breach of a rule, the penalties available may range from no penalty to disqualification. However, it is important that consistent decisions are made when exercising this discretion. The RYA therefore recommends that the following guidelines be observed when assessing penalties.

Penalties should be considered in 5 bands:

- Band 0 – zero penalty
- Band 1 – 1% - 10% place penalty (mid-point 5%)
- Band 2 – 10% - 30% place penalty (mid-point 20%)
- Band 3 – 30% - 70% place penalty (mid-point 50%)
- Band 4 – Disqualification

Place penalties are more appropriate and applicable than time penalties, even in handicap racing. There may be some events where time penalties are appropriate, but these are likely to be rare.

1. The first step is to decide what band to start in. The protest committee should refer to the table below, where the RYA suggests bands for some examples of the more common breaches of rules that may result in discretionary penalties.

If a band is not recommended, then the protest committee will have to choose a starting band, using the examples where possible to assist.

BREACH	BAND
PERSONAL FLOTATION DEVICES, RULE 40	
Failure to comply with requirements when racing is postponed due to lack of wind and with a support boat in attendance	0
Failure to comply with requirements while racing	4
OUTSIDE HELP, RULE 41	
Help given to assist with safety (or in compliance with rule 1)	0
Help not permitted by rule 41 but with no advantage gained	2
Significant advantage or tactical information given	4
TRASH DISPOSAL, RULE 55	
If due to safety reasons	0
Such as the remains of a sandwich	2
Such as a glass bottle	4
IDENTIFICATION ON SAILS, RULE 77	
Incorrect placement	1
Failure to display sail numbers	1
Incorrect sail numbers and country codes	1
ADVERTISING, RULE 80	
Applied but fails to stay in place	0
Incorrect placement	1
Failure to wear bibs, display crew names etc.	1
CLASS RULES, RULE 78, AND OTHER REGULATIONS	
Sail set outside bands	2
Modification of manufacturer supplied and controlled equipment	3
Prohibited fairing or refinishing of hull/foil surfaces	3
Safety equipment missing or inadequate	4
Use of prohibited GPS or other electronics	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
- Significant effect on performance	4
ELECTRONIC EQUIPMENT PROVIDED BY ORGANIZING AUTHORITY	
Failure to collect or return equipment as required	1
Failure to install or comply with installation instructions	2
If equipment was installed but its functionality is interfered with	4
If a boat refuses installation of equipment	4
EQUIPMENT AND MEASUREMENT CHECKS	
Failure to comply with instructions – careless, but no other effect	1
Failure to comply with instructions – causing disruption to the inspection process	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

BREACH	BAND
ENTERING A PROHIBITED AREA If entered due to a navigational error If entered deliberately to gain advantage	1 4
STARTING AREA AND OTHER COURSE AREA RESTRICTIONS If boat does not interfere with an official boat or boats racing If boat interferes with an official boat or boats racing If contact occurs with an official boat	1 2 3
CHECK IN – CHECK OUT AND REPORTING RETIREMENT Failure to check-out before going afloat Failure to check-in coming ashore Failure to comply with check-in at Race Committee boat afloat Failure to comply with requirements for reporting retirement When non-compliance results in initiation of search and rescue	1 1 1 1 4
REPLACEMENT OF EQUIPMENT Failure to make prompt request for replacement where required Failure to comply with requirements for replacement afloat	1 2
CODE OF CONDUCT (NOT RULE 69) ¹⁴ Failure to comply with a reasonable request by an official Failure to handle supplied equipment in an appropriate manner	2 3
RADIO COMMUNICATION Having a prohibited communications device on board, but ensuring it was not used Using a prohibited communications device	3 4

2. The second step is to consider the following questions in order to decide if there is a reason, based on the facts of the case (beyond what is already defined in the table above), whether or not it is appropriate to increase the band or the penalty within the band:

- Was the breach deliberate? Increase band at least one level – and consider rule 2.
- Was there any attempt to conceal the breach? Increase band at least one level – and consider rule 2.
- Has the breach been repeated?
- Did the breach compromise the safety of competitors, race officials or general public?
- Did the boat gain a competitive advantage through her breach?
- Could the breach bring the sport or the organization into disrepute?
- Did the breach result in damage or injury?
- Was the breach a careless or cavalier disregard of the rules?
- Was anybody inconvenienced by the breach?

¹⁴ For RYA guidance on rule 69 penalties, see:

'Competitor Misconduct' on (yellow) pages 166-167 of the RYA version of the Racing Rules of Sailing 2013-2016, or

'Misconduct: a Reference for Race Officials' booklet at www.rya.org.uk/go/RRSguidance

3. The third step is to consider the following questions in order to decide if there is a reason, based on the facts of the case, whether or not it is appropriate to decrease the band or the penalty within the band:
- Was the breach necessary for the safety of the boat or her crew?
 - Was there a good reason or justification for the breach?
 - Was the breach reported by the competitor?

In general, the protest committee should apply the following principles:

- A change to a higher or lower band should only be done when justified by the facts of the case.
- Any penalty must exceed any likely gain.
- A discretionary penalty should not make a boat's score worse than retirement or disqualification.
- Percentage penalties are calculated and rounded to a whole number of points in accordance with rule 44.3(c). The penalty should be based on the size of the fleet on the day of racing (or if racing in flights, the size of the largest flight).
- 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.

In all cases, the protest committee's decision should adequately explain how the committee has come to any penalty. Deviating from this guidance is justified if there is a good reason to do so, but the protest committee should explain its reasoning in the decision.

ENVIRONMENTAL RESPONSIBILITY AND TRASH DISPOSAL

Introduction

The Basic Principle, Environmental Responsibility, states that participants are encouraged to minimise any adverse environmental impact of the sport of sailing. Fortunately, sailing has inherently fewer environmental impacts than many other sports, and the word 'minimise' recognises that few human activities are without environmental consequences.

'Environmental impact' is a wider issue than not polluting the water. 'Participants' are a wider group than just competitors.

This Basic Principle is not a rule, but it should be taken into account from the outset of any activity related to sailing - for instance, in the design, location and operation of facilities ashore. Environmental Responsibility is a core principle of the RYA, which is the joint owner of The Green Blue Project which provides much valuable information and guidance – see www.thegreenblue.org.uk.

Rule 55, Trash Disposal, states that a competitor shall not intentionally put trash in the water. So this creates an enforceable rule out of one aspect of environmental responsibility. This rule applies at all times when boats are on the water. In addition, competitors should comply with all international, national, regional and local requirements for the prevention of marine pollution.

There is no definition of 'trash' in the Racing Rules of Sailing (RRS). It is a word to be 'used in the sense ordinarily understood in nautical or general use' (see the Introduction to the RRS; Terminology.) One dictionary definition of trash is 'unwanted matter which has been discarded'. It is synonymous with 'rubbish' and 'garbage'.

Annex V of the MARPOL Convention, to which the UK is a signatory, prohibits the disposal of garbage from ships at sea. Garbage is defined under MARPOL as 'all kinds of victual, domestic and operational waste generated during the normal operation of the ship' with the term 'ship' being defined as 'a vessel of any type whatsoever operating in the marine environment'. It would therefore not be appropriate for notices of race or sailing instructions to permit the disposal of any garbage at sea that would be in breach of MARPOL. There are a number of exceptions to Annex V of MARPOL, the most notable of which relates to securing the safety of the ship and those on board, or saving a life.

ISAF Q&As

Note should be taken of the ISAF Q&As N001 (2013-004) published 18 February 2013, N002 (2013-028) published 17 June 2013 and N003 (2013-029) published 5 August 2013 (revised 15 January 2014):

N 001

Question

Is human excremental matter considered to be trash for the purpose of RRS 55?

Answer

No, human excremental matter is sewage and not trash. Competitors should however note that there may be other laws and regulations that apply.

N 002

Situation

It is common practice to prepare the spinnaker by tying it together with rubber bands at intervals, to prevent the spinnaker from filling during the hoist. Once hoisted and sheeted, the rubber bands will break, the spinnaker will open, and ultimately, the rubber bands will end up in the water.

Question 1

Does this action break new rule 55?

Answer 1

Yes

Question 2

If the answer to question 1 is yes, would it make any difference if the material used was biodegradable?

Answer 2

No

N003

Situation

Q&A 2013-028 N002 confirms that the common practice of preparing spinnakers using elastic or wool bands at intervals to prevent them from filling during the hoist breaks rule 55 when the spinnakers are hoisted and sheeted and the bands break and end up in the water, even if the material used is bio-degradable.

Question

What can be done to prevent boats from being protested under rule 55 each time they hoist spinnakers?

Answer

Rule 55 was introduced to support a development of sailing in a direction towards a higher level of environmental responsibility. Event organizers and officials should also comply with the basic principle in the rulebook about environmental responsibility. Simply deleting rule 55 is the opposite of that.

Boats can use different systems when hoisting a spinnaker other than elastic bands or wool (i.e. snuffers or socks). However, if the OA of an event considers it is advisable to allow the use of elastic or wool bands for reasons of safety or proper seamanship, **and provided that no national or local law or regulation is broken**, they may change rule 55 by, for example, including in the notice of race and sailing instructions words to the effect of:

Notice of Race

RRS 55 will be changed in the sailing instructions by adding the following sentence to the rule: 'However, discarding elastic or wool bands when setting a sail will not be considered a breach of rule 55.'

Sailing Instructions

RRS 55 is changed by adding the following sentence to the rule: 'However, discarding elastic or wool bands when setting a sail will not be considered a breach of rule 55.'

RYA Recommendations

The objective should be prevention rather than penalization. Organizing authorities should use draft sailing instruction L24 to encourage and enable competitors that are likely to be afloat in small boats for lengthy periods to dispose of trash onto support or official vessels.

If for reasons of safety or proper seamanship clauses are included in notices of race and sailing instructions as suggested in ISAF Q&A N003, the RYA recommends that only natural or organic material (such as cotton and wool) is permitted.

The environmental impact of any particular type of discarded matter will vary. A glass bottle has a near-infinite life in water, whereas the remains of a sandwich will disperse and degrade relatively rapidly. It is clear that there can be a very wide range of possible breaches of rule 55. The RYA therefore recommends that, in the sailing instructions, this rule is made subject to discretionary penalties (DPI) from the protest committee.

Draft Sailing Instruction

The following are recommended:

xx TRASH DISPOSAL

Trash may be placed aboard support or official boats.

The penalty for breaking rule 55, Trash Disposal, is at the discretion of the protest committee (DPI) and may be less than disqualification.

IRC RATING PROTESTS

1. Preamble

This guidance focusses on protests concerning alleged breaches of IRC measurement rules. It should be read in conjunction with the RYA guidance on Measurement Protests.

2. Who is the “authority responsible for interpreting the rule”?

For the purposes of rule 64.3(b), the authority responsible for interpreting the rule is the IRC Rating Authority. See IRC rule 4.1.

General contact is via info@rorcrating.com and irc@uncl.com. It is recommended that requests are copied to both addresses. The IRC Rating Offices are not normally open outside of office hours or at weekends. It is recommended that event organisers for significant events contact the IRC Rating Authority before the event to agree a contact point should this become necessary.

The authority responsible for interpreting the IRC rule specifically does not include equipment inspectors, IRC measurers or any other third parties.

2. When is a boat non-compliant with her IRC certificate?

A boat's rated dimensions are declared on her certificate.

When any rated dimension is found to exceed a maximum value or to be less than a minimum value, then the boat is not in compliance with her certificate. See IRC rule 8.10.

The values declared for **LH, Hull Beam, Draft**, x, P, E, J, FL, MUW, MTW, MHW, LLmax, HSA, PY, EY, LLY, LPY, SPA and STL are maximum values. See IRC rule 8.10.1.

The values declared for **Boat Weight**, BO, h, SO, y and **Internal Ballast** are minimum values. See IRC rule 8.10.2.

Dimensions above in bold text are defined in the Equipment Rules of Sailing, Part 2, other dimensions are defined in IRC rule, Appendix 1 (Measurement Definitions).

For series production boats, rated dimensions may have been standardised by the Rating Authority and these dimensions are not subject to protest. Protest committees should check with the Rating Authority before finding that such a boat is non-compliant. See IRC rule 9.5.

Measurement must be carried out in accordance with the definitions and procedures in the ERS and the IRC Rules and measurement accuracy must be taken into account in deciding whether a boat complies with her certificate.

Note: measurement accuracy does not refer to the tolerances defined in IRC rule 9.8. Those are for the sole purpose of rating reviews and (if relevant) protests. Accuracy in this context means accuracy of measurement and recording of rated data.

IRC Rule 12.1 states that all linear measurements are recorded in metres to two places of decimals, i.e. to the nearest centimetre. Non-compliance therefore requires a discrepancy of at least 5mm. To this must be added any uncertainty arising from the measurement. In good conditions, this should not generally be greater than an additional 5 mm, resulting in a practical tolerance in most cases of 10mm.

