

US Sailing Advisory to Race Officials and Organizing Authorities Regarding a Discrepancy between Rule 64.4(b) and Rule 63.1

There is a discrepancy between new rule 64.4(b), which permits protest committees to penalize competitors for actions by support persons, and rule 63.1, which says, "A boat or competitor shall not be penalized without a protest hearing, except as provided in rules 30.2, 30.3, 30.4, 64.3(d), 69, 78.2, A5 and P2." (Note that rule 64.4(b) is not included in this list.)

The position of the US Sailing Race Administration Committee is that under the rules as currently written, a protest committees cannot penalize a competitor under rule 64.4(b).

If a support person breaks a rule that applies to boats – for example, by cleaning the bottom of a boat during an event in violation of a sailing instruction – or if the action of the support person results in the boat breaking another rule (for example, rule 41), the boat may be protested for breaking a rule. And if in the ensuing protest hearing the protest committee decides that the boat has broken a rule, it shall disqualify her unless some other penalty applies.

If, on the other hand, a support person breaks a rule that applies only to support persons – for example, if a coach fails to observe limits for coach-boat positioning as stated in a sailing instruction – and no rule applying to boats is broken, then only the support person may be penalized with the protest committee acting under rule 64.4(a).

Both rules 63.1 and 64.4(b) are rules of Part 5 and may be changed by the notice of race or sailing instructions under rule 86.1(b). However, the Race Administration Committee's position is that neither the notice of race nor the sailing instructions should remove the due process safeguards provided to a boat or competitor by rule 63.1.

Thus, race officials and organizing authorities in the United States are **strongly advised**:

1. **Not to penalize a competitor under rule 64.4(b) because we believe that it is not permitted by the rules; and**
2. **Not to use the notice of race or sailing instructions to change rule 63.1 to permit them to penalize a competitor under 64.4(b), because doing so removes due process safeguards that protect a boat or competitor.**

US Sailing will defer further guidance on this matter pending action by the World Sailing Racing Rules Committee.

US Sailing Race Administration Committee

Hank Stuart, Chairman

Dave Perry – Appeals, Jim Thweatt – Classifiers, Stephen Wrigley – Judges.

Chris Howell - Measurers and Equipment Inspectors, John Strassman - Race Management, Rob Overton - Racing Rules, Glenn Oliver – Umpires

Questions & Answers

Question 1: May a protest committee penalize a boat or competitor without a hearing for the actions of a support person?

Answer 1: No. Such a penalty without a hearing is not permitted by rule 63.1.

Question 2: May the notice of race or sailing instructions change rule 63.1 pursuant to rule 86.1(b) to allow the protest committee to penalize a boat or competitor for the actions of a support person?

Answer 2: Although the answer is yes, the US Sailing Race Administration Committee **strongly advises against taking this action** because doing so removes due process safeguards that protect a boat or competitor.

Question 3: What can a boat, race committee, protest committee or technical committee do if it believes that a boat has violated a rule (such as a sailing instruction or rule 41) because of the actions of a support person?

Answer 3: A boat, race committee, protest committee or technical committee may file a protest against the boat for violating a sailing instruction or other rule.



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