Weight is recorded to the nearest 10kg. The uncertainty in this instance relates primarily to the load cell accuracy. This is often quoted as a percentage of maximum load. Load cells used by the IRC Rating Authority have a quoted accuracy of +/-0.2% of maximum load, i.e. a load cell rated for 10 tonnes (10000kg) will have an accuracy of +/-20kg. Most load cells also read to the nearest 10kg adding another 5kg to this.

Generally, therefore, linear dimensions in error by greater than 10mm, and weights in error by greater than 0.2% of load cell capacity +5 kg, can be taken to mean that the boat is not in compliance with her certificate. For HSA and SPA (i.e. areas), non-compliance will be indicated by the compounded linear errors.

3. When does an IRC certificate become invalid?

Change of ownership and/or any changes in sail number automatically invalidate the rating certificate. See IRC rule 8.8. A boat on charter has not changed ownership, her certificate therefore remains valid.

Otherwise, only the IRC Rating Authority may declare invalid, withdraw, or re-issue an IRC certificate. A protest committee has no authority to declare an IRC certificate invalid.

The Rating Authority may withdraw a certificate when it has evidence that the boat does not comply with her certificate or for other reasons. See IRC rule 8.11.

A certificate may be declared invalid as a result of a rating review, see section 10 below.

Owners are required to declare all physical changes to the boat that might affect the performance of the boat; this may result in the certificate being invalidated. See IRC rule 8.9).

Clearly, actions such as polishing the hull or adjusting rig tension before a race will affect the performance of a boat. IRC rule 8.9 is not intended to prevent these and other similar practices. It is aimed at physical changes which might affect the rating; removal or addition of ballast, removal of furniture or other fit-out, modifications to hull, keel or rudder, etc. The IRC Rating Authority will advise in specific instances.

A list of all boats holding current valid IRC certificates and their Time Correctors (TCCs) is published on www.ircrating.org, which is updated daily.

4. What is an IRC one-design certificate?

IRC one-design certificates are clearly identified by the words (irrespective of the certificate print language) ONE-DESIGN adjacent to the TCC.

A one-design certificate requires that, in addition to the IRC rules, the boat must comply with the one-design class rules. In the event of conflict, the IRC Rules take precedence. See IRC rule 13.7.

Protest committees will need to refer to the relevant one-design class rules.

5. What is an IRC Endorsed Certificate?

A Notice of Race may require that boats hold an Endorsed IRC certificate.

IRC Rule 8.5 defines an Endorsed certificate as: "*An ENDORSED IRC certificate is one for which the data on the certificate has been audited and if necessary verified by measurement, or other methods in accordance with current published standards.*"

The identification printed on an endorsed certificate is:



The requirement to hold an endorsed certificate is invoked by a Notice of Race, therefore a boat failing to comply breaks a rule of the Notice of Race rather than an IRC rule.

6. What is an IRC short-handed certificate?

See IRC rule 8.2.1.

A short-handed certificate is an additional certificate, valid only for races specifically designated as short-handed (i.e. for no more than 2 crew) in the Notice of Race.

A boat holding a short-handed certificate is not permitted to use her primary certificate for short-handed races. However a boat without a short-handed certificate may use her primary certificate for all IRC races.

A short-handed certificate will be clearly identified as such and may specify a different configuration from that on the primary certificate.

7. Crew number/weight

Boats with one design certificates must comply with their one-design class rules in relation to crew number/weight. See IRC rule 22.4.1.

Otherwise, the crew weight shall not exceed 85kg multiplied by the Crew Number printed on the certificate. See IRC rule 22.4.2. This rule does not apply to short-handed certificates.

These requirements may be changed by the notice of race. See IRC rule 22.4.1.

Crew Number is printed in the centre of the Information box on the IRC certificate.

8. Crew classification

There are no rules on the classification of crew within IRC unless stated in a Notice of Race. See IRC rule 22.5.1.

9. Protest decisions

When a boat is found to be non-compliant with her certificate (see section 2), she is to be penalized for the race for which the protest is valid. See IRC rules 8.10, 13.3 and rule 78.1.

IRC rules give the protest committee options for penalties other than disqualification. However, if the protest committee wishes to consider these options, a new certificate is required because the penalty options available depend upon the magnitude of the resulting change to the TCC. See IRC rules 10.3 and 10.4

A protest committee does not have the power to order that a new IRC certificate be issued. Therefore, when it finds that a boat does not comply with her certificate, it is recommended that the protest committee requests a rating review (see section 10 and IRC rule 10.1). If the review cannot be completed before subsequent races, the boat may be allowed to continue racing pending the conclusions of the review. See the RYA guidance on Measurement Protests, section 8.

Note: IRC rule 10.1 permits the IRC Rating Authority to charge a fee for a rating review. No fee is normally charged although the Rating Authority reserves the right to charge in cases of abuse.

If no rating review is requested, the only penalty available to the protest committee is disqualification.

When, as a result of review, the TCC increases, the IRC Rating Authority will invalidate the existing certificate and will normally issue a new certificate with a corrected TCC. See IRC rule 9.9.

In all cases where the TCC increases as a result of an error by a Rule Authority or the Rating Authority of which the boat could not reasonably have been aware, the penalty to be applied is at the discretion of the protest committee. See IRC rule 10.3.

In all other cases:

- When the TCC is increased by not more than 0.005, the original certificate remains valid until the time of the protest. The penalty to be applied is at the discretion of the protest committee. See IRC rules 9.6 and 10.4.
- If the TCC increases by more than 0.005, the original certificate is invalidated from the date of issue. In this case, the boat was effectively racing without a certificate and there is no provision for a discretionary penalty. The boat is to be disqualified. See IRC rule 9.7.

In addition, when IRC rules 10.3 or 10.4 are found to apply, the protest committee may order that races in the event scored with the invalid rating are to be re-scored with the corrected rating.

Note: if the TCC increases by more than 0.005, the option to re-score is not available.

10. IRC Rating Review

IRC Rating Review provides a mechanism for checking the validity of a certificate. IRC rule 9 defines the process.

A rating review may be requested by the owner for his own boat (a first party review) or by an interested party (a third party review), which includes not only other boats but also bodies such as race committees or protest committees.

See section 9 above, for why a protest committee may need to request a rating review

Rating reviews are conducted by the IRC Rating Authority and generally a protest committee will not be directly involved.

When a boat is penalised by a protest committee as a result of her certificate being invalidated by a rating review, the boat is responsible for measurement and rating costs. Otherwise the protestor is responsible for costs. See IRC rule 10.5.

11. Penalties

When a protest committee has discretion to decide the appropriate penalty for the infringement, the penalty may range from no penalty to disqualification.

The following guidelines are recommended in assessing penalties:

- The option to impose a penalty less than DSQ should not normally be used when the protest committee is satisfied that the breach was deliberate. In such cases, the protest committee should also consider action under rule 2 or 69.
- Except in the most trivial of cases or when the non-compliance arises from an error by the Rule Authority or Rating Authority (see above), non-compliance with an IRC certificate should always attract at least a 20% place penalty.
- For more significant infringements, the penalty should increase to 50%.

- If a more significant penalty than a 50% place penalty is considered appropriate, then the proper penalty is probably disqualification.

The penalties above are suggested for a first offence. The penalty for subsequent breaches should normally be greater. Any penalty should exceed any possible gain.

12. Practical issues

In the majority of cases it is probable that some measurement will be required. If the event has appointed an equipment inspector, then that person will be able to carry out the necessary work. Otherwise, the protest committee is recommended to contact the local IRC Rule Authority to locate a measurer. Contact details are given for all countries on www.ircrating.org.

In some instances, particularly with large yachts, it may not be possible to conduct the required re-measurement immediately. This does not however prevent a protest committee from ordering the re-measurement; it simply means that the regatta results will be subject to the eventual outcome. This is, however, a very rare occurrence.

It is impractical to list on an IRC certificate every detail of a boat's measurement record, but the notes towards the top of each certificate provide basic detail. The IRC Rating Authority will always be happy to provide such further information as it holds.

It is also likely that there will be occasions when a protest committee receives conflicting advice. If the protest committee is unclear about the meaning of the IRC rules it should contact the IRC Rating Authority with the full background and information.

MEASUREMENT PROTESTS

Introduction

This guidance note focusses on protests concerning alleged breaches of measurement rules. It does not directly address protests concerning other aspects of class rules, although some of the principles are applicable to such protests.

Important note: *although a handicapping or rating system (for example, IRC) will cater for boats of different physical classes, or of none, the rules of such a system are also class rules for boats racing under that system (see the definition of rule). Except where stated otherwise, references to class rules in this document include the rules of a handicapping or rating system.*

When a boat of a 'class' is racing under a handicapping or rating system, the 'class' rules will usually only apply to the extent that the rating or handicap is calculated on the basis that some or all of the 'class' rules apply (see ISAF Case 98, question 4). Check the rules of the rating or handicapping system.

1. What is a measurement protest?

Measurement rules govern the physical characteristics of a boat, for example: dimensions, weight, construction, placement of fittings, sails and their material, required or prohibited equipment, etc.

A measurement protest is an allegation that a boat does not comply with the measurement rules; it may be an allegation that a measurement declared on a rating certificate is incorrect.

2. When is a boat non-compliant with her class certificate?

A boat's certificate is a statement that, when issued, the boat had satisfied the certification process specified by her class rules. In the case of a rating system the certificate will usually state the boat's rating and include critical dimensions and details of required or prohibited equipment.

The possession of an in-date certificate does not guarantee that a boat currently complies with her class rules. She may be non-compliant for many reasons, including wear and tear, repairs, replacement of equipment, new sails, deliberate modification, etc. A certificate may remain valid even though the boat does not comply with class rules.

A boat is non-compliant with her certificate when she fails to comply with

- any class rule governing the physical characteristics of the boat;
- for a rating certificate, declared dimensions or physical characteristics used to calculate her rating regardless of whether these are documented on her certificate. Note that class rules may permit non-compliance that would not improve a boat's rating.

3. When is a measurement rule broken?

A boat breaks a measurement rule when she fails to comply with that rule while racing.

It is not reasonable to assert that a boat has broken a measurement rule while she is ashore, on her mooring or while sailing between the events of a series longer than a regatta. For example, a boat required to carry only one mainsail but which keeps a second mainsail on board doesn't break the rule unless she has the additional sail on board while racing. Many boats race under several handicap/rating systems with a different configuration for each;

under IRC, for example, a boat may simultaneously hold certificates for fully crewed and short-handed racing.

A boat also breaks a rule if she fails to comply with pre-or post-race measurement or equipment checks required by the notice of race or sailing instructions. These normally exist to ensure that the boat will comply, or did comply, while racing.

A boat that fails a pre-event check should, whenever possible, be given the opportunity to correct her non-compliance before racing begins. If she cannot do so, she is rendered ineligible to race. If she races without correcting the problem, she should be protested under the relevant rule and, subsequently, action under rule 69 may be considered.

A boat that fails a post-race check has usually broken the relevant measurement rule while racing.

4. Who can protest?

The race committee, the protest committee or a competitor may protest if they have reason to believe that a boat does not comply with a measurement rule.

No other person or body may protest. Specifically, a class association, event measurer/inspector, National Authority, etc. have no right to protest a boat.

The race committee or protest committee are not normally required to protest: the primary responsibility for protesting lies with the competitors.

However, an equipment inspector/measurer appointed for the event, who decides that a boat does not comply with the class rules, is required to report the issue in writing to the race committee. In this case, the race committee must protest the boat concerned (see rules 78.3 and 60.2). A representative of the race committee should outline what is alleged. The equipment inspector/measurer appointed for the event is present as a witness. It is usually necessary to have the inspector/measurer available to the hearing until all possibilities of needing to question him or her have ended.

The protest must comply with the requirements of rule 61. In particular, it must contain specific details of how the protested boat is alleged to be non-compliant with the measurement rules: e.g. a sail, when set, extends beyond the black bands.

5. Action by the Protest Committee

If a measurement protest is received, there must be a hearing. The protest committee is responsible for deciding the issue; it cannot delegate the decision to another body, for example the class association (see below).

To give competitors a fair opportunity to correct an issue, protests resulting from pre-race checks should, if possible, be heard before racing begins.

As with any other protest, the protest committee must check validity at the start of the hearing; the requirements of rule 61 must be met. The protest should be rejected if the description of the alleged non-compliance is not specific. A general allegation that "the boat does not comply with the class rules" is not sufficient.

Hear all relevant evidence from the parties (see section 6 below). Obtain additional evidence if required. Call expert witnesses if necessary to clarify the meaning of a rule or the effect of a breach, for example a class measurer if there is one present at the event. *Note: this is not the same as referring the matter to the rule authority for a binding interpretation under 64.3(b)).*

Provided the protest committee is sure of the meaning of the relevant rule(s), it can decide the protest; there is no requirement to defer to a third party.

However, if, after taking all the available evidence, the protest committee is unsure about the meaning of a rule, it must request a ruling from the rule authority (see rule 64.3(b)). The reply is then binding on the protest committee. The request must restrict itself to a ruling on

the meaning of the specific rule(s) concerned; it is not a request for the rule authority to decide the protest. See section 13.

The protest committee must decide the case; it must do this, even if the decision does not meet with the approval of a measurer that reported the issue or of the rule authority.

If the decision is that the boat is in breach of a rule, penalize the boat as appropriate. See section 11 below.

6. What evidence may be required?

- The class or other relevant measurement rules themselves and any associated documents.
- When the protest results from a report from an event measurer/inspector under rule 78.3, that report is essential evidence.
- An explanation of why the protestor believes the protested boat has broken a rule.
- An explanation of why the protestee believes the boat complies with the rule.
- Measurement of the disputed dimension or requirement. This must be carried out in accordance with class measurement requirements, e.g. specified measurement tolerances, required measurement equipment, etc.
- If the protest committee is unsure of the meaning of the relevant class rule(s), obtain an interpretation from the class rule authority. See sections 5 and 13.
- If a deviation from a rule is found, how did it occur? Rule 64.3(a) makes special provision for non-compliance caused by damage or normal wear. See section 11 below.

7. Must measurement be done by an authorised measurer?

Not unless specified in the class rules, but this is strongly recommended, especially if the disputed measurement is close to tolerances or requires special equipment.

8. What if measurement evidence (or a class authority ruling) can't be obtained immediately?

There may be many reasons why measurement evidence can't be obtained immediately: for example no suitable measurer is available; a large boat may require lifting facilities; specialist measuring equipment may be required, etc.

Adjourn the hearing until the necessary measurement, etc. can be carried out.

If the required evidence cannot be obtained before the next race in the event, the protested boat may be allowed to continue to race, in which case the protest committee should protest her for each race to ensure that any penalties that may eventually be required can be applied to all races affected.

9. Who pays for measurement?

There are often costs associated with measurement, and for large boats these can be substantial. Costs are usually paid by the unsuccessful party to the protest (see rule 64.3(d)). This includes the race committee if they are the protestor.

The protest committee can decide on a different allocation of costs but, in deciding, it has a duty to be fair to the protested boat.

10. What if the protested boat declines measurement?

The protest committee has the power to require measurement if it is necessary to resolve the case. This must be decided by the protest committee based on the circumstances of the case; no competitor or other body has the right to insist that a boat be measured.

Consider why the boat is declining measurement. If cost is the issue, for example because a large boat requires an expensive lift-out for weighing, checking measurement, etc., rule on who is responsible for the cost.

Making it clear prior to the hearing that the unsuccessful party will bear the cost can help to reassure the protestee and discourage malicious or opportunistic protests.

If measurement evidence is essential to decide the protest and the protested boat continues to refuse measurement, the protest should be dismissed and the matter reported to the class association or rating authority.

If the protest committee considers the refusal may be intended to conceal a known breach of a class rule it should consider taking action under rule 69.

11. Action by PC when non-compliance is found

When non-compliance is found, the penalty is disqualification for all races within the scope of the protest, unless some other penalty is specified in the sailing instructions or the class rules.

However, rule 64.3(a) makes special provisions for cases in which non-compliance is found to have been caused by damage or normal wear. If the performance of the boat is not affected, the boat should not be penalised. The boat must not race again until the non-compliance is rectified unless the protest committee decides this is impractical.

If the competitor could not reasonably have been aware of the non-compliance (for example, if it was caused by factors beyond the competitor's control, such as an error by a measurer or an incorrect calculation by a rating authority), the protest committee should consider ISAF case 57 "*When a current, properly authenticated certificate has been presented in good faith by an owner who has complied with the requirements of rule 78.1, the final results of a race or series must stand, even though the certificate is later withdrawn.*"

If the non-compliance may have been deliberate the protest committee should consider whether rule 2 or rule 69 is applicable.

If the non-compliance may affect the handicap or rating of the boat, the PC may apply to the rating authority for a rating review if permitted by the class rules. This may allow the boat to continue racing with results re-scored when the new rating becomes available. *Note: re-scoring action may be specified in class rules.*

Except as described above, if a penalised boat competes in subsequent races in the event without correcting the non-compliance, the boat should be protested for each such race and the protest committee should consider action under rule 69.

12. What if the boat appeals the protest decision?

See rule 64.3(c). If the boat states in writing that she intends to appeal the decision, she may continue to race in that event without making changes to the boat. If she gives no written notification, fails to appeal or the appeal is decided against her, she is to be disqualified from any subsequent races in the event in which she races without making the required changes to the boat. No further hearing is required. *Note: a boat cannot appeal the decision of an International Jury.*

13. Who is the Rule Authority?

A request for an interpretation of a class rule under rule 64.3(b) must be submitted to "an authority responsible for interpreting the rule". This body may be specified in the class rules. Otherwise, it is the class association committee. An interpretation given by the Rule Authority is binding on the protest committee.

Unless the class rules say that a class measurer present at an event is a rule authority for the purposes of rule 64.3(b), evidence given by a class measurer is not binding on the protest committee and should be considered alongside any other evidence.

PERMITTING USE OF AN ENGINE

(AND OTHER METHODS OF PROPULSION)

The default situation is that the use of an engine (or any other method) for propulsion while *racing* (therefore, at any time between the preparatory signal and finishing and clearing the finishing marks) breaks rule 42.1, Propulsion: Basic Rule. In the racing rules, there is no alternative to retirement when a boat realises that she has broken rule 42, and no option other than to disqualify a boat that is found by a protest committee to have broken rule 42, unless some other penalty applies.

Rule 42.3(h), Propulsion: Exceptions allows various sorts of force to get clear after grounding or a collision, but the use of a propulsion engine is explicitly not permitted.

Rule 42.3(i), Propulsion: Exceptions, says:

Sailing instructions may, in stated circumstances, permit propulsion using an engine or any other method, provided the boat does not gain a significant advantage in the race.

PROPULSION BY ENGINE TO GET CLEAR AFTER GROUNDING OR A COLLISION

When a race committee does not want a boat that uses her engine in this way to have to retire, there are two options. It can decide not to avail itself of rule 42.3(i), but have a sailing instruction that requires a boat which uses her engine to get clear after grounding or a collision to report it to the race committee. The sailing instruction then changes the penalty to one that is less than disqualification, either a Scoring Penalty under rule 44.3(c) (perhaps changing the penalty), or an increase to the boat's elapsed time. (Except as permitted by rule 42.3(i), it is not possible for sailing instructions to change rule 42 – see rule 86.1(a) and (b)). A suitable sailing instruction might be:

When a boat uses her propulsion engine to get clear after [grounding] [or] [a collision], she need not retire, provided that she stops using her engine as soon as she is clear, but may instead accept [a [___%] scoring penalty under rule 44.3] [a ____ penalty] by notifying her use of engine to the race committee within the time limit for [protests] [declarations].

Alternatively, the race committee can use rule 42.3(i) to allow free use of an engine to get clear after grounding or a collision.

The race committee needs to decide whether the exemption relates to grounding, a collision or both. A suitable sailing instruction might be as follows:

A boat may use her propulsion engine to get clear after [grounding] [or] [a collision] and shall stop using the engine for propulsion as soon as she is clear.

That rule refers to gaining a significant advantage in the race. When the engine is used only to get clear, then this does not constitute a significant advantage, even if the boat would have lost many more places without using the engine, and even if she can get clear more quickly than a boat with no engine.

PROPULSION BY ENGINE OR BY OTHER NORMALLY PROHIBITED METHODS, IN OTHER SITUATIONS

Safety when Crossing Shipping Lanes or Avoiding Commercial Shipping: Complying with Other Legal Requirements

A suitable sailing instruction might be:

When a boat needs to avoid commercial shipping, or needs to comply with the IRPCAS or government rules to cross or depart from [a shipping channel, zone or lane] [*the.....*], she may use her engine or manual propulsion to do so. When she initially gains a significant advantage from this propulsion, she may continue to use that propulsion to remove that advantage.

The boat shall then, within the time limit for [protests] [declarations] report this in writing to the [race] [protest] committee, stating the time when the engine or other propulsion was employed, the course and speed made good under power or manual propulsion and the time the propulsion ceased. [A copy will be posted on the official notice board.] When a protest committee decides that the only infringement by boat that is protested for breaking this sailing instruction was the gaining of a significant advantage, the penalty will be at its discretion.

Guidance for Race Committees

When the sailing instruction requires a report to the race committee, it should send the report to any protest committee that is in being, unless it has already decided to protest the boat.

Guidance for Protest Committees

When a protest committee receives a report or declaration of the use of propulsion, it should protest the boat if there is a possibility that the sailing instruction was broken, or if significant advantage may have resulted.

If there was good reason to use the propulsion, but the gaining of a significant advantage was unavoidable and was not corrected, it would be appropriate for the penalty to be added time or a worse score to negate that advantage when the sailing instruction allows for a discretionary penalty. However, when there is use of propulsion not permitted by rule 42.1 or by the sailing instruction, or in circumstances that are not stated in a sailing instruction, the appropriate penalty will be disqualification.

Engine Propulsion after the Preparatory Signal to get to the Starting Area

If it is desired to allow this under rule 42.3(i) (perhaps best suited to less formal evening racing), the sailing instruction below is suggested:

A boat may use her engine after her preparatory signal in order to get to the starting area, provided that before she starts she stops using her engine for propulsion and then takes a penalty by [making a complete 360⁰ turn] [*some other provision*].

PROTECTING BOATS BEFORE THE START

Background

The Racing Rules of Sailing offer two methods to protect boats before their start from interference from boats that have been racing or intend to race in a later start. Rule 24.1, which always applies and applies on all parts of the course, noting that a boat is racing from her preparatory signal, says:

If reasonably possible, a boat not racing shall not interfere with a boat that is racing.

A sailing instruction can also make the starting area a prohibited zone for boats that have been racing, or intend to race in a later start, as recommended in Appendix L11.3 and LE14.3:

Boats whose warning signal has not been made shall avoid the starting area during the starting sequence for other races.

While these should be sufficient in most instances, some race committees have adopted different sailing instructions to achieve the same objective. The rule and draft sailing instruction both deliberately do not use the term 'keep clear', but that term has been observed in sailing instructions intended to protect boats before their start. That has unintended consequences and complications, since in any situation there must be only one right-of-way boat, and therefore only one 'keep-clear' boat. No sailing instruction can change a primary right of way rule (RRS 10 to 13). The correct approach is to place a restriction on the right-of-way boat or to place a further obligation on the keep-clear boat.

Recommendations if further protection is thought to be needed

1. Give the race committee the power to penalize a boat without a hearing, for instance with a sailing instruction such as:

'SI xx.x When the race committee sees a boat breaking rule 24.1 it may, without a hearing, [disqualify her from her nearest race] [penalize her in her nearest race with a xx% scoring penalty calculated as stated in rule 44.3(c)], notifying her in the race results. This changes rules 63.1 and A5.'

2. Use a sailing instruction to require boats whose warning signal has not been displayed to keep out of a clearly defined area which includes the starting line. For example:

'SI xx.x Boats shall not enter the area bounded by the following Navigation Buoys until [n minutes before] their Warning Signal: [e.g., West Bramble, South Bramble, Prince Consort and Gurnard.]'

3. Use clause L11.3 in sailing instructions and reinforce it by defining, if possible, the starting area.

Note

These measures can be effective only against boats that have been racing or are intending to race. Other boats that stray into the starting area are subject to the rights as well as the obligations of the IRCAS or local navigation rules.

PROTECTING COMMITTEE BOATS

The Problem

It is common practice for organizing authorities and race committees to borrow boats for use as committee boats. Many owners lend their boats but are aware that there is a substantial risk of collision and resultant damage to the committee boat, particularly during the starting sequence. Therefore the race committee often protects the committee boat with objects such as fenders, dinghies or RIBs, sometimes securing them with a long line.

Unless care is taken to comply with the definition *Mark* in the RRS an attachment may become an obstruction that is not a mark (or part of one) thus falling outside the scope of the Preamble to Part 2 Section C rules and allowing boats to barge in by claiming room at the start or to hail for room to tack. From January 2013, the definition *Mark* has been changed so that an object attached temporarily, but not accidentally, to the mark may now be defined to be part of it.

The Solution

This paper addresses the words of the definition *Mark* and recommends sailing instructions to ensure the intentions of the race committee are achieved and are clear to competitors. This requires that any attachment to the committee boat can reasonably be considered part of the committee boat or is clearly defined as such. Alternatively additional starting marks can be laid and, if laid, they must be defined in the sailing instructions.

Attachments

1. When attachments to the committee boat are not described in the sailing instructions

A committee boat becomes a starting or finishing mark by virtue of the definition *Mark* when it is surrounded by navigable water and when a starting or finishing line extends from it. There is no absolute test as to whether any particular attachment ranks as part of the committee boat. At one extreme, a pole projecting from inside the committee boat and any type of fendering are clearly a part of it; conversely a dinghy or other vessel that has become entangled in the anchor line of the committee boat must be considered as attached accidentally and therefore is not part of the committee boat or the mark.

Whilst the 2013 change to the definition *Mark* significantly clarifies the status of attachments, the RYA recommends that any such attachment is defined in the sailing instructions as described below.

2. When the sailing instructions define the starting mark and any attachments

The sailing instructions may make any object a starting or finishing mark by giving it a required side for a boat (as is the case with inner limit marks), and that may include a trailing dinghy or buoy. It is recommended that the mark is stated to comprise the vessel plus any attachments, which will then, as a whole, be surrounded by navigable water.

When this is done, the method of attachment of the object to the committee boat is immaterial.

A suitable sailing instruction is:

The [starboard end] starting [and finishing] mark will be the committee boat [description] together with a [dinghy/RIB/buoy/other] if attached to [the stern/other of] the committee boat.

Additional Starting Marks

At a start, it is common to protect a committee boat and at the same time to offer clear wind to all boats and a safe exit for a boat barging, by laying a limit mark. Such limit marks are usually positioned on the starting line, ideally on or on the course side of the line, and at some distance from the committee boat. However there may be circumstances when limit marks are quite properly laid some distance from the starting line, for example to protect a long overhang or an anchor chain that is only just below the surface. In order to comply with the definition *Mark* sailing instructions must state not only that an inner limit mark will be laid but also the side on which it is to be passed.

A suitable sailing instruction is:

When a [description] [dinghy/RIB/buoy/other] is laid near the committee boat [and line vessel] [approximately on the starting line], it is a starting limit mark that shall be left on the same side as the nearby committee boat [and line vessel].

A dinghy, RIB or buoy is attached to the committee boat on a long line is not recommended as it is likely to move around substantially and independently of the committee boat. However, if such a device is considered necessary, it should be described as an attachment to the committee boat. It must be noted that a limit mark laid more than one boat length from the starting line, on its pre-start side, may not have a required side and may be ineffective.

RACING AROUND WAYPOINTS

ISAF has approved Appendix WP which provides additional and changed rules to enable racing using waypoints as turning or passing points in a course. To use these rules Appendix W must be invoked in the notice of race and sailing instructions.

Appendix WP can be downloaded from the ISAF web site at <http://www.sailing.org/documents/racingrules/experimental-rules.php>.

Introduction

For good competition, race committees for offshore races will often want to set a mark where no fixed buoy exists, and where the laying of a mark specifically for that race will be impractical or expensive.

Electronic Position Fixing Systems (usually GPS) are reliable and inexpensive; they are required equipment for races of OSR Category 3 or higher.

This raises the possibility of using a geographic position (waypoint) as a rounding or passing point in a course, employing electronic position fixing technology to provide evidence that the boats have sailed the course as required. Such a waypoint is intended as a substitute for a mark.

The use of waypoints requires changes to the rules for several reasons:

- A waypoint is not a physical object.
- Electronic position fixing does not provide an absolute confirmation of a boat's position at any point in time.
- Boats approaching a waypoint may have different, equally valid, perceptions of each other's position relative to the objective position of the waypoint.
- RRS 18 and RRS 28.2 cannot apply unchanged because a mark is defined as an object.

Appendix WP amends rule 28 and provides new rules and definitions to address these issues.

RELATED GUIDANCE

Proof of Sailing the Course

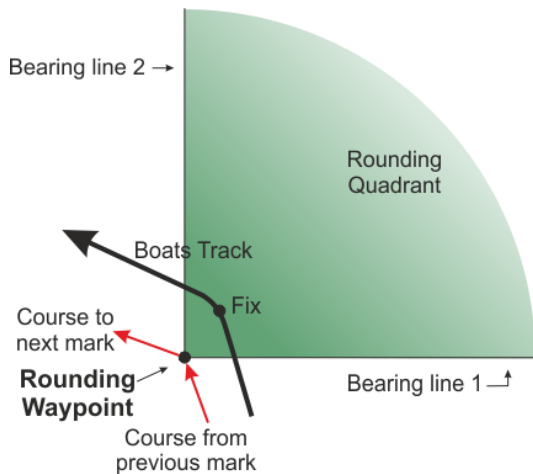
When boats meet at a physical mark, simple visual evidence is usually available to confirm to one boat that the other has rounded or passed correctly. Because no such direct evidence is available at a waypoint, the race committee may wish that boats should be able to show that they have left the waypoint on the required side.

Such evidence may be obtained in many ways, depending on the equipment installed on the competing yachts. Basic equipment may not have the ability to record a detailed track of a boat's position.

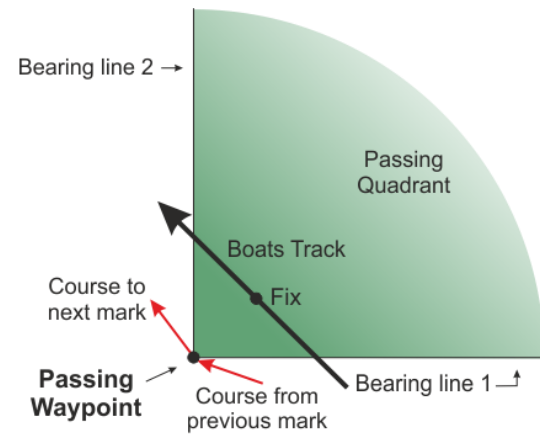
When it is likely that some boats in the fleet will have only simple position fixing equipment, a recommended mechanism is to specify a “passing quadrant” associated with the waypoint as shown in the following diagrams. A boat is deemed to have passed the waypoint on the required side if she provides a GPS fix that lies within the associated quadrant.

This mechanism is not essential for the use of Appendix WP; other approaches will be appropriate for events in which more sophisticated equipment is available.

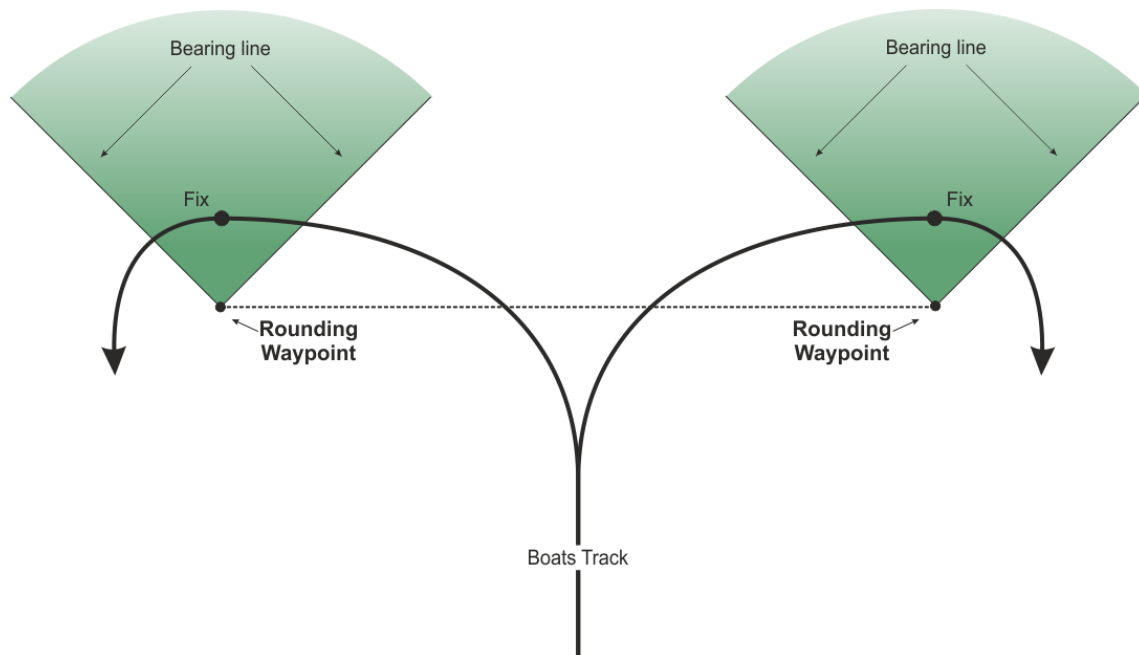
Rounding Waypoint



Passing Waypoint



Waypoints as a Gate



Recommended Sailing Instruction

Each waypoint has an associated rounding/passing quadrant defined as the area enclosed between two bearing lines (with 90° between them) extending from the waypoint. The bearing lines are specified with each waypoint designated in these sailing instructions. A boat that provides a valid GPS fix within this quadrant is deemed to have rounded or passed the waypoint on the correct side.

Recording

As the proof of sailing the course relies on electronic fixes, a means must be provided of recording fixes and the times at which they were taken. There are many ways in which this could be done:

- The boat's GPS/Plotter can record the boat's track, from which fixes can be extracted;
- A tracking system may be used to record the boat's track;
- A dedicated GPS logging device may be used to record the boat's track;
- A photograph of an instrument displaying the fix;

Consideration should be given to the impact of recording fixes on the handling of short-handed boats.

Note: because two GPS receivers located on the same boat may show different positions for the boat, data derived from the receiver used as the boat's primary navigation system should take precedence over other GPS data in determining whether or not a boat has sailed the course correctly. This is particularly important when logging systems are used to which the boat has no access for navigational purposes. See Appendix WP4.

Reporting

This will depend on the requirements of the organising authority, noting that in races around physical marks it is not usual to require more than a written declaration that the boat has sailed the course in accordance with the rules. Onerous reporting requirements may discourage competitors from entering the event.

Possibilities include:

- Requiring the boat to retain the original record of the fix until it is called for by the race committee (either as a partial sample, or required from all boats) or by the protest committee in the event of a protest for not correctly rounding or passing the waypoint. A reasonable time limit should be set.
- A positive requirement to lodge the record of the fix with the race committee. This could be combined with other reporting/declaration requirements. Such fixes could be published on the notice board or event website to help avoid unnecessary protests.
- Installing a position-logging system provided by the organizing authority, to be accessed by the race committee.

The question of whether a boat has sailed the course as required is a different issue from meeting a reporting requirement. The former should be the subject of a protest, to be decided by a protest committee, with DSQ as the default penalty. The latter could be a potentially lesser penalty, which could, if so stated in the sailing instructions, be administered, without a hearing, by the race committee, subject to the right to a hearing if disputed by the boat.

Recommended Sailing Instruction

[Provide:

SI XXX to define the evidence required that the boat has sailed the course correctly,

SI YYY to state the penalty to be applied for failing to provide the evidence required in SI XXX]

A boat that fails to provide the evidence of sailing the course required by SI XXX shall be penalised by the race committee without a hearing. The penalty shall be in accordance with SI YYY. A boat so penalised shall be entitled to a hearing on request. This changes rules 63.1 and A5.

A boat shall not protest another boat for failing to report as required by SI XXX. This changes rule 60.1.

Specifying a Waypoint

When describing a waypoint in the sailing instructions, the following form of words is recommended.

Note: the GPS coordinates of a geographic position can vary significantly depending on the GPS Datum used. The datum used by most British Admiralty charts is WGS84.

Recommended Sailing Instruction

GPS Datum. All GPS positions specified, or required to be reported, in these sailing instructions shall use the XXXXX Datum.

Waypoint NAME

Latitude nn:nn.nnn E/W

Longitude nnn:nn.nnn N/S

Round [or Pass] to Port/Starboard

Rounding [or Passing] Quadrant between bearing lines nnn degrees and yyy degrees TRUE/MAGNETIC to the waypoint.

RECOMMENDATIONS FOR PROTEST COMMITTEES

(RRS APPENDIX M WITH FURTHER ADVISORY NOTES FROM THE RYA)

This appendix is advisory only; in some circumstances changing these procedures may be advisable. It is addressed primarily to protest committee chairmen but may also help judges, jury secretaries, race committees and others connected with protest and redress hearings.

In a protest or redress hearing, the protest committee should weigh all testimony with equal care; should recognize that honest testimony can vary, and even be in conflict, as a result of different observations and recollections; should resolve such differences as best it can; should recognize that no boat or competitor is guilty until a breach of a *rule* has been established to the satisfaction of the protest committee; and should keep an open mind until all the evidence has been heard as to whether a boat or competitor has broken a *rule*.

M1 PRELIMINARIES (may be performed by race office staff)

- Receive the *protest* or request for redress.
- Note on the form the time the *protest* or request is delivered and the protest time limit.
- Inform each *party*, and the race committee when necessary, when and where the hearing will be held.

Use the latest protest form, either from the ISAF website or the RYA version on the RYA website. The RYA version also allows for arbitration hearings using the RYA Rules Disputes procedure.

Make sure that no race official refuses to accept a protest form because it was lodged outside the protest time limit. It is only the protest committee that can decide that a protest is out of time, and there may be a good reason to extend the time limit.

It is useful to have a clause in the sailing instructions saying that a notice will be posted on the official notice board within a stated time after the end of protest time listing the hearings, the parties and the place and approximate times of hearings, and that this is the notice required by rule 63.2. If a party does not attend, the protest committee can decide to start the hearing (rule 63.3(b)) with little danger of a need to reopen later. Some would also include in that notice the witnesses cited in the protest form, but it is the party calling the witness who is responsible for securing the witness's attendance, and should not be led to expect that someone else will arrange this. The protest committee cannot compel anyone, party or witness, to attend.

Try to ensure that the room where the hearings will take place is accessible to people with physical disabilities.

When there are to be several hearings, one or more of which are requests for redress against the race committee, try to schedule those requests for redress consecutively, and preferably as the first hearing(s), particularly if evidence from several members of the race committee may be needed. Do not rely on the notice of protest hearings for advising the race committee that it will be involved in a hearing – contact the race officer as soon as a request is lodged.

If a request for redress alleges that a boat has been wrongly scored, try to get the requester to raise the matter directly with the race committee to seek correction before any hearing, which will then be necessary only if the complaint cannot be resolved. Some events use 'clearance forms' for competitors to complete to get satisfaction over scoring queries without the matter ever needing to come to the protest committee.

For a request for redress concerning OCS, encourage the party and the race committee to exchange information before the hearing (including allowing the competitor to see any document or hear any tape that will be offered in evidence). It may lead the competitor to realise that the request is misplaced and to ask to withdraw it: or it may lead the race committee to come into the hearing admitting that a mistake has been made, which (if agreed by the protest committee) will result in the speedier granting of redress.

Complete the protest committee's side of the protest form as the hearing proceeds, using it as a procedural aide-memoire.

However, unless the sailing instructions say so, there is no obligation for a protestor or requester to use a protest form, anything written will suffice, and it need not be signed. Attach the document to a blank protest form and proceed normally. For protests, rule 61.2 allows the initial document to be valid even if considerably deficient in information, which can be added later. The same principle should be applied to requests for redress. For instance, a request for redress could be a letter or note from a boat. It may indeed not be clear from what is lodged that redress is being requested, as few of the particulars required for a redress claim in rule 62.1 may be set out – but it must 'identify the reason' for making the protest (rule 62.2). Similarly, there may be a claim written on a protest form that, if upheld, might result in redress being given, in which case it should be treated as a request for redress even if the boat has not ticked the 'request redress' box on the protest form.

If there is a complaint in writing about race management that does not use a protest form, does not allege directly or indirectly that the boat's finishing position has been affected, and does not seek any particular remedy, refer the matter first to the race committee. But, if in doubt, treat a complaint as a possible request for redress, and call a hearing. . The boat will then be able to make her case, and the protest committee will decide whether each necessary requirement of rule 62.1 has been met. The request may then fall at an early hurdle, for instance by the boat not being able to show a worsened finishing position despite (say) a clear race committee mistake, but that is a judgement that can be made only in a hearing.

M2 BEFORE THE HEARING

M2.1 Make sure that

- Each *party* has a copy of or the opportunity to read the *protest* or request for redress and has had reasonable time to prepare for the hearing.
- No member of the protest committee is an *interested party*. Ask the *parties* whether they object to any member. When redress is requested under rule 62.1(a), a member of the race committee should not be a member of the protest committee.
- Only one person from each boat (or *party*) is present unless an interpreter is needed.

- All boats and people involved are present. If they are not, however, the committee may proceed under rule 63.3(b).
- Boats' representatives were on board when required (rule 63.3(a)). When the *parties* were in different races, both organizing authorities must accept the composition of the protest committee (rule 63.8). In a measurement *protest* obtain the current class rules and identify the authority responsible for interpreting them (rule 64.3(b)).

RECORDING IN HEARINGS

In some situations it may be beneficial to make an audio and/or video recording or transmission of a hearing; for example: for the purpose of training race officials or athletes, to assist in keeping track of the evidence given in a complex case, etc.

Recording should only be permitted under the following conditions:

- The purpose of the recording should be declared and all persons in the hearing must give permission before recording begins. Recording must be stopped immediately if any person involved so requests. When children are involved, permission must be obtained from the responsible adult. The protest committee chairman should confirm that permission has been given in the protest documentation.
- All persons recorded are entitled to an un-edited copy of the recording; if this is not possible, permission should be refused. The cost of providing copies should normally be borne by the person requesting the recording.
- No recording of protest committee deliberations should be permitted.
- No recording, or transcript, should be transmitted or published in any form, including social media, without the permission of all persons recorded.

Making a recording of a hearing that does not comply with these conditions is an act of bad manners.

M2.2 Determine if any members of the protest committee saw the incident. If so, require each of them to state that fact in the presence of the *parties* (rule 63.6).

When it is possible that a party may not know a member of the protest committee, introduce and name the protest committee members (including yourself) when asking for objections. At regattas with many hearings before the same protest committee, type the name of each member in 24 pt across the middle of a piece of paper and fold and tape it into a 'toblerone' shape to put as a name-plate in front of each protest committee member. It will speed the introductions. If a protest committee member is a Regional, National or International Judge, you might add the initials RJ, NJ or IJ to the name.

Always check whether a member of the protest committee saw the incident.

While only the parties are entitled to be present, it is good policy to agree to requests from others to observe, on the understanding that they can say nothing, that they sit behind (and so out of eye contact with) the parties, and that they cannot then be called as witnesses. When a protest involves children, the presence of a parent as observer is desirable, if only so that the parent can appreciate that the procedure was correct and any penalty was appropriate on the facts found.

Children should normally be expected to make out their own cases without assistance, whether as a party or a witness, but the protest committee must take considerable care to make the proceedings gentle and non-intimidatory – although always firm and structured. The normal configuration of protest committee of adults on one side of the table and the parties on the other can be off-putting for juniors, and convening ‘round a table’ may be preferable. If the weather serves, consider holding the hearing outside. For very young children, the assistance of an adult may be allowed. Do not try (however well-intentioned) to make things easier for children by hearing them in the absence of one or more parties.

Be sensitive to any disabilities that may make it difficult for a party or witness to speak or to understand the proceedings. If uncertain, ask ‘Will you need any help in giving your evidence, asking questions or understanding what is said?’ Offer assistance in the form of a helper, and, if in doubt, insist on it.

When a request for redress might result in the need to make substantial changes to the results of other boats, and especially if abandonment is a possible outcome, consider acting under rule 60.3(b) to call a hearing to consider redress for the whole fleet, to be heard with the original request for redress, so that all boats potentially affected can attend and express a view. The protest committee will need to complete its own form initiating redress, and then the two forms can be the subjects of a concurrent hearing.

Alternatively, proceed under the original request for redress, and invite the other boats to attend and speak their minds. Although that technically breaches the ban on witnesses being present throughout, the full exchange of views and provision of information may prevent the protest committee giving redress on the action of one boat alone, only for others to seek justifiable redress in turn, on the grounds that the original redress was unfair to them. That could take unnecessarily long to resolve.

M3 THE HEARING

M3.1 Check the validity of the *protest* or request for redress.

- Are the contents adequate (rule 61.2 or 62)?
- Was it delivered in time? If not, is there good reason to extend the time limit (rule 61.3 or 62.2)?
- When required, was the protestor involved in or a witness to the incident (rule 60.1(a))?
- When necessary, was ‘Protest’ hailed and, if required, a red flag flown correctly (rule 61.1(a))?
- When the flag and hail were not necessary was the protestee informed?
- Decide whether the *protest* or request for redress is valid (rule 63.5).
- Once the validity of the *protest* or request has been determined, do not let the subject be introduced again unless truly new evidence is available.

Rule 61.2 allows the protest form to be considerably inadequate and yet sufficient for a hearing to begin, as missing information can be added before or during the hearing. In a protest, the only mistake or omission that cannot be corrected is the requirement (rule 61.2(b)) to identify the incident, including where and when it occurred. The ‘when’ may be an explicit time, or a moment whose time can be deduced, such as ‘race 3, first beat’. If the protestor has misidentified the protested boat, that is no reason to find the protest invalid, but it should result in the protest being promptly dismissed, because there is no evidence that the protested boat broke a rule.

When the description of the incident shows that the party has not ticked the correct box relevant to the protest and/or request for redress, this can be corrected. However, as seen below, anything that is clearly only a request for redress cannot be converted by the protest committee to a protest.

As already stated, a request for redress need not make out in writing every element of the start of rule 62.1, and so a hearing should continue even if the form does not make clear the extent of places or points alleged to be lost, or if there is no assertion that the requester was not at fault. These are matters to be established during the hearing.

There needs to be a good reason to extend the protest time limit. It is unlikely that there would be a good reason for extending the time limit for a *protest* after the end of a regatta. However, in redress situations where the facts justifying the request may not be known by the end of protest time – for instance, when the facts justifying a request are to be found in handicap results that are published and sent out after the event – then the protest committee should be satisfied with a request lodged within a day or so of receiving the information.

While it is never wrong to enquire diligently as to whether all requirements for flagging and hailing have been complied with, it will be proper to proceed with the hearing if the protestor's form says that notification was prompt, and, when asked, the protestee does not contest the validity of protest notification. If the protestee says that no protest hail was heard, but the protestor is firm that a hail including the word 'protest' was made, give the benefit of any doubt to the protestor.

With a protest and counter-protest over what is clearly the same incident, one hearing will suffice. If both protests are valid, offer the right to speak first to the party whose protest was lodged first.

M3.2 Take the evidence (rule 63.6).

- Evidence shall only be taken when all parties are present, unless the protest committee is acting under rule 63.3(b).
- Ask the protestor and then the protestee to tell their stories. Then allow them to question one another. In a redress matter, ask the *party* to state the request.
- Invite questions from protest committee members.
- Make sure you know what facts each *party* is alleging before calling any witnesses. Their stories may be different.
- Allow anyone, including a boat's crew, to give evidence. It is the *party* who normally decides which witnesses to call, although the protest committee may also call witnesses (rule 63.6). The question asked by a *party* 'Would you like to hear N?' is best answered by 'It is your choice.'
- Call each *party's* witnesses (and the protest committee's if any) one by one. Limit *parties* to questioning the witness(es) (they may wander into general statements).
- Invite the protestee to question the protestor's witness first (and vice versa). This prevents the protestor from leading his witness from the beginning.
- Allow members of the protest committee who saw the incident to give evidence (rule 63.6) but only while the *parties* are present. Members who give evidence may be questioned, should take care to relate all they know about the incident that could affect the decision, and may remain on the protest committee (rule 63.3(a)).
- Try to prevent leading questions or hearsay evidence, but if that is impossible discount the evidence so obtained.

- Accept written evidence from a witness who is not available to be questioned only if all *parties* agree. In doing so, they forego their rights to question that witness (rule 63.6).
- Ask one member of the committee to note down evidence, particularly times, distances, speeds, etc.
- Invite first the protestor and then the protestee to make a final statement of her case, particularly on any application or interpretation of the *rules*.

Models are particularly useful for parties and witnesses to show the changes in positions of the boats. Ideally, have enough so that the models showing the position at the beginning of the incident can be left in place, and further models can be added and also left in place on the table for each stage of the incident. This will more clearly show up any inconsistencies. With sufficient models, these 'diagrams' from all parties can be set out side by side, so that the differences in the evidence can be highlighted. Otherwise, if it is necessary to remove one 'diagram' for another to be displayed, use a mobile phone's camera to record it. Suitable models are available from the RYA.

Each party and (especially) any witness should start afresh illustrating the situation, except that the chairman may leave undisturbed any non-contentious positions of wind or current direction, starting or finishing lines, or marks, as already established, to preserve orientation of what is described. Make sure you are told what had happened before the incident, and what happened after it.

M3.3 Find the facts (rule 63.6).

- Write down the facts; resolve doubts one way or the other.
- Call back *parties* for more questions if necessary.
- When appropriate, draw a diagram of the incident using the facts you have found.

Facts and conclusions are NOT the same thing. Conclusions are drawn from the application of logic or of the rules to the facts – see below. To say that A did not keep clear of B is not a fact. It is a conclusion, based on unstated facts. The facts would be the relative positions and courses of A and B. Statements that there was serious damage, or that a boat did not sail the course, are also examples of conclusions, to be drawn from recorded facts of how the boat was harmed, or of the course designated by the race committee and the course she actually sailed. Only relevant facts need be recorded. Wind, sea-state and tide or current should be noted.

It may help to imagine that you are describing what happened to someone who was not present – as you will be if the protest goes to appeal. Simple statements made as 'bullet points' – just like the construction of this appendix – are recommended. The latest protest forms do not provide for protest committee diagrams unless asked for, but if time permits, a diagram can be useful – and may be necessary on appeal. It can save time to use models to create a protest committee diagram. It too can be photographed in case it is needed later.

Failure to record facts properly is often the reason why a protest committee makes a wrong decision, to judge from appeals received by the RYA. This leads either to the appeal being upheld, or to the case being returned to the protest committee for further facts, and possibly a reopening. So keep the facts as facts, and say nothing judgmental at this stage.

M3.4 Decide the *protest* or request for redress (rule 64).

- Base the decision on the facts found (if you cannot, find some more facts).
- In redress cases, make sure that no further evidence is needed from boats that will be affected by the decision.

PROTESTS

There are three steps – decide which rule or rules apply to the facts, state conclusions, and make the decision. Here is an example, including the statement of facts:

FACTS FOUND

- *Boat A was reaching on starboard tack in 10kts of wind, towards the next mark, to be rounded to starboard, which was 100 metres away. Tide was slack, wind direction steady.*
- *Boat B was clear astern of boat A, also reaching on starboard tack, and sailing faster. She became overlapped to leeward approximately 1 hull length from A. She changed course to a course approximately 20° higher than boat A's.*
- *Boat A hailed boat B not to sail above a proper course.*
- *Boat A held her course, and boat B continued to sail her higher course for around 10 seconds, until the boats came within 30 cm of each other.*
- *Boat B bore away. There was no contact. Each protested the other.*

RULES AND CONCLUSIONS

- **Definition, proper course.** *The course sailed by boat B was above her proper course, as, if held, it would have taken her far to windward of the next mark, and there was no reason for sailing that high at the time, in the absence of A.*
- **Rule 17.** *Boat B was required not sail above a proper course as overlap was established within two lengths.*
- **Rule 15.** *Boat B became right of way boat when the overlap began. She was initially required to give boat A room to keep clear, and she gave that room.*
- **Rule 16.** *Boat B was then required to give boat A room to keep clear when she changed course. The protest committee is satisfied that Boat A could have kept clear by a seamanlike change of course.*
- **Definition, keep clear.** *Boat B was not able to sail her course with no need to take avoiding action.*
- **Rule 11.** *Boat A was required to keep clear of Boat B, and did not do so.*

DECISION

Boat B is disqualified under rule 17. Boat A is disqualified under rule 11.

Note the following from this example.

- First, it is not necessary for there to be contact in order for a boat to be found not to have *kept clear*, as the definition of that term shows. Contact is usually evidence that a boat has already broken a rule. (For instance, if a boat clear astern sails into the transom of one clear ahead, she will have broken rule 12 **before** the collision, at the point the boat ahead would have needed to take avoiding action.) Second, it is quite possible, as here, that both boats may have broken a rule, in which case both are to be penalized. A boat is to be exonerated under rule 64.1(c) only when she was otherwise blameless, and was compelled to break a rule by the other boat's breaking of a rule. In this case, Boat A was required to keep clear and had the room to do so. The fact that boat B broke rule 17 does not exonerate boat A's breach of rule 11.
- If there is contact, facts and conclusions relevant to rule 14 must be recorded. When a give-way boat has broken a right-of-way rule (rules 10-13), she may have broken rule 14 as well if there was contact, but her disqualification will be based primarily on the right-of-way rule concerned.

- If there was damage, then facts and conclusions relevant to rule 14 must be arrived at concerning the boat with right of way under rules 10-13 or a boat (right-of-way or give-way) entitled to room under rules 15, 16, 18 or 19. For a right-of-way boat or one entitled to room to be penalized under rule 14, there must have been contact that caused damage, being contact that the right-of-way or room-entitled boat could have avoided. This too is a situation where both boats in a protest could be disqualified, regardless of which originally protested which – the give-way boat for not keeping clear, and the other for not avoiding contact. Note that a right-of-way boat or one entitled to room or mark-room is not required to act to avoid contact until it is **clear** that the other boat is not keeping clear or giving room.
- Disqualification is the normal outcome when a protest committee, considering a *protest*, decides that a boat has broken a rule, including a class rule or sailing instruction (which are themselves rules), unless the rule concerned offers some other possibility. Sailing instructions can be constructed in differing ways: some instructions say that a boat shall or shall not do something; others state that any boat doing or not doing something will be disqualified. The effect is the same – the outcome of a breach is disqualification when no other penalty is stated to apply. Some racing rules permit penalties less than disqualification, and sailing instructions may do likewise.
- In a protest, the decision must be confined to the parties and to the incident stated on the protest form. It is quite possible that the protest against the protestee will be dismissed, but the protestor will be found to have broken a rule and is to be disqualified. You can disqualify any party – but only a party. If it is decided that a rule was broken by another boat that is not a party to the protest, that boat (even if a witness at the hearing) cannot be penalized unless a fresh protest is lodged against her by the protest committee (rule 60.3(a)(2)) in which case rule 61.1(c) says the current hearing shall be closed, and the original and new protests are to be heard together.
- If a protest is found to be invalid, but there is an allegation or possibility of injury or serious damage, rule 60.3(a)(1) permits the protest committee to protest any boat involved. When the new protestee is the boat already protested in the invalid protest, a fresh protest is nevertheless required, with a fresh protest form completed by the protest committee. A fresh hearing must be called (which may however be as near immediately as possible, if the protestee does not ask for further time.) The first matter to be ascertained is whether there was indeed serious damage or serious injury. If not, close the hearing.
- If a party to a protest has also requested redress (for instance, if claiming to have been physically damaged by the other boat), then the protest decision and redress decision can be stated on the same form. Decide the protest first, add any further facts relevant to redress. That will now be the basis for deciding whether redress is due, and, if so, what redress.
- It may be that a boat that is a party in a protest hearing has not requested redress, but redress is clearly in order under a clause of rule 62.1. It would be appropriate to say that the protest hearing will become a redress hearing in favour of the boat, without needing to make a fresh start. Use the same protest form to record any additional relevant facts and state the redress given.

REQUESTS FOR REDRESS

In order to qualify for redress, a boat's finishing position in a race or series must have been made significantly worse by one of the causes listed in rule 62.1, and she herself must not have been at fault. Facts need to be found to enable these to be drawn as conclusions.

Common Redress Situations

The race committee disqualifies a boat without a hearing (or scores her DNF) when it believes that she did not sail the correct course. If the boat actually complies with the definition Finish by crossing the finishing line from its course side, she is entitled to a finishing place, which can only be taken away from her (unless otherwise specified in the sailing instructions) as a result of a protest (rule A5). She is to be reinstated.

A sailing instruction that says that a boat doing or not doing something will be disqualified. Sometimes, a race committee will believe that this entitles it to disqualify without a protest and hearing. For that to be the case, it would in fact have to be stated explicitly in the sailing instructions, as a change to rules 63.1 and A5. She is to be reinstated.

The only outcome of a valid request for redress is that redress is given or not given.

In the examples above, the matter to be decided in the boat's request for redress is whether the race committee was empowered to change her finishing position without a hearing. What the competitor actually did or did not do is not relevant. If the race committee was acting outside its powers, the boat is to be reinstated. The protest committee is not entitled to convert the redress hearing to a protest hearing, and it cannot therefore uphold or reimpose the disqualification. It may well seem that the boat will be fortunate to be awarded her finishing place, but it is not for the protest committee to make up for the failings of the race committee in not protesting properly (or not writing its sailing instructions properly) in the first place.

- A boat claims she was wrongly identified as OCS (or ZFP or BFD): give the benefit of any doubt to the race committee, whose race officer will have been best placed to identify her.

See additional guidance on redress in the RYA Racing Rules Guidance booklet at www.rya.org.uk/go/RRSguidance.

M3.5 Inform the *parties* (rule 65).

- Recall the parties and read them the facts found, conclusions and *rules* that apply, and the decision. When time presses it is permissible to read the decision and give the details later.
- Give any *party* a copy of the decision on request. File the *protest* or request for redress with the committee records.

Remember to give details of your decisions to the scorers! Post a summary of protest committee decisions on the official notice board.

M4 REOPENING A HEARING (rule 66)

M4.1 When a party, within the time limit, has asked for a hearing to be reopened, hear the *party* making the request, look at any video, etc., and decide whether there is any material new evidence that might lead you to change your decision. Decide whether your interpretation of the *rules* may have been wrong; be open-minded as to whether you have made a mistake. If none of these applies refuse to reopen; otherwise schedule a hearing.

M4.2 Evidence is ‘new’

- if it was not reasonably possible for the *party* asking for the reopening to have discovered the evidence before the original hearing,
- if the protest committee is satisfied that before the original hearing the evidence was diligently but unsuccessfully sought by the *party* asking for the reopening, or
- if the protest committee learns from any source that the evidence was not available to the parties at the time of the original hearing.

M5 GROSS MISCONDUCT (rule 69)

M5.1 An action under this rule is not a *protest*, but the protest committee gives its allegations in writing to the competitor before the hearing. The hearing is conducted under the same rules as other hearings but the protest committee must have at least three members (rule 69.2(b)). Use the greatest care to protect the competitor’s rights.

M5.2 A competitor or a boat cannot protest under rule 69, but the protest form of a competitor who tries to do so may be accepted as a report to the protest committee which can then decide whether or not to call a hearing.

M5.3 When it is desirable to call a hearing under rule 69 as a result of a Part 2 incident, it is important to hear any boat-vs.-boat *protest* in the normal way, deciding which boat, if any, broke which *rule*, before proceeding against the competitor under this rule.

M5.4 Although action under rule 69 is taken against a competitor, not a boat, a boat may also be penalized (rule 69.2(c)).

M5.5 The protest committee may warn the competitor (rule 69.2(c)(1)), in which case no report is to be made (rule 69.2(d)). When a penalty is imposed and a report is made as required by rule 69.2(d) or 69.2(f), it may be helpful to recommend to whether or not further action should be taken.

See separate guidance for race officials on Misconduct on the RYA website at www.rya.org.uk/go/RRSguidance. If you would still like advice before proceeding, contact the Racing Division at the RYA.

M6 APPEALS (rule 70 and Appendix R)

When decisions can be appealed,

- Retain the papers relevant to the hearing so that the information can easily be used for an appeal. Is there a diagram endorsed or prepared by the protest committee? Are the facts found sufficient? (Example: was there an *overlap*? Yes or No. ‘Perhaps’ is not a fact found.) Are the names of the protest committee members and other important information on the form?
- Comments by the protest committee on any appeal should enable the appeals committee to picture the whole incident clearly; the appeals committee knows nothing about the situation.

If you are unsure about your decision, or if you think that it raises an interesting point about the application of the rules, consider referring your decision to the RYA, which welcomes such references (see rule 70.2).

M7 PHOTOGRAPHIC EVIDENCE

Photographs and videos can sometimes provide useful evidence but protest committees should recognize their limitations and note the following points:

- The *party* producing the photographic evidence is responsible for arranging the viewing.
- View the video several times to extract all the information from it.
- The depth perception of any single-lens camera is very poor; with a telephoto lens it is non-existent. When the camera views two *overlapped* boats at right angles to their course, it is impossible to assess the distance between them. When the camera views them head on, it is impossible to see whether an *overlap* exists unless it is substantial.
- Ask the following questions:
 - Where was the camera in relation to the boats?
 - Was the camera's platform moving? If so in what direction and how fast?
 - Is the angle changing as the boats approach the critical point? Fast panning causes radical change.
 - Did the camera have an unrestricted view throughout?

RESTRICTING PROTESTS OR REQUESTS FOR REDRESS BY BOATS

Background

As stated in the RYA Racing Charter, a fundamental function of a race organizer is to ensure that the competition is both fair and safe for competitors. Weak or inconsistent enforcement of the rules results in dissatisfaction among competitors and, in extreme cases, can lead to competitors leaving the sport.

Sailboat racing is a self-policing sport, which means that the primary responsibility for enforcing the rules lies with the competitors themselves. This, in turn, relies upon the ability of a boat to protest another boat that she believes has broken a rule or to request redress when she believes that she has been significantly disadvantaged.

The right of a boat to protest or request redress is stated in rule 60.1.

Is it possible, within the rules, to restrict the right of boats to protest or request redress?

Yes, but there are few circumstances in which this is good practice. Competitors are usually more likely to be aware of rule breaches than either race or protest committees, whose view may be less comprehensive. In the absence of alternative mechanisms for enforcing the rules, restricting the right to protest or request redress diminishes the fairness of the competition.

Restriction of the right of a boat to protest or request redress should never

- a) permit a breach of a rule that affects the fairness of the competition;
- b) prevent redress for an action by the race committee (or other body) that affects the fairness of the competition;
- c) circumvent a rule that cannot be changed under rule 86;
- d) circumvent a class rule or ISAF regulation (see definition *rule*).

A restriction under these circumstances would normally be improper and could be overturned by a protest committee or, on appeal, by the RYA.

Protests by boats may reasonably be restricted in situations where it is clear that breaches of the rule affected will always be seen by the race committee but only rarely by competitors, for example failure to collect or return tallies or to operate event-supplied tracking equipment.

When restrictions do validly apply, the race committee, or when appropriate the protest committee, should implement a robust procedure for monitoring compliance with the relevant rules and protesting boats that do not comply.

When a race committee is concerned that a rule may give rise to vexatious protests, it should consider the appropriateness of the rule and the possibility of discretionary penalties before deciding to implement a restriction on the right to protest. When appropriate and permitted by rule 86, rules can be modified to suit the circumstances of a specific event.

Restriction of the grounds for redress

Sailing instructions frequently state that specific circumstances shall not be grounds for redress; for example, failure of a boat to hear a race committee VHF transmission or errors in supplied GPS coordinates for marks. To be valid they must state that rule 62.1 is changed.

Restriction of the right to redress will be improper if it conflicts with the principles outlined in the previous section.

How can a restriction be implemented?

To restrict the right of a boat to protest, a sailing instruction must state that rule 60.1(a) is changed.

For example:

Boats may not protest for breaches of [list of rules]. This changes rule 60.1(a).

To ensure the restriction is seen to be fair, sailing instructions should also state how compliance with the relevant rules will be enforced.

A sailing instruction to restrict redress for an action or omission by the race committee or other body is proper only if that action or omission is not improper. However in that circumstance, no redress is possible because the essential requirement for redress is an improper action or omission. Consequently, such sailing instructions are redundant and may discourage competitors from making a valid request; hence they are not recommended.

Action when a protest or request for redress is received

Fairness requires that a race committee is not the judge of whether its own actions are proper. When a protest or request for redress is received, the protest committee must open a hearing even if a possible restriction applies. The protest committee shall then consider whether the restriction is proper using the criteria outlined above. If it finds that a restriction of the right to protest or request redress is improper, the protest or request is valid provided all other requirements for validity have been met.

Redress may be given when a restriction of the grounds for redress is found to be improper.

It is recommended that, for events where a protest committee is appointed in advance, the race committee consult the protest committee on any sailing instruction intended to restrict protests or redress.

RISK STATEMENT

For many years the RYA has recommended that organising authorities insert additional wording in their notices of race and sailing instructions to remind competitors of their own responsibilities for the safety of their boats and crew while racing, and in an effort to reduce the exposure of the organisers to potential liability should a competitor or third party suffer injury or loss during the event.

The RYA has updated the additional wording that it recommends to be inserted into notices of race and sailing instructions and this revised wording is now referred to as a “risk statement”. This revised wording is set out in Addendum A (RYA) to Appendix J of the RYA edition of the Racing Rules of Sailing 2013-2016 (page 115) and is repeated below.

The principal difference between the new “risk statement” and the previous wording is that, whereas the previous wording was intended to be used *in addition to* the “disclaimer of liability” clause in paragraph 20 of the model notice of race in Appendix K of the Racing Rules of Sailing 2013-2016, the new “risk statement” is intended to be used *instead of* the “disclaimer of liability” clause.

The purpose of this note is to explain why the RYA has recommended the change.

When competitors enter a race they enter into a contract with the organisers. Like every contract, there are two sides to the bargain. The competitor pays an entry fee and expects the organisers to put on a race or a series of races and to run it for them efficiently and reasonably safely. The organisers expect the competitors to act reasonably, to comply with the racing rules and not to do anything dangerous to themselves or to others.

The terms of the contract between competitors and the organisers are set out in the notice of race and, because the organisers prepare the notice of race, in practice the conditions in it are laid down by the organiser. The sailors have to accept them if they want to compete, and do so by signing a declaration on the entry form, the suggested wording for which is also in Addendum A (RYA).

Whenever an organisation undertakes to perform a service, it runs the risk that if it performs the service badly there will be someone who will not only be unhappy, but who could also suffer an injury or loss.

It has been standard practice for very many years for companies and organisations that provide such services to try to limit their liability for negligence as far as they can. However, the courts and the judges have increasingly restricted the ability of companies and organisations to limit their liability and over the years they have made such provisions virtually ineffective or at least very difficult to impose conditions that succeed. The work of the judges has been assisted by legislation for the past forty years and in 2008 some was passed that may well make any attempt in a contract to exclude liability for negligence unlawful.

While it is not entirely clear at the moment that this would be the case, it is no longer sensible to include “disclaimer clauses” in notices of race.

The RYA has therefore updated its advice and it is important that clubs and race organisers follow its recommendation, which is that competitors are informed that an element of risk is inherent in our sport and those who participate may get hurt. This information should go both into the notice of race and the sailing instructions under the heading of “risk statement”.

If a club has already published its notice of race using a disclaimer notice, it is quite in order to update the notice of race in accordance with rule 89.2(a).

None of this reduces the need for clubs and event organisers to take reasonable steps to reduce the exposure of competitors, officials and third parties to unacceptable risks as well as to have full and effective liability insurance cover when running events. The RYA promotes some excellent policies providing this cover and can provide full information on request.

A more detailed explanation of the legal position can be found in the RYA publication ‘Race, Training and Event Management – The Legal Aspects’¹⁵.

RISK STATEMENT

Rule 4 of the Racing Rules of Sailing states: “The responsibility for a boat’s decision to participate in a race or to continue racing is hers alone.”

Sailing is by its nature an unpredictable sport and therefore involves an element of risk. By taking part in the event, each competitor agrees and acknowledges that:

- a) They are aware of the inherent element of risk involved in the sport and accept responsibility for the exposure of themselves, their crew and their boat to such inherent risk whilst taking part in the event;
- b) They are responsible for the safety of themselves, their crew, their boat and their other property whether afloat or ashore;
- c) They accept responsibility for any injury, damage or loss to the extent caused by their own actions or omissions;
- d) Their boat is in good order, equipped to sail in the event and they are fit to participate;
- e) The provision of a race management team, patrol boats, umpires and other officials and volunteers by the organiser does not relieve them of their own responsibilities;
- f) The provision of patrol boat cover is limited to such assistance, particularly in extreme weather conditions, as can be practically provided in the circumstances;
- g) [*For offshore races*] They are responsible for ensuring that their boat is equipped and seaworthy so as to be able to face extremes of weather; that there is a crew sufficient in number, experience and fitness to withstand such weather; and that the safety equipment is properly maintained, stowed and in date and is familiar to the crew]; and

¹⁵ “Race, Training and Event Management – The Legal Aspects” can be obtained from the club section of the RYA website at www.rya.org.uk/go/clubs

- h) *[[If not covered elsewhere in the Notice of Race]* Their boat is adequately insured, with cover of at least [£#] against third party claims].

SCORING

(RRS APPENDIX A WITH GUIDANCE FROM THE RYA)

See rule 90.3.

A1 NUMBER OF RACES

The number of races scheduled and the number required to be completed to constitute a series shall be stated in the sailing instructions.

A2 SERIES SCORES

Each boat's series-score shall be the total of her race scores excluding her worst score. (The sailing instructions may make a different arrangement by providing, for example, that no score will be excluded, that two or more scores will be excluded, or that a specified number of scores will be excluded if a specified number of races are completed. A race is completed if scored; see rule 90.3(a)). If a boat has two or more equal worst scores, the score(s) for the race(s) sailed earliest in the series shall be excluded. The boat with the lowest series score wins and others shall be ranked accordingly.

Rule 90.3(a) states that a race shall be scored if it not *abandoned* and if one boat sails the course in compliance with rule 28.1 and *finishes* within the time limit, if any, even if she retires after *finishing* or is disqualified. Therefore circumstances can theoretically arise when no boat receives a score for a finishing place, but the race is nevertheless 'completed' for the purposes of constituting a series – see rule A1. An abandoned race is not scored and therefore not completed. Normally, if race 5 (for instance) of a 10-race regatta is abandoned, the next race to be sailed will still be race 5 (and as a result race 10 may never be sailed). Care is needed over describing race prizes – is it a prize for race number x, or a prize for a race on a stated day?

A3 STARTING TIMES AND FINISHING PLACES

The time of a boat's starting signal shall be her starting time, and the order in which boats *finish* a race shall determine their finishing places. However, when a handicap or rating system is used a boat's corrected time shall determine her finishing place.

Rule A3 does not require corrected times to be rounded to the nearer second. That is a matter for the handicap or rating system to specify. IRC and Portsmouth Yardstick, for example, have a time-rounding rule. If you need to decide a rounding policy for your own handicap system, consider whether a decimal of a second of corrected time, as in the following example, is meaningful when it derives from elapsed times taken at the finishing line at best to the nearer second.

Example: Boat A is corrected to 1200.499 (etc) seconds, Boat B is corrected to 1199.5011 (etc) seconds. Without rounding, B gets the better place. If your handicap system states that corrected times are to be rounded to the nearer whole second, rounding 0.5 to the larger number, each time rounds to 1200 seconds, and the boats are tied for a place. Apply A7 to calculate their points for the tied place in that race. Rounding might be fairer, though it slightly increases the probability of a tie for a place.

A4 LOW POINT SYSTEM

The Low Point System will apply unless the sailing instructions specify another system; see rule 90.3(a).

When the sailing instructions are silent, the default is that the series will be scored by the Low Point System (see rule 90.3(a)), with one discard (see rule A2). If all races are to count, using Appendix A Scoring, this requires a sailing instruction to that effect. The Bonus Point system no longer appears in Appendix A, and must be set out in full in the sailing instructions if it is to be used.

A4.1 Each boat *starting* and *finishing* and not thereafter retiring, being penalized or given redress shall be scored points as follows:

<i>Finishing place</i>	<i>Points</i>
First	1
Second	2
Third	3
Fourth	4
Fifth	5
Sixth	6
Seventh	7
Each place thereafter	Add 1 point

A4.2 A boat that did not *start*, did not *finish*, retired after *finishing* or was disqualified shall be scored points for the finishing place one more than the number of boats entered in the series. A boat that is penalized under rule 30.2 or that takes a penalty under rule 44.3(a) shall be scored points as provided in rule 44.3(c).

Example 1: 23 boats entered the series. Boat A finishes 3rd in the race but is ZFP. The penalty is 20% of 23 = 4.6 places, rounded to 5 places so she receives points for the place equal to her finishing place of 3rd plus 5 penalty places - 8th place. Under the Low Point System, 8th place receives 8 points so points for the race are: 1, 2, 4, 5, 6, 7, 8, **8**, 9, 10 ... 23. (The boxed number is A's score.) The two boats scoring 8 points will share any race prize for 7th place; the boat scoring 9 points will receive any race prize for 9th place. Remember that under rule 44.3(c) (and therefore under rule 30.2) a boat shall not receive a score that is worse than DNF would receive. A DNF score in this race would be 24 (23 series entrants, plus 1), which would be the penalty for a ZFP boat with a finishing position of 20th or worse.

Scoring penalties under rules 30.2 and/or 44.3 are cumulative but are calculated individually. For example, if a boat breaks rule 30.2 and the race is recalled and she again breaks rule 30.2 in the restart, she will have two 20% penalties. Similarly, if she breaks 30.2 and also takes a Scoring Penalty under rule 44.3(a) (SCP) she will have two 20% penalties (assuming the sailing instructions do not specify that the Scoring Penalty will be other than 20%).

Example 2: Same as **Example 1** above except that boat A also takes a 20% SCP under rule 44.3. She receives two penalties of 5 places each for a total of 10 places (not a 40% penalty of 9.2 places rounded to 9 places). Her score would be the score for 13th place, namely her finishing place of 3rd plus 10 penalty places. Points for the race are: 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, **13**, 14, 15...

The score of a boat receiving a scoring penalty may be affected by the disqualification of a boat whose finishing place is ahead of her.

Example 3: Same as **Example 1** above except that the boat that finished second is disqualified (and receives 24 points). All boats with a finishing place after the disqualified boat move up one place (see rule A6(1)). Boat A receives points for 7th place, namely her adjusted finishing place of 2nd (as a result of the disqualification) plus 5 penalty places, leaving that '2 point slot' vacant. Points for that race would be: 1, 3, 4, 5, 6, 7, **7**, 8, 9, ... 22, 24.

Example 4: Same as **Example 3** above except that the boat that is disqualified finished sixth (not second). All boats with a finishing place after the disqualified boat move up one place (see rule A6(1)). Boat A receives points for 8th place, namely her finishing place of 3rd (not changed as the result of the disqualification of a boat whose finishing place is after her) plus 5 penalty places. The '3 point slot' remains vacant. Points for that race would be: 1, 2, 4, 5, 6, 7, 8, **8**, 9, ... 22, 24.

A5 SCORES DETERMINED BY THE RACE COMMITTEE

A boat that did not *start*, comply with rule 30.2 or 30.3, or *finish*, or that takes a penalty under rule 44.3(a) or retires after *finishing*, shall be scored accordingly by the race committee without a hearing. Only the protest committee may take other scoring actions that worsen a boat's score.

DNC, DNS, OCS, ZFP, BFD and DNF are race committee scores. DSQ, DNE, DGM and RDG are protest committee scores. SCP and RET are scores accepted by a boat, notified to and implemented by the race committee. See A11.

A6 CHANGES IN PLACES AND SCORES OF OTHER BOATS

A6.1 If a boat is disqualified from a race or retires after *finishing*, each boat with a worse finishing place shall be moved up one place.

A6.2 If the protest committee decides to give redress by adjusting a boat's score, the scores of other boats shall not be changed unless the protest committee decides otherwise.

A7 RACE TIES

If boats are tied at the finishing line or if a handicap or rating system is used and boats have equal corrected times, the points for the place for which the boats have tied and for the place(s) immediately below shall be added together and divided equally. Boats tied for a race prize shall share it or be given equal prizes.

Example: Two boats have the same corrected time for third place. Under the Low Point System they would each score 3.5 points $[(3+4)/2]$, and there is no change to the scores of any other boats. Points for the race are: 1, 2, **3.5**, **3.5**, 5... Note: As provided in rules A6(1) and 44.3(c), the 'split the points' principle of the first sentence of A7 does **not** apply when the tie in race scores results from a grant of redress or the application of a scoring penalty. (See A4.2, above).

A8 SERIES TIES

A8.1 If there is a series-score tie between two or more boats, each boat's race scores shall be listed in order of best to worst, and at the first point(s) where there is a difference the tie shall be broken in favour of the boat(s) with the best score(s). No excluded scores shall be used.

Example: Scoring: Low Point – one score excluded

Race No:	1	2	3	4	5	6	TOTAL	REORDERED COUNTING SCORES	SCORES NOT USED
Boat A	3	4	1	6	2	7	16	1 2 3 4 6	7
Boat B	4	3	2	1	6	6	16	1 2 3 4 6	6
Boat C	1	2	7	3	3	14	16	1 2 3 3 7	14

Rule A8.1 is sometimes known as ‘most firsts, etc.’ It breaks the tie between C and the two other boats in C’s favour. It does not break the tie between A and B. Rule A8.2 must now be applied to break that tie (in favour of B, for her better last race score).

A8.2 If a tie still remains between two or more boats, they shall be ranked in order of their scores in the last race. Any remaining ties shall be broken by using the tied boats’ scores in the next-to-last race and so on until all ties are broken. These scores shall be used even if some of them are excluded scores.

Example: Scoring: Low Point – one score excluded.

Race No:	1	2	3	4	TOTAL
Boat A	3	4	5	10	12
Boat B	11	3	4	5	12
Boat C	5	15	3	4	12
Boat D	4	5	6	3	12

A8.1 does not break any tie, as they each have scores of 3, 4, 5 that count.

A8.2 applies, and the tie is broken in the order of D, C, B, A, the order of their last race scores. Note that A’s race 4 result was her discard, but it is still used to break the tie.

Ties in A8.1 and A8.2 are broken on scores, not finishing places. If this had been a 40-boat entry, and A had been second in race 4, only to receive a 20% (8-place) ZFP, the outcome of the tie-break is the same.

Normally, the last race will resolve most ties. The next-to-last race (and so on) will need to be used only if two boats have the same score in the last race, which might result from a ZFP, from a tie on the water or on handicap, or from both receiving non-finishing points resulting from DNC, DNS, OCS, BFD, DNF, RET, DSQ, DNE or DGM.

The policy behind rule A8.2 is to add a little extra importance to the last race, particularly if this would result in a boat leading the series before the last race finding herself at risk of losing the series if she does not compete in the last race. That is very much a ‘regatta-oriented’ rule, and typical club ‘long series’ scoring sometimes disappplies rule A8.2 and specifies instead a different final tie-breaker, such as best discard, which incentivises participation in all races.

A9 RACE SCORES IN A SERIES LONGER THAN A REGATTA

For a series that is held over a period of time longer than a regatta, a boat that came to the starting area but did not *start*, did not *finish*, retired after *finishing* or was disqualified shall be scored points for the finishing place one more than the number of boats that came to the starting area. A boat that did not come to the starting area shall be scored points for the finishing place one more than the number of boats entered in the series.

A10 GUIDANCE ON REDRESS

If the protest committee decides to give redress by adjusting a boat’s score for a race, it is advised to consider scoring her

- (a) points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races in the series except the race in question;

- (b) points equal to the average, to the nearest tenth of a point (0.05 to be rounded upward), of her points in all the races before the race in question; or
- (c) points based on the position of the boat in the race at the time of the incident that justified redress.

Example: average points of 2.85 rounds to 2.9. 'Upward' means to a larger number (and therefore worse score).

Another option is the average of points in the other races of the day in question.

For further advice see the RYA Guidance on Redress.

A11 SCORING ABBREVIATIONS

These abbreviations are recommended for recording the circumstances described:

- DNC Did not *start*; did not come to the starting area
- DNS Did not *start* (other than DNC and OCS)
- OCS Did not *start*; on the course side of the starting line at her starting signal and failed to *start*, or broke rule 30.1
- ZFP 20% penalty under rule 30.2
- BFD Disqualification under rule 30.3
- SCP Took a Scoring Penalty under rule 44.3(a)
- DNF Did not *finish*
- RET Retired
- DSQ Disqualification
- DNE Disqualification (other than DGM) not excludable under rule 90.3(b)
- DGM Disqualification for gross misconduct not excludable under rule 90.3(b)
- RDG Redress given
- DPI Discretionary penalty imposed

DNF (like DNC and OCS) is a statement of fact – a boat has not finished, for whatever reason, whether as a result of gear failure, boredom, or because she was required to retire by rule 31.2, 44.1 or P2.2. RET applies when the boat informs the race committee of that fact, whether before finishing or later.

A race committee will know which boats finished, but may not know, in a large regatta fleet, whether those that entered but did not finish are DNC, DNS or DNF. Since the score for these are the same, it would be appropriate for the convenience of scoring for a sailing instruction to say that any boat that enters but does not *finish* as defined will be scored DNF whether or not she came to the starting area or started. However, tallying or having the sail number acknowledged by the committee boat before starting will identify DNC boats.

DPI is available to a protest committee only when a racing rule or a sailing instruction says so.

How to Score using Appendix A – General Guidance

1. Choose the appropriate wording to appear in the notice of race – see K13, Notice of Race Guide – and in the sailing instructions – see L17, Sailing Instructions Guide. If the series is to be scored by the Low Point System, Appendix A, with one discard, then the sailing instructions do not need to specify the scoring system, since this is the default (see rules 90.3 and A2). However, it does no harm to state the scoring system. State races to count. Some clubs like a different tariff of scores for non-finishing places, in particular scoring DNC more heavily to encourage participation.
2. The score for non-finishing places can change during a series if new boats can enter during the series (see rules A4.2 and A9); this is common in long club series (A9), affecting DNC scores. To avoid the need to recalculate, the sailing instructions can say that *'The last sentence of rule A9 is replaced with: "A boat that did not come to the starting area shall be scored points decided by the race committee".'* The race committee can then decide a value for this at the start of the series, being a number larger than the maximum expected series entry. Alternatively, give a fixed (but possibly heavier –see 1 above) value to DNC as with other non-finishing scores by saying: *'The last sentence of rule A9 is replaced with: "A boat that did not come to the starting area shall be scored as if she did not start [+ n points]."*
3. If scoring manually, apply rules A3, A4 and A5 to the results, in tabular form. The sequence is:
 - Take order of finish (non-handicap races) or elapsed times (handicap races).
 - Correct elapsed times using handicap or rating factor (handicap or rating races only). Apply rounding if specified.
 - Identify and score for DNC, DNS, OCS, BFD, RET and DNF (which includes those not finishing within a time limit if so provided in the sailing instructions).¹⁶ Use A4.2 for short series, A9 for long series ('longer than a regatta').
 - Rank remaining boats for their preliminary finishing places by:
 - Corrected times (handicap races only), otherwise
 - Finishing order.
 - Assign points to preliminary finishing places based on the specified scoring system, breaking race ties (rule A7).¹⁷
 - Identify and add penalty places to the preliminary finishing places for boats scored SCP or ZFP (do not change the scores of other boats - see rule A4.2).
 - If appropriate, post preliminary results for the race and series (stated to be 'subject to changes resulting from protests and requests for redress').
 - Remove the finishing place and change the score of boats that the protest committee instructs should be scored DSQ, DNE or DGM. The finishing places, and thus the scores, of boats with finishing places after the boat to be scored DSQ, DNE or DGM will also change - see rule A6.1. When a boat in that race has been scored SCP or ZFP it is important to remember that her score, which is her finishing place plus penalty places, will change only if her original finishing place was **after** that of the DSQ, etc, boat before it was removed – see rule A4.2 example.

¹⁶ In the absence of a sailing instruction to the contrary, a race committee must give a finishing place to any boat that *starts* and *finishes* as defined. If a boat is believed not to have sailed the right course before she *finishes*, as defined, a protest is required for her score to be changed. Under the last sentence of rule A5 the race committee cannot disqualify her without a hearing nor score her DNF.

¹⁷ When races comprise the fleet split into two or more flights or groups, the results of which are then combined, there will be initially at least two boats with the same score for every place. These do not rank as ties to be broken.

- Change the score of any boat granted redress (mark RDG against the revised score) when instructed by the protest committee. (The final value of RDG under A10(a) will vary until the end of the series; do not change the finishing places or scores of other boats unless the protest committee decides otherwise - see rule A6.2). If the redress score is the same as another boat's place score, do not treat it as a tie to be broken. If the protest committee's decision is stated to be simply 'average points redress', seek clarification as to whether it is A10(a), A10(b) or some other method that is to be applied.¹⁸
- Post final results for the race and update the series results, applying the discard(s) appropriate at that stage.
- At the end of the series:
 - Exclude the appropriate number of discards of 'worst scores' as required by scoring system or sailing instructions (exclude the earliest of two or more equal worst scores - see rule A2: however, due to previous changes to rule A8, no error occurs if it is not the earliest of two equal scores that is excluded).
 - Break any ties in series scores as provided by rule A8.
 - Post the series results.

¹⁸ Make sure your scoring system implements average-points redress (rule A10(a) and A10(b)) correctly. In standard format, the average is taken of all relevant race scores, including scores that will later be discarded. It has been detected that some scoring programs still default to an earlier (and normally over-generous) version of A10(a) which allowed an ultimately discardable score to be excluded from the race scores to be averaged. In a regatta, the redress score should reflect the full spectrum of the boat's other results, good and bad. The same worst score will still then drop out as a discard, **after** it has been used to find the average. However, the principle of that older system may still be appropriate for a protest committee to specify in its decision - to exclude from the races to be averaged not only the race in question but also any race before the race in question if the boat to be redressed did not compete in it (for instance, in a long club series). Where there is a separate qualifying series and final series (for example, with separate 'Gold' and 'Silver' fleets) the protest committee must be careful to specify exactly which races to include in the 'average points' calculation.

STARTING PENALTIES

Question

At events with many competitors or many spectator vessels, it is sometimes undesirable for an OCS boat to be required to return. Does the definition Start prevent sailing instructions from making other provisions?

Answer

No. The definition is just that, a definition. It does not place any obligation on a boat. The obligation is to be found in rule 28.1, namely to start, sail the course and finish. Rule 86 does not prevent the changing of rule 28.1 in the notice of race and sailing instructions. So the requirement to start can be changed.

No single draft sailing instruction can take into account the many ways in which the requirement to start can be varied. The following must be considered in respect of an OCS boat:

- Is the boat to be allowed to return if she wishes, or is she to be compelled not to do so?
- The sailing instructions must say either that:
 - Flag X will not be displayed, or
 - If it is displayed, a boat need not (or shall not) return, and that the second sentence of rule 29.1 is either deleted or modified, or
 - A different flag will be used to denote that at least one boat was OCS.
- What penalty is to apply to her if she then continues? A time or place penalty would be appropriate if the boat has not gained a significant advantage by being OCS, otherwise her OCS score should stand. This must be explicit.
- Who is to decide how she is to be scored? Normally, the race committee would be given the discretion to replace an OCS score with the lesser-scoring penalty without a hearing when no significant advantage is gained. However, in the case of a sailing instruction where a boat was permitted but not required to carry on, all of the above could be replaced by a provision that the boat that was OCS and did not return will be scored accordingly, but will on request to the protest committee receive a lesser-scoring penalty (either a fixed tariff or at the discretion of the protest committee) if the protest committee decides she did not thereby gain a significant advantage.
- In a long-distance event, it is also possible to require a boat that can be notified of her infringement to take a penalty, for instance to cease sailing the course for a stated time at a line, mark or waypoint in the sailing instructions or to be notified by the race committee, and this will not then require any later adjustment to a boat's finishing time.
- Does the race committee wish a requirement not to return to apply only when a boat is OCS at her starting signal, or to a boat any part of which crosses the starting line in

some period (a minute?) before the starting signal (in which case how is she to be notified of this?).

- Any rule that is modified must be identified as such in the notice of race and in the sailing instructions. This may include rules 28.1, 29.1, 63.1 and A4.2.

Race Management

It is not advisable to have an I Flag start (rule 30.1) or a Black Flag start (rule 30.3) when there is also an option or requirement for an OCS boat not to return to start, as this could give rise to confusion.

RYA Racing Rules Publications

Under the umbrella of its Racing Charter, the RYA produces the following guidance booklets on the Racing Rules of Sailing. 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.

All three booklets are available in pdf format. The Racing Rules Guidance and Misconduct booklets are also available as RYA eBooks.

